

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

TIME AND PLACE: **Thursday, February 13, 2020, @ 6:30 p.m.**
Jerrily R. Kress Memorial Hearing Room
441 4th Street, N.W., Suite 220-South
Washington, D.C. 20001

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

CASE NO. 19-21 (Office of Planning – Text Amendment to Roof Top or Upper Floor Elements Regulations)

THIS CASE IS OF INTEREST TO ALL ANCS

On October 11, 2019, the Office of Planning (“OP”) filed a setdown report that served as a petition to the Zoning Commission (“Commission”) proposing text amendments to the following provisions of the Zoning Regulations (Title 11 of the District of Columbia Municipal Regulations, Zoning Regulations of 2016, to which all references are made unless otherwise specified):

Subtitle D: Residential House (R) Zones

- § 208 – to introduce a new solar energy system protection standard for semi-detached and row buildings in the R zones to mirror a standard currently applied in the RF zones (Subtitle E § 206), including special exception
- § 5206 – to introduce a new special exception standard for relief from § 208

Subtitle E: Residential Flats (RF) Zones

- § 206 – to clarify the solar energy system protection standard – in particular the applicability of the standard to new construction and to modify how interference is measured
- § 5203 – to remove duplicative standards and reorganize for clarity
- § 5206 – to introduce a new special exception provision for relief from § 206

Subtitle U: Use Permissions

- § 301 – to remove duplicative provisions (in favor of Subtitle E §§ 201.4, 205.4, 206, 303, 403, 503, 603, & 5203) and reorganize for clarity
- § 301.2(h) – relocated for clarity to § 301.3
- § 320.2 – to remove duplicative provisions (in favor of Subtitle E §§ 201.4, 205.4, 206, 303, 403, 503, 603, & 5203) and reorganize for clarity
- § 320.2(m) – relocated for clarity to § 301.4

The proposed amendments expand the application of certain regulations, clarify standards, and eliminate duplicative provisions that apply to the protection of rooftop solar energy systems in certain zones. The OP Setdown report requested flexibility to work with the Office of the Attorney General (“OAG”) on the final text.

The proposed text amendment would apply city-wide.

At its regular public meeting held on October 21, 2019, the Commission voted to grant OP's request to set down the proposed text amendment for a public hearing, with flexibility to work with OAG. On December 3, 2019, OP submitted a request to modify the proposed amendment to exclude properties subject to review by the Historic Preservation Review Board or the U.S. Commission on Fine Arts from regulation by the text amendment. At its regular public meeting held on December 9, 2019, the Commission accepted OP's proposed addition.

The complete record in the case, including the OP report and transcript of the 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. Proposed Amendments to Subtitle D, RESIDENTIAL HOUSE (R) ZONES

A new § 208 is proposed to be added to Chapter 2, GENERAL DEVELOPMENT STANDARDS (R), of Subtitle D, RESIDENTIAL HOUSE (R) ZONES, to read as follows:

208 ROOF TOP OR UPPER FLOOR ELEMENTS

208.1 Any new semi-detached or row building, or an alteration or addition to an existing semi-detached or row building, including a roof structure or penthouse (proposed construction), at the time of application, shall not be designed or constructed such that it will significantly interfere with the operation of a solar energy system on an abutting property, subject to the following:

(a) "Time of application" shall mean the earlier of either:

(1) The Department of Consumer and Regulatory Affairs officially accepts as complete the application for the building permit for the proposed construction; or

(2) The Office of Zoning officially accepts as complete an application for zoning relief for the proposed construction;

(b) "Solar energy system" shall mean a solar energy system of at least 2kW in size that, at the time of application, is either:

(1) Legally permitted, installed, and operating; or

(2) Authorized by an issued permit; provided that the permitted solar energy system is operative within six (6) months after the issuance of the solar energy system permit not including grid

interconnection delays caused solely by a utility company connecting to the solar energy system;

