GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF FINAL RULEMAKING[1]
Z.C. Case No. 08-06R
(Text Amendment – 11 DCMR)
(Technical Corrections to Z.C. Order No. 08-06A)
July 31, 2025

The Zoning Commission for the District of Columbia (Commission), 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 (2012 Rep1.)), hereby gives notice of its adoption of amendments to Subtitle A (Authority and Applicability), Subtitle B (Definitions, Rules of Measurement, and Use Categories), Subtitle C (General Rules), Subtitle I (Downtown Zones), Subtitle K (Special Purpose Zones), Subtitle U (Use Permissions), and Subtitle Y (Board of Zoning Adjustment Rules of Practice and Procedure) and to replace wherever it occurs, the terms "Department of Consumer and Regulatory Affairs" or "DCRA" with "Department of Buildings," of Title 11 (Zoning Regulations of 2016) of the District of Columbia Municipal Regulations (DCMR) to make a technical corrections to an amendment made by Z.C. Order No. 08-06A (Original Rulemaking). 2016.

FINDINGS OF FACT

1. Pursuant to the Original Rulemaking, the Commission approved amendments to Subtitles A, B, C, I, K, U, and Y of the Zoning Regulations, which became effective upon publication in the September 6, 2016 *District of Columbia Register*.

2. By report dated March 31, 2025 (Exhibit [Ex.] 2), OP submitted a request for technical corrections to the Original Rulemaking pursuant to Subtitle Z § 703 of the Zoning Regulations.

3. The purpose was to provide technical corrections, and not substantive changes, to the current regulations which would be beneficial to all D.C. residents and landowners. The technical corrections were not specific to any particular part of the District or any set of residents; they would simply make the regulations easier to understand and administer.

[1] For Office of Zoning tracking purposes only, this Notice of Final Rulemaking shall also be known as Z.C. Order No. 08-06R.

ZONING COMMISSION
District of Columbia
CASE NO. 08-06R
EXHIBIT NO. 8

4. Since the Original Rulemaking was published, the Department of Consumer and Regulatory Affairs has been renamed the Department of Buildings, and all references in these sections have been updated accordingly.

CONCLUSIONS OF LAW

Pursuant to Subtitle Z § 703, the Commission is authorized to approve technical corrections to approved final orders through a consent calendar procedure without a public hearing. The Commission concludes that the request described herein is technical in nature, and the request falls within the scope of a technical correction that can be granted without a public hearing.

DECISION

In consideration of the Findings of Fact and Conclusions of Law contained herein, the Zoning Commission for the District of Columbia hereby **ORDERS APPROVAL** of the request for technical corrections to Z.C. Order No. 08-06A to correct the text of Subtitles A-C, I, K, U, and Y as shown below.

A full explanation for the corrections and modifications adopted may be found in the Office of Planning report, which appears as Exhibit 2 in this case, and which may be accessed on the Office of Zoning website at http://dcoz.dc.gov.

Proposed Action
At its April 10, 2025, public meeting, the Commission voted to take **PROPOSED ACTION** to adopt the proposed technical corrections and to authorize the publication of a Notice of Proposed Rulemaking.

VOTE (April 10, 2025): 5-0-0 (Anthony J. Hood, Robert E. Miller, Joseph S. Imamura, Tammy Stidham, and Gwen Wright to approve.)

A Notice of Proposed Rulemaking was published in the June 20, 2025 edition of the *District of Columbia Register* at 72 DCR 6879. No comments were received and no changes were made to the text as proposed.

Final Action
At its July 31, 2025, public meeting, the Commission voted to take **FINAL ACTION** to permanently adopt the text as published in the Notice of Proposed Rulemaking.

VOTE (July 31, 2025): 5-0-0 (Anthony J. Hood, Robert E. Miller, Joseph S. Imamura, Tammy Stidham, and Gwen Wright to approve.)

