

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of Zoning



2008 SEP -9 P 3:04

MEMORANDUM

To: Office of Documents and Administrative Issuance
From: Sharon S. Schellin ^{S³}
Secretary to the Zoning Commission
Date: September 9, 2008
Re: Publication for the Office of Zoning

Please publish the following in the *D.C. Register* on September 19, 2008:

1. Z.C. Notice of Proposed Rulemaking (Case No. 08-05); and
2. Z.C. Notice of Proposed Rulemaking (Case No. 08-12).

Attachment

ZONING COMMISSION
District of Columbia
CASE NO. 08-05
EXHIBIT NO. 5

441 4th Street, N.W., Suite 200/210-S, Washington, D.C. 20001

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ZONING COMMISSION
District of Columbia
CASE NO.08-05
EXHIBIT NO.5

OFFICE OF THE SECRETARY
DDAI

2008 SEP -9 P 3:05

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: Z.C. Case No. 08-05: (Text Amendment – 11 DCMR) (Amendments to DD Regulations to facilitate construction of Convention Center Hotel)

If this rulemaking action will amend or repeal existing rules, give a complete citation to the rules being amended or repealed: Title 11 (Zoning) Sections 1700.7, 1706.11, and 2405.3.

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: SEPTEMBER 4, 2008

SIGNED:

Alan Bergstein

PHONE: (202) 442-9777

☒ FINAL	☐ CONDITIONAL
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NAME: ALAN BERGSTEIN

TITLE: SECTION CHIEF,
LAND USE AND PUBLIC
WORKS

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:**

7/24/08

**APPROVAL
OF ATTEST:**

Sharon S. 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. 08-05
(Text Amendment – 11 DCMR)
(Amendments to DD Regulations to facilitate construction of Convention Center Hotel)

The Zoning Commission for the District of Columbia, pursuant to its authority under § 1 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797, as amended; D.C. Official Code § 6-641.01), hereby gives notice of its intent to amend §§ 1700.7, 1706.11, and 2405.3 of the Zoning Regulations (Title 11 DCMR).

The proposed text amendments will facilitate construction of the planned convention center headquarters hotel at Square 370. The amendments remove the residential use requirement of the DD Regulations, and allow additional density through the Planned Unit Development process on that square without the need to meet the otherwise applicable standard.

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 (new text is shown **bolded** and underlined, deleted text is shown in ~~striketrough~~):

A. Chapter 17, DOWNTOWN DEVELOPMENT OVERLAY DISTRICT, is amended as follows:

1. By amending § 1700, General Provisions, § 1700.7, to read as follows:

1700.7 A Planned Unit Development (PUD) in the DD Overlay District shall be subject to the following provisions in addition to those of chapter 24 of this title:

...

(d) Notwithstanding paragraphs (b) and (c) of this subsection, if a PUD is proposed to govern the following, the PUD shall be guided by the applicable policies of the Comprehensive Plan pertaining to the development of: ~~development of the University of the District of Columbia campus and other uses in Squares 401, 402, 425, and 426, the PUD shall be guided by the applicable policies of the Comprehensive Plan.~~

- 1) The University of the District of Columbia campus and other uses in Squares 401, 402, 425, and 426, and
- 2) A convention center headquarters hotel on square 370.

2. By amending § 1706, Residential and Mixed Use Development, § 1706.11 to read as follows:

1706.11 No minimum residential use requirement shall apply to the following: in Square 485 nor to any lot or lots in Square 455 or the southern part of Square 454 improved with a sports arena:
(a) Square 485;
(b) Any lot or lots in Square 455 or the southern part of Square 454 improved with a sports arena; and
(c) Any portion of Square 370 improved with a convention center headquarters hotel.

- B. Chapter 24, PLANNED UNIT DEVELOPMENT PROCEDURES, Section 2405 PUD Standards, § 2405.3, is amended to read as follows:

2405.3 The Commission may authorize the following an increase increases;
provided, that the increase is essential to the successful functioning of the project and consistent with the purpose and evaluation standards of this chapter, or with respect to FAR, is for the purpose of a convention headquarters hotel on square 370: of not more than five percent (5%) in the maximum height or floor area ratio provided, that the increase is essential to the successful functioning of the project and consistent with the purpose and evaluation standards of this chapter.
(a) not more than five percent (5%) in the maximum height; or
(b) not more than five percent (5%) in the maximum floor area ratio.

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.