(c) “Significantly interfere” shall mean shading of the solar energy system caused solely by the proposed construction that is more than five percent (5%) above the amount of shading for the year preceding the time of application, as determined by a weighted average calculation or other method acceptable to the Zoning Administrator; and

(d) All applications for the proposed construction, whether for a building permit or for zoning relief, must include either:

(1) An affidavit by the applicant stating that there is no solar energy system on an abutting property;

(2) A comparative solar shading study that shows at least shadow depictions for three (3) times a day (9:00 a.m., 12:00 p.m., and 3:00 p.m.) on the solstices and equinoxes for both the year preceding the time of application and the same year showing the impact of the proposed construction, or that meets an alternative minimum standard established by the Zoning Administrator; or

(3) A written agreement executed by the owner of the impacted solar energy system accepting the interference with the solar energy system.

208.2 Relief from the requirements of Subtitle D § 208.1 may be approved by the Board of Zoning Adjustment as a special exception under Subtitle X, Chapter 9, and subject to the conditions of Subtitle D § 5206.

A new § 5206 is proposed to be added to Chapter 52, RELIEF FROM REQUIRED DEVELOPMENT STANDARDS, of Subtitle D, RESIDENTIAL HOUSE (R) ZONES, to read as follows:

5206 SPECIAL EXCEPTION FROM ROOFTOP OR UPPER FLOOR ELEMENTS

5206.1 The Board of Zoning Adjustment may grant relief from the requirements of Subtitle D § 208 as a special exception under Subtitle X, Chapter 9, and subject to the following conditions:

(a) The proposed construction shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular:

- (1) The light and air available to neighboring properties shall not be unduly affected;
 - (2) The privacy of use and enjoyment of neighboring properties shall not be unduly compromised; and
 - (3) The proposed construction, as viewed from the street, alley, and other public way, shall not substantially visually intrude upon the character, scale and pattern of houses along the subject street or alley;
- (b) In demonstrating compliance with paragraph (b), the applicant shall use graphical representations such as plans, photographs, or elevation and section drawings sufficient to represent the relationship of the propose construction to adjacent buildings and views from public ways; and
 - (c) The Board of Zoning Adjustment may require special treatment in the way of design, screening, exterior or interior lighting, building materials, or other features for the protection of adjacent or nearby properties, or to maintain the general character of a block.

II. Proposed Amendments to Subtitle E, RESIDENTIAL FLATS (RF) ZONES

The title of § 206, ROOF TOP OR UPPER FLOOR ADDITIONS, of Chapter 2, GENERAL DEVELOPMENT STANDARDS (RF), of Subtitle E, RESIDENTIAL FLATS (RF) ZONES, is proposed to be amended as follows:

206 ROOF TOP OR UPPER FLOOR ADDITIONS ELEMENTS

Section 206, ROOF TOP OR UPPER FLOOR ELEMENTS, of Chapter 2, GENERAL DEVELOPMENT STANDARDS (RF), of Subtitle E, RESIDENTIAL FLATS (RF) ZONES, is proposed to be amended as follows:

206.1 ~~In an RF zone district, the following provisions shall apply:~~

~~(a) A Except for properties subject to review by the Historic Preservation Review Board or their designee, or the U.S. Commission of Fine Arts, a roof top architectural element original to the a principal building such as cornices, porch roofs, a turret, tower, or dormers, shall not be removed or significantly altered, including shifting its location, changing its shape or increasing its height, elevation, or size; provided that:~~

(a) For interior lots, not including through lots, the roof top architectural elements shall not include identified roof top architectural elements facing the structure's rear lot line;

(b) For all other lots, the roof top architectural elements shall include identified rooftop architectural elements on all sides of the structure; **and**

~~(b) Any addition, including a roof structure or penthouse, shall not block or impede the functioning of a chimney or other external vent compliant with any District of Columbia municipal code on an adjacent property. A chimney or other external vent must be existing and operative at the date of the building permit application for the addition; and~~

(c) For the purposes of Subtitle E § 206.1, ordinary repairs to a roof top architectural element shall be permitted. Ordinary repairs may include the replacement of an original rooftop architectural element that the Zoning Administrator has determined, based on photographs provided by the owner and other evidence acceptable to the Zoning Administrator, is substantially eroded or damaged, due to no overt actions of the owner or affiliates, and the replacement will be visually indistinguishable from the original in style, dimensions, profile, and appearance when viewed from a public right of way.

