

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission



ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF FINAL RULEMAKING
AND
ZONING COMMISSION ORDER NO. 09-18
Z.C. Case No. 09-18
(Text Amendment – 11 DCMR)
(Text Amendment to Expressly Authorize More Than One Regular Monthly Zoning
Commission Meeting)
May 24, 2010

The Zoning Commission for the District of Columbia (the “Commission”), pursuant to its authority under §§ 1 and 3 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797, 798; D.C. Official Code §§ 6-641.01 and 641.03), hereby gives notice of adoption of the following text amendments to the Zoning Regulations of the District of Columbia, DCMR Title 11. A Notice of Proposed Rulemaking was published in the *D.C. Register* (“DCR”) on April 23, 2010, at 57 DCR 3500. The amendments shall become effective upon the publication of this notice in the *D.C. Register*.

Description of Amendments

The proposed text amendment clarifies that the Commission may convene more than one regular monthly meeting.

Procedures Leading to Adoption of Amendments

A petition requesting the amendments was filed by the Office of Planning (“OP”) on November 17, 2009. The Commission voted to set down the proposal for hearing at its November 23, 2009 public meeting.

The Commission gave notice to all Advisory Neighborhood Commissions (“ANCs”) pursuant to § 13 of the Comprehensive Advisory Neighborhood Commissions Reform Act of 2000, effective June 27, 2000 (D.C. Law 13-135, D.C. Official Code § 1-309.10. No reports were received.

A public hearing was scheduled for February 11, 2010. The hearing was canceled because of inclement weather. The hearing was re-scheduled for and held on April 1, 2010, after which the Commission authorized the referral of the proposed text to the National Capital Planning Commission (“NCPC”) and the publication of a notice of proposed rulemaking in the *D.C. Register*.

NCPC, through a delegated action dated April 30, 2010, found that the proposed text amendments would not adversely affect the identified federal interests, nor be inconsistent with the Comprehensive Plan for the National Capital. (Exhibit No. 9.)

The Notice of Proposed Rulemaking was published in the *D.C. Register* on April 23, 2010, at 57 DCR 3500, for a 30-day notice and comment period. No comments were received.

At a properly noticed May 24, 2010 public meeting, the Commission took final action to adopt the text amendments as follows:

CHAPTER 30, ZONING COMMISSION RULES OF PRACTICE AND PROCEDURE, § 3005 Meeting and Hearings, § 3005.6, is amended by inserting the phrase “at least” so that the provision will read as follows:

3005.6 A meeting of the Commission shall be held at least once each month in accordance with a schedule to be established by the Commission, and additional meetings as needed may be called by the presiding officer or by three (3) members.

On April 1, 2010, upon motion of Chairman Hood, as seconded by Commissioner May, the Zoning Commission **APPROVED** the proposed rulemaking at the close of its public hearing by a vote of **4-0-1** (Anthony J. Hood, Konrad W. Schlater, Peter G. May, and Michael G. Turnbull to approve; William W. Keating, III, not present not voting).

On May 24, 2010, upon motion of Chairman Hood, as seconded by Commissioner Turnbull, the Zoning Commission **ADOPTED** this Order at its public meeting by a vote of **4-0-1** (Anthony J. Hood, Konrad W. Schlater, Peter G. May, and Michael G. Turnbull to approve; third Mayoral appointee position vacant, not voting.)

In accordance with the provisions of 11 DCMR § 3028.9, this Order shall become effective upon publication in the *D.C. Register*; that is on June 11, 2010.


ANTHONY J. HOOD
CHAIRMAN
ZONING COMMISSION


JAMISON L. WEINBAUM
DIRECTOR
OFFICE OF ZONING

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The full text of this Zoning Commission Order is published in the “Final Rulemaking” section of this edition of the *D.C. Register*.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of Zoning



Z.C. CASE NO.: 09-18

As Secretary to the Commission, I hereby certify that on JUN 11 2010 copies of this Z.C. Order No. 09-18 were mailed first class, postage prepaid or sent by inter-office government mail to the following:

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| 1. <i>D.C. Register</i> (via email) | 5. DDOT (Karina Ricks) |
| 2. All ANCs
(see attached list) | 6. Melinda Bolling, Acting General Counsel
DCRA
1100 4 th Street, S.W.
Washington, DC 20024 |
| 3. Gottlieb Simon
ANC
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004 | 7. Office of the Attorney General (Alan
Bergstein) |
| 4. All Councilmembers (see attached list) | |

ATTESTED BY:



Sharon S. Schellin
Secretary to the Zoning Commission
Office of Zoning