

MEMORANDUM

TO: Sara Bardin, Director, Office of Zoning
FROM: *JL for* Jennifer Steingasser, Deputy Director, Historic Preservation and Development Review
DATE: June 8, 2016
SUBJECT: Zoning Commission Case No. 08-06A
Request for Consent Calendar consideration of a technical corrections to DCMR 11 Zoning Regulations as adopted in Case 08-06A

1. LATE FILING REQUEST

This Office of Planning report is being submitted less than ten (10) days prior to the Zoning Commission's Public Meeting. The Office of Planning respectfully requests that the Commission waive its rule and accept this report into the record.

2. REQUEST FOR REDUCTION IN THE NORMAL COMMENT PERIOD

OP requests a reduction in the normal comment period to fourteen days if needed to ensure that the Commission can take final action at its July 25th meeting. This is the only way to assure that the corrections can take effect on September 6, 2016, the effective date of the 2016 Regulations. If the notice of proposed rulemaking exceeds 25 pages, the Office of Documents and Administrative Issuances, which issues the District of Columbia Register, may take more than the normal one-week period to publish the notice. If less time turns out to be needed, the normal 30 day comment period, or a 21 day comment period will be used. D.C. Official Code 2-509 (a) allow for a comment period of less than 30 days "upon good cause found."

3. OP RECOMMENDATION

OP recommends that the Commission make the attached technical corrections and minor modifications to Zoning Regulations as approved in case 08-06A, and respectfully requests that the matter be placed on the June 13, 2016 consent calendar pursuant to § 3030 of the Commission's rules.

The following table represents the second group of minor modifications and technical corrections to the 2016 Zoning Regulations. 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.

Some of the modifications represent an effort to make the language consistent with existing text, or between Subtitles and chapters, some are corrections of wrong number citations, and some represent language that was either inadvertently omitted or misstated.

Section	Correction
Subtitle A – Authority and Applcability	
A § 102.4	VESTED RIGHTS UNDER THE PREVIOUS 1958 ZONING REGULATIONS, AS AMENDED – The vesting language should be clarified. Subtitle A § 102.4 is amended as follows: 102.4 Any proposed amendment or modification to a vested project identified within this section <u>that cannot be granted by the Zoning Administrator as a deviation permitted by Subtitle A § 304 or as a minor modification permitted by Subtitle X § 311.6 shall conform with the 2016 Regulations and if no building permit has been issued for the vested project, the entire project must conform with the 2016 Regulations be reviewed in the context of the general purpose and intent of the 2016 Regulations and shall not be inconsistent with the general purpose and intent of the initial approval.</u>
Subtitle B – Definitions, Rules of Measurement, and Use Categories	
B § 100.2	Lot, Alley – The definition should be revised to reflect the ability to create new alley record lots under ZR 16. Subtitle B § 100.2 definition for Lot, Alley is amended as follows: Lot, Alley: A lot that faces or abuts an alley that does not face or abut a street at any point, and that is recorded on the records of the Office of the Surveyor or the Office of Tax and Revenue on or before November 1, 1957.
B § 100.2	HEIGHT, FLOOR-TO-CEILING CLEAR – The Zoning Commission approved changes to the definition as part of Case 12-13; this included a method of calculation which was inadvertently not brought forward into the Subtitle B Chapter 3 Rules of Measurement. Move partial method of calculation from the definition and add a reference to the method in the definition; and add the method of calculation to Subtitle B Chapter 3. Subtitle B § 100.2 definition for Height, Floor-to-Ceiling is amended as follows: <u>Height, Floor-to-Ceiling Clear: The vertical distance measured from the finished floor to the underside of the finished ceiling. See Subtitle B § 328.</u> that is unobstructed by any of the following: (a) Elements of the building structure other than columns and walls; (b) Components of mechanical, plumbing, or fire suppression systems; or (c) Components of electrical systems other than lighting fixtures. If the ceiling is not finished, the distance shall be measured to the lowest point of any of the structural elements of systems referenced in (a), (b), or (c) above. New 328 Subtitle B § Chapter 3 GENERAL RULES OF MEASUEMENT is amended by adding a new Section 328 RULES OF MEASUREMENT FOR FLOOR TO CEILING CLEAR HEIGHT as follows: <u>328 RULES OF MEASUREMENT FOR MEASUREMENT FOR FLOOR TO CEILING CLEAR HEIGHT</u> <u>328.1 The upper point of the measurement is the finished ceiling that is unobstructed by any of the following</u> (a) <u>Elements of the building structure, other than columns and walls;</u> (b) <u>Components of mechanical, plumbing, or fire suppression systems; or</u> (c) <u>Components of electrical systems, except lighting fixtures.</u> <u>328.2 If the ceiling is not finished, the distance shall be measured to the lowest point of any of</u>

Section	Correction
	<u>the structural elements of systems referenced in Subtitle B § 328.1 (a), (b) or (c).</u> 328.2 <u>For all stories above the ground level and for a ground story for which there is no clear height requirement, the bottom point of the measurement shall be the level of the finished floor. For a ground story subject to minimum clear height requirements, the bottom measuring point for clear height shall be the level of the curb opposite the middle of the building’s frontage on the street from which the building draws its clear height requirement.</u>
B § 308	RULES OF MEASUREMENT FOR BUILDING HEIGHT: R, RF, AND RA ZONES Subtitle B §§ 308 and 308.1 should include other zones. Subtitle B § 308 is amended as follows: 308 RULES OF MEASUREMENT FOR BUILDING HEIGHT: R, RF, AND RA, <u>RC-1, CG-1, AND D-1</u> ZONES 308.1 The height of buildings, not including a penthouse, in R, RF, and RA, <u>RC-1, CG-1, and D-1</u> zones shall be measured in accordance with the rules provided in this section. If more than one (1) of these subsections applies to a building, the rule permitting the greater height shall apply.
Subtitle C – General Rules	
C §§ 201.1 and 201.3	NONCONFORMITY PROVISIONS Sections 201.1 and 201.3 omit the word “zone.” Subtitle C §§ 201.1 and 201.3 are amended as follows: 201.1 Except as otherwise permitted in this chapter, nonconforming structures or uses may not be enlarged upon, expanded, or extended, nor may they be used as a basis for adding other structures or uses prohibited elsewhere in the same zone district. ... 201.3 It is necessary and consistent with the establishment of the separate zone districts under this title that all uses and structures incompatible with permitted uses or structures shall be regulated strictly and permitted only under rigid controls, to the extent permitted by the Zoning Act of 1938.
C § 301	SUBDIVISION PROVISIONS The section title should be renamed to Substandard Lots. Subtitle C § 301 is amended as follows: 301 SUBDIVISION PROVISIONS SUBSTANDARD LOTS
C § 1504	PENTHOUSE PROVISIONS Special exception standards inadvertently expanded to include provisions not originally covered. Subtitle C § 1504.1 is amended as follows: 1504.1 Relief to the requirements of this chapter other than Subtitle C § 1501 penthouse height Subtitle C §§ 1506 – 1500.10 and 1502 may be granted as a special exception by the Board of Zoning Adjustment subject to Subtitle X, Chapter 9 and subject to the following considerations:
Subtitle D – Residential House (R) Zones	
D § 700.1(d)	PURPOSE AND INTENT Section 700.1(d) erroneously hyphenated “Vice President’s”. Subtitle C § 700.1(d) is amended as follows: 700.1 The purposes of the Naval Observatory Residential House zones (R-12 and R-13) are to: ...

