

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission



ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF FINAL RULEMAKING
and
Z.C. ORDER NO. 07-04
Z.C. Case No. 07-04
(Text Amendment – Repeal of Section 801.7(k))
July 30, 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 as required by § 3 of the Act (D.C. Official Code § 6-641.03); and having referred the proposed amendment to the National Capital Planning Commission for a 30-day period of review pursuant to Section 492 of the District Charter; hereby gives notice of the adoption of the following amendment to repeal § 801.7(k) of the Zoning Regulations in its entirety.

A Notice of Proposed Rulemaking was published in the *D.C. Register* (“DCR”) on June 15, 2007, at 54 DCR 5859. The Commission took final action to adopt the amendments at a public meeting on July 30, 2007. This final rulemaking is effective upon publication in the *D.C. Register*.

Existing Regulations

Paragraph 801.7(k) of the Zoning Regulations permits, “[t]emporary detention or correctional institution on leased property for a period not to exceed three (3) years” as a matter-of-right use in the C-M (commercial-light manufacturing) Zone District. This provision was originally adopted by Zoning Commission Order No. 46 in Case No. 71-3 in response to a short-term crisis the District faced in housing its prison population. The provision was never lawfully used and the crisis has long passed.

Description of Text Amendment

The text amendment deletes paragraph 801.7(k) from the Zoning Regulations.

Relationship to the Comprehensive Plan

The amendment is not inconsistent with the Comprehensive Plan.

Set Down Proceeding

The Office of Planning (“OP”) initiated this rulemaking by filing a report with the Zoning Commission. The OP report dated February 2, 2007, requested a text amendment to repeal paragraph 801.7(k) of the Zoning Regulations.

At its February 12, 2007 public meeting, Zoning Commission set the case down for a public hearing.

Public Hearing and Proposed Action

The Commission held a public hearing on May 31, 2007. There was no public testimony. ANC-6B, by a written resolution, supported the deletion of this section. Following the conclusion of the hearing, the Commission took proposed action to repeal paragraph 801.7(k).

The proposed rulemaking was referred to the National Capital Planning Commission (“NCPC”) under the terms of § 492 of the District of Columbia Charter. NCPC by report to the Office of Zoning on July 18, 2007, determined that there is no adverse impact to the Federal interests in the District.

No other comments were received.

Great weight given to ANC issues and concerns

The Commission is required under D.C. Code Ann. § 1-309.10(d)(3)(A) to give great weight to an affected ANC's recommendation. The Commission has carefully considered ANC 6B's recommendation for approval and concurs with its recommendation.

Final Action

The Commission took final action to adopt the rulemaking at its regularly scheduled public meeting on July 30, 2007. No changes were made to the advertised text.

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.

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

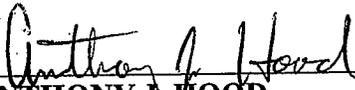
In consideration of the reasons set forth herein, the Zoning Commission hereby **APPROVES** the following amendments to the Zoning Regulations, Title 11 DCMR:

Title 11 (DCMR) is amended by deleting paragraph 801.7(k).

The Zoning Commission voted to **APPROVE** the proposed rulemaking at the close of the public hearing on May 31, 2007 by a vote of **3-0-2** (Anthony J. Hood, John G. Parsons, and Michael G. Turnbull in favor; Carol J. Mitten, Gregory N. Jeffries not present, not voting).

The Zoning Commission at its public meeting on July 30, 2007 voted to **APPROVE** the final rulemaking by a vote of **3-0-2** (Anthony J. Hood, John G. Parsons, and Michael G. Turnbull in favor; Carol J. Mitten, Gregory N. Jeffries not participating, 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 ~~JAN 25 2008~~.



ANTHONY J. HOOD
CHAIRMAN
ZONING COMMISSION



JERRILY R. KRESS, FAIA
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.: 07-04

As Secretary to the Commission, I hereby certify that on JAN 23 2008 copies of this Z.C. Notice of Final Rulemaking & Order No. 07-04 were mailed first class, postage prepaid or sent by inter-office government mail to the following:

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| 1. D.C. Register | 6. Zoning Administrator (Matt LeGrant) |
| 2. All ANC Chairs | 7. Jill Stern, Esq.
General Counsel - DCRA
941 North Capitol Street, N.E.
Suite 9400
Washington, D.C. 20002 |
| 3. Gottlieb Simon
ANC
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004 | 8. Office of the Attorney General
(Alan Bergstein) |
| 4. All Councilmembers | |
| 5. DDOT (Ken Laden) | |

ATTESTED BY:

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