

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF VIRTUAL PUBLIC HEARING

TIME AND PLACE: **Thursday, June 18, 2020, @ 4:00 p.m.**
WebEx – Login Details will be Provided by Noon¹

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

Z.C. Case No. 20-07 (Office of Zoning - Text Amendment to Subtitles Y and Z to Extend Validity Period of Approvals Due to COVID-19 Pandemic)

THIS CASE IS OF INTEREST TO ALL ANCs

On January 17, 2020, the Office of Zoning (“OZ”) filed a petition to the Zoning Commission (the “Commission”) proposing the following amendments to Title 11 of the District of Columbia Municipal Regulations (Zoning Regulations of 2016, the “Zoning Regulations,” to which all references herein refer unless otherwise specified) to extend the validity of any order scheduled to expire between April 27 and December 31, 2020 by six months on account of the ongoing COVID-19 pandemic:

Subtitle Y, Board of Zoning Adjustment Rules of Practice and Procedure

Chapter 7, Approvals and Orders

§§ 702.1 and 702.2 – six-month extension of orders scheduled to expire between April 27 and December 31, 2020

Subtitle Z, Zoning Commission Rules of Practice and Procedure

Chapter 7, Approvals and Orders

§§ 702.1, 702.2, and 702.3 – six-month extension of orders scheduled to expire between April 27 and December 31, 2020

OZ requested that the Commission:

- Set the petition down for a public hearing;
- Authorize a 30-day notice period prior to the public hearing by granting a waiver under Subtitle Z § 101.9 from the 40-day requirement of Subtitle Z § 502.1 for good cause due to the COVID-19 pandemic;
- Consider taking emergency action to adopt the text amendment; and
- Authorize an immediate publication of proposed rulemaking for the text amendment.

On April 15, 2020, the Office of Planning (“OP”) filed its pre-hearing report concluding that the proposed text amendment would not be inconsistent with the Comprehensive Plan and recommending approval.

¹ Login details will be posted to OZ’s website and the case record. Anyone who wishes to participate in this case but cannot do so via WebEx, may submit written comments to the record. (See *How to participate as a witness – written statements.*)

At its April 27, 2020, public meeting, the Commission voted to grant's OZ's request to:

- Take emergency action to adopt the text amendment;
- Set the petition down for a public hearing;
- Authorize a 30-day notice period prior to the public hearing by granting a waiver under Subtitle Z § 101.9 from the 40-day requirement of Subtitle Z § 502.1 for good cause due to the COVID-19 pandemic; and
- Authorize an immediate publication of proposed rulemaking for the text amendment.

The complete record in the case, including the OP Report and transcript of the April 27, 2020, public hearing, can be viewed online at the Office of Zoning website, through the Interactive Zoning Information System (IZIS), at <https://app.dcoz.dc.gov/Content/Search/Search.aspx>

PROPOSED TEXT AMENDMENT

The proposed amendments to the text of the Zoning Regulations are as follows (text to be deleted is marked in ~~bold and strikethrough~~ text; new text is shown in **bold and underline** text).

I. Amendments to Subtitle Y, BOARD OF ZONING ADJUSTMENT RULES OF PRACTICE AND PROCEDURE

Subsections 702.1 and 702.2 of § 702, VALIDITY OF APPROVALS AND IMPLEMENTATION, of Chapter 7, APPROVALS AND ORDERS, of Subtitle Y, BOARD OF ZONING ADJUSTMENT RULES OF PRACTICE AND PROCEDURE, are proposed to be amended to read as follows:

702.1 An order granting a special exception or variance where the establishment of the use is dependent upon the erection or alteration of a structure shall be valid for a period of two (2) years, or one (1) year for an Electronic Equipment Facility, within which time an application shall be filed for a building permit for the erection or alteration approved. If the erection or alteration of more than one (1) structure is approved, a building permit application must be file for all such structures within this two (2) year period; **provided that any order scheduled to expire between April 27, 2020 and December 31, 2020 shall remain valid for a period of six (6) months from the date of the expiration of the order.**

702.2 An order granting a special exception or variance where the establishment of the use is not dependent upon the erection or alteration of a structure shall be valid for a period of six (6) months, within which time an application shall be filed for an certificate of occupancy for the use approved; **provided that any order scheduled to expire between April 27, 2020 and December 31, 2020 shall remain valid for a period of six (6) months from the date of the expiration of the order.**

II. Amendments to Subtitle Z, ZONING COMMISSION RULES OF PRACTICE AND PROCEDURE

Subsections 702.1 through 702.3 of § 702, VALIDITY OF APPROVALS AND IMPLEMENTATION, of Chapter 7, APPROVALS AND ORDERS, of Subtitle Z, ZONING COMMISSION RULES OF PRACTICE AND PROCEDURE, are proposed to be amended to read as follows:

- 702.1 A first-stage approval of a planned unit development (PUD) by the Commission shall be valid for a period of one (1) year, unless a longer period is established by the Commission at that time of approval; **provided that any approval scheduled to expire between April 27, 2020 and December 31, 2020 shall remain valid for a period of six (6) months from the date of the expiration of the approval.**
- 702.2 A contested case approval by the Commission shall be valid for a period of two (2) years from the effective date of the order granting the application, unless a longer period is established by the Commission at the time of approval, within which time application shall be filed for a building permit; **provided that any approval scheduled to expire between April 27, 2020 and December 31, 2020 shall remain valid for six (6) months from the date of the expiration of the approval.**
- 702.3 Construction shall start within three (3) years after the effective date of **the** order granting the application, unless a longer period is established by the Commission at the time of approval; **provided that this three (3) year period shall be extended by six (6) months for any construction deadline scheduled to expire between April 27, 2020 and December 31, 2020.**

Proposed amendments to the Zoning Regulations of the District of Columbia are authorized pursuant to the Zoning Act of June 20, 1938 (52 Stat. 797, as amended; D.C. Official Code § 6-641.01, *et seq.* (2018 Repl.)).

