

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission



June 2, 2009

Via E-Mail & U.S. Mail:

Marcel Acosta
Executive Director
National Capital Planning Commission
401 9th Street, N.W., Suite 500
Washington, D.C. 20004

Re: Notice of Proposed Rulemaking: Z.C. Case No. 08-29

Dear Mr. Acosta:

Please find attached a copy of the proposed rulemaking for the above-referenced case.

The proposed rulemaking will be published in the *D.C. Register* on June 12, 2009, for a 30-day comment period. The comment period will end on July 13, 2009. Accordingly, this case will be considered for final action at the Zoning Commission's public meeting scheduled for July 13, 2009.

The proposed decision of the Commission to approve the above-mentioned case is referred to the National Capital Planning Commission (NCPC) for review and comment, pursuant to the District of Columbia Home Rule Act of 1973, as amended, 87 Stat. 790, Pub. L. No. 93-198, D.C. Code Section 1-201 et seq.

If you have any questions, contact me at the Office of Zoning on (202) 727-0340.

Sincerely,



Sharon S. Schellin
Secretary to the Zoning Commission

cc: David W. Levy (via e-mail)
Carlton Hart (via e-mail)

ZONING COMMISSION
District of Columbia
CASE NO. 08-29
EXHIBIT NO. 8

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

Z.C. Case No. 08-29

(Text Amendment – 11 DCMR)

**Text Amendment to Create an Additional Exception to the Residential Requirement of the
Uptown Arts Overlay/Commercial Residential (Arts/CR) Zone**

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 § 1902.3 of the Zoning Regulations (Title 11 DCMR).

The proposed text amendment would exempt the buildings from the 2.5 FAR minimum residential requirement within the Arts/CR District that: (1) contribute to the historic district or are designated a landmark; (2) have at least 0.5 FAR occupied by or reserved for one of the uses set forth in 1908.1 (except 1908.1(m) and (u)); and (3) at least 0.25 FAR occupied or reserved has a minimum floor-to-ceiling clear height of at least 20 feet.

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 strike-through):

Chapter 19, Uptown Arts-Mixed Use Overlay (ARTS) District, § 1902, Height and Bulk, § 1902.3, is amended as follows:

1902.3 In the underlying CR District, development of a lot or lots in a combined lot development pursuant to § 1905 shall provide not less than 2.5 floor area ratio (FAR) of residential or hotel development subject to the spacing requirement of § 1901.2, concurrent with any commercial development on the lot or combined lots; provided:

(a) This requirement shall not apply to:

- (1) A a lot or a combined lot having less than seven thousand five hundred square feet (7,500 ft.²) of land area ~~or to;~~
- (2) A conversion of a building constructed before 1958 to nonresidential uses;
or
- (3) A building that contributes to a historic district or is designated a landmark, and that has at least 0.5 FAR occupied by or reserved for one or more of the uses set forth in § 1908.1, other than 1908.1(m) and 1908.1(u), and at least 0.25 FAR of the space so occupied or reserved has a minimum floor-to-ceiling clear height of twenty (20) feet; and

(b) In developments in which residential development is required by this subsection, a certificate of occupancy for commercial or nonresidential uses shall not be issued prior to the issuance of a certificate of occupancy for a residential or hotel component.

Z.C. NOTICE OF PROPOSED RULEMAKING
Z.C. CASE NO. 08-29
PAGE 2

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.