

**MEMORANDUM**

**TO:** Sara Bardin, Director, Office of Zoning  
**FROM:** <sup>JLS</sup> Jennifer Steingasser, Deputy Director, Historic Preservation and Development Review  
**DATE:** April 20, 2018  
**SUBJECT:** Zoning Commission Case No. 08-06A (P)  
Request for Consent Calendar consideration of technical corrections and minor modifications to DCMR 11 Zoning Regulations as adopted in Case 08-06A

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**RECOMMENDATION**

The Office of Planning recommends that the Commission make the attached technical corrections and minor modifications to the Zoning Regulations as approved in case 08-06A, and respectfully requests that the matter be placed on the April 30, 2018 consent calendar pursuant to Z § 703 of the Commission's rules.

The proposed technical corrections and modifications represent an effort to clarify language; make the language consistent with existing text, or between Subtitles and chapters; or correct wrong number citations. The explanation of the modifications or correction is in blue, followed by a brief description for the public notice, and the third paragraph is the proposed text correction.

The Office of Planning will work with Office of Attorney General to refine the language prior to notice if necessary.

	Section	Correction
<b>Item</b>	<b>Subtitle C – Production Distribution and Repair (PDR) Zones</b>	
1	C § 710.2	<p><b>LOCATION RESTRICTIONS - Correct a typographical error.</b></p> <p>Correct last word in Subtitle C § 710.2(b)(1) by replacing “lone” with “line” as follows:                      710.2 Vehicle parking spaces shall be located:                      ...                      (b) On an open area of the lot, except:                      (1) Between a building restriction line and a front lot <del>lone</del> <u>line</u>;                      ...</p>
	<b>Subtitle J – Production Distribution and Repair (PDR) Zones</b>	
2	J § 400	<p><b>GENERAL PROVISIONS - Clarify language to reflect Subtitle format of ZR16.</b></p> <p>Section 400.1 is amended to change “chapter” to “Subtitle” as follows.                      400.1 Exceptions to the development standards of this <del>chapter</del><u>Subtitle</u> shall be permitted as a special exception if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9.</p>
	<b>Subtitle K – Special Purpose</b>	
3	K § 305.2	<p><b>HEIGHT (USN) - Correct reference to appropriate chapter.</b></p> <p>Section 305.2 is amended to replace the reference to Subtitle C, Chapter 5 to Subtitle B, Chapter 3 as follows:                      305.2 The measurement of building height shall be taken from the elevation of the sidewalk on H Street at the middle of the front of the building, to the highest point of the roof or parapet rather than from grade as would otherwise be required by Subtitle <del>C</del><u>B</u>, Chapter <del>5</del><u>3</u>.</p>
4	K § 505.10	<p><b>DEVELOPMENT STANDARDS (CG-5) - Correct reference to appropriate section.</b></p> <p>Section 505.10 is amended to replace the reference to K § 505.8 to K § 505.9 as follows:                      505.10 In the case of an alteration affecting the amount of light and ventilation required in an existing building in an R, RF, or RA zone by other municipal law or regulation, no legally required window shall be permitted to open onto a court that does not comply with the dimensions given in Subtitle K § 505.<del>8</del><u>9</u>.</p>
5	K § 509.1	<p><b>USE REQUIREMENTS FOR DESIGNATED STREETS (CG) - Incorrect reference.</b></p> <p>Section 509 is amended to include the correct quadrant for First Street as follows.                      509.1 Preferred use requirements shall apply only to the following designated streets:                      (a) M Street, S.E. or S.W.;</p>

	Section	Correction
		(b) Half Street, S.E.; and (c) First Street, <del>S.E. S.W.</del>
6	K § 510.1	<p><b>DESIGN REQUIREMENTS FOR DESIGNATED STREETS (CG) - Revise to clarify that Square 649 is zoned D-5 and not zoned CG.</b></p> <p>Section 510.1 is amended to delete the reference to Square 649 as follows.</p> <p>510.1 The following design requirements shall apply to the portion of a building or structure with frontage on designated streets as noted:</p> <p>...</p> <p>(b) South Capitol Street:</p> <p>(1) Each new building or structure located on South Capitol Street shall be set back for its entire height and frontage not less than fifteen feet (15 ft.), with the exception of a:</p> <p>(A) Buildings within Squares <del>649 and</del> 651; and</p> <p>...</p> <p>(2) A minimum of sixty percent (60%) of the street-wall shall be constructed on the setback line, with the exception of:</p> <p>(A) Buildings within Squares <del>649 and</del> 651 where a minimum of sixty percent (60%) of the street-wall shall be constructed to the South Capitol Street property line; and</p> <p>...</p>
7	K § 512.3	<p><b>ZONING COMMISSION REVIEW OF BUILDINGS, STRUCTURES, AND USES (CG) - Correct spelling.</b></p> <p>Section 512.3(a) is amended to correct the spelling of “Capital” to “Capitol” as follows:</p> <p>512.3 In addition to proving that the proposed use, building, or structure meets the standards set forth in Subtitle X and the relevant provisions of this chapter, an applicant requesting approval under this section shall prove that the proposed building or structure, including the sitting, architectural design, site plan, landscaping, sidewalk treatment, and operation, will:</p> <p>(a) Help achieve the objectives of the <del>Capitaol</del> Gateway defined in Subtitle K § 500.1,</p> <p>(b) ...</p>
<b>Subtitle U – Use Permissions</b>		
8	U § 251.6	<p><b>HOME OCCUPATION USES (R) - Clarify language.</b></p> <p>Revise § 251.6 by rephrasing the text as follows:</p> <p>251.6 A home occupation that is <del>not</del> <b>neither</b> permitted <del>or is</del> <b>nor</b> prohibited in this chapter may be permitted as a special exception by the Board of Zoning Adjustment under Subtitle X, subject to the following conditions:</p>

