

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of Zoning



MEMORANDUM

To: Office of Documents and Administrative Issuance (via-email)
From: Sharon S. Schell ⁵³
Secretary to the Zoning Commission
Date: January 13, 2009
Re: Publication for the Office of Zoning

Please publish the following in the *D.C. Register* on January 16, 2009:

1. Z.C. Notice of Proposed Rulemaking (Case No. 08-23).

Attachment

ZONING COMMISSION
District of Columbia
CASE NO. 08-23
EXHIBIT NO. 8

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. 08-23 (Text Amendment – 11 DCMR) (Text Amendments Sections 1706.2 and 1706.8(b), to Remove Square 374, Lot 44 from Downtown Development District Housing Priority Area B)

If this rulemaking action will amend or repeal existing rules, give a complete citation to the rules being amended or repealed: Title 11 (Zoning) Sections 1706.2, 1706.8

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: JANUARY 6, 2009

SIGNED: *Alan Bergstein*

PHONE: (202) 442-9777

☒ FINAL ☐ CONDITIONAL

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:

10-30-08

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. 08-23

(Text Amendment – 11 DCMR)

(Text Amendments to § 1706 to Remove Square 374, Lot 44 from the Downtown Development District Housing Priority Area and to § 1706.8 (b) to Eliminate Reference to Non-Existent Squares)

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 §§ 1706.2 and 1706.8 of the Zoning Regulations (Title 11 DCMR).

The first proposed amendment would remove the property known as Square 384, Lot 44 from the Downtown Development District Housing Priority Area. Lot 44 is part of the former site of the Washington Convention Center, which was located on approximately 10 acres bounded by New York Avenue, and H, 9th and 11th Streets, N.W. As a result of the amendment, Lot 44 will not have to provide on-site or account off-site for at least 3.5 FAR of residential uses, but its matter of right development will be reduced to 6.5 FAR.

The Zoning Regulations do not expressly identify which lots are included within the Housing Priority Area, but cross reference a map that does. This map, known as Map B, is incorporated into the Zoning Regulations by § 1706.2. Therefore, that subsection is proposed to be amended to refer to an updated version of Map B that no longer depicts Lot 44 as being within the boundary of the Housing Priority Area.

The second proposed amendment is a purely technical change to § 1706.8 (b). That provision lists the squares or portions of square (but not the lots) included within Housing Priority Area, Subarea B. The proposed amendment would strike the references to Squares 344 and 373, which are now part of Square 374.

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:

Title 11 DCMR, Chapter 17, DOWNTOWN DEVELOPMENT OVERLAY DISTRICT, § 1706 is proposed to be amended as follows (deleted text is shown with ~~strike through~~, new text is shown as **bolded** and underlined):

1. Subsection 1706.2 is amended to read as follows:

1706.2 The housing requirements and incentives of this section shall be applicable only in the Housing Priority Area that is depicted in Map B ~~attached~~ **included as information supplemental** to the Office of Planning memorandum dated ~~June 7, 2006~~ **July 3, 2008** filed in Zoning Commission Case No. ~~05-43 08-~~ **23**, which may be viewed in the Office of Zoning, and that is described by

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squares in § 1706.8, provided that the transferable development rights provisions of § 1706.3 shall be applicable throughout the DD Overlay District. Map B is incorporated by reference.

2. Paragraph 1706.8 (b) is amended to read as follows

1706.8 For the purposes of permitting and governing combined lot developments as provided by § 1708, the Housing Priority Area is divided into three (3) subareas as follows:

- (b) Housing Priority Area B, the Mount Vernon Square South area, comprises the DD/C-2-C and DD/C-3-C zoned properties that are located south of Massachusetts Avenue, including squares and parts of squares numbered 247, 283, 284, 316, 317, 342, 343, 344, 371, 372, ~~373~~, 374, 427, 428, 452, 453, 485, 486, 517, and 529, National Park Service Reservation 174, and the commercial and underdeveloped properties in square 247 with an approved plan unit development on or before January 18, 1991, for so long as the planned unit development approval remains valid;

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 210-S, Washington, D.C. 20001. Copies of this proposed rulemaking action may be obtained at cost by writing to the above address.