Section	Correction
	(d) Provide additional controls on private land to protect Federal interest concerns, including the critical scientific mission performed at the Naval Observatory and the security needs of the <u>Vice President's</u> Vice-President's residence; and ...
Subtitle E – Residential Flat (RF) Zones	
E § 302.2	MAXIMUM NUMBER OF DWELLING UNITS Section 302.2 references Subtitle E, Chapter 7, but should reference Subtitle U, Chapter 3. Subtitle E § 302.2 is amended as follows: 302.2 A building or structure existing before May 12, 1958 in the RF-1 zone may be used for more than two (2) dwelling units pursuant to Subtitle E <u>U</u>, Chapter <u>7-3</u>
E § 402.2	MAXIMUM NUMBER OF DWELLING UNITS Section 402.2 contained a misspelled word. Subtitle E § 402 is amended as follows: 402.2 Conversion of an existing existing building or structure existing before May 12, 1958 in the RF-2 zone for more than two (2) dwelling units shall be subject to Subtitle U, Chapter 3.
Subtitle F – Residential Apartment (RA) Zones	
F § 506.5	SIDE YARD Section 506.5 left out a hyphen in the word non-conforming. Subtitle F § 506.5 is amended as follows: 506.5 In the case of a building existing on or before the effective date of this title, with a <u>non-conforming</u> side yard, an extension or addition may be made to the building; provided, that the width of the existing side yard shall not be decreased; and provided further, that the width of the existing side yard shall be a minimum of two feet (2 ft.).
Subtitle G – Mixed-Use (MU) Zones	
New G § 201	Existing provision applicable to all C zones in current regulations to be carried forward –allows the conversion of a pre-existing non-residential building to residential, even if it would exceed permitted FAR. Subtitle G § 201 is amended by relabeling the section and adding a new § 201.1 as follows: 201 [RESERVED] DENSITY – FLOOR AREA RATIO (FAR) <u>201.1 For a building or structure in existence with a valid Certificate of Occupancy prior to November 17, 1978, or for which an application for a building permit was filed prior to November 17, 1978, a conversion of non-residential GFA to residential GFA, even if in excess of otherwise permitted FAR, shall be permitted.</u>
G § 802.1	Remove reference to IZ, which does not apply in this zone. Subtitle G § 802.1 is amended as follows: 802.1 The maximum permitted FAR in the MU-27 zone shall be 2.5 FAR (3.0 with IZ) with a maximum density of 1.5 FAR for non-residential use.
G § 803	1. Add the specific method for height measurement from the current regulation; 2. Add the recently adopted penthouse use limitation from the current regulation. Subtitle G § 803 is amended as follows: 803 HEIGHT 803.1 The maximum permitted building height, not including the penthouse, in the MU-27 zone shall be forty feet (40 ft.), <u>measured as follows:</u>

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	<u>(a) The height of a building shall be the vertical distance measured from the level of the curb opposite the middle of the front of the building to the highest point of the roof or parapet; and</u> <u>(b) The curb elevation opposite the middle of the front of the building shall be determined as the average elevation of the lot from its front line to its rear lot line.</u> 803.2 The maximum permitted height of a penthouse, except as prohibited on the roof of a detached dwelling, semi-detached dwelling, rowhouse, or flat in Subtitle C § 1500.4, shall be twelve feet (12 ft.) except fifteen feet (15 ft.) shall be permitted for penthouse mechanical space, and the maximum number of stories within the penthouse shall be one (1). <u>803.3 The penthouse shall contain no form of habitable space, other than ancillary space associated with a rooftop deck, to a maximum area of twenty percent (20%) of the building roof area dedicated to rooftop deck, terrace, or recreation space.</u>								
G § 804.1	Correct lot occupancy requirement to be consistent with existing restriction. Subtitle G § 804 is amended as follows: 804.1 The maximum permitted lot occupancy for residential use in the MU-27 zone shall be sixty percent (60%) one hundred percent (100%).								
Subtitle H – Neighborhood Commercial (NC) Zones									
New H§ 201.4	Existing provision applicable to all C zones in current regulations to be carried forward –allows the conversion of a pre-existing non-residential building to residential, even if it would exceed permitted FAR. Subtitle H § 201 DENSITY – FLOOR AREA RATIO is amended by adding a new § 201.4 as follows: <u>201.4 For a building or structure in existence with a valid Certificate of Occupancy prior to November 17, 1978, or for which an application for a building permit was filed prior to November 17, 1978, a conversion of non-residential GFA to residential GFA, even if in excess of otherwise permitted FAR, shall be permitted, provided that requirements for ground floor designated uses of Subtitle U §1101 are provided.</u>								
Subtitle I – Downtown (D) Zones									
New I§ 200.7	Existing provision applicable to all C zones in current regulations to be carried forward –allows the conversion of a pre-existing non-residential building to residential, even if it would exceed permitted FAR. Subtitle I § 200 DENSITY – FLOOR AREA RATIO is amended by adding a new § 200.7 as follows: <u>200.7 Within the D-3 through D-8 zones, for a building or structure in existence with a valid Certificate of Occupancy prior to November 17, 1978, or for which an application for a building permit was filed prior to November 17, 1978, a conversion of non-residential GFA to residential GFA, even if in excess of otherwise permitted FAR, shall be permitted, provided that requirements for ground floor designated uses of Subtitle I §601 are provided.</u>								
I § 207.1	COURT REQUIREMENTS The table in § 207.1 contained a misspelled word. The table in Subtitle I § 207.1 is amended as follows: <table><tr><th>Type of Structure</th><th>Minimum Width Open Court</th><th>Minimum Width Closed Court</th><th>Minimum Area Closed Court</th></tr><tr><td></td><td></td><td></td><td></td></tr></table>	Type of Structure	Minimum Width Open Court	Minimum Width Closed Court	Minimum Area Closed Court				
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Section	Correction				
	Residential, more than 3 units	4 in./ ft. of height of court; 10 ft. minimum	4 in./ft. of height of court; 15 ft. minimum	Twice the square of the required width of court dimension; 350 sq. ft. minimum	
	Non-Residential and Lodging	2.5in./ft. of height of court; 6 ft. minimum	2.5 in./ft. of height of court; 12 ft. minimum	Twice the square of the required width of court dimension; 250 sq. ft. minimum.	
I § 210.1(d)	ALLEY LOTS Section 210.1(d) split a word into two words. Subtitle I § 210.1(d) is amended as follows: 210.1 The following development standards shall apply to buildings on alley lots in D zones: ... (d) A building or structure on an alley lot shall be setback at least seven and one-half feet (7.5 ft.) from the centerline of all alleys the alley lot abuts.				
I § 212.6(b)	PARKING REQUIREMENTS AND STANDARDS Section 212.6 contained hyphens in the phrase “matter of right” that should be removed. Subtitle I § 212.6(b) is amended as follows: 212.6 A parking lot, parking garage, or parking spaces at or above grade in a building shall be permitted subject to the following conditions: ... (b) The parking facility shall be permitted as a matter of right matter of right if:				
I § 205.1	REAR YARD Section 205.1 should reference Subtitle B §§ 319 and 320. Subtitle I § 304 is amended as follows: 205.1 Except as provided Subtitle B §§ 318 317 and 319.6 318.6 and in Subtitle I § 205.2, a rear yard shall be provided for each structure located in a D zone, the minimum depth of which yard shall be two and one-half inches (2.5 in.) per one foot (1 ft.) of vertical distance from the mean finished grade at the middle of the rear of the structure to the highest point of the main roof or parapet, but not less than twelve feet (12 ft.).				
I § 206.1	SIDE YARDS Section 206.1 should reference Subtitle B §§ 319 and 320. Subtitle I § 304 is amended as follows: 206.1 No side yard is required for a principal structure in a D zone; however, if a side setback is provided on any portion of the principal building, it shall comply with Subtitle B §§ 321 319 and 322-320 , and shall be at least four feet (4 ft.) wide.				
I § 207.1	COURT REQUIREMENTS The table in § 207.1 contained a misspelled word. The table in Subtitle I § 207.1 is amended as follows:				
	Type of Structure	Minimum Width Open Court	Minimum Width Closed Court	Minimum Area Closed Court	
	Residential, more than 3 units	4 in./ ft. of height of court; 10 ft. minimum	4 in./ft. of height of court; 15 ft. minimum	Twice the square of the required width of court dimension; 350 sq. ft.	

