

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of Zoning



MEMORANDUM

To: Office of Documents and Administrative Issuance (via-email)
From: Sharon S. Schellin *S3*
Secretary to the Zoning Commission
Date: June 2, 2009
Re: Publication for the Office of Zoning

Please publish the following in the *D.C. Register* on June 12, 2009:

1. Z.C. Notice of Proposed Rulemaking (Case No. 08-29).

Attachment

ZONING COMMISSION
District of Columbia
CASE NO. 08-29
EXHIBIT NO. 9

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. 08-29 (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)

If this rulemaking action will amend or repeal existing rules, give a complete citation to the rules being amended or repealed: Title 11 (Zoning) Section 1902.3

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: JUNE 1, 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:

4-30-09

APPROVAL
OF ATTEST:

Secretary to the Zoning

TITLE:

Commission

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. 08-29

(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.

ZONING COMMISSION
District of Columbia

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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.