

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of Zoning



MEMORANDUM

2007 AUG - 1 PM 12: 58

Office of
Documents and
Administrative
Issuances

To: Office of Documents and Administrative Issuance
From: Sharon S. Schellin ^{S3}
Secretary to the Zoning Commission
Date: August 1, 2007
Re: Publication for the Office of Zoning

Please publish the following in the *D.C. Register* on August 10, 2007:

1. Z.C. Notice of Proposed Rulemaking (Case No. 07-15);
2. Z.C. Notice of Proposed Rulemaking (Case No. 07-09);
3. Z.C. Notice of Final Rulemaking & Order No. 07-05 (Case No. 07-05) – also provided on the attached diskette;
4. Z.C. Order No. 07-01 (Case No. 07-01);
5. Z.C. Order No. 03-12C2/03-13C2 (Case No. 03-12C/03-13C); and
6. Z.C. Order No. 05-39 (Case No. 05-39).

Attachment

ZONING COMMISSION
District of Columbia
CASE NO. 07-05
EXHIBIT NO. 9

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ZONING COMMISSION
District of Columbia
CASE NO.07-05
EXHIBIT NO.9

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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. 07-05 (Temporary accessory parking spaces on Reservation 13)

If this rulemaking action will amend or repeal existing rules, give a complete citation to the rules being amended or repealed: 11 DCMR § 2116.1

FINAL RULES ONLY: Give the D.C. REGISTER citation and date of publication of the Notice of Proposed Rulemaking for these rules 54 DCR 5632, June 8, 2007

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; 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: JULY 9, 2007

SIGNED: *[Signature]*

PHONE: (202) 442-9777

<input checked="" type="checkbox"/> FINAL	<input type="checkbox"/> CONDITIONAL	NAME: LINDA SINGER	TITLE: ATTORNEY GENERAL
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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; 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: 7-9-07

APPROVAL OF ATTEST: *[Signature: Sharon J. Schellin]*

TITLE: Secretary to the Zoning 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 FINAL RULEMAKING**

and

Z.C. ORDER NO. 07-05

Z.C. Case No. 07-05

(Temporary Accessory Parking Spaces on Public Reservation 13)

July 9, 2007

The Zoning Commission for the District of Columbia (the "Commission"), 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); having held a public hearing and referred the proposed amendment to the National Capital Planning Commission ("NCPC") for a 30-day period of review pursuant to § 492 of the District Charter; hereby gives notice of the adoption of the following amendments to Chapter 21 of the Zoning Regulations of the District of Columbia (11 DCMR). The amendments permit temporary accessory parking spaces now located on the site of the District of Columbia Correctional Facility to be relocated at other locations within Reservation 13.

A Notice of Proposed Rulemaking was published in the *D.C. Register* on June 8, 2007, at 54 DCR 5632, for a 30-day notice and comment period. No comments were received and no changes made to the proposed text.

Description of Text Amendment

The purpose of the amendment is to facilitate the implementation of the Master Plan for Public Reservation 13, which calls for Massachusetts Avenue, S.E., Burke Road, S.E., C Street, S.E., 20th Street, S.E., and 21st Street, S.E., to be extended through the property. Some of the proposed rights-of-way are currently occupied by parking lots that serve the District of Columbia Correctional Facility and other agencies located nearby. In order to begin construction of the streets and prepare the site for redevelopment, the parking spaces need to be relocated. This requires an amendment to 11 DCMR § 2116.1, which provides that "all parking spaces shall be located on the same lot with the buildings or structures they are intended to serve." Also, because the available areas within Reservation 13 are unzoned, an amendment is needed to 11 DCMR § 106.7, which precludes the issuance of a building permit or certificate of occupancy if zoning has not been designated for the subject property. Because it is anticipated that a permanent site for this accessory parking will be identified within seven years, the amendment will expire after that period of time.

Public Hearing and Proposed Action

The Commission held a public hearing on this case on May 21, 2007. ANC 6B submitted a letter of support for the proposal but requested that the proposed parking areas be identified.

A representative of the Anacostia Waterfront Corporation testified that the redevelopment would be phased and that the flexibility to relocate parking areas on a temporary basis during redevelopment is necessary.

Following the conclusion of the hearing, the Commission took proposed action to adopt the text as advertised.

The proposed amendments were referred to NCPC under the terms of § 492 of the District of Columbia Charter. No response was received as of the date upon which the Commission took final action to approve this application, which occurred after the 30-day period for NCPC comment expired.

A Notice of Proposed Rulemaking was published in the *D.C. Register* on June 8, 2007, at 54 DCR 5632, for a 30-day notice and comment period. No comments were received.

The Office of the Attorney General has determined that this rulemaking is legally sufficient.

Final Action

The Commission took final action to adopt the rulemaking at its regularly scheduled public meeting on July 9, 2007. No changes were made to the text published in the Notice of Proposed Rulemaking.

Based on the above, the Commission finds that the proposed amendments to the Zoning Regulations are in the best interests of the District of Columbia and consistent with the purpose of the Zoning Regulations and the Zoning Act.

In consideration of the reasons set forth herein, the Zoning Commission hereby **APPROVES** the following amendments to § 2116 of the Zoning Regulations, Title 11 DCMR (deleted language shown in ~~strike through~~ and new language shown in **bold and underline**):

1. Subsection 2116.1 is amended to read as follows

2116.1 Except as provided in §§ 214, 510, 708, 730, 743.2(d), 753.1(c), 761.2, 803.1, 926, 2116.5, **2116.10** and 2117.9(c), all parking spaces shall be

located on the same lot with the buildings or structures they are intended to serve.

2. Add new §§ 2116.10 and 2116.11 to read as follows:

2116.10 **Notwithstanding §§ 106.7 and 2116.1, parking spaces serving the District of Columbia Correctional Facility and other uses and agencies currently on the site as of March 2, 2007 may be located anywhere within Public Reservation 13 tract.**

2116.11 **Subsection 2116.10 shall expire in seven (7) years.**

The Zoning Commission voted to **APPROVE** the proposed rulemaking at the close of the public hearing on May 21, 2007 by a vote of **3-0-2** (Carol J. Mitten, Anthony J. Hood, and Michael G. Turnbull in favor; John G. Parsons and Gregory N. Jeffries not present, not voting).

The Zoning Commission at its public meeting on July 9, 2007 **ADOPTED** this Order by a vote of **3-0-2** (Carol J. Mitten, Anthony J. Hood, and Michael G. Turnbull to approve; John G. Parsons and Gregory N. Jeffries, not voting, not having participated).

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 **AUG 10 2007**.

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF FINAL RULEMAKING
and
Z.C. ORDER NO. 07-05
Z.C. Case No. 07-05
(Temporary Accessory Parking Spaces on Public Reservation 13)
July 9, 2007**

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