206.2 ~~(e) Any new building, or alteration or addition to an existing building, including a roof structure or penthouse (proposed construction) at the time of application, shall not significantly interfere with the operation of an existing a solar energy system of at least 2kW on an adjacent abutting property unless agreed to by the owner of the adjacent solar energy system. For the purposes of this paragraph, the following quoted phrases shall have the associated meanings, subject to the following:~~

(a) “Time of application” shall mean the earlier of either:

(1) The Department of Consumer and Regulatory Affairs officially accepts as complete the application for the building permit for the proposed construction; or

(2) The Office of Zoning officially accepts as complete an application for zoning relief for the proposed construction;

(b) “Solar energy system” shall mean a solar energy system of at least 2kW in size that, at the time of application, is either:

(1) Legally permitted, installed, and operating; or

(2) Authorized by an issued permit; provided that the permitted solar energy system is operative within six (6) months after the issuance of the solar energy system permit not including grid

interconnection delays caused solely by a utility company connecting to the solar energy system;

(c) ~~(1)~~ “Significantly interfere” shall mean ~~an impact shading~~ caused solely by the ~~addition proposed construction~~ that ~~decreases the energy produced by the adjacent solar energy system by~~ is more than five percent (5%) ~~on an annual basis above the amount of shading for the year preceding the time of application,~~ as ~~demonstrated determined~~ by a ~~comparative solar shading study acceptable to~~ weighted average calculation or other method acceptable to the Zoning Administrator; and

~~(2) “Existing solar energy system” shall mean a solar energy system that is, at the time the application for the building permit for the adjacent addition is officially accepted as complete by the Department of Consumer and Regulatory Affairs or an application for zoning relief or approval for the adjacent addition is officially accepted as complete by the Office of Zoning, either:~~

~~(A) Legally permitted, installed, and operating; or~~

~~(B) Authorized by an issued permit; provided that the permitted solar energy system is operative within six (6) months after the issuance of the solar energy system permit not including grid interconnection delays caused solely by a utility company connecting to the solar energy system.~~

(d) All applications for the proposed construction, whether for a building permit or for zoning relief, must include either:

(1) An affidavit by the applicant stating that there is no solar energy system on an abutting property;

(2) A comparative solar shading study that shows at least shadow depictions for three (3) times a day (9:00 a.m., 12:00 p.m., and 3:00 p.m.) on the solstices and equinoxes for both the year preceding the time of application and the same year showing the impact of the proposed construction, or that meets an alternative minimum standard established by the Zoning Administrator; or

(3) A written agreement executed by the owner of the impacted solar energy system accepting the interference with the solar energy system.

206.2 206.3 ~~In an RF zone district, relief~~ Relief from the ~~design~~ requirements of Subtitle E §§ 206.1 and 206.2 may be approved by the Board of Zoning Adjustment as a special

exception under Subtitle X, Chapter 9, and subject to the conditions of Subtitle E § ~~5203.3~~ 5206.

