

GOVERNMENT OF THE DISTRICT OF COLUMBIA

Office of Zoning

2007 MAY 16 PM 3:42



MEMORANDUM

**To:** Office of Documents and Administrative Issuance

**From:** Sharon S. Schellin <sup>3</sup>  
Secretary to the Zoning Commission

**Date:** May 16, 2007

**Re:** Publication for the Office of Zoning

Please publish the following in the *D.C. Register* on May 25, 2007:

1. Z.C. Notice of Public Hearing (Case No. 06-48);
2. Z.C. Notice of Public Hearing (Case No. 07-09);
3. Z.C. Notice of Public Hearing (Case No. 07-15);
4. Z.C. Notice of Proposed Rulemaking (Case No. 06-47); and
5. Z.C. Notice of Proposed Rulemaking (Case No. 07-03).

Attachment

ZONING COMMISSION  
District of Columbia

CASE NO. 06-47  
EXHIBIT NO. 18

441 4<sup>th</sup> Street, N.W., Suite 200/210-S, Washington, D.C. 20001

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ZONING COMMISSION  
District of Columbia  
CASE NO. 06-47  
EXHIBIT NO. 18

## RULEMAKING TRANSMITTAL FORM

2007 MAY 16 PM 3:43

TYPE OF RULEMAKING ACTION: ☐ EMERGENCY RULES  
☒ FINAL RULES ☒ PROPOSED RULES ☐ COMBINED

**DATE AND TIME RECEIVED**

Office of Documents use only

**AGENCY:** OFFICE OF ZONING

**AGENCY REPRESENTATIVE:** SHARON SCHELLIN

**ADDRESS:** 441 4<sup>th</sup> Street, N.W., Suite 210 South **TELEPHONE:**

**TITLE AND DESCRIPTION OF RULES:** Z.C. Case No. 06-47: Text Amendment – 11 DCMR: Minimum Lot Area and Lot Occupancy Requirements for Apartment Houses in the R-4 Zone District

If this rulemaking action will amend or repeal existing rules, give a complete citation to the rules being amended or repealed: Title 11 (Zoning) Sections 330, 401, and 403.

**FINAL RULES ONLY:** Give the D.C. REGISTER citation and date of publication of the Notice of Proposed Rulemaking for these rules: DCR DATE:

**COMPLETE CITATION** to the statute, regulation, or other legal authority which specifically authorizes the issuance of the substance of these rules: Section 1 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797, 799 D.C. Official Code § 6-641.01).

**LEGAL CERTIFICATION:** I certify that I have reviewed the attached rulemaking and, in my opinion, the substance of the text of the rules is legally sufficient.

**DATE:** MAY 15, 2007

**SIGNED:** *Al Br...*

**PHONE:** (202) 442-9777

☒ FINAL

☐ CONDITIONAL

**NAME:** LINDA SINGER

**TITLE:** ATTORNEY GENERAL

**PROMULGATOR:** Name and title of the person legally authorized to adopt and promulgate these rules (or the name of the board or other body authorized to adopt rules by vote)  
Zoning Commission For The District Of Columbia **Title:**

**COMPLETE CITATION** to the statute, regulation, order, or other legal authority that specifically authorizes this person or agency to adopt and promulgate these rules. Section 1 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797, 799 D.C. Official Code § 6-641.01).

**SIGNATURE OF THE PERSON AUTHORIZED TO ADOPT RULES OR ATTEST TO THE ADOPTION OF RULES**

**DATE OF  
APPROVAL  
OF VOTE:**

*5-14-07*

**APPROVAL  
OF ATTEST:**

*Sharon J. Schellin*

Secretary to the Zoning

**TITLE:** Commission

**PHONE:** (202) 727-0340

Office of Documents  
use only:

**THIS NOTICE  
PUBLISHED AT:**

**VOL:**

**DCR:**

**DATE:**

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA**  
**NOTICE OF PROPOSED RULEMAKING**  
**Z.C. Case No. 06-47**  
**(Text Amendment – 11 DCMR)**  
**Minimum Lot Area and Lot Occupancy Requirements for**  
**Apartment Houses in the R-4 Zone District**

The Zoning Commission for the District of Columbia, pursuant to its authority under § 1 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797, as amended; D.C. Official Code § 6-641.01 (2001 ed.)), hereby gives notice of its intent to amend Chapters 3 and 4 of the Zoning Regulations (Title 11 of the District of Columbia Municipal Regulations (DCMR)). The proposed amendments clarify that the number of apartment units in existing apartment houses located in the R-4 Zone District may not be increased unless there is 900 square feet of lot area for each unit (whether new or existing). The proposed amendments also impose a lot occupancy limit for buildings or structures converted to apartment houses in the R-4 Zone District. The requested amendments amend §§ 330.5(c), 401.3, and 403.2 and adds a new § 401.11 of the Zoning Regulations.

Final rulemaking action shall be taken in not less than thirty (30) days from the date of publication of this notice in the D.C. Register

The following rulemaking action is proposed:

Title 11 DCMR is amended as follows. New text is shown in **bold and underline** and deleted text is shown with ~~striketrough~~:

A. Chapter 3, R-2, R-3, R-4, AND R-5 RESIDENCE DISTRICT USE REGULATIONS, subsection 330.5 (c), is amended to read as follows:

330.5 The following uses shall be permitted as a matter of right in an R-4 District:

....

(c) The conversion of a building or other structure existing before May 12, 1958, to an apartment house as limited by §§ ~~350.4(e) and 401.3~~ **and 403.2**;

B. Chapter 4, RESIDENCE DISTRICT: HEIGHT, AREA AND DENSITY REGULATIONS, is amended as follows:

1. The table in § 401.3 is amended to read as follows:

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ZONE DISTRICT AND STRUCTURE	MINIMUM LOT AREA (square feet)	MINIMUM WIDTH OF LOT (feet)
R-4 Conversion <u>of a building or structure</u> to <u>an</u> apartment house	900/apartment or bachelor apartment	None prescribed

2. The table in § 403.2 is amended to read as follows:

ZONE DISTRICT AND STRUCTURE	MAXIMUM PERCENTAGE OF LOT OCCUPANCY
R-4 <del>Conversion to multiple dwelling</del> <u>Conversion of a building or structure to an apartment house</u>	<del>None prescribed</del> <u>Greater of 60% or the lot occupancy as of the date of conversion</u>

3. Add a new subsection 401.11 to read as follows:

**401.11** **An apartment house in an R-4 District, whether converted from a building or structure pursuant to § 330.5 or existing before May 12, 1958, may not be renovated or expanded so as to increase the number of dwelling units unless there is 900 square feet of lot area for each unit, both existing and new.**

All persons desiring to comment on the subject matter of this proposed rulemaking action should file comments in writing no later than thirty (30) days after the date of publication of this notice in the D.C. Register. Comments should be filed with Sharon Schellin, the Secretary of the Zoning Commission, Office of Zoning, Suite 200, 441 4th Street, N.W., Washington, D.C., 20001. Please include the number of this particular case and your daytime telephone number. Copies of this proposed rulemaking may be obtained at cost by writing to the above address. **FOR FURTHER INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311.**