

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF PUBLIC HEARING**

**TIME AND PLACE: Monday, June 23, 2008, @ 6:30 PM
Office of Zoning Hearing Room
441 4th Street, N.W., Suite 220-South
Washington, D.C. 20001**

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

Z.C. Case No. 04-33C (Text Amendments – Effective Date of Inclusionary Zoning Regulation)

THIS CASE IS OF INTEREST TO ALL ANCs

On March 20, 2009, the Office of Zoning received a Report from the District of Columbia Office of Planning petitioning for a text amendment to § 2608.1 of the Zoning Regulations (DCMR, Title 11). The Office of Planning submitted a supplemental report the next day to offer a somewhat modified text. Both reports serve as the supplemental filing described in 11 DCMR § 3013. The proposed amendment would change the effective date of the Inclusionary Zoning Regulations, (Chapter 26 of Title 11) from the publication of the first purchase/rental schedule to the publication date of the final rules that will implement the provisions of Chapter 26 and the Inclusionary Zoning Implementation Act of 2006 (“the Act”). These rules are to be published by the Mayor of the District of Columbia, or his designee.

At a special public meeting held March 24, 2008, the Zoning Commission set down this case for a public hearing and adopted the amendment on an emergency basis. A Notice of Emergency Rulemaking has or will be published in the *D.C. Register*.

Chapter 26, INCLUSIONARY ZONING, § 2608.1 is proposed to be amended as follows (deletions to the existing text are shown in ~~striketrough~~ and additions in **bold** and **underlined** text):

2608.1 The provisions of §§ 2600 through 2607 of this Chapter as adopted by Zoning Commission Orders 04-33, and 04-33A, and 04-33B and all amendments made by Orders No. 04-33A and 04-33B to 11 DCMR Chapters 1, 11 through 14, 15, 16, and 19 shall become effective upon the publication of the ~~first purchase/rental schedule~~ **notice of final rulemaking implementing the Act** in the *D.C. Register*.¹

¹ As part of its post-decision legal sufficiency review, the Office of the Attorney General determined that it was necessary to modify a portion of the text adopted by the Commission. The deleted text would have triggered the effective date of the Inclusionary Zoning Regulations if a “resolution of the Council adopting the regulation” became effective “later” than the publication of a notice of final rulemaking for the implementing regulations. The Mayor is required by statute to submit the proposed implementing rules for a 30-day period of Council review. The rules are deemed approved, and the resolution of approval submitted by the Mayor becomes effective, upon the conclusion of that period, unless the Council adopts a resolution of disapproval. Only after a resolution of approval becomes effective may the Mayor publish a notice of final rulemaking. OAG was concerned that the proposed language suggested otherwise, and therefore removed it from the adopted text.

**Z.C. NOTICE OF PUBLIC HEARING
Z.C. CASE NO. 04-33C
PAGE 2**

Proposed amendments to the Zoning Regulations of the District of Columbia are authorized pursuant Section 1 to the Zoning Act of June 20, 1938, (52 Stat. 797); D.C. Official Code § 6-641.01.

The public hearing on this case will be conducted as a rulemaking in accordance with the provisions of Section 3021 of the District of Columbia Municipal Regulations, Title 11, ZONING. Pursuant to that section, the Commission will impose time limits on testimony presented to it at the public hearing.

All individuals, organizations, or associations wishing to testify in this case should file their intention to testify in writing. Written statements, in lieu of personal appearances or oral presentations, may be submitted for inclusion in the record.

Information should be forwarded to the Secretary of the Zoning Commission, Office of Zoning, Suite 210, 441 4th Street, N.W., Washington, D.C., 20001. Please include the number of this particular case and your daytime telephone number. **FOR FURTHER INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311.**

ANTHONY J. HOOD, GREGORY N. JEFFRIES, CURTIS L. ETHERLY, JR., PETER G MAY, AND MICHAEL G. TURNBULL, ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA, BY JERRILY R. KRESS, FAIA, DIRECTOR, AND BY SHARON S. SCHELLIN, SECRETARY TO THE ZONING COMMISSION.