

COMMISSION ACTION

NCPC File No. Z.C. 08-06-1



PROPOSED RULEMAKING
COMPREHENSIVE ZONING REGULATIONS REWRITE:
CHAPTER B-2 USE CATEGORIES AND CHAPTER B-4 HEIGHT

Washington, DC

Submitted by the District of Columbia Zoning Commission

January 6, 2011

Commission Action Requested

Approval of report to the Zoning Commission of the District of Columbia pursuant to 40 U.S.C. § 8724(a) and DC Code § 2-1006 (a).

Commission Action

The Commission:

Advises the Zoning Commission that the proposed language establishing a set of use categories as described in the rulemaking will not adversely affect any federal interests.

Notes that relative to the proposed text on building height that the federal interest would not be adversely affected, if the following changes to the proposal are made:

- Reflect in §404 that the Height Act does not provide a mechanism for relief to be granted by the Board of Zoning Adjustment from the Height Act provisions for maximum building heights.
- add "...public or private street..." at the end of the sentence in §402.2.
- add "...the height of a building shall not be measured from the human-constructed elevation, but shall be measured..." in §402.4.

Notes that recommendations of the Office of Planning's setdown report dated August 12, 2010 concerning the following: street frontage measuring points; streets fronting on open spaces; business and residential street definitions; single and multiple/connected buildings definition and the exterior wall definition, however were not incorporated in the Zoning Commission's proposed action. Instead they will be considered by the Department of Consumer and Regulatory Affairs (DCRA) in a new Subtitle M to the Zoning Regulations. Because Subtitle M has not

been provided for NCPC review, staff is not able to determine whether the content of Subtitle M will be adverse to the federal interest.

Therefore **requests** that DCRA provide a draft of Subtitle M for NCPC review as soon as it is available and incorporate into Subtitle M the recommendations of the Office of Planning's setdown report dated August 12, 2010 for the following: street frontage measuring points; streets fronting on open spaces; business and residential street definitions; single and multiple/connected buildings definition and the exterior wall definition, as these recommendations satisfactorily reflected NCPC staff input.

Deborah B. Young
Secretary to the National Capital Planning Commission