

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission



ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF FINAL RULEMAKING

AND

Z.C. ORDER NO. 11-05

Z.C. Case No. 11-05

**(Text Amendment – Text Amendment to § 1805 to Permit General Office Use on the
Second Floor of Building 173 in the Southeast Federal Center on an Interim Basis)
September 12, 2011**

The Zoning Commission for the District of Columbia (Commission), pursuant to its authority under § 1 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797; D.C. Official Code § 6-641.01 (2008 Repl.)); hereby gives notice of adoption of the following text amendments to the Zoning Regulations of the District of Columbia (Title 11 DCMR). A Notice of Proposed Rulemaking was published in the *D.C. Register* (DCR) on July 22, 2011, at 58 DCR 6099. The amendments shall become effective upon the publication of this notice in the *D.C. Register*.

Description of Amendments

This adopted text amends § 1805.9 of the Zoning Regulations, which governs the permitted uses within the SEFC/W-0 Zone District. The amendment permits the use of the second floor of Building 173, a historic building in the Southeast Federal Center, for general office use, which is not currently permitted in the SEFC/W-0 Zone District, for an interim period of twenty (20) years.

Procedures Leading to Adoption of Amendments

A petition requesting the amendments was filed by Forest City Washington (the Petitioner) on February 18, 2011. The Zoning Commission voted to set down the proposal for hearing at its April 11, 2011, public meeting. When the Commission set down the case for hearing, it authorized the Office of Planning, in coordination with the Petitioner, and the Office of the Attorney General, to make technical changes to the language that was suggested by the Petitioner. At setdown, the Commission further indicated that it reserved the right to adopt alternative text authorizing a shorter period of time for the interim use.

A public hearing was scheduled for and held on July 7, 2011, after which the Commission authorized referral of the proposed text to the National Capital Planning Commission (“NCPC”) and the publication of a notice of proposed rulemaking in the *D.C. Register*.

NCPC, through a delegated action dated August 25, 2011, found that the proposed text amendments would not adversely affect the identified federal interests, nor be inconsistent with the Comprehensive Plan for the National Capital.

The Notice of Proposed Rulemaking was published in the *D.C. Register* on July 22, 2011, at 58 DCR 6099, for a thirty- (30-)day notice and comment period. No comments were received.

At a properly noticed September 12, 2011 public meeting, the Commission took final action to adopt the text amendments as follows:

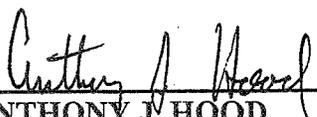
Chapter 18, SOUTHEAST FEDERAL CENTER OVERLAY DISTRICT, § 1805, SEFC/W-0 ZONE DISTRICT, § 1805.9, is amended by adding the sentence, "The second story of Building 173 may be used for general office purposes on an interim basis of not more than twenty (20) years from the date of the initial Certificate of Occupancy for this use; provided that any such office space is suitably designed for future occupancy by retail uses and to not adversely impact ground floor retail uses." so that the provision reads as follows:

1805.9 The gross floor area of existing Building 173 shall not count toward any FAR computation. The second story of Building 173 may be used for general office purposes on an interim basis of not more than twenty (20) years from the date of the initial Certificate of Occupancy for this use; provided that any such office space is suitably designed for future occupancy by retail uses and to not adversely impact ground floor retail uses.

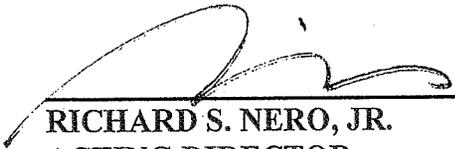
On July 7, 2011, upon the motion of Commissioner May, as seconded by Vice Chairman Schlater, the Zoning Commission **APPROVED** this petition by a vote of 5-0-0 (Anthony J. Hood, Konrad W. Schlater, Peter G. May, Greg M. Selfridge, and Michael G. Turnbull to approve).

On September 12, 2011, upon the motion of Vice Chairman Schlater, as seconded by Commissioner Turnbull, the Zoning Commission **ADOPTED** this Rulemaking by a vote of 5-0-0 (Anthony J. Hood, Konrad W. Schlater, Peter G. May, Greg M. Selfridge, and Michael G. Turnbull to adopt).

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 September 30, 2011.



ANTHONY J. HOOD
CHAIRMAN
ZONING COMMISSION



RICHARD S. NERO, JR.
ACTING DIRECTOR
OFFICE OF ZONING

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

AND

Z.C. ORDER NO. 11-05

Z.C. Case No. 11-05

**(Text Amendment – Text Amendment to § 1805 to Permit General Office use on the
Second Floor of Building 173 in the Southeast Federal Center on an Interim Basis)**

September 12, 2011

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.: 11-05

SEP 26 2011

As Secretary to the Commission, I hereby certify that on _____ copies of this Z.C. Notice of Final Rulemaking and Order No. 11-05 were mailed first class, postage prepaid or sent by inter-office government mail to the following:

- | | | | |
|----|--|----|--|
| 1. | <i>D.C. Register</i> | 5. | Gottlieb Simon
ANC
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004 |
| 2. | Phil Feloa and Dave Avitabile, Esqs.
Goulston & Storrs
1999 K Street, N.W. Suite 500
Washington, D.C. 20006 | 6. | Councilmember Tommy Wells |
| 3. | ANC 6D
1101 4 th Street, S.W., Suite W130
Washington, D.C. 20024 | 7. | DDOT (Martin Parker) |
| 4. | Commissioner David Garber (via
email) ANC/SMD 6D07
6D07@anc.dc.gov | 8. | Melinda Bolling, Acting General Counsel
DCRA
1100 4 th Street, S.W.
Washington, D.C. 20024 |
| | | 9. | Office of the Attorney General (Alan
Bergstein) |

ATTESTED BY:

A handwritten signature in cursive script, appearing to read "S. S. Schellin", is written over a horizontal line.

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