

OFFICE OF DOCUMENTS AND ADMINISTRATIVE ISSUANCES

ERRATA NOTICE

The Administrator of the Office of Documents and Administrative Issuances (ODAI), pursuant to the authority set forth in § 309 of the District of Columbia Administrative Procedure Act, approved October 21, 1968, as amended (82 Stat. 1203; D.C. Official Code § 2-559 (2016 Repl.)), hereby gives notice of a correction to the Notice of Final Rulemaking and Zoning Commission Order No. 14-13E, issued by the Zoning Commission for the District of Columbia and published in the *D.C. Register* on December 24, 2021, at 68 DCR 13834, *et seq.*

The final rulemaking amended Subtitles A (Authority and Applicability), B (Definitions, rules of Measurement, and Use Categories), C (General Rules), D (Residential House (R) Zones), E (Residential Flats (RF) Zones), F (Residential Apartment (RA) Zones), G (Mixed-Use (MU) Zones), H (Neighborhood Mixed Use (NC) Zones), I (Downtown (D) Zones), J (Production, Distribution, and Repair (PDR) Zones), K (Special Purpose Zones), U (Use Permissions), and X (General Procedures).

Among other changes, the final rulemaking revised the regulations to amend “penthouse” to “penthouse or rooftop structure” in many, but not all, locations. In Subtitle F §§ 5102 and in Subtitle G § 1102, the final rulemaking erroneously included the reference to rooftop structures where it was not intended to be referenced.

The final rulemaking also revised Subtitle K § 920, but the heading in the Order incorrectly makes a reference to Subtitle H instead of Subtitle K.

Therefore, the final rulemaking is corrected to amend Subtitles F §§ 5102 and 5205; Subtitle G § 1102, as well as the preamble to amendments to Subtitle K § 920, to read as follows (the corrections to the final rulemaking are made below, with additions shown in **bold and underline** text; deletions shown in **~~bold and strikethrough~~** text):

I. Amendments to Subtitle F, RESIDENTIAL APARTMENT (RA) ZONES

Section 5102, HEIGHT, of Chapter 51, ALLEY LOT REGULATIONS (RA), of Subtitle F, RESIDENTIAL APARTMENT (RA) ZONES, are proposed to be amended, to read as follows:

5102.1 The maximum height and stories of building on alley lots in RA zones shall be twenty feet (20 ft.) and two (2) stories, including the penthouse. ~~or rooftop structure.~~

Section 5205, SPECIAL EXCEPTION FROM PENTHOUSE PROVISIONS, of Chapter 52, RELIEF FROM REQUIRED DEVELOPMENT STANDARDS FOR RA ZONES, of Subtitle F, RESIDENTIAL APARTMENT (RA) ZONES, is renamed SPECIAL EXCEPTION FROM PENTHOUSE AND ROOFTOP STRUCTURE PROVISIONS and is proposed to be amended, to read as follows:

**CHAPTER 52 SPECIAL EXCEPTION FROM PENTHOUSE AND ROOFTOP
STRUCTURE PROVISIONS**

II. Amendments to Subtitle G, MIXED USE (MU) ZONES

Section 5102, HEIGHT, of Chapter 51, ALLEY LOT REGULATIONS (RA), of Subtitle F, RESIDENTIAL APARTMENT (RA) ZONES, are proposed to be amended, to read as follows:

- 1102.1 The maximum height and stories of the building in MU-6, MU-8, MU-9, MU-10, MU-19, MU-20, MU-21, MU-22, and MU-29 zones shall be thirty feet (30 ft.) and three (3) stories, including the penthouse. ~~or rooftop structure.~~
- 1102.2 The maximum height and stories of the building in all other MU zones shall be twenty feet (20 ft.) and two (2) stories, including the penthouse. ~~or rooftop structure.~~

III. Amendments to Subtitle K, SPECIAL PURPOSE ZONES

The preamble in the Final Rulemaking to amendments to Subtitle K § 920, HEIGHT AND PENTHOUSES AND ROOFTOP STRUCTURES (WR) is amended to read as follows:

Subsections 920.1 and 920.13 of § 920, HEIGHT AND PENTHOUSES AND ROOFTOP STRUCTURES (WR), of Chapter 9, WALTER REED ZONES – WR-1 THROUGH WR-8, of Subtitle ~~H, NEIGHBORHOOD MIXED USE (NC)~~ K, SPECIAL PURPOSE ZONES, are proposed to be amended, to read as follows:

...

These corrections by this Errata Notice to the Notice of Final Rulemaking is non-substantive in nature and do not alter the intent, application, or purpose of the proposed rules. The rules are effective upon the original publication date of the Notice of Final Rulemaking of December 24, 2021.

Any questions or comments regarding this notice shall be addressed by mail to Victor L. Reid, Esq. Administrator, Office of Documents & Administrative Issuances, 441 4th Street, N.W., Suite 520S, Washington, D.C. 20001, email at victor.reid@dc.gov, or via telephone at (202) 727-5090.