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	Non-Residential and Lodging	2.5in./ft. of height of court; 6 ft. minimum	2.5 in./ft. of height of court; 12 ft. minimum	Twice the square of the required width of court dimension; 250 sq. ft. minimum.
I § 304.1	USES NOT PERMITTED Section 304.1 contained hyphens in the phrase “matter of right” that should be removed. Subtitle I § 304.1 is amended as follows: 304.1 The following uses shall not be permitted as a matter of right matter of right or as a special exception in the D-1-R zone:			
I § 305.8	GENERAL RESIDENTIAL USE REQUIREMENTS Section 305.8 contains redundant wording. Subtitle I § 305.8 is amended as follows: 305.8 Subtitle I, Chapters 8 and 9 of this subtitle contain the regulations for the credit system that applies to residential uses.			
New I § 503.5	HEIGHT(D-1-R) The maximum permitted heights should be clarified and corrected by the following language. Subtitle I § 503 is amended with the addition of a new clarifying section as follows: <u>510.4 The maximum permitted building height, not including the penthouse, of a building without frontage on a street with a right-of-way width of at least ninety feet (90 ft.), and not subject to Subtitle I § 503.3, shall be the width of the street right of way, plus twenty feet (20 ft.).</u>			
I § 509.2	DENSITY – FLOOR AREA RATIO (FAR) (D-2) The typographical error in Section 509.2 that erroneously listed a 7.2 maximum FAR for a D-2-development with Inclusionary Zoning should be corrected to transfer existing 7.2 FAR permissions for the comparable zone in the 1958 regulations. Subtitle I § 509.2 is amended as follows: 509.2 The maximum permitted FAR for a building in the D-2 zone shall be 6.0 for a building not subject to Inclusionary Zoning and 7.8 7.2 FAR for a building that is subject to Inclusionary Zoning.			
I § 510.2	HEIGHT(D-2) The typographical error should be corrected with the insertion of a comma. Subtitle I § 510.2 is amended as follows: 510.2 The maximum permitted building height, not including the penthouse, in the D-3 zone shall be limited to ninety feet (90ft.) on the portion of the site occupied by a historic landmark or a contributing building within a historic district.			
New I § 510.4.	HEIGHT(D-2) The maximum permitted heights should be clarified and corrected by the following language. Subtitle I § 510 is amended with the addition of a new clarifying section as follows: <u>510.4 The maximum permitted building height, not including the penthouse, of a building without frontage on a street with a right-of-way width of at least ninety feet (90 ft.), and not subject to Subtitle I § 510.2, shall be the width of the street right of way, plus twenty feet (20 ft.).</u>			

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New I § 517.4	HEIGHT(D-3) The maximum permitted heights should be clarified and corrected by the following language. Subtitle I § 517 is amended with the addition of a new section as follows: <u>517.4 The maximum permitted building height, not including the penthouse, of a building without frontage on a street with a right-of-way width of at least ninety feet (90 ft.), and not subject to Subtitle I § 510.2, shall be the width of the street right of way, plus twenty feet (20 ft.).</u>										
I § 525.1	HEIGHT(D-4) The maximum permitted heights should be clarified and corrected as shown. Subtitle I § 525.1 is amended as follows: 525.1 With the exception of a building meeting the requirements of Subtitle I § 525.2, the maximum permitted building height, not including the penthouse, for a building in the D-4 zone shall be ninety feet (90 ft.) <u>unless the building does not have frontage on a street with a right-of-way width of at least ninety feet (90 ft.), in which case the maximum permitted building height, not including the penthouse, shall be the width of the street right of way, plus twenty feet (20 ft.).</u>										
I § 532.1	HEIGHT(D-4-R) The maximum permitted heights should be clarified and corrected as shown. Subtitle I § 532.1 is amended as follows: 532.1 The maximum permitted building height, not including the penthouse, in the D-4-R zone shall be: (a) One hundred thirty feet (130 ft.) for a building with frontage on a street with a right-of-way width of at least one hundred ten feet (110 ft.); (b) One hundred twenty feet (120 ft.) for a building with frontage on a street with a right-of-way width of at least one hundred feet (100 ft.), but less one hundred thirty feet (130 ft.); and (c) One hundred ten feet (110 ft.) for a building with frontage on a street with a right-of-way width of at least ninety feet (90 ft.), but less one hundred twenty feet (120 ft.). <table border="1"> <thead> <tr> <th><u>Street Right of Way Width</u></th><th><u>Maximum Permitted Building Height, Not Including Penthouse</u></th></tr> </thead> <tbody> <tr> <td><u>Greater than or equal to one hundred ten feet (110 ft.)</u></td><td><u>130 feet</u></td></tr> <tr> <td><u>Less than one hundred ten feet (110 ft.) but greater than or equal to one hundred feet (100 ft.)</u></td><td><u>120 feet</u></td></tr> <tr> <td><u>Less than one hundred feet (100 ft.) but greater than or equal to ninety feet (90 ft.)</u></td><td><u>110 feet</u></td></tr> <tr> <td><u>Less than ninety feet (90 ft.)</u></td><td><u>No taller than the width of the street right of way, plus 20 feet</u></td></tr> </tbody> </table>	<u>Street Right of Way Width</u>	<u>Maximum Permitted Building Height, Not Including Penthouse</u>	<u>Greater than or equal to one hundred ten feet (110 ft.)</u>	<u>130 feet</u>	<u>Less than one hundred ten feet (110 ft.) but greater than or equal to one hundred feet (100 ft.)</u>	<u>120 feet</u>	<u>Less than one hundred feet (100 ft.) but greater than or equal to ninety feet (90 ft.)</u>	<u>110 feet</u>	<u>Less than ninety feet (90 ft.)</u>	<u>No taller than the width of the street right of way, plus 20 feet</u>
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I § 539.4	DENSITY (D-5) Square 370 is split-zoned D-5 and D-5-R. Because the D-5 portion of the Square does not have a residential requirement there is no need to exempt a hotel in this zone from a residential requirement. That exemption is covered under the D-5-R zone regulations. Subtitle I § 539.4 is amended by deleting it, as follows: 539.4 A building on any lot in Square 370 shall be exempt from minimum residential requirements as long as it has a valid construction permit or certificate of occupancy for a hotel.										