The complete record in the case can be viewed online at the Office of Zoning's Interactive Zoning Information System (IZIS), at https://app.dcoz.dc.gov/Content/Search/Search.aspx.

In accordance with the provisions of Subtitle Z § 604.9, this Order No. 08-06R shall become final and effective upon publication in the *District of Columbia Register*; that is, on 2026.

ANTHONY J. HOOD
CHAIRMAN
ZONING COMMISSION

SARA A. BARDIN
DIRECTOR
OFFICE OF ZONING

TEXT AMENDMENTS

The following amendments to the text of the Zoning Regulations are hereby adopted:

I. Amendments to Subtitle A, AUTHORITY AND APPLICABILITY

Section 102.2 of § 102, **VESTED RIGHTS UNDER THE PREVIOUS 1958 ZONING REGULATIONS, AS AMENDED**, of Chapter 1, **INTRODUCTION TO TITLE 11**, is amended to read as follows:

102.2 An application for a building permit that has been officially accepted by the Department of Buildings as being complete prior to the effective date of this title, if the building permit plans are consistent with the 1958 Regulations, shall be considered a vested project.

Section 301.5(a) of § 301, **ADMINISTRATION AND ENFORCEMENT**, of Chapter 3, **BUILDING PERMITS**, is amended to read as follows:

301.5 …

(a) If one (1) of the building permit applications listed in Subtitle A § 301.6 is officially accepted as being complete and under review by the Department of Buildings on or before the date on which the Zoning Commission makes a decision to hold a hearing on the amendment, the processing of the application and completion of the work shall be governed by the property's existing zoning classification pursuant to Subtitle A § 301.4. However, if no building permit has been issued prior to the date that the zoning map amendment becomes effective, the building permit application shall be processed in accordance with the adopted zoning map amendment. The building permit application shall;

Section 301.9(a) of § 301, **ADMINISTRATION AND ENFORCEMENT**, of Chapter 3, **BUILDING PERMITS**, is amended to read as follows:

301.9 …

(a) The Permit Application was legally filed with, and accepted as complete by, the Department of Building prior to February 1, 2015; or

Section 301.10(a) of § 301, **ADMINISTRATION AND ENFORCEMENT**, of Chapter 3, **BUILDING PERMITS**, is amended to read as follows:

301.10 (a) The Permit Application was legally filed with, and accepted as complete by, the Department of Building prior to July 17, 2014; or

Section 301.11(a) of § 301, **ADMINISTRATION AND ENFORCEMENT**, of Chapter 3, **BUILDING PERMITS**, is amended to read as follows:

301.11 (a) The Permit Application was legally filed with and accepted as complete by the Department of Buildings.

Section 301.13 of § 301, **ADMINISTRATION AND ENFORCEMENT**, of Chapter 3, **BUILDING PERMITS**, is amended to read as follows:

301.13 Notwithstanding Subtitle A § 301.4, a building permit application (including a foundation-to grade permit application) (the Application) for construction involving any penthouse or rooftop structure other than as restricted in Subtitle C § 1501.1(b) may be processed, and any work authorized by the building permit may be carried to completion, pursuant to the provisions of the roof structure regulations in place as of November 19, 2015, if the Application was legally filed with, and accepted as complete by, the Department of Buildings, and had received a Letter of Zoning Compliance from the Zoning Administrator prior to that date.

Section 301.14 of § 301, **ADMINISTRATION AND ENFORCEMENT**, of Chapter 3, **BUILDING PERMITS**, is amended to read as follows:

301.14 Notwithstanding Subtitle A § 301.4, Subtitle D §§ 306.3, 306.4, 706.3, 706.4, 1006.2, 1006.3 1206.3, and 1206.4, and Subtitle E §§ 205.4 and 205.5, a rear wall of a row or semi-detached building may be constructed to extend farther than ten feet (10 ft.) beyond the farthest rear wall of any adjoining principal residential building on an adjoining property provided that the building permit application for such construction was filed and accepted as complete by the Department of Buildings on or before March 27, 2017 and not substantially changed after filing.