This public hearing will be conducted in accordance with the rulemaking case provisions of Subtitle Z, Chapter 5.

How to participate as a witness – virtual testimony

Due to the COVID-19 state of emergency, this public hearing will be held virtually using the WebEx platform. Those desiring to listen or participate may do so by following the detailed instructions available at the Office of Zoning website (www.dcoz.dc.gov), instructions posted to the record, or by contacting Donna Hanousek. All individuals, organizations, or associations wishing to testify in this case are encouraged to inform OZ of their intent to testify at least 24 hours prior to the hearing date. This can be done by e-mail (donna.hanousek@dc.gov) or by calling (202) 727-0789.

The Commission also requests that all witnesses prepare their testimony in writing, submit the written testimony prior to giving statements, and limit oral presentations to summaries of the most important points. The following maximum time limits for oral testimony shall be adhered to and no time may be ceded:

- | | |
|------------------|----------------|
| 1. Organizations | 5 minutes each |
| 2. Individuals | 3 minutes each |

How to participate as a witness – written statements

Written statements, in lieu of personal appearances or oral presentation, may be submitted for inclusion in the record. The public is encouraged to submit written testimony through the Interactive Zoning Information System (IZIS) at <https://app.dcoz.dc.gov/Login.aspx>; however, written statements may also be submitted by e-mail to zcsubmissions@dc.gov.

“Great weight” to written report of ANC

Subtitle Z § 505.1 provides that the written report of an affected ANC shall be given great weight if received at any time prior to the date of a Commission meeting to consider final action, including any continuation thereof on the application, and sets forth the information that the report must contain. Pursuant to Subtitle Z § 505.2, an ANC that wishes to participate in the hearing must file a written report at least seven days in advance of the public hearing and provide the name of the person who is authorized by the ANC to represent it at the hearing.

FOR FURTHER INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311.

ANTHONY J. HOOD, ROBERT E. MILLER, PETER G. MAY, PETER A. SHAPIRO, AND MICHAEL G. TURNBULL ----- ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA, BY SARA A. BARDIN, DIRECTOR, AND BY SHARON S. SCHELLIN, SECRETARY TO THE ZONING COMMISSION.

Do you need assistance to participate? If you need special accommodations or need language assistance services (translation or interpretation), please contact Zee Hill at (202) 727-0312 or Zelalem.Hill@dc.gov five days in advance of the meeting. These services will be provided free of charge.

¿Necesita ayuda para participar? Si tiene necesidades especiales o si necesita servicios de ayuda en su idioma (de traducción o interpretación), por favor comuníquese con Zee Hill llamando al (202) 727-0312 o escribiendo a Zelalem.Hill@dc.gov cinco días antes de la sesión. Estos servicios serán proporcionados sin costo alguno.

Avez-vous besoin d’assistance pour pouvoir participer ? Si vous avez besoin d’aménagements spéciaux ou d’une aide linguistique (traduction ou interprétation), veuillez contacter Zee Hill au (202) 727-0312 ou à Zelalem.Hill@dc.gov cinq jours avant la réunion. Ces services vous seront fournis gratuitement.

참여하시는데 도움이 필요하세요? 특별한 편의를 제공해 드려야 하거나, 언어 지원 서비스(번역 또는 통역)가 필요하시면, 회의 5일 전에 Zee Hill 씨께 (202) 727-0312 로 전화 하시거나 Zelalem.Hill@dc.gov 로 이메일을 주시기 바랍니다. 이와 같은 서비스는 무료로 제공됩니다.

您需要有人帮助参加活动吗?如果您需要特殊便利设施或语言协助服务(翻译或口译)·请在见面之前提前五天与 Zee Hill 联系·电话号码 (202) 727-0312, 电子邮件 Zelalem.Hill@dc.gov 这些是免费提供的服务。

Quý vị có cần trợ giúp gì để tham gia không? Nếu quý vị cần thu xếp đặc biệt hoặc trợ giúp về ngôn ngữ (biên dịch hoặc thông dịch) xin vui lòng liên hệ với Zee Hill tại (202) 727-0312 hoặc Zelalem.Hill@dc.gov trước năm ngày. Các dịch vụ này hoàn toàn miễn phí.

ለሙሳተፍ ዕርዳታ ያስፈልግዎታል? የተለየ እርዳታ ካስፈለገዎት ወይም የቋንቋ እርዳታ አገልግሎቶች (ትርጉም ወይም ማስተርጎም) ካስፈለገዎት እባክዎን ከስብሰባው አምስት ቀናት በፊት ዚ ሂልን በስልክ ቁጥር (202) 727-0312 ወይም በኢሜል Zelalem.Hill@dc.gov ይገናኙ። እነኚህ አገልግሎቶች የሚሰጡት በነጻ ነው።