Section 5203, BUILDING HEIGHT, of Chapter 52, RELIEF FROM DEVELOPMENT STANDARDS, of Subtitle E, RESIDENTIAL FLATS (RF) ZONES, is proposed to be amended as follows:

5203.1 The Board of Zoning Adjustment may grant as a special exception under Subtitle X, Chapter 9, and subject to the conditions of this subsection, a maximum building height of up to 40 feet (40 ft.) for a principal residential building and any additions thereto ~~of forty feet (40 ft.)~~ located on a non-alley lot subject to the following conditions:

- ~~(a) — Any addition, including a roof structure or penthouse, shall not block or impede the functioning of a chimney or other external vent on an adjacent property required by any municipal code;~~
- ~~(b) — Any addition, including a roof structure or penthouse, shall not interfere with the operation of an existing or permitted solar energy system on an adjacent property, as evidenced through a shadow, shade, or other reputable study acceptable to the Zoning Administrator;~~
- ~~(c) — A roof top architectural element original to the house such as a turret, tower, or dormers shall not be removed or significantly altered, including changing its shape or increasing its height, elevation, or size;~~
- ~~(e) (a) Any addition~~ The proposed construction shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular:
 - (1) The light and air available to neighboring properties shall not be unduly affected;
 - (2) The privacy of use and enjoyment of neighboring properties shall not be unduly compromised; and
 - (3) The ~~conversion and any associated additions~~ proposed construction, as viewed from the street, alley, and other public way, shall not substantially visually intrude upon the character, scale and pattern of houses along the subject street or alley; ~~and~~
- ~~(f) (b)~~ In demonstrating compliance with paragraph (b), the applicant shall use graphical representations such as plans, photographs, or elevation and section drawings sufficient to represent the relationship of the proposed

construction's height to adjacent buildings and views from public ways; and

(c) The Board of Zoning Adjustment may require special treatment in the way of design, screening, exterior or interior lighting, building materials, or other features for the protection of adjacent or nearby properties, or to maintain the general character of a block.

~~5203.2 The Board of Zoning Adjustment may modify or waive not more than two (2) of the requirements specified in Subtitle E §§ 5203.1(a) through (f) provided, that any modification or waiver granted pursuant to this section shall not be in conflict with Subtitle E § 5203.1(e).~~

~~5203.3 A special exception to the requirements of Subtitle E § 206 shall be subject to the conditions of Subtitle E § 5203.1(b), (c), and (d). If relief is granted from compliance with Subtitle E § 206.1(b) or (c), the special exception shall not be conditioned upon compliance with that same requirement as stated in Subtitle E § 5203.1(b)(3) and (4).~~

~~5203.4 The Board of Zoning Adjustment may require special treatment in the way of design, screening, exterior or interior lighting, building materials, or other features for the protection of adjacent or nearby properties, or to maintain the general character of a block.~~

A new § 5206 is proposed to be added to Chapter 52, RELIEF FROM DEVELOPMENT STANDARDS, of Subtitle E, RESIDENTIAL FLATS (RF) ZONES, to read as follows:

5206 SPECIAL EXCEPTION FROM ROOTOP OR UPPER FLOOR ELEMENTS

5206.1 The Board of Zoning Adjustment may grant special exception relief from the design requirements of Subtitle E § 206 pursuant to Subtitle X, Chapter 9, and subject to the following conditions:

(a) The proposed construction shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular:

(1) The light and air available to neighboring properties shall not be unduly affected;

(2) The privacy of use and enjoyment of neighboring properties shall not be unduly compromised; and

(3) The proposed construction, as viewed from the street, alley, and other public way, shall not substantially visually intrude upon the

character, scale and pattern of houses along the subject street or alley;

- (b) In demonstrating compliance with paragraph (b), the applicant shall use graphical representations such as plans, photographs, or elevation and section drawings sufficient to represent the relationship of the proposed construction to adjacent buildings and views from public ways; and
- (c) The Board of Zoning Adjustment may require special treatment in the way of design, screening, exterior or interior lighting, building materials, or other features for the protection of adjacent or nearby properties, or to maintain the general character of a block.