Section 301.15 of § 301, **ADMINISTRATION AND ENFORCEMENT**, of Chapter 3, **BUILDING PERMITS**, is amended to read as follows:

301.15 Notwithstanding Subtitle A § 301.4, any building permit application including a foundation-to grade permit application (the Permit Application), shall be processed, and any work authorized by the permit may be carried to completion pursuant to

the rules for measuring floor area ratio, height, and stories1 as existed on August 17, 2018 if the Permit Application was legally filed with, and accepted as complete by the Department of Buildings on or before that date and not substantially changed after filing.

II. Amendments to Subtitle B, DEFINITIONS, RULES OF MEASUREMENT, AND USE CATEGORIES

Section 100.2 of § 100, **DEFINITIONS**, of Chapter 1, **DEFINITIONS**, is amended to read as follows:

100.2 **Short-Term Rental**: A use as defined by the Short-Term Rental Regulation Act of 2018 (D.C. Law 22-307), that has a valid Basic Business License from the Department of Buildings with a "Short-Term Rental" or "Short-Term Rental: Vacation Rental" endorsement.

Section 304.5(d) of § 304, **RULES OF MEASUREMENT FOR GROSS FLOOR AREA (GFA)**, of Chapter 3, **GENERAL RULES OF MEASUREMENT**, is amended to read as follows:

304.5 …

(d) Determine the portion of this line that is five feet (5 ft.) or more below the finished floor of the ground floor.

III. Amendments to Subtitle C, GENERAL RULES

Section 601.4(a) of § 601, **APPLICABILITY OF GREEN AREA RATIO STANDARDS**, of Chapter 6, **GREEN AREA RATIO**, is amended to read as follows:

601.4 …

(a) That has been officially accepted by the Department of Buildings as being complete prior to October 1, 2013 if the building permit plans are consistent; or

Section 601.4 of § 601, **SUBMITTAL REQUIREMENTS FOR GREEN AREA RATIO**, of Chapter 6, **GREEN AREA RATIO**, was amended to read as follows:

604.8 Prior to the issuance of the certificate of occupancy, a landscape checklist must be signed by a Certified Landscape Expert, verifying that that landscaping was installed according to the building permit approved by Department of Buildings.

Section 1001.6(f)(1) of § 1001, **APPLICABILITY**, of Chapter 10, **INCLUSIONARY ZONING**, is amended to read as follows:

1001.6 …

(f) …

(1) Prior to January 1, 2025, the Department of Buildings has accepted as complete an application for a building permit, not including a foundation-to-grade permit, to construct the development; and …

1003.11 …

(a) Prior to January 1, 2025, the Department of Buildings has accepted as complete an application for a building permit, not including a foundation-to grade permit, to construct the Inclusionary Development; and …

Section 1200.6 of § 1200, **COMBINED LOT PROVISIONS**, of Chapter 12, **GENERAL PROVISIONS**, is amended to read as follows:

1200.6 A certified copy of the instrument of transfer shall be filed with the Zoning Administrator before approval by the Department of Buildings of any building permit application affected by such transfer.

The title of § 1507.10(a), **AFFORDABLE HOUSING PRODUCTION REQUIREMENT GENERATED BY CONSTRUCTION ON A NONRESIDENTIAL BUILDING OF PENTHOUSE HABITABLE SPACE**, of Chapter 15, **PENTHOUSES AND ROOFTOP STRUCTURES**, is amended to read as follows:

1507.10 …

(a) Prior to the issuance of a building permit for any penthouse space, not less than one-half (1/2) of the required total Housing Production Trust Fund contribution shall be made in accordance with the calculation of Subtitle C § 1507.7, based on the fair market value of the land as indicated in the property tax assessment records of the OTR at the time that the building permit application is accepted as complete by the Department of Buildings; and

IV. Amendments to Subtitle I, DOWNTOWN ZONES

New § 570.5 of § 570, **HEIGHT (D-7)**, of Chapter 5, **REGULATIONS SPECIFIC TO PARTICULAR DOWNTOWN (D) ZONES**, is added to read as follows:

570.5 The maximum permitted building height, not including the penthouse or rooftop structure, in the D-7 zone on a lot with no frontage on Pennsylvania Avenue, N.W. shall be one hundred thirty feet (130 ft.).