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I § 540.1	HEIGHT(D-5) The maximum permitted heights should be clarified and corrected as shown. Subtitle I § 540.1 is amended as follows: 540.1 The maximum permitted building height, not including the penthouse, in the D-5 zone shall be: (d) One hundred thirty feet (130 ft.) for a building with frontage on a street with a right-of-way width of at least one hundred ten feet (110 ft.); (e) One hundred twenty feet (120 ft.) for a building with frontage on a street with a right-of-way width of at least one hundred feet (100 ft.), but less one hundred thirty feet (130 ft.); and (f) One hundred ten feet (110 ft.) for a building with frontage on a street with a right-of-way width of at least ninety feet (90 ft.), but less one hundred twenty feet (120 ft.). <table border="1" data-bbox="313 741 1445 1079"> <thead> <tr> <th><u>Street Right of Way Width</u></th><th><u>Maximum Permitted Building Height, Not Including Penthouse</u></th></tr> </thead> <tbody> <tr> <td><u>Greater than or equal to one hundred ten feet (110 ft.)</u></td><td><u>130 feet</u></td></tr> <tr> <td><u>Less than one hundred ten feet (110 ft.) but greater than or equal to one hundred feet (100 ft.)</u></td><td><u>120 feet</u></td></tr> <tr> <td><u>Less than one hundred feet (100 ft.) but greater than or equal to ninety feet (90 ft.)</u></td><td><u>110 feet</u></td></tr> <tr> <td><u>Less than ninety feet (90 ft.)</u></td><td><u>No taller than the width of the street right of way, plus 20 feet</u></td></tr> </tbody> </table>	<u>Street Right of Way Width</u>	<u>Maximum Permitted Building Height, Not Including Penthouse</u>	<u>Greater than or equal to one hundred ten feet (110 ft.)</u>	<u>130 feet</u>	<u>Less than one hundred ten feet (110 ft.) but greater than or equal to one hundred feet (100 ft.)</u>	<u>120 feet</u>	<u>Less than one hundred feet (100 ft.) but greater than or equal to ninety feet (90 ft.)</u>	<u>110 feet</u>	<u>Less than ninety feet (90 ft.)</u>	<u>No taller than the width of the street right of way, plus 20 feet</u>
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I § 548.1	HEIGHT(D-5-R) The maximum permitted heights should be clarified and corrected as shown. Subtitle I § 548.1 is amended as follows: 548.1 The maximum permitted building height, not including the penthouse, in the D-5-R zone shall be: (g) One hundred thirty feet (130 ft.) for a building with frontage on a street with a right-of-way width of at least one hundred ten feet (110 ft.); (h) One hundred twenty feet (120 ft.) for a building with frontage on a street with a right-of-way width of at least one hundred feet (100 ft.), but less one hundred thirty feet (130 ft.); and (i) One hundred ten feet (110 ft.) for a building with frontage on a street with a right-of-way width of at least ninety feet (90 ft.), but less one hundred twenty feet (120 ft.). <table border="1" data-bbox="313 1598 1424 1967"> <thead> <tr> <th><u>Street Right of Way Width</u></th><th><u>Maximum Permitted Building Height, Not Including Penthouse</u></th></tr> </thead> <tbody> <tr> <td><u>Greater than or equal to one hundred ten feet (110 ft.)</u></td><td><u>130 feet</u></td></tr> <tr> <td><u>Less than one hundred ten feet (110 ft.) but greater than or equal to one hundred feet (100 ft.)</u></td><td><u>120 feet</u></td></tr> <tr> <td><u>Less than one hundred feet (100 ft.) but greater than or equal to ninety feet (90 ft.)</u></td><td><u>110 feet</u></td></tr> <tr> <td><u>Less than ninety feet (90 ft.)</u></td><td><u>No taller than the width of the street right of way, plus 20 feet</u></td></tr> </tbody> </table>	<u>Street Right of Way Width</u>	<u>Maximum Permitted Building Height, Not Including Penthouse</u>	<u>Greater than or equal to one hundred ten feet (110 ft.)</u>	<u>130 feet</u>	<u>Less than one hundred ten feet (110 ft.) but greater than or equal to one hundred feet (100 ft.)</u>	<u>120 feet</u>	<u>Less than one hundred feet (100 ft.) but greater than or equal to ninety feet (90 ft.)</u>	<u>110 feet</u>	<u>Less than ninety feet (90 ft.)</u>	<u>No taller than the width of the street right of way, plus 20 feet</u>
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Section	Correction										
I § 555.1 (c)	DENSITY – FLOOR AREA RATIO (FAR) (D-6) The omission of a comma should be corrected. Subtitle I § 555.1 (c) is amended by the insertion of a comma, and deletion of the typographical error, as follows: 555.1 (c) If conditions (a) or (b) are not satisfied, through the use of credits provided for by Subtitle I, Chapters 8 and 9 enable.										
I § 556.1	HEIGHT(D-6) The maximum permitted heights should be clarified and corrected as shown. Subtitle I § 556.1 is amended as follows: 556.1 The maximum permitted building height, not including the penthouse, in the D-6 zone shall be: (j) One hundred thirty feet (130 ft.) for a building with frontage on a street with a right-of-way width of at least one hundred ten feet (110 ft.); (k) One hundred twenty feet (120 ft.) for a building with frontage on a street with a right-of-way width of at least one hundred feet (100 ft.), but less one hundred thirty feet (130 ft.); and (l) One hundred ten feet (110 ft.) for a building with frontage on a street with a right-of-way width of at least ninety feet (90 ft.), but less one hundred twenty feet (120 ft.). <table border="1"> <thead> <tr> <th><u>Street Right of Way Width</u></th><th><u>Maximum Permitted Building Height, Not Including Penthouse</u></th></tr> </thead> <tbody> <tr> <td><u>Greater than or equal to one hundred ten feet (110 ft.)</u></td><td><u>130 feet</u></td></tr> <tr> <td><u>Less than one hundred ten feet (110 ft.) but greater than or equal to one hundred feet (100 ft.)</u></td><td><u>120 feet</u></td></tr> <tr> <td><u>Less than one hundred feet (100 ft.) but greater than or equal to ninety feet (90 ft.)</u></td><td><u>110 feet</u></td></tr> <tr> <td><u>Less than ninety feet (90 ft.)</u></td><td><u>No taller than the width of the street right of way, plus 20 feet</u></td></tr> </tbody> </table>	<u>Street Right of Way Width</u>	<u>Maximum Permitted Building Height, Not Including Penthouse</u>	<u>Greater than or equal to one hundred ten feet (110 ft.)</u>	<u>130 feet</u>	<u>Less than one hundred ten feet (110 ft.) but greater than or equal to one hundred feet (100 ft.)</u>	<u>120 feet</u>	<u>Less than one hundred feet (100 ft.) but greater than or equal to ninety feet (90 ft.)</u>	<u>110 feet</u>	<u>Less than ninety feet (90 ft.)</u>	<u>No taller than the width of the street right of way, plus 20 feet</u>
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I § 563.1	HEIGHT(D-6-R) The maximum permitted heights should be clarified and corrected as shown. Subtitle I § 563.1 is amended as follows: 563.1 The maximum permitted building height, not including the penthouse, in the D-6-R zone shall be: (m) One hundred thirty feet (130 ft.) for a building with frontage on a street with a right-of-way width of at least one hundred ten feet (110 ft.); (n) One hundred twenty feet (120 ft.) for a building with frontage on a street with a right-of-way width of at least one hundred feet (100 ft.), but less one hundred thirty feet (130 ft.); and (o) One hundred ten feet (110 ft.) for a building with frontage on a street with a right-of-way width of at least ninety feet (90 ft.), but less one hundred twenty feet (120 ft.). <table border="1"> <thead> <tr> <th><u>Street Right of Way Width</u></th><th><u>Maximum Permitted Building Height, Not Including Penthouse</u></th></tr> </thead> <tbody> <tr> <td><u>Greater than or equal to one hundred ten feet</u></td><td><u>130 feet</u></td></tr> </tbody> </table>	<u>Street Right of Way Width</u>	<u>Maximum Permitted Building Height, Not Including Penthouse</u>	<u>Greater than or equal to one hundred ten feet</u>	<u>130 feet</u>						
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Section	Correction										
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I § 577.1	HEIGHT(D-8) The maximum permitted heights should be clarified and corrected as shown. Subtitle I § 577.1 is amended as follows: 577.1 The maximum permitted building height, not including the penthouse, in the D-8 zone shall be: (p) One hundred thirty feet (130 ft.) for a building with frontage on a street with a right-of-way width of at least one hundred ten feet (110 ft.); (q) One hundred twenty feet (120 ft.) for a building with frontage on a street with a right-of-way width of at least one hundred feet (100 ft.), but less one hundred thirty feet (130 ft.); and (r) One hundred ten feet (110 ft.) for a building with frontage on a street with a right-of-way width of at least ninety feet (90 ft.), but less one hundred twenty feet (120 ft.). <table> <tr> <th data-bbox="311 1014 1008 1115"><u>Street Right of Way Width</u></th><th data-bbox="1008 1014 1425 1115"><u>Maximum Permitted Building Height, Not Including Penthouse</u></th></tr> <tr> <td data-bbox="311 1115 1008 1184"><u>Greater than or equal to one hundred ten feet (110 ft.)</u></td><td data-bbox="1008 1115 1425 1184"><u>130 feet</u></td></tr> <tr> <td data-bbox="311 1184 1008 1253"><u>Less than one hundred ten feet (110 ft.) but greater than or equal to one hundred feet (100 ft.)</u></td><td data-bbox="1008 1184 1425 1253"><u>120 feet</u></td></tr> <tr> <td data-bbox="311 1253 1008 1323"><u>Less than one hundred feet (100 ft.) but greater than or equal to ninety feet (90 ft.)</u></td><td data-bbox="1008 1253 1425 1323"><u>110 feet</u></td></tr> <tr> <td data-bbox="311 1323 1008 1392"><u>Less than ninety feet (90 ft.)</u></td><td data-bbox="1008 1323 1425 1392"><u>No taller than the width of the street right of way, plus 20 feet</u></td></tr> </table>	<u>Street Right of Way Width</u>	<u>Maximum Permitted Building Height, Not Including Penthouse</u>	<u>Greater than or equal to one hundred ten feet (110 ft.)</u>	<u>130 feet</u>	<u>Less than one hundred ten feet (110 ft.) but greater than or equal to one hundred feet (100 ft.)</u>	<u>120 feet</u>	<u>Less than one hundred feet (100 ft.) but greater than or equal to ninety feet (90 ft.)</u>	<u>110 feet</u>	<u>Less than ninety feet (90 ft.)</u>	<u>No taller than the width of the street right of way, plus 20 feet</u>
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I § 601.2	GENERAL USE REQUIREMENTS FOR BUILDINGS ON PRIMARY AND SECONDARY DESIGNATED STREET SEGMENTS Section 601.2 (b) should be corrected to refer more specifically to the uses required by Subtitle I § 601.2 (a) rather than to § 601.2 generally. Subtitle I § 601.2 is amended as follows: 601.2 A building or structure with frontage on a primary or a secondary designated street segment shall, unless otherwise modified within this section or by the use requirements for a designated street segment in a particular sub-area: (a) Devote not less than fifty percent (50%) of the ground floor gross floor area to one (1) or more of the following use categories: (1) Retail; (2) Entertainment, assembly, and performing arts (3) Eating and drinking establishments; (3) Arts, design, and creation; or										

