

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission



March 25, 2010

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. 10-01 (Text Amendments to Allow Increased FAR for Buildings Located in a TDR Receiving Zone and Either Developed as Part of an Approved New Community Plan or Funded by the District for Affordable Housing Purposes)

Dear Mr. Acosta:

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

The above proposed rulemaking was published in the *D.C. Register* on March 12, 2010, for a 30-day comment period. The comment period will end on April 11, 2010. Accordingly, these cases will be considered for final action at the Zoning Commission's public meeting scheduled for April 12, 2010.

The proposed decision of the Commission to approve the above-mentioned cases are 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,

Handwritten signature of Sharon S. Schellin in cursive.

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. 10-01

EXHIBIT NO. 10

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

Z.C. Case No. 10-01

(Text Amendment – 11 DCMR)

**(Text Amendments to Allow Increased FAR for Buildings Located in a TDR Receiving Zone and
Either Developed as Part of an Approved New Community Plan or Funded by the District for
Affordable Housing Purposes)**

The Zoning Commission for the District of Columbia, 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, 6-641.03), hereby gives notice of its intent to amend the Zoning Regulations, Title 11 DCMR, by adding a new § 771.4.

The proposed text amendments would allow increased density and height for projects that are 1) located in a Receiving Zone as defined in Chapter 17, 11 DCMR, and 2) either developed as part of a D.C. Council approved New Community Plan; or that qualify as a low or moderate income subsidized housing development pursuant to § 3042.2 of the Zoning Regulations, which defines low or moderate income subsidized housing development as a housing development that receives funding from a recognized District of Columbia or federal government housing subsidy program, with low or moderate income levels as established by the U.S. Department of Housing and Urban Development.

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 amendments to Title 11 of the District of Columbia Municipal Regulations (ZONING) are proposed:

CHAPTER 7, COMMERCIAL DISTRICTS, § 771 Floor Area Ratio, is amended by inserting a new paragraph § 771.4 to read as follows:

771.4 As an alternative to purchasing transferable development rights to achieve additional density as permitted in the receiving zones described in §§ 1709.15 through 1709.19, a building or structure located in any such zones that is being developed as part of an approved New Community Plan approved by the Council of the District of Columbia or that qualify as a low or moderate income subsidized housing development as defined in § 3042.2 (“Eligible Projects”) may utilize the following additional density as a matter of right, provided that the Zoning Administrator determines that the proposed building or structure is not inconsistent with the approved New Community Plan, if applicable, or the Comprehensive Plan:

- (a) Eligible Projects located in the New Downtown, ~~North Capitol~~, Capitol South, and Southwest receiving zones may be constructed to a maximum FAR of 10.0 for buildings permitted a height of one hundred thirty feet (130 ft.), and 9.0 for buildings permitted a lesser height; or

(b) Eligible Projects located in the Downtown East receiving zone may be constructed to a maximum FAR of 9.0.

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.