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GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of Zoning

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2008 MAY -7 AM 9:46

MEMORANDUM

To: Office of Documents and Administrative Issuance

From: Sharon S. Schellin ^{S³}
Secretary to the Zoning Commission

Date: May 7, 2008

Re: Publication for the Office of Zoning

Please publish the following in the *D.C. Register* on May 16, 2008:

1. Z.C. Notice of Proposed Rulemaking (Case No. 07-30); and
2. Z.C. Notice of Proposed Rulemaking (Case No. 07-34).

Attachment

ZONING COMMISSION
District of Columbia

CASE NO. 07-34

EXHIBIT NO. 39

CASE NO. 07-34

EXHIBIT NO. 39

2008 MAY -7 AM 9:46

RULEMAKING TRANSMITTAL FORM

TYPE OF RULEMAKING ACTION: ☐ EMERGENCY RULES
☐ FINAL RULES ☒ PROPOSED RULES ☐ COMBINED

DATE AND TIME RECEIVED

Office of Documents use only

AGENCY: OFFICE OF ZONING

AGENCY REPRESENTATIVE: SHARON SCHELLIN

ADDRESS: 441 4th Street, N.W., Suite 210 South

TELEPHONE: 727-0340

TITLE AND DESCRIPTION OF RULES: Petition of Anne Sellin and Richard Busch to amend the Zoning Map, portions of Squares 176, 177, 177N, 178, 190, 191, 206, and 207, and related text amendment to include those properties in the DuPont Circle Overlay District: Z.C. Code No. 07-34

If this rulemaking action will amend or repeal existing rules, give a complete citation to the rules being amended or repealed: Title 11 (Zoning) Zoning Map, Sections 1501.2 and 1501.3

FINAL RULES ONLY: Give the D.C. REGISTER citation and date of publication of the Notice of Proposed Rulemaking for these rules: DCR DATE:

COMPLETE CITATION to the statute, regulation, or other legal authority which specifically authorizes the issuance of the substance of these rules: Section 1 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797, 799 D.C. Official Code § 6-641.01).

LEGAL CERTIFICATION: I certify that I have reviewed the attached rulemaking and, in my opinion, the substance of the text of the rules is legally sufficient.

DATE: APRIL 29, 2008

SIGNED:

Alan Bergstein

PHONE: (202) 442-9777

☒ FINAL ☐ CONDITIONAL

NAME: ALAN BERGSTEIN

TITLE: SECTION CHIEF

PROMULGATOR: Name and title of the person legally authorized to adopt and promulgate these rules (or the name of the board or other body authorized to adopt rules by vote)
Zoning Commission For The District Of Columbia Title:

COMPLETE CITATION to the statute, regulation, order, or other legal authority that specifically authorizes this person or agency to adopt and promulgate these rules. Section 1 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797, 799 D.C. Official Code § 6-641.01).

SIGNATURE OF THE PERSON AUTHORIZED TO ADOPT RULES OR ATTEST TO THE ADOPTION OF RULES

DATE OF
APPROVAL
OF VOTE:

4/28/08

APPROVAL
OF ATTEST:

Sharon J. Schellin
Secretary to the Zoning
Commission

TITLE:

PHONE: (202) 727-0340

Office of Documents
use only:

THIS NOTICE
PUBLISHED AT:

VOL:

DCR:

DATE:

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF PROPOSED RULEMAKING**

Z.C. Case No. 07-34

(Map and Text Amendments – 11 DCMR)

(Rezoning Portions of Squares 176, 177, 177N, 178, 190, 191, 206, and 207)

The Zoning Commission for the District of Columbia (the “Commission”), pursuant to its authority under § 1 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797; D.C. Official Code § 6-641.01), hereby gives notice of its intent to amend the Zoning Map and § 1501 of the Zoning Regulations (Title 11 DCMR).

The proposed map amendment rezones the area generally bounded by S, T, U, 15th, and 16th Streets and New Hampshire Ave., N.W. in two ways. First, the proposed amendment would rezone those properties currently zoned in the R-5-D Zone District to the R-5-B Zone District, and those properties located in the R-5-B Zone District to the R-4 Zone District. Second, the proposed amendment would map all affected properties within the Dupont Circle (DC) Overlay District. In addition, the Commission proposes to repeal § 1501.2 and amend § 1501.3 to add these lots to the properties listed as mapped within the DC Overlay. The repeal is needed because not all of the properties within the area described above will be mapped DC and, therefore, the Overlay will no longer have a boundary within which are included all DC properties.