III. Proposed Amendments to Subtitle U, USE PERMISSIONS

Section 301, MATTER-OF-RIGHT USES (RF), of Chapter 3, USE PERMISSIONS RESIDENTIAL FLATS (RF) ZONES, of Subtitle U, USE PERMISSIONS, is proposed to be amended by revising § 301.2 and adding new §§ 301.3 and 301.4, to read as follows:

- 301.1 The following uses shall be permitted as a matter of right ...
- 301.2 Conversion of an existing non-residential building or structure to an apartment house shall be permitted as a matter of right in an RF-1, RF-2, or RF-3 zone subject to the following conditions:
 - (a) The building or structure to be converted is in existence on the property at the time of filing an application for a building permit; **and**
 - (b) The conversion must meet all applicable development standards, including Subtitle E §§ 201.4, 205.4, and 206.**
 - ~~(b) The maximum height of any addition to the existing structure shall not exceed thirty-five feet (35 ft.);~~
 - ~~(c) There shall be a minimum of nine hundred square feet (900 sq. ft.) of land area per dwelling unit;~~
 - ~~(d) An addition shall not extend farther than ten feet (10 ft.) past the farthest rear wall of any adjoining principal residential building on any adjacent property;~~
 - ~~(e) A roof top architectural element original to the structure such as cornices, porch roofs, a turret, tower, or dormers shall not be removed or significantly altered, including shifting its location, changing its shape or increasing its height, elevation, or size. For interior lots, not including~~

~~through lots, the roof top architectural elements shall not include identified roof top architectural elements facing the structure's rear lot line. For all other lots, the roof top architectural elements shall include identified rooftop architectural elements on all sides of the structure;~~

~~(f) — Any addition, including a roof structure or penthouse, shall not block or impede the functioning of a chimney or other external vent compliant with any District of Columbia municipal code on an adjacent property. A chimney or other external vent must be existing and operative at the date of the building permit application for the addition;~~

~~(g) — Any addition, including a roof structure or penthouse, shall not significantly interfere with the operation of an existing solar energy system of at least 2kW on an adjacent property unless agreed to by the owner of the adjacent solar energy system. For the purposes of this paragraph the following quoted phrases shall have the associated meaning:~~

~~(1) — “Significantly interfere” shall mean an impact caused solely by the addition that decreases the energy produced by the adjacent solar energy system by more than five percent (5%) on an annual basis, as demonstrated by a comparative solar shading study acceptable to the Zoning Administrator; and~~

~~(2) — “Existing solar energy system” shall mean a solar energy system that is, at the time the application for the building permit for the adjacent addition is officially accepted as complete by the Department of Consumer and Regulatory Affairs or an application for zoning relief or approval for the adjacent addition is officially accepted as complete by the Office of Zoning, either:~~

~~(A) — Legally permitted, installed, and operating; or~~

~~(B) — Authorized by an issued permit; provided that the permitted solar energy system is operative within six (6) months after the issuance of the solar energy system permit not including grid interconnection delays caused solely by a utility company connecting to the solar energy system; and~~

~~(h) An apartment house in an RF-1, RF-2, or RF-3 zone converted from a non-residential building prior to June 26, 2015, shall be considered a conforming use and structure, but shall not be permitted to expand, either structurally or through increasing the number of units, unless approved by the Board of Zoning Adjustment pursuant to Subtitle X, Chapter 9, and Subtitle U § 320.3.~~

301.3 An apartment house in an RF-1, RF-2, or RF-3 zone converted from a non-residential building prior to June 26, 2015, shall be considered a conforming use and structure, but shall not be permitted to expand, either structurally or through increasing the number of units, except as provided by Subtitle U § 320.3.

301.4 An apartment house in an RF-1, RF-2, or RF-3 zone that was either converted from a residential building prior to June 26, 2015, or converted pursuant to Subtitle A §§ 301.9, 301.10, or 301.11, shall be considered a conforming use and structure, but shall not be permitted to expand either structurally or through increasing the number of units, except as provided by Subtitle U § 320.2.