	Section	Correction
		...
9	U § 320.2	<p><b>SPECIAL EXCEPTION USES (RF) - Clarify language.</b></p> <p>Conversion of an existing residential building existing <b>on the lot</b> prior to May 12, 1958, to an apartment house 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 conditions:</p> <p>...</p>
10	U § 700.2	<p><b>MATTER-OF-RIGHT USES (ARTS and D) - Correct grammar.</b></p> <p>Section 700.2 is amended as follows to ensure consistency with U § 700.3</p> <p>700.2 In the ARTS-1 and ARTS-2 zones, <b>the arts uses</b> of this chapter shall be permitted as a matter of right in addition to the MU-Use Group E standards of Subtitle U, Chapter 5, subject to the limitations and conditions of this chapter.</p>
<b>Subtitle X – General Procedures</b>		
11	X § 101.1	<p><b>CAMPUS PLANS – missing reference to Subtitle X Chapter 9.</b></p> <p>Clarify language to reference the general special exception standard consistent with ZR 58.</p> <p>Section 101.1 is amended to include a reference to Subtitle X, Chapter 9, as follows.</p> <p>101.1 Education use by a college or university shall be permitted as a special exception subject to review and approval by the Zoning Commission <b>under Subtitle X, Chapter 9</b> after its determination that the use meets the applicable standards and condition of this chapter.</p>
12	X § 303.2	<p><b>PLANNED UNIT DEVELOPMENT FLEXIBILITY - Clarify language.</b></p> <p>Revise § 303.2 to clarify the ability to aggregate FAR in a PUD as follows:</p> <p>303.2 If the PUD includes more than one (1) <del>building zone district</del>, the FAR of all buildings shall not exceed the aggregate of the FAR as permitted in the <del>several zone district or</del> districts included within the PUD area, <b><u>as that maximum may be increase by X § 303.3.</u></b></p>
13	X § 305.5	<p><b>PLANNED UNIT DEVELOPMENT PUBLIC BENEFITS - Clarify language.</b></p> <p>Delete redundant language in § 305.5 as follows:</p> <p>305.5 Public benefits of the proposed PUD may be exhibited and documented in any of the following or additional categories:</p> <p>...</p> <p>(i) Social services and facilities for the duration of the PUD, including, but not limited to, space dedicated for a day care or elderly care facility, <del>for the duration of the PUD.</del> The day care must be available to the general public and open during normal business hours at least five (5) days each week and fifty (50)</p>

	Section	Correction
		<p>weeks each calendar year. The space for each child shall be based on the requirement outlined in the Child Development Facilities Regulations;</p> <p>...</p>
14	X § 601.1	<p><b>APPLICABILITY – clarify language</b></p> <p>Section 601.1 is amended to clarify where Design Review is required and the applicable standards as follows:</p> <p>601.1 In certain zones <b>identified in Subtitle K</b>, some or all development may require design review. The <del>zone reference table for Subtitles</del> will reference <del>any conditions</del> <b>the circumstances</b> under which design review is required <b>and indicate the standards to be satisfied in addition to those stated in Section 604 of this Chapter.</b></p>
15	X § 604.1	<p><b>DESIGN REVIEW STANDARDS – clarify language</b></p> <p>Section 604.1 is amended to clarify the applicable standards for Design Review contemplated in Subtitle I and K as follows:</p> <p>604.1 The Zoning Commission will evaluate and approve or disapprove a design review application according to the standards of this section and, if applicable to the <b>subarea or</b> zone, standards set forth in Subtitles <b>I and K</b>.</p>
16	X § 1001.3	<p><b>VARIANCE TYPES - Incorrect reference.</b></p> <p>Section 1001.3 is amended to correct the reference to Subtitle U rather than Subtitle E as follows.</p> <p>1001.3 Examples of area variances are requests to deviate from:</p> <p>(a) Requirements that affect the size, location, and placement of buildings and other structures such as height and FAR;</p> <p>...</p> <p>(f) Preconditions to the establishment of a matter-of-right use including, but not limited to, the minimum land area requirement of Subtitle <del>E § 600.3</del> <b>U § 301.2(c)</b> applicable to the conversion of a building to an apartment house as permitted by Subtitle <del>E § 600.1</del> <b>U § 301.2</b>; provided, that the waiver would not cause the proposed use to meet the definition of a more intense use.</p>
<b>Subtitle Y – Board of Zoning Adjustment Rules of Practice and Procedure</b>		
17	Y § 301.6	<p><b>CHANCERY APPLICATION REQUIREMENTS - Incorrect reference.</b></p> <p>Section 301.6 is amended to correct the reference to refer to Subtitle Y rather than Subtitle X as follows.</p> <p>301.6 If the application is for a location in a low- to medium-density residence zone, a written statement by the applicant attesting to:</p> <p>...</p> <p>(c) A copy of each certificate of occupancy referenced in Subtitle <del>X § 204.6(b)</del> <b>Y § 301.6(b).</b></p>
18	Y § 301.10	<p><b>CHANCERY APPLICATION REQUIREMENTS - Incorrect reference.</b></p>

	<b>Section</b>	<b>Correction</b>
		Correct the reference to refer to Subtitle Y rather than Subtitle X as follows. 301.10 Except as provided in Subtitle <del>X</del> § 204.12 <u>Y § 301.13</u> , all statements...