

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission



ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF FINAL RULEMAKING
AND
Z.C. ORDER NO. 12-13
Z.C. Case No. 12-13
(Text Amendment – 11 DCMR)
(Definition of Clear Height, Floor to Ceiling)
December 10, 2012

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 (11 DCMR). A Notice of Proposed Rulemaking was published in the *D.C. Register* on October 26, 2012 at 59 DCR 12390. The amendments shall become effective upon the publication of this notice in the *D.C. Register*.

Description of Amendments

The amendments amend the definition of “Clear Height, Floor to Ceiling” to clarify that when measuring the clear height of a building’s ground floor, the measurement is to be taken from grade level, rather than from the level of the ground floor’s finished floor.

Procedures Leading to Adoption of Amendments

On July 26, 2012, the Office of Planning (OP) submitted a memorandum that served as a petition requesting amendments to the regulations. The Commission voted to set down the proposal for hearing at its July 30, 2012 public meeting.

A public hearing was scheduled for and held on October 11, 2012. OP testified in support of the amendments. At the conclusion of the hearing, the Commission authorized the referral of the proposed text to the National Capital Planning Commission (NCPC) and the publication of a notice of proposed rulemaking in the *DC Register*. More than thirty (30) days has elapsed since the NCPC referral and no NCPC report has been received.

A Notice of Proposed Rulemaking was published in the *D.C. Register* on October 26, 2012 at 59 DCR 12390. No comments were received.

At a properly noticed public meeting held on December 10, 2012, 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

Chapter 1, **THE ZONING REGULATIONS**, § 199, **DEFINITIONS**, § 199.1, definition of “**Clear Height, Floor to Ceiling**” is amended by deleting the phrases, “floor to ceiling height” and “measured from the finished floor to” from the first sentence, and inserting instead the phrase “measurement within a building story. The upper point of the measurement is”, and by adding a new paragraph at the end of the definition, to read as follows:

Clear Height, Floor to Ceiling - a vertical distance measurement within a building story. The upper point of the measurement is the finished ceiling that is unobstructed by any of the following:

- (a) Elements of the building structure, other than columns and walls;
- (b) Components of mechanical, plumbing, or fire suppression systems; or
- (c) Components of electrical systems, except lighting fixtures.

If the ceiling is not finished, the distance shall be measured to the lowest point of any of the structural elements of systems referenced in (a), (b), or (c) above.

For all stories above the ground level and for a ground story for which there is no clear height requirement, the bottom point of the measurement shall be the level of the finished floor. For a ground story subject to minimum clear height requirements, the bottom measuring point for clear height shall be the level of the curb opposite the middle of the building’s frontage on the street from which the building draws its clear height requirement.

On October 11, 2012, upon the motion of Commissioner Cohen, as seconded by Chairman Hood, the Zoning Commission **APPROVED** this petition at the conclusion of the public hearing by a vote of **4-0-1** (Anthony J. Hood, Marcie I. Cohen, Robert E. Miller, and Peter G. May to approve; Michael G. Turnbull, not present, not voting).

On December 10, 2012, upon the motion of Chairman Hood, as seconded by Commissioner Miller, the Zoning Commission **ADOPTED** this Order at its public meeting by a vote of **5-0-0** (Anthony J. Hood, Robert E. Miller, Marcie I. Cohen (absentee ballot), 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 28, 2012.



ANTHONY J. HOOD
Chairman
Zoning Commission



SARA A. BARDIN
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*.