Section 607.5 of § 607, **DOWNTOWN ARTS SUB-AREA**, of Chapter 6, **LOCATION-BASED REGULATIONS FOR DOWNTOWN SUB-AREAS AND DESIGNATED STREET SEGMENTS**, is amended to read as follows:

607.5 Arts uses shall comprise the arts uses listed in Subtitle U § 700.6.

Section 805.3 of § 805, **ACKNOWLEDGMENT OF RESIDENTIAL, ARTS, AND PREFERRED USE CREDITS,** of Chapter 8, **INTRODUCTION TO THE CREDIT SYSTEM**, is amended to read as follows:

805.3 The Zoning Administrator, in his or her discretion, may request the General Counsel of the Department of Buildings or the Office of Zoning Legal Division to undertake a legal sufficiency review.

Section 807.14 of § 807, **GENERATION AND CERTIFICATION OF CREDITS FOR HISTORIC PRESERVATION**, of Chapter 8, **INTRODUCTION TO THE CREDIT SYSTEM**, is amended to read as follows:

807.14 The Zoning Administrator, in his or her discretion, may request the General Counsel of the Department of Buildings or the Office of Zoning Legal Division to undertake a legal sufficiency review.

Section 901.5 of § 901, **TRANSFER OF CREDITS**, of Chapter 9, **USE OF CREDITS**, is proposed to be amended to read as follows:

901.5 The Zoning Administrator, in his or her discretion, may request the General Counsel of the Department of Buildings s or the Office of Zoning Legal Division to undertake a legal sufficiency review of the draft Certificate of Credit Transfer.

Section 902.4 of § 902, **RETRANSFER OF CREDITS**, of Chapter 9, **USE OF CREDITS**, is amended to read as follows:

902.4 The Zoning Administrator, in his or her discretion, may request the General Counsel of the Department of Buildings or the Office of Zoning Legal Division to undertake a legal sufficiency review of the draft Certificate of Credit Retransfer.

V. Amendments to Subtitle K, SPECIAL PURPOSE ZONES

Section 412.1(k) of § 412, **USES PERMITTED BY SPECIAL EXCEPTION (HE)**, of Chapter 4, **HILL EASE ZONES – HE-1 THROUGH HE-4**, is amended to read as follows:

412.1 …

(k) Other principal uses that are not permitted by Subtitle K § 410, but not prohibited by Subtitle K § 415 shall be permitted in the HE zones as a special exception subject to the following conditions in addition to the

general special exception criteria of Subtitle X and Subtitle K § 413; provided the Zoning Commission considers that the use is appropriate in furthering the purposes of the HE zones.

Section 608.2 of § 608, **PARKING (StE)**, of Chapter 6, **SAINT ELIZABETHS EAST CAMPUS ZONES – StE-1 THROUGH StE19**, is amended to read follows:

608.2 Each application to the Department of Buildings for a development that includes above-grade or below-grade structured parking, or surface parking shall provide an accounting of the total number of parking spaces within the StE zones which count towards the four thousand eight hundred (4,800) parking space limit.

Sections 917.3 and 917.5 of § 917, **VEHICLE PARKING (WR)**, of Chapter 9, **WALTER REED ZONES – WR-1 THROUGH WR-15**, is amended to read as follows:

917.3 Each application to the Department of Buildings for a development within the WR-1 through WR-8 zones that includes parking shall provide an accounting of the total number of parking spaces which count towards the parking space limit of Subtitle K § 917.2.