Section	Correction																														
	(4) Services, including both general and financial services; (b) Devote no more than twenty percent (20%) of the ground floor gross floor area uses required in Subtitle I § 601.2 601.2 (a) to services (financial), fast food establishment, travel, or ticket offices; and (c) Devote one hundred percent (100%) of the building's street frontage along the primary designated street segment to required uses identified in Subtitle I § 602.2, 601.2 (a) except for space required for fire control or devoted to building entrances for pedestrians, or for vehicular parking and loading entrances that are: ...																														
I § 607.4 Table I	DOWNTOWN ARTS SUB-AREA DESIGNATED STREET SEGMENTS AND ADJACENT ZONING Correct segment boundary references for designated street segments as follows: Subtitle I § 607.4 Table I is corrected as follows: Table 607.4 <table><tr><th>Designated Street</th><th>Side of Street</th><th>Adjacent Zone</th><th>Segment Boundary 1 (northern or eastern)</th><th>Segment Boundary 2 (southern or western)</th><th>Segment Classification</th></tr><tr><td></td><td></td><td></td><td></td><td></td><td></td></tr><tr><td>9th St., N.W.</td><td>West</td><td>D-7</td><td>F St. N.W.</td><td>Pennsylvania Ave., N.W. E Street N.W.</td><td>Secondary</td></tr><tr><td></td><td></td><td></td><td></td><td></td><td></td></tr><tr><td>Pennsylvania Ave., N.W.</td><td>North</td><td>D-6 D-6-R D-7</td><td>6th St., N.W. 9th St., N.W.</td><td>14th9th St., N.W. 14th St., N.W.</td><td>Primary</td></tr></table>	Designated Street	Side of Street	Adjacent Zone	Segment Boundary 1 (northern or eastern)	Segment Boundary 2 (southern or western)	Segment Classification							9th St., N.W.	West	D-7	F St. N.W.	Pennsylvania Ave., N.W. E Street N.W.	Secondary							Pennsylvania Ave., N.W.	North	D-6 D-6-R D-7	6th St., N.W. 9th St., N.W.	14th 9th St., N.W. 14th St., N.W.	Primary
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I §608.4 Table I	PENNSYLVANIA AVENUE SUB-AREA DESIGNATED STREET SEGMENTS AND ADWNTOWN ARTS JACENT ZONING Correct zone and delete a repeated segment boundary references for designated street segments as follows: Subtitle I § 608.4 Table I is corrected as follows: Table 608.4 <table><tr><th>Designated Street</th><th>Side of Street</th><th>Adjacent Zone</th><th>Segment Boundary 1 (northern or eastern)</th><th>Segment Boundary 2 (southern or western)</th><th>Segment Classification</th></tr><tr><td></td><td></td><td></td><td></td><td></td><td></td></tr><tr><td>9th St., N.W.</td><td>West</td><td>D-6</td><td>E St., N.W.</td><td>Pennsylvania Ave., N.W.</td><td>Secondary; (Also in Downtown Arts Sub-Area)</td></tr><tr><td>9th St., N.W.</td><td>West</td><td>D-7</td><td>E St., N.W.</td><td>Pennsylvania Ave., N.W.</td><td>Secondary; (Also in Downtown Arts Sub-Area)</td></tr></table>	Designated Street	Side of Street	Adjacent Zone	Segment Boundary 1 (northern or eastern)	Segment Boundary 2 (southern or western)	Segment Classification							9th St., N.W.	West	D-6	E St., N.W.	Pennsylvania Ave., N.W.	Secondary; (Also in Downtown Arts Sub-Area)	9th St., N.W.	West	D-7	E St., N.W.	Pennsylvania Ave., N.W.	Secondary; (Also in Downtown Arts Sub-Area)						
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Section	Correction
I § 616.7 (b)	M AND SOUTH CAPITOL STREETS SUB-AREA Section 616.7(b) should be corrected to refer to the correct streets bounding Square 648 on the north and the south. Subtitle I §616.7 (b) is amended as follows: 616.7 The street wall on the eastern general and western sides of South Capitol Street shall be set back for its entire height and frontage not less than fifteen feet (15 ft.), from the property line adjacent to South Capitol Street, with the following exceptions: (a) There shall be no setback on the west side of South Capitol Street in Square 649 between L and M Streets, S.W.; (b) There shall be a setback of seventy-three and one-half feet (73.5 ft.) from the centerline of South Capitol Street on its west side in Square 648 between IK and KL Streets, S.W.; (c) There shall be a setback of eighty-one feet (81 ft.) from the centerline of South Capitol Street on its west side in Square 643 between I Street and I-395;
I § 617.2	NORTH CAPITOL STREET CORRIDOR SUB-AREA Section 617 should be corrected to delete references to Squares that are not within the sub-area. Subtitle I § 617.2 is amended as follows: 617.2 The general location of the North Capitol Street Corridor Sub-Area is one (1) or both sides of the designated primary street segments North Capitol Street between Louisiana Avenue, N.W. and K Streets, N.W. and N.E., indicated with green lines in Figure I § 617: Illustration of the North Capitol Street Corridor Sub-Area and Designated Street Segments, and detailed in Subtitle I § 617.3 and including all or parts of Squares: 624, 625, 626, 628, 630, 675, 676, and 677, 161, 162, 163, and 164.
<u>New I § 617.7</u>	NORTH CAPITOL STREET CORRIDOR SUB-AREA Section 617 should be revised to clarify that buildings within the sub-area are subject to design review, consistent with provisions in Subtitle I – Chapter 7. Subtitle I §617.7 is amended as follows: <u>617.7 All proposed buildings, and structures, or any proposed exterior renovation to any existing buildings or structures that would result in an alteration of the exterior designs facing the street segments noted in Subtitle I § 618.4 shall be subject to review and approval by the Zoning Commission in accordance with the provisions in Subtitle I, Chapter 7.</u>
I § 701.1	ZONING COMMISSION REVIEW OF BUILDINGS, STRUCTURES, AND USES Properties are subject to design review if a building, etc. has frontage on a designated street; not if it is within a sub-area but without frontage on a designated street. The added language below corrects an error of language. Because properties fronting on the west side of North Capitol Street between K and M Streets, NW are not in any D zones, language should be clarified to refer only to properties in the D zones. The addition of design review to properties on the west side of North Capitol Street between K and M Streets, NW would more appropriately be added to provisions governing the RA-4, MU-4, and, possibly, the MU-9 zones. Subtitle I §701.1 is amended as follows: 701.1 The provisions of Subtitle I, Chapter 7 apply to a new building or structure or building addition <u>that has frontage on a designated street segment</u> is within the M and South Capitol Streets Sub-Area, the Independence Avenue Sub-Area, the North Capitol Street Sub-Area, or to <u>within a D zone and with frontage</u> on North Capitol Street south of M Street, N.W., and to buildings seeking additional height pursuant to Subtitle I § 525.2.

