

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission



May 16, 2007

Via E-Mail & U.S. Mail:

Patricia E. Gallagher, AICP
Executive Director
National Capital Planning Commission
401 9th Street, N.W., Suite 500
Washington, D.C. 20004

Re: Notice of Proposed Actions: May 14, 2007

Dear Ms. Gallagher:

At the public meeting held on May 14, 2007, the Zoning Commission for the District of Columbia took proposed action to approve the following cases:

- A. Z.C. Case No. 03-12C/03-13C (Square 769 LLC and the D.C. Housing Authority - 2nd Stage PUD)
- B. Z.C. Case No. ~~06-47~~ (Text Amendment - Minimum lot area and lot occupancy requirements for Apartment Houses in the R-4 Zone District) – proposed rulemaking attached.
- C. Z. C. Case No. 07-03 (Text Amendment – Minimum lot dimensions in the Residential Districts) – proposed rulemaking attached.
- D. Z.C. Case No. 06-35 (CESC 1229-1231 TRS, Inc. - Consolidated PUD @ 1227-1231 25th Street, N.W.)

The proposed decision of the Commission to approve the above-mentioned cases are referred to the National Capital Planning Commission (NCPC) for review and comment, pursuant to the District of Columbia Home Rule Act of 1973, as amended, 87 Stat. 790, Pub. L. No. 93-198, D.C. Code Section 1-201 et seq.

ZONING COMMISSION
District of Columbia

CASE NO. 0647

EXHIBIT NO. 19

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

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The Zoning Commission plans to take final action on these applications at its July 9, 2007 public meeting. Please provide your comments at your earliest convenience. If you have any questions, contact me at the Office of Zoning on (202) 727-6311.

Sincerely,

A handwritten signature in cursive script, reading "Sharon S. Schellin". The signature is written in black ink and is positioned above the printed name and title.

Sharon S. Schellin
Secretary to the Zoning Commission

cc: David W. Levy (via e-mail)
Christine Saum (via e-mail)
Marjorie Marcus (via e-mail)

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 to 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 Conversion to multiple dwelling Conversion <u>of a building or structure to an apartment house</u>	None prescribed <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.**