…

917.5 Each application to the Department of Buildings for a development within the WR-9 through WR-15 zones that includes parking shall provide an accounting of the total number of parking spaces which count towards the parking space limit of Subtitle K § 917.4.

Sections 1008.1 and 1008.2 of § 1008, **SUSTAINABILITY (NHR)**, of Chapter 10, **NORTHERN HOWARD ROAD (NHR) ZONE**, is amended to read as follows:

1008.1 Each building constructed or substantially improved shall earn certification at the LEED v4.1 for New Construction Gold level, provided that prior to receipt of the first certificate of occupancy for the new construction or substantial improvement, the applicant shall submit to the Department of Buildings a financial security that is compliant with the provisions of § 6 of the Green Building Act of 2006, as amended (D.C. Official Code § 61451.05).

1008.2 Each building constructed or substantially improved shall have an on-site renewable energy system installed and operating prior to receipt of the first certificate of occupancy for the new construction or substantial improvement, which renewable energy system shall generate at least one percent (1%) of the total energy estimated to be needed to operate the building as calculated in the energy model submitted with the building permit application to the Department of Buildings.

Section 1103.2(c) of § 1103, Sections 1008.1 and 1008.2 of § 1008, **SUSTAINABILITY (NHR)**, of Chapter 11, **BARRY FARM ZONES – BF-1 THROUGH BF-2**, is amended to read as follows:

1103.2 …

(c) Each application to the Department of Buildings for a development that requires parking shall clearly demonstrate compliance with conditions (a) and (b) of this subsection.

VI. Amendments to Subtitle U, USE PERMISSIONS

Section 253.13 of § 253, **USE PERMISSIONS RESIDENTIAL HOUSE (R) ZONES**, of Chapter 2, **PARKING (StE)**, is amended to read follows:

253.13 Prior to renting an accessory apartment in any zone, the property owner shall obtain a Residential Rental Business License from the Department of Buildings and the property shall be inspected for relevant housing code compliance.

Section 301.2(a) of § 301, **MATTER-OF-RIGHT USES (RF)**, of Chapter 3, **PARKING (StE)**, is proposed to be amended to read follows:

301.2 …

(a) The building or structure to be converted is in existence on the property at the time the building permit application for the conversion is accepted as complete by the Department of Buildings; and …

Section 320.2(a) of § 320, **SPECIAL EXCEPTION USES (RF)**, of Chapter 3, **PARKING (StE)**, is proposed to be amended to read follows:

320.2 …

(a) The building to be converted or expanded is in existence on the property at the time the Department of Buildings accepts as complete the building permit application for the conversion or expansion; …

Section 805.1 of § 805, **EXTERNAL EFFECTS PERMIT APPLICATIONS**, of Chapter 8, **USE PERMISSIONS PRODUCTION, DISTRIBUTION, AND REPAIR (PDR) ZONES**, is proposed to be amended to read follows:

805.1 When filing an application for a building permit or certificate of occupancy with the Department of Buildings for a use permitted subject to Subtitle U § 804, the applicant shall submit with the application three (3) copies of…

VII. Amendments to Subtitle Y, BOARD OF ZONING ADJUSTMENT RULES OF PRACTICE AND PROCEDURE

Section 101.9 of § 101, **GENERAL PROVISIONS**, of Chapter 1, **ADMINISTRATION**, is proposed to be amended to read follows:

101.9 Except for Subtitle Y §§ 100 through 105, 604.6 604.5, 700.3, and 1602.5 the Board may, for good cause shown, waive any of the provisions of this subtitle if, in the judgment of the Board, the waiver will not prejudice the rights of any party and is not otherwise prohibited by law.

Section 501.2(b) of § 501, **INTERVENOR STATUS: GENERAL GUIDELINES**, of Chapter 5, **PRE-HEARING AND HEARING PROCEDURES: ZONING APPEALS**, is proposed to be amended to read follows:

501.2 …

(b) Oral argument by the appellee, the Department of Buildings;

…