Section	Correction
I § 802.1	GENERATION OF CREDITS BY RESIDENTIAL DEVELOPMENT Section 802.1, erroneously referred to “Subtitle I §§ 800.2 and 800.3” instead of “Subtitle I §§ 800.3 and 800.4” and the inclusion of the phrase “TDR or” would have inadvertently prevented property owners who had vested TDR rights, but not vested CLD rights, from being able to generate credits for the residential uses that generated the unvested rights, as had been the Commission’s intent. Additionally, the D-1-R and D-2 zones are prohibited from generating or receiving Credits under, respectively, Subtitle I §§502.4 and 509.4. § 802.1 is corrected accordingly. Subtitle I § 802.1 is amended to read as follows: 802.1 Except as provided in Subtitle I § 802.3, credits may be generated by a residential use in a building for which construction began after January 18, 1991 located in a D-4-R, D-5-R, or D-6-R zone if the residential use did not generate Unallocated or Allocated TDR or CLD Rights as described in Subtitle I §§ 800.2 and 800.3 800.3 and 800.4, respectively; or by a residential use developed on or after the effective date of this title in a new or existing buildings all other I zones <u>except D-1-R or D-2 zones where properties may not generate credits.</u>
I § 805.10	ACKNOWLEDGMENT OF RESIDENTIAL, ARTS, AND PREFERRED USE CREDITS Redundancies with other sections covering the administrative processing of credits are eliminated. Subtitle I § 805.10 is amended to read as follows: 805.10 The covenant shall, at a minimum, contain the following information or attachments: (a) Name and contact information for the person or entity that will own the generated credits; (b) Name and contact information for, and signature of, the person or entity owning the property upon which the project that generated the credits is located, if different than in Subtitle I § 805.9(a); (c) <u>If requested by a non-owner of the property, the credits are claimed to be owned by a person who does not also own the property that generated the credits,</u> proof that the person or entity owns the credits and a provisions indemnifying the District of Columbia against any and all claims by persons or entities claiming to own the credits; (d) A map of the trade area in which the lot is located and a <u>A</u> map and plat of the lot; (e) Legal description and street address of the lot; (f) Surveyed area of the lot; (g) Gross floor area calculations for the entire building <u>and for each portion of each use in the building that will be occupied by the residential, arts, or preferred uses that generate the credits;</u> (h) Zoning requirement on the lot including total <u>The FAR limits applicable to the lot including FAR limits for non-residential uses and minimum FAR requirements for residential uses and for arts uses;</u> (i) Calculation of and basis for credits generated; (j) A form Certificate of Credit Transfer as described in Subtitle I § 901.3(e) to be used for any transfer of credits under the covenant; (k) A form Certificate of Credit Retransfer as described in Subtitle I § 902.3(d) to be used for any retransfer of credits under any Certificate of Credit Transfer;
I § 806.1	GENERATION AND CERTIFICATION OF CREDIT FOR TDR OR CLD CONVERSION The reference in § 806.1 is corrected from the incorrect § 800.2 to the correct § 800.3. Subtitle I § 806.1 is amended to read as follows:

Section	Correction								
	806.11 Any Unallocated TDR or CLD Rights as described in Subtitle I § 800.2 <u>800.3</u> shall convert to credits at a rate of one-to-one (1:1).								
I § 900.3	<u>GENERAL REQUIREMENTS AND RESTRICTIONS</u> Incorrect reference in table header for Table I § 900.3 Credit-Generation, Purposes, and Areas of Use. Table I § 900.3 is amended as follows: <table><tr><th>Action Generating Credit</th><th>Section in Subtitle I, Chapter 8 Governing the Generation of the Credit</th><th>Purpose for which Credit May be Used</th><th>Area(s) in which Credit may be used (see Figure I § 900.9900.2)</th></tr><tr><td></td><td></td><td></td><td></td></tr></table>	Action Generating Credit	Section in Subtitle I, Chapter 8 Governing the Generation of the Credit	Purpose for which Credit May be Used	Area(s) in which Credit may be used (see Figure I § 900.9900.2)				
Action Generating Credit	Section in Subtitle I, Chapter 8 Governing the Generation of the Credit	Purpose for which Credit May be Used	Area(s) in which Credit may be used (see Figure I § 900.9900.2)						
Subtitle K – Special Purpose									
K § 301	<u>Misspelling in title for Section 301.</u> Section 301 is amended as follows: 301 INCLUSIONARY ZOING-ZONING								
K § 510.1(a) (2)	<u>CORRECT METHOD OF CALCULATION for Floor-to-Ceiling Height in the CG zones; the method should be based on the standard method to be located in Subtitle B, consistent with the current regulations..</u> Subtitle K §§ 510.1 (a) (2), 510.1 (c) (2) and 510.1 (d) (1) are each amended as follows: 510.1(a) M Street, S.E. or S.W: (2) The ground floor shall have a minimum clear <u>floor-to-ceiling</u> height of fourteen feet (14 ft.), as measured from the point used for the building's height measurement, for a continuous depth of at least thirty-six feet (36 ft.) from the building line on the primary street. 510.1(c) Half Street, S.E.: (2) The ground floor shall have a minimum clear <u>floor-to-ceiling</u> height of fourteen feet (14 ft.), as measured from the point used for the building's height measurement, for a continuous depth of at least thirty-six feet (36 ft.) from the building line on the primary street. 510.1(d) First Street, S.E.: (1) The ground floor shall have a minimum clear <u>floor-to-ceiling</u> height of fourteen feet (14 ft.), as measured from the point used for the building's height measurement, for a continuous depth of at least thirty-six feet (36 ft.) from the building line on the primary street.								
Subtitles D, E, F, G, H, J, and K									
NEW D § 101.4, E § 101.4, F § 101.5, G § 101.6, H § 101.6, J § 101.4, and K §§ 201.2, 401.2, 601.4	<u>REFERENCE TO SUBTITLE C</u> <u>A reference to the General Rules contained in Subtitle C should be included in each Land Use Subtitle to facilitate ease of use and improved navigation through the new regulations. Subtitle I has a reference to Subtitle C in § 102.1. Subtitle K, Union Station North, Capitol Gateway, Reed-Cooke, Mixed-Use Uptown Arts, and Walter Reed Zones contain references to Subtitle C.</u> Subtitles D § 101.4, E § 101.4, F § 101.5, G § 101.6, H § 101.6, J § 101.4, and K §§ 201.2, 401.2, 601.4 shall be amended to include the following NEW provision: <u>In addition to the development standards set forth in this Subtitle, additional general regulations relevant to this Subtitle can be found in Subtitle C.</u>								
Subtitle X – General Procedures									
X § 300.9	<u>PLANNED UNIT DEVELOPMENTS</u> <u>Section 300.9 was inadvertently placed in Subtitled X when it should have been placed in Subtitle Z.</u>								

