Z.C. Form #4 (6-94)

ZONING COMMISSION OF THE DISTRICT OF COLUMBIA

APPLICATION TO AMEND THE TEXT OF THE ZONING REGULATIONS

Before filling out this form see the instructions on the reverse side.
Print or type all information unless otherwise indicated.

In accordance with the provisions of Section 102 of the Zoning Regulations, request is hereby made for an amendment to the text of the Zoning Regulations as follows:

Existing Language (include Section or Paragraph Number):

– Building Permits –
Please see attached.

Proposed Language:

Please see attached.

The above information and attached documents are true to the best of my knowledge:

Alma H. Gates
Applicant's Signature

9/12/05
Date

Alma H. Gates
Applicant's Printed Name

Applicant's Filing Status (Check One):

Chair, ANC 5D — Owner of Property
District of Columbia Department
Federal Government Department

Person to be notified of all actions:

Rachel W. Thompson
Name

202/364-1384
Telephone Number

5835 Sherrier Place, NW Washington DC 20016
Address — Zip Code

DO NOT WRITE BELOW THIS LINE

Date Received:

ZONING COMMISSION
CASE No 05-33
EXHIBIT No. 1

Date Accepted: 9/23/05

Z.C. Case No. 05-33

ZONING COMMISSION
District of Columbia
CASE NO.05-33
EXHIBIT NO.1

INSTRUCTIONS

Any request for an amendment to the text of the Zoning Regulations that is not completed in accordance with the following instructions cannot be accepted. Applications shall be filed in the Office of Zoning, Suite 210, 441 Fourth Street, N.W., Washington, D.C. 20001. Applications will be received between the hours of 8:30 a.m. and 3:30 p.m., Monday through Friday. Applications will not be accepted until they have been reviewed by the Secretary to the Zoning Commission, to insure that they are complete. Applicants will be notified by mail when their applications are accepted.

A completed application shall consist of the following:

1. The original Zoning Commission Form No. 4, properly completed and signed by the applicant. In addition to the original form, submit twenty (20) copies.

2. Twenty (20) copies of a statement clearly setting forth the reasons for the requested text amendment. Additional information, exhibits, or photographs may be attached, if desired, provided they are no larger than this form.

3. Non-refundable filing fee for $250.00 (make check or money order payable to the D.C. Treasurer; no cash).

All applications that are accepted for filing will be processed in accordance with Chapter 30 of the District of Columbia Municipal Regulations (DCMR), Title 11, Zoning (Rules of Practice and Procedure before the Zoning Commission for the District of Columbia).

Government of the District of Columbia
ADVISORY NEIGHBORHOOD COMMISSION 3D
Post Office Box 40846, Palisades Station
Washington, DC 20016

2005 SEP 15 AM 9 28

To:	District of Columbia Zoning Commission
From	Advisory Neighborhood Commission 3D
Date:	June 1, 2005
Subject:	Proposed Amendment to DCMR 11 Zoning Regulations. Building Permits

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On behalf of Advisory Neighborhood Commission 3D I respectfully propose the following amendment to Title 11 of the District of Columbia Municipal Regulations

AMENDMENT

In §3202 BUILDING PERMITS, insert the following new sections §3202.8 - §3202.11 regarding application for construction permits on private property.

3202.8 The Department of Consumer and Regulatory Affairs shall prepare a form to be used by owners, architects, architectural firms, construction companies, contractors, or their agents applying for construction permits on private property that will include, but not be limited to, the following information:

Date of application
Address of project
Lot and square numbers
Ward number
Owner of land and/or building(s)
Type of work to be done (Raze, addition, etc.)
Description of project
Size of lot
Lot square footage of construction
Gross floor area
Percentage lot occupancy
Height or proposed height of building measured in feet and inches
Front, side, and rear yard setbacks
Location and size of special trees which may be removed or damaged by construction
Storm water and soil erosion management plan

Inspections

3202.9 The Department of Consumer and Regulatory Affairs shall transmit within two working days a copy of each construction application to the Chairman or other designated officer of the Advisory Neighborhood Commission within which the subject property is located

3202.10 Building permits shall not be approved before thirty (30) days after the date that the affected Advisory Neighborhood Commission receives the application to provide adequate time for the ANC to review and comment on the proposed construction

3202.11 The Department of Consumer and Regulatory Affairs shall give "great weight" to written comments of the Advisory Neighborhood Commission as required by §1-309 10 of the District of Columbia Code.

BASIS FOR RECOMMENDATION

§1-309 10 of the DC Code explains the duties, responsibilities, notice, access to documents, reports, etc relating to the Advisory Neighborhood Commissions.

§1-309.10 (c)(3) provides, "The Department of Consumer and Regulatory Affairs shall ensure that each Advisory Neighborhood Commission is provided at least twice a month by first-class mail with a current list of applications for construction and demolition permits within the boundaries of that Advisory Neighborhood Commission."

This requirement is not being followed at present. Nor do the listings, which are provided by mail on a delayed basis, provide sufficient information to the ANC Commissioners or to private citizens living near or within the vicinity of the proposed construction who may be affected by it

§1-309.10 (d)(3)(A) states, "The issues and concerns raised in the recommendations of the Commission [ANC] shall be given great weight during the deliberations by the government entity. Great weight requires acknowledgment of the Commission as the source of the recommendations and explicit reference to each of the Commission's issues and concerns."

In Chapter 33 of Title 11 DCMR when an application is made to the Board of Zoning Adjustment for a waiver of the zoning regulations, the BZA notifies the ANC with jurisdiction and permits written comment to which the BZA must by law give great weight. Also, Chapter 30 regarding procedures of the Zoning Commission contains provisions for notifying ANCs and provides that their reports be given great weight. This proposed Amendment to the Zoning Regulations extends similar consideration by the DCRA to the ANCs as that currently given by the BZA and the Zoning Commission and anticipated in the DC Code

The existing Application for Construction Permits on Private Property (form BLRA 150) contains most of the information this Amendment would require except size of lot, percentage of lot occupancy, gross floor area, height of building, yard setbacks, and trees to be removed or damaged The current form also contains other information such as cost, elevators, sprinklers, engineer certification, etc. that are not necessary for the ANC to make a determination. However, the inclusion of the additional information will help each ANC - as well as the Office of Zoning -be certain that projects meet the requirements of the DC Municipal Regulations.

Under this Amendment no permit could be approved for 30 days after application. If the DCRA does not hear from an ANC it may assume there is no objection to the permit being granted by the Advisory Neighborhood Commission. If an ANC does object and cites reasonable justification in writing, such complaint must be given "great weight" by the agency to "elaborate, with precision, its responses to issues and concerns." (Kopff vs. District of Columbia ABC Board). The permit for construction may not be issued until the matter is resolved

The DCRA can transmit copies of applications in a timely manner to the ANCs by electronic mail or website, facsimile, or through the postal service. Although not required by this Amendment the Zoning Office should give priority to requests by ANC commissioners to review architectural plans in their effort to determine the legality and suitability of new construction and to review raze notices as they might pertain to structures that are considered culturally, historically or architecturally important.

The commissioners of ANC 3D recommend approval of these amendments to 11DCMR.

Respectfully submitted,

Alma H. Gates

Alma H. Gates, ANC Chairperson

7-0-0 6/1/05

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Vote of Commissioners

9/12/05

Date