

MEMORANDUM

TO: District of Columbia Zoning Commission

FROM: *JLS*
Jennifer Steingasser, Deputy Director Development Review & Historic Preservation
Stephen Cochran, Case Manager

DATE: June 9, 2020

SUBJECT: Final OP Report, Zoning Commission Case 20-07 –Text Amendments to Extend the Expiration Date of Certain Orders by the Zoning Commission or the Board of Zoning Adjustment

I. RECOMMENDATION

The Office of Planning (OP) recommends the Zoning Commission (the Commission) **approve** the final text amendments to Subtitle Y, Sections 702.1 and 702.2, and Subtitle Z, Sections 701.2-702.3, as has been modified by the District of Columbia Office of Zoning (OZ) to clarify dates for cases requesting other-than-automatic extensions, and the applicability of the language to campus plans (Exhibit 15).

II. PROPOSAL SUMMARY AND ANALYSIS

In response to altered context stemming from Covid-19, the proposed text amendments were set down on an emergency basis by the Commission on April 27, 2020 and the language was clarified in a Commission vote on June 8, 2020. The proposed language would:

1. Extend by six months from the date of expiration the period of validity for BZA and Commission orders and approvals set to expire between April 27, 2020 and December 31, 2020. The extensions would apply to deadlines in any BZA or Zoning Commission Orders with deadlines falling within this period; and
2. Extend by six months from the date of expiration any BZA or Zoning Commission Order construction deadline scheduled to expire between April 27, 2020 and December 31, 2020.

The proposed text amendments would not count toward the number of extension requests available to an applicant under Subtitle Z § 705 or Subtitle Y § 705. If the amendments are approved, an applicant may still request an extension consistent with sections Z-705 or Y-705 which would last beyond the end of the term limit established by this case, or an applicant may proceed forward with an extension request already filed.

However, the proposal would not permit the automatic 6-month extension to be used as a new baseline date from which to request a subsequent extension of an Order. That baseline would remain the date from which future extension requests would be calculated.

OP's setdown report outlined the conditions leading to the introduction of the amendments and presented the case for the proposal's being not inconsistent with the Comprehensive Plan. Since setdown there has been a filing suggesting language to clarify the applicability of the amendment to campus plan approvals (Exhibit 13). This language has been incorporated into the final advertised proposal.