Section	Correction
	Subtitle X § 300.9 is deleted and §§ 300.10 through 300.12 are renumbered 300.9 through 300.11. 300.9 In a contested case, unless specifically stated otherwise, the term "applicant" in any condition of an order approving a PUD or PUD modification shall mean the person or entity then holding title to the subject property. If there is more than one (1) owner, the obligations under the order shall be joint and several. If a person or entity no longer holds title to the PUD site, that party shall have no further obligations under the order; however, that party remains liable for any violation of any condition that occurred while an owner.
X § 302.3	PLANNED UNIT DEVELOPMENT APPLICATION TYPES Section 302.3 includes an incorrect reference. Section 302.2 is amended as follows: 302.3 A consolidated application shall incorporate all information and material for both a first- and second-stage application as required by Subtitle A §§ 309.9 and 309.10 Z §§ 300.11 and 300.12 into one (1) application, and all information shall be submitted at the time of initial filing.
X § 303.14	PLANNED UNIT DEVELOPMENT FLEXIBILITY Section 303.14 inadvertently inserted the word subsection instead of section. Section 303.14 is amended as follows: 303.14 As part of any PUD, the applicant may request the Zoning Commission to grant an area variance to permit additional height and density beyond that permitted by this subsection. The Zoning Commission shall apply and not deviate from the variance standard stated at Subtitle X, Chapter 10.
X § 702.1	APPLICATION REQUIREMENTS Section 702.1 erroneously split the word “airspace” into two words Section 702.1 is amended as follows: 702.1 An application for an airspace development shall meet the requirements of Subtitle Z § 303.
X § 901.2(c)	SPECIAL EXCEPTION REVIEW STANDARDS Section 901.2(c) has confusing language and clarification is needed. Subtitle X § 901.2(c) is amended as follows: 901.2 The Board of Zoning Adjustment is authorized under § 8 of the Zoning Act, D.C. Official Code § 6-641.07(g)(2), to grant special exceptions, as provided in this title, where, in the judgment of the Board of Zoning Adjustment, the special exceptions: ... (c) Will meet such Subject in specific cases to the special conditions as may be specified in this title.
X § 1001.3	Clarification, revise to reflect updated dimensional standards that can be waived as a special exception vs. a variance. Subtitle X § 1001.3 shall be revised as follows: 1001.3 Examples of area variances are requests to deviate from: (a) Requirements that affect the size, location, and placement of buildings and other structures such as height and ,FAR,lot occupancy, setback width and depth, and minimum court size;

Section	Correction
X, Chapter 13, §§ 1300-1301.1	TEXT AMENDMENTS Chapter 13, Text Amendments, was inadvertently left out. Subtitle X is amended to insert Chapter 13 as follows: <u>CHAPTER 13 TEXT AMENDEMENTS</u> <u>1300 TEXT AMENDMENTS</u> <u>1300.1 The Zoning Commission will evaluate and approve, disapprove, or modify a text amendment petition according to the standards of this section.</u> <u>1300.2 The Zoning Commission shall find that the petition is not inconsistent with the Comprehensive Plan and with other adopted public policies and active programs related to the subject text.</u> <u>1301 PETITION REQUIREMENTS</u> <u>1301.1 A petition for a text amendment shall meet the requirements of Subtitle Z § 305.</u>
Subtitle Y – Board of Zoning Adjustment Rules of Practice and Procedure	
Y §§ 206.8(b) and 206.8(d)	SUBMITTING COMMENTS OR FILING DOCUMENTS ELECTRONICALLY OR BY E-MAIL Section 206.8(b) contains an incorrect statement that needs to be deleted and § 206.8(d) has confusing language and clarification is needed. Subtitle Y §§ 206.8(b) and 206.8(d) are amended are follows: 206.8 All documents filed electronically through IZIS shall: ... (b) Contain the case number assigned by the Office of Zoning, or a statement that a case number has not yet been assigned; (d) The file size of any document submitted electronically through IZIS may Not exceed the maximum allowable size of eight (8) megabytes.
Y § 502.13	REQUESTING INTERVENER STATUS Section 502.13 (c) repeats the language in § 502.13(b)(1) and should be deleted. Subtitle Y § 502.13(c) is amended as follows: (c) — The person requesting intervenor status has clearly demonstrated that they have a specific right or interest that will be affected by action on the appeal.
Y § 401.6(a)	EXPEDITED REVIEW Section 401.6(a) references incorrect sections. Subtitle Y § 401.6(a) is amended as follows: 401.6 The public notice of an expedited review and the affected ANC notice of an application requesting expedited review shall also indicate: (a) The procedure for requesting the removal of the application from the expedited review calendar is as described in Subtitle Y §§ 401.97 and 401.108; and
Y § 402	NOTICE OF PUBLIC HEARINGS Section 402 should be titled Public Notice Requirements to be consistent with other subtitles/sections. Subtitled Y § 402 is amended as follows: 402 NOTICE OF PUBLIC HEARINGS NOTICE REQUIREMENTS
Y § 404.1(a)	REQUESTING PARTY STATUS Section 404.1(a) contains a request to provide a facsimile number when requesting party status; however, that is no longer necessary and, therefore, should be deleted.

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	404.1 Except for the Applicant and the affected ANC, to participate as a party in a proceeding before the Board, any affected person shall file with the Board a Request for Party Status on the form and in the manner that the Director may prescribe. The person requesting party status and their authorized representatives, if any, shall provide the following information in their initial filing with the Board: ... (a) Name, mailing address, telephone number, facsimile number, and e-mail address;
Y § 406.1	ADVISORY NEIGHBORHOOD COMMISISON REPORT Section 406.1 contains language that causes conflict with the definition of an “affected ANC” and simply needs to state that the section applies to an affected ANC. Subtitle Y § 406.1 is amended as follows: 406.1 This section applies to an <u>affected</u> ANC within which the property that is the subject of an application is located; except that if the subject property is located on a street that serves as a boundary line between two (2) ANCs, the section applies to both ANCs.
Y § 406.3	ADVISORY NEIGHBORHOOD COMMISISON REPORT Section 406.3 contains language that is confusing and needs clarification. Subtitle Y § 406.3 is amended as follows: 406.3 If an ANC wishes to participate as a party in the hearing, it must file its written report with the Board at least seven (7) 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.
Y §§ 502.14-502.17	REQUESTING INTERVENOR STATUS Section 502.14 was inadvertently left out of the new regulations. Subtitle Y is amended by inserting new § 502.14 as follows: 502.14 <u>In granting intervenor status, the Board may specify whether the person will be permitted to intervene in the appeal for general or limited purposes.</u> Subtitle Y §§ 502.14 through 502.16 are renumbered 502.15 through 502.17.
Y § 703.15	CONSENT CALENDAR – TECHNICAL CORRECTIONS, MINOR MODIFICATION, AND MODIFICATION OF CONSEQUENCE, TO ORDERS AND PLANS Section 703.15 was inadvertently left out of the new regulations. Subtitle Y is amended by inserting new § 703.16 as follows: 703.16 <u>A request for minor modification of plans shall be filed with the Board not later than two (2) years after the date of the final order approving the application, or the circumstances of § 702.3 apply, two (2) years after the date the decision date of the court's final determination of the appeal.</u>
Y § 1600.1(b)(3)	FILING FEES FOR APPLICATIONS AND APPEALS Section 1600.1(b)(3) inadvertently left out language that was previously approved by Z.C. Notice of Final Rulemaking and Order No. 15-08. Subtitle Y § 1600.1(b)(3) is amended as follows: 1600.1 Except as provided in Subtitle Y §§ 1600.2 and 1600.3, at the time of filing an appeal or application with the Board of Zoning Adjustment, the appellant or applicant shall pay a filing fee in accordance with the following schedule: ... (b) Application for a special exception: ... (3) Chancery <u>For an</u> application for permission to locate, replace, or expand a chancery not meeting the conditions for a matter of right use, <u>either:</u>