Section 320 SPECIAL EXCEPTION USES (RF), of Chapter 3, USE PERMISSIONS RESIDENTIAL FLATS (RF) ZONES, of Subtitle U, USE PERMISSIONS, is proposed to be amended by revising §§ 320.2 and 320.3, to read as follows:

320.1 The uses in this section shall be permitted as a special exception ...

320.2 Conversion of an existing residential building existing on the lot prior to May 12, 1958, to an apartment house, **or the structural expansion or increase in number of units of an existing apartment house deemed a conforming use under Subtitle U § 301.4,** shall be permitted as a special exception in an RF-1, RF-2, or RF-3 zone if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9, **and** subject to the following conditions:

~~(a) — The maximum height of the residential building and any additions thereto shall not exceed thirty-five feet (35 ft.), except that the Board of Zoning Adjustment may grant a special exception from this limit to a maximum height of forty feet (40 ft.) provided the additional five feet (5 ft.) is consistent with Subtitle U §§ 320.2(f) through 320.2(i);~~

(a) The building to be converted or expanded is in existence on the property at the time of filing an application for a building permit;

(b) The fourth (4th) dwelling unit and every additional even number dwelling unit thereafter shall be subject to the requirements of Subtitle C, Chapter 10, Inclusionary Zoning, including the set aside requirement set forth at Subtitle C § 1003.6; **and**

(c) The conversion or expansion must meet all applicable development standards, including Subtitle E §§ 201.4, 205.4, and 206.

~~(e) — There must be an existing residential building on the property at the time of filing an application for a building permit;~~

- ~~(d) — There shall be a minimum of nine hundred square feet (900 sq. ft.) of land area per dwelling unit;~~
- ~~(e) — An addition shall not extend farther than ten feet (10 ft.) past the farthest rear wall of any adjoining principal residential building on any adjacent property;~~
- ~~(f) — Any addition, including a roof structure or penthouse, shall not block or impede the functioning of a chimney or other external vent compliant with any District of Columbia municipal code on an adjacent property. A chimney or other external vent must be existing and operative at the date of the building permit application for the addition;~~
- ~~(g) — Any addition, including a roof structure or penthouse, shall not significantly interfere with the operation of an existing solar energy system of at least 2kW on an adjacent property unless agreed to by the owner of the adjacent solar energy system. For the purposes of this paragraph the following quoted phrases shall have the associated meaning:~~
- ~~(1) — “Significantly interfere” shall mean an impact caused solely by the addition that decreases the energy produced by the adjacent solar energy system by more than five percent (5%) on an annual basis, as demonstrated by a comparative solar shading study acceptable to the Zoning Administrator; and~~
- ~~(2) — “Existing solar energy system” shall mean a solar energy system that is, at the time the application for the building permit for the adjacent addition is officially accepted as complete by the Department of Consumer and Regulatory Affairs or an application for zoning relief or approval for the adjacent addition is officially accepted as complete by the Office of Zoning, either:~~
- ~~(A) — Legally permitted, installed, and operating; or~~
- ~~(B) — Authorized by an issued permit; provided that the permitted solar energy system is operative within six (6) months after the issuance of the solar energy system permit not including grid interconnection delays caused solely by a utility company connecting to the solar energy system;~~
- ~~(h) — A roof top architectural element original to the house such as cornices, porch roofs, a turret, tower, or dormers shall not be removed or significantly altered, including shifting its location, changing its shape or increasing its height, elevation, or size. For interior lots, not including through lots, the roof top architectural elements shall not include~~

~~identified roof top architectural elements facing the structure's rear lot line. For all other lots, the roof top architectural elements shall include identified rooftop architectural elements on all sides of the structure;~~