Final rulemaking action shall be taken in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

The following rulemaking action is proposed:

A. The Zoning Map is amended as shown in the following table:

Square	Lots	Proposed Zone
176	43-45, 64-73, 2076-2128	R-5-D to DC/R-5-B
177	2, 36-40, 87-92, 104, 108, 126, 127, 801, 802, 2009-2019, 2020-2025	R-5-D to DC/R-5-B
	118-123	R-5-B to DC/R-4
N177	4-9, 17, 23-25, 26, 27, 87-92, 801-804, 807, 810-811, 2001-2009, 2010-2012, 2013, 2022	R-5-D to DC/R-5-B
190	22-42, 51-62, 88-99, 101-116, 2019-2028	R-5-B to DC/R-4
	119-120, 123, 129, 809, 2001-2018, 2029- 2049, 2050-2056	R-5-D to DC/R-5-B

Square	Lots	Proposed Zone
191	93-95, 100, 803-804, 2001-2012, 2014-2027, 2059-2067	R-5-D to DC/R-5-B
	3-6, 8-16, 40-49, 51-59, 63-65, 66-69, 71-76, 79-87, 90-92, 96-98, 99, 104, 107-108, 800, 801, 812, 814, 816, 817, 2028-2031, 2032, 2034-2058, 2068-2077	R-5-B to DC/R-4
206	17-25, 62-65, 113-122, 128-133, 138-162, 166-176, 177-198, 219, 220, 800-805, 807, 809, 811, 812, 813, 814, 2001-2013	R-5-B to DC/R-4
207	48-65, 94-95, 810	R-5-B to DC/R-4

B. Chapter 15, MISCELLANEOUS OVERLAY DISTRICTS, is amended as follows:

1. By deleting § 1501.2.
2. Subparagraph 1501.3 is amended to read as follows (added text is shown in **bold** and underlined):

1501.3 The DC Overlay District includes the following squares: 23, 35, 48, 49, 65, 66, 67, 68, 69, 70, 90, 91, 92, 93, 94, 95, 96, 97, 98, N99, 109, 110, 111, 112, 113, 114, 115, 116, 131, 132, 133, 134, 135, 136, 137, N137, 138, 139, 153, S153, 154, 155, 156, 157, 158, 159, 160, 178, 179, 180, 181, S181, 182, N182, 192, 193, 194, 195, S195, 196, and N196. **The DC Overlay District also includes the following lots: Square 176, Lots 43-45, 64-73, 2076-2128; Square 177, Lots 2, 36-40, 87-92, 104, 108, 118-123, 126, 127, 801, 802, 2009-2019, 2020-2025, Square N177, Lots 4-9, 17, 23-25, 26, 27, 87-92, 801-804, 807, 810-811, 2001-2009, 2010-2012, 2013, 2022; Square 190, Lots 22-42, 51-62, 88-99, 101-116, 119-120, 123, 129, 809, 2001-2018, 2019-2028, 2029-2049, 2050-2056; Square 191, Lots 3-6, 8-16, 40-49, 51-59, 63-65, 66-69, 71-76, 79-87, 90-92, 93-95, 96-98, 99, 100, 104, 107-108, 800, 801, 803-804, 812, 814, 816, 817, 2001-2012, 2014-2027, 2028-2031, 2032, 2034-2058, 2059-2067, 2068-2077, Square 206, Lots 17-25, 62-65, 113-122, 128-133, 138-162, 166-176, 177-198, 219, 220, 800-805, 807, 809, 811, 812, 813, 814, 2001-2013; and Square 207, Lots 48-65, 94-95, 810.**

All persons desiring to comment on the subject matter of this proposed rulemaking action should file comments in writing no later than thirty (30) days after the date of publication of this notice in the D.C. Register. Comments should be filed with Sharon Schellin, Secretary to the Zoning Commission, Office of Zoning, 441 4th Street, N.W., Suite 200/210-S, Washington, D.C. 20001. Copies of this proposed rulemaking action may be obtained at cost by writing to the above address.