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	(A) Sixty-five dollars (\$65) for each one hundred square feet (100 sq. ft.) or part thereof of gross floor area; <u>or</u> (B) <u>Five hundred dollars (\$500) when the expansion does not result in an increase to gross floor area, such as the erection or enlargement of a fence.</u>
Subtitle Z – Zoning Commission Rules of Practice and Procedure	
Z §§ 206.8(b) and 206.8(d)	<u>SUBMITTING COMMENTS OR FILING DOCUMENTS ELECTRONICALLY OR BY E-MAIL</u> Section 206.8(b) contains an incorrect statement that needs to be deleted and § 206.8(d) has confusing language and clarification is needed. Subtitle Z §§ 206.8(b) and 206.8(d) are amended are follows: 206.8 All documents filed electronically through IZIS shall: ... (b) Contain the case number assigned by the Office of Zoning, or a statement that a case number has not yet been assigned; ... (d) The file size of any document submitted electronically through IZIS may Not exceed the maximum allowable size of eight (8) megabytes.
Z § 206.10	<u>SUBMITTING COMMENTS OR FILING DOCUMENTS ELECTRONICALLY OR BY E-MAIL</u> Section 206.10 has confusing language and clarification is needed. Subtitle Z is amended by inserting a new § 206.10 as follows: 206.10 <u>All filings submitted through IZIS on or before 11:59 p.m. shall be recorded as being received on the same day.</u>
Z §§ 206.10-206.16	Sections 206.10 through 206.16 are renumbered 206.11 through 206.17.
Z § 302	<u>CAMPUS PLAN/FURTHER PROCESSING AND MEDICAL CAMPUS PLAN APPLICATION REQUIREMENTS</u> Section 302 has a misspelled word I the heading. Subtitle Z § 302 is amended as follows: PLAN/FURTHER FURTHER PROCESSING AND MEDICAL CAMPUS PLAN APPLICATION REQUIREMENTS
Z § 402.1(C)	<u>PUBLIC NOTICE REQUIREMENTS</u> Section 402.1(c) inadvertently contained the word “or” instead of “and” and needs to be clarified. Subtitle Z § 402.1(c) is amended as follows: 402.1 Not less than forty (40) days before the public hearing on an application, the Director shall give notice of public hearing by: ... (c) Providing a copy of the notice of public hearing to the affected ANC or and to for any other ANC that is within two hundred feet (200 ft.) of the property involved in the application;
Z § 404.1(a)	<u>REQUESTING PARTY STATUS</u> Section 404.1(a) contains a request to provide a facsimile number when requesting party status; however, that is no longer necessary and, therefore, should be deleted. Subtitle Z § 404.1(a) is amended as follows: 404.1 Except for the Applicant and the affected ANC, to participate as a party in a proceeding before the Board, any affected person shall file with the Board a Request for Party Status on the form and in the manner that the Director may prescribe. The person requesting party status and their authorized representatives, if any, shall provide the following information in their initial

Section	Correction
	filing with the Board: ... (a) Name, mailing address, telephone number, facsimile number, and e-mail address;
Z §§ 405.2(a)(2) and 405.2(b)	REFERRALS TO AND REPORTS OF PUBLIC AGENCIES Sections 405.2(a)(2) and 405.2(b) reference incorrect sections. Subtitle Z § 405.2(a)(2) is amended as follows: 405.2 As to those applications for which set down is not required, as soon as an application is accepted for filing by the Director, a copy of the application shall be referred to the Office of Planning and other appropriate agencies for review and comment. A copy shall also be sent for review and comment to: (a) The National Capital Planning Commission of: ... (2) Those applications for approval pursuant to Subtitle K § 513<u>512</u>.1(a) and (d); ... (b) The Capitol Police Board for those applications for approval pursuant to Subtitle K § 516<u>515</u>.4; and
Z § 406.1	ADVISORY NEIGHBORHOOD COMMISISON REPORT Section 406.1 contains language that causes conflict with the definition of an “affected ANC” and simply needs to state that the section applies to an affected ANC. Subtitle Z § 406.1 is amended as follows: 406.1 This section applies to an affected ANC within which the property that is the subject of an application is located; except that if the subject property is located on a street that serves as a boundary line between two (2) ANCs, the section applies to both ANCs.
Z § 406.3	ADVISORY NEIGHBORHOOD COMMISISON REPORT Section 406.3 contains language that is confusing and needs clarification. Subtitle Z § 406.3 is amended as follows: 406.3 If an ANC wishes to participate as a party in the hearing, it must file its written report with the ANC Zoning Commission at least seven (7) 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.
Z § 500.12	SETDOWN PROCEDURES: SCHEDULING RULEMAKING CASE PETITIONS FOR HEARING Section 500.12 contains language that is confusing and needs clarification. Subtitle Z § 500.12 is amended as follows: 500.12 If the Commission denies or dismisses a petition without prejudice because of the need to modify the petition, the order shall also state the type of modification the Commission considers appropriate.
Z §§ 604.8-604.14	FINAL ACTION AND FINAL ORDERS Subtitle X § 300.9 was deleted and should be inserted as Subtitle Z § 604.8 and §§ 604.8 through 604.13 is renumbered to 604.9 through 604.14. Subtitle Z is amended by inserting a new § 604.8 as follows and §§ 604.8 through 604.13 is renumbered 604.9 through 604.14.: <u>604.8 In a contested case, unless specifically stated otherwise, the term "applicant" in any condition of an order approving an application (including a modification) shall mean the person or entity then holding title to the subject property. If there is more than one (1) owner, the obligations under the order shall be joint and several. If a person or entity no longer holds title to the subject property, that party shall have no further obligations under the order; however, that party remains liable for any violation of any condition that occurred while an owner.</u>

Section	Correction
Z §§ 605-605.1	PROOF OF COMPLIANCE Subtitle Z § 605 was inadvertently left out. Subtitle Z is amended by inserting a new § 605 as follows: <u>605 PROOF OF COMPLIANCE</u> <u>605.1 If an application in a contested case is approved, the Applicant shall file with the Zoning Administrator a letter identifying how it is in compliance with the conditions of the order approving the application at such time as the Zoning Administrator requests and shall simultaneously file that letter with the Office of Zoning.</u>
Z § 1602	WAIVER OF HEARING FEES Subtitle Z § 1602.3 inadvertently left out clarifying language. Subtitle Z § 1602.3 is amended as follows: 1602.3 The Application must be filed prior to the Commission’s decision to setdown the application for a hearing. <u>The Commission shall rule upon the request for waiver of fees at the time the matter is set down for public hearing.</u>