

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
ZONING COMMISSION**



**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF FINAL RULEMAKING
AND
ZONING COMMISSION ORDER NO. 12-10A
Z.C. Case No. 12-10A
(Text Amendment – 11 DCMR)
(Technical Correction to Z.C. Order 12-10)
September 30, 2013**

The Zoning Commission for the District of Columbia, (Commission) pursuant to its authority under § 1 of the Zoning Act of 1938 (52 Stat. 797; D.C. Official Code § 6-641.01 (2001)), hereby gives notice of its adoption of an amendment to § 3401.3 of the Zoning Regulations (Title 11 DCMR) to include the phrase “, interior renovations, or both” in its introductory paragraph.

Subsection 3401.3 became effective on July 12, 2013 with the publication of Z.C. Order No. 12-10 in the *D.C. Register*. The subsection was part of a new Chapter 34, Green Area Ratio. (GAR) The introductory paragraph of § 3401.3, among other things, indicates the circumstances under which the GAR standards would apply to existing buildings. In the final draft text provided to the Commission by the Office of Planning (OP), the term “interior renovations or both” was intended to replace the initially proposed term “alterations, or repairs” However, OP inadvertently omitted the term “alterations, or repairs” without replacing it. The intention that certain interior renovations would trigger GAR applicability is clearly evident by the fact that § 3401.3(c) specifies the conditions when an otherwise eligible interior renovation would be exempt from the GAR standards. Subsection § 3401.3(c) would have no meaning but for the inclusion of interior renovations in the introductory paragraph of § 3401.3.

OP, in a report dated June 28, 2013, requested that the Commission make this technical correction to Z.C. Order No. 12-10 and approve the change through the Commission’s consent calendar, pursuant to § 3030 of the Zoning Regulations. The Commission’s consent calendar authorizes an expedited process for the Commission to make technical corrections to previously approved rulemakings without a public hearing.

At its regular public meeting held July 8, 2013, the Commission considered the report, and authorized publication of a proposed rulemaking notice.

A Notice of Proposed Rulemaking was published in the *D.C. Register* on August 16, 2013, 60 DCR 11982, for a thirty (30)-day notice and comment period. No comments were received.

At a properly noticed public meeting held on September 30, 2013, the Commission took final action to adopt the text amendments, making no changes to the text as proposed.

Title 11 DCMR, **ZONING**, is amended as follows:

Title 11 DCMR, Chapter 34, **GREEN AREA RATIO**, § 3401, **APPLICABILITY OF GREEN AREA RATIO STANDARDS**, § 3401.3 is amended by inserting into its introductory paragraph the phrase “, interior renovations, or both” after the phrase “where any additions” so that the entire provision reads as follows:

- 3401.3 The GAR standards set forth in this chapter shall apply to all new buildings and to all existing buildings where any additions, interior renovations, or both within any twelve (12) month period exceed one hundred percent (100%) of the assessed value of the building as set forth in the records of the Office of Tax and Revenue as of the date of the building permit application, except:
- (a) Buildings that do not require certificates of occupancy;
 - (b) Municipal wastewater treatment facilities operated by the District of Columbia Water and Sewer Authority;
 - (c) The interior renovation of an existing building that:
 - (1) Is located in the Central Employment Area;
 - (2) Has an existing one hundred percent (100%) lot occupancy prior to the filing of the building permit;
 - (3) Has an existing roof that cannot support a dead load of four inches (4 in.) of growth medium on the roof; and
 - (4) The work proposed by the building permit application will not result in a roof capable of supporting a dead load of four inches (4 in.) of growth medium on the roof; or
 - (d) A historic resource and any additions thereto subject to the provisions of § 3401.7.

On September 30, 2013, upon motion of Vice Chairman Cohen, as seconded by Chairman Hood, the Zoning Commission **ADOPTED** this Order at its public meeting by a vote of **5-0-0** (Anthony J. Hood, Marcie I. Cohen, Robert E. Miller, Peter G. May, and Michael G. Turnbull to adopt).

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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 December 6, 2013.



ANTHONY J. HOOD
CHAIRMAN
ZONING COMMISSION



SARA A. BARDIN
DIRECTOR
OFFICE OF ZONING