- ~~(i) Any addition shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular:
 - ~~(1) The light and air available to neighboring properties shall not be unduly affected;~~
 - ~~(2) The privacy of use and enjoyment of neighboring properties shall not be unduly compromised; and~~
 - ~~(3) The conversion and any associated additions, as viewed from the street, alley, and other public way, shall not substantially visually intrude upon the character, scale, and pattern of houses along the subject street or alley;~~~~
- ~~(j) In demonstrating compliance with Subtitle U § 320.2(i) the applicant shall use graphical representations such as plans, photographs, or elevation and section drawings sufficient to represent the relationship of the conversion and any associated addition to adjacent buildings and views from public ways;~~
- ~~(k) The Board of Zoning Adjustment may require special treatment in the way of design, screening, exterior or interior lighting, building materials, or other features for the protection of adjacent or nearby properties, or to maintain the general character of a block;~~
- ~~(l) The Board of Zoning Adjustment may modify or waive not more than three (3) of the requirements specified in Subtitle U §§ 320.2(e) through § 320.2(h) provided, that any modification or waiver granted pursuant to this section shall not be in conflict with Subtitle U § 320.2(i); and~~
- ~~(m) An apartment house in an RF-1, RF-2, or RF-3 zone, converted from a residential building prior to June 26, 2015, or converted pursuant to Subtitle A §§ 301.9, 301.10, or 301.11 shall be considered a conforming use and structure, but shall not be permitted to expand either structurally or through increasing the number of units, unless approved by the Board of Zoning Adjustment pursuant to Subtitle X, Chapter 9, and this section.~~

320.3

~~Conversion of a non-residential building or other structure to an apartment house and not meeting one (1) or more of the requirements of Subtitle U § 301.2, shall be permitted as a special exception in an RF-1, RF-2, or RF-3 zone if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9 subject to the following provisions:~~

- ~~(a) — No special exception relief shall be available from the requirements of Subtitle U § 301.2(a);~~
- ~~(b) — Any addition shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular:~~
- ~~(1) — The light and air available to neighboring properties shall not be unduly affected;~~
 - ~~(2) — The privacy of use and enjoyment of neighboring properties shall not be unduly compromised; and~~
 - ~~(3) — The conversion and any associated additions, as viewed from the street, alley, and other public way, shall not substantially visually intrude upon the character, scale, and pattern of houses along the subject street or alley;~~
- ~~(c) — In demonstrating compliance with Subtitle U § 320.3(b), the applicant shall use graphical representations such as plans, photographs, or elevation and section drawings sufficient to represent the relationship of the conversion and any associated addition to adjacent buildings and views from public ways; and~~
- ~~(d) — The Board may require special treatment in the way of design, screening, exterior or interior lighting, building materials, or other features for the protection of adjacent or nearby properties, or to maintain the general character of a block.~~

The structural expansion or increase in number of units of an existing apartment house deemed a conforming use under Subtitle U § 301.3 shall be permitted as a special exception if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9, provided that the expansion meets all applicable development standards, including Subtitle E §§ 201.4, 205.4, and 206.

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.*

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

How to participate as a witness – oral presentation

Interested persons or representatives of organizations may be heard at the public hearing. All individuals, organizations, or associations wishing to testify in this case are encouraged to inform OZ of their intent to testify prior to the hearing date. This can be done by mail sent to the address stated below, 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 |

Pursuant to Subtitle Z § 408.4, the Commission may increase or decrease the time allowed above, in which case, the presiding officer shall ensure reasonable balance in the allocation of time between proponents and opponents.

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 mail to 441 4th Street, N.W., Suite 200-S, Washington, DC 20001; by e-mail to zsubmissions@dc.gov; or by fax to (202) 727-6072. Please include the case number on your submission.

“Great weight” to written report of ANC

Subtitle Z § 406.2 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 § 406.3, 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 ከስፈለገዎት ወይም የቋንቋ እርዳታ አገልግሎቶች (ትርጉም ወይም ማስተርጎም) ከስፈለገዎት እባክዎን ከስብሰባው አምስት ቀናት በፊት ዚ ሂልን በስልክ ቁጥር (202) 727-0312 ወይም በኢሜል Zelalem.Hill@dc.gov ይገናኙ። እነኚህ አገልግሎቶች የሚሰጡት በነጻ ነው።