

http://www.dcregs.dc.gov/Notice/NoticeList.aspx?Agency=Submit

DC Office of Zoning | sharon.schellin - ... | Facebook | View Submit...

File Edit View Favorites Tools Help

DCCA DCHR Register PeopleSoft Council Hrg Stampin' Up! Facebook CB Calendar CB Moose West News AdvoC Page Safety Tools

DISTRICT OF COLUMBIA MAYOR DC GUIDE RESIDENTS BUSINESS VISITORS GOVERNMENT FOR KIDS

D.C. Municipal Regulations and D.C. Register ^{Beta}

Secretary of the District of Columbia | Office of Documents and Administrative Issuances

Home Search Subscribe Comment About Us Contact Us Help

Schellin, Sharon Logout

View Submitted/Confirmed Items Back to Agency Home

Click on a Notice ID to browse the Agency Notice Home
Press **Ctrl-F** to search by text.

Total Records: 23

ID	Status	Register Category	Subject	Register Issue	Action Date
5971628	Submitted to ODAI	Proposed Rulemaking	Zoning Commission Notice of Proposed Rulemaking: Case No. 14-13B (Text Amendment - 11 DCMR: Minor Modification to Z.C. Order No. 14-13B (Penthouse Regulations))	4/22/2016 Vol 63/18	4/11/2016 12:16:22
5971531	Submitted to ODAI	Proposed Rulemaking	Zoning Commission Notice of Proposed Action: Case No. 14-13B (Text Amendment - 11 DCMR: Minor Modification to Z.C. Order No. 14-13B (Penthouse Regulations))	4/22/2016 Vol 63/18	4/11/2016 12:15:08
5970949	Submitted to ODAI	Notices, Opinions	Board of Zoning Adjustment - Order No. 17300-A - St. Patrick's Protestant Episcopal Church, Motion for Minor Modification of Condition No. 7 in Order No. 17300 - ANC 3D	4/22/2016 Vol 63/18	4/11/2016 09:15:38
5958630	Confirmed	Notices, Opinions	Zoning Commission - Case No. 08-04B - Forest City SEFC, LLC - Order	4/15/2016 Vol 63/17	4/8/2016 17:19:52
5961831	Confirmed	Notices, Opinions	Zoning Commission - Case No. 14-24 - 1900 11th Street NW, LLC - Order	4/15/2016 Vol 63/17	4/8/2016 17:17:05
5958145	Confirmed	Notices, Opinions	Zoning Commission - Case No. 16-07 - W-G 9th & O, LLC - Notice of Filing	4/15/2016 Vol 63/17	4/8/2016 17:13:22
5960279	Confirmed	Notices, Opinions	Zoning Adjustment, Board of - Case No. 19177 - 615 Upshur Street NW LLC - ANC 4C - Order	4/15/2016 Vol 63/17	4/8/2016 17:00:46
5960182	Confirmed	Notices, Opinions	Zoning Adjustment, Board of - Case No. 17703-A - Sidwell Friends School - ANC 3F - Order	4/15/2016 Vol 63/17	4/8/2016 16:57:06
5958145	Confirmed	Public Hearing	Zoning Commission - Case No. 16-06 -	4/15/2016	4/8/2016 17:13:22

12:17 PM

ZONING COMMISSION
District of Columbia
CASE NO.14-13B
EXHIBIT NO.3

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF PROPOSED RULEMAKING
Z.C. Case No. 14-13B
(Text Amendment – 11 DCMR)
Minor Modification to Z.C. Order No. 14-13B (Penthouse Regulations)

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 Repl.)), hereby gives notice of its intent to amend the current and newly adopted versions of the Zoning Regulations (Title 11 DCMR) to make minor modifications to Z.C. Order No. 14-13 (Order). The Order, which took the form of a Notice of Final Rulemaking, adopted amendments to the currently effective version of the Zoning Regulations (Current Regulations) governing rooftop penthouses as well as conforming amendments to other provisions, including the provisions of Chapter 32, ADMINISTRATION AND ENFORCEMENT. The substance of the amendments was later included by the Commission in the version of Title 11 DCMR that will become effective on September 6, 2016 (2016 Regulations), which was adopted by the Commission through a Notice of Final Rulemaking published in Part II of the March 4, 2016 edition of the *District of Columbia Register*.

The Current Regulations provide that construction rights do not vest until a building permit is issued. (11 DCMR § 3202.4.) The 2016 Regulations contain a similar provision in Subtitle A § 304.4. The Commission proposes to add a new § 3202.12 to the Current Regulations and new Subtitle A § 304.13 to the 2016 Regulations to provide a limited exception to that rule if: (1) a building permit application for penthouse construction not involving a detached dwelling, semi-detached dwelling, rowhouse, or flat was filed with, and accepted as complete by, the Department of Consumer and Regulatory Affairs on or before November 19, 2015; and (2) the applicant had received a Letter of Zoning Compliance from the Zoning Administrator prior to that date. When those circumstances exist, the building permit 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. The Commission is also proposing conforming amendments to § 3202.4 of the Current Regulations and Subtitle A § 301.4 of the 2016 Regulations.

The amendments are intended to address a circumstance brought to the attention of the Commission by the Office of Planning involving a building permit applicant that is unlikely to involve any other pending building permit application. As such, the Commission considered the amendments as being modifications of little or no importance or consequence and therefore properly proposed pursuant to 11 DCMR § 3030, which permits such modifications to be adopted without a hearing or referral to the National Capital Planning Commission.

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

The following amendments to the Current Regulations are proposed:

Chapter 32, ADMINISTRATION AND ENFORCEMENT, of Title 11 DCMR, ZONING, is amended as follows:

§ 3202, BUILDING PERMITS, § 3202.4, is amended by striking the phrase “§§ 3202.8, 3202.9, and 3202.10” in the introductory text and replacing it with the phrase “3202.8 through 3202.12” so that the entire provision reads as follows:

- 3202.4 Except as provided in §§ 3202.8 through 3202.12, any construction authorized by a permit may be carried to completion pursuant to the provisions of this title in effect on the date that the permit is issued, subject to the following conditions:
- (a) The permit holder shall begin construction work within two (2) years of the date on which the permit is issued; and
 - (b) Any amendment of the permit shall comply with the provisions of this title in effect on the date the permit is amended.

A new § 3202.12 is added to read as follows:

- 3202.12 Notwithstanding § 3202.4, a building permit application (including a foundation-to-grade permit application) (the Application) for construction involving any penthouse other than as restricted in § 411.5 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 Consumer and Regulatory Affairs, and had received a Letter of Zoning Compliance from the Zoning Administrator prior to that date.

The following amendments to the 2016 Regulations are proposed:

Chapter 3, ADMINISTRATION AND ENFORCEMENT, of Subtitle A of Title 11 DCMR, ZONING, is amended as follows:

§ 301, BUILDING PERMITS, § 301.4, is amended by striking the reference to § 301.11 in the introductory text and replacing it with a reference to new § 301.13 so that the entire provision reads as follows:

- 301.4 Except as provided in §§ 301.9 through 301.13, any construction authorized by a permit may be carried to completion pursuant to the provisions of this title in effect on the date that the permit is issued, subject to the following conditions:

- (a) The permit holder shall begin construction work within two (2) years of the date on which the permit is issued; and
- (b) Any amendment of the permit shall comply with the provisions of this title in effect on the date the permit is amended.

New § 301.13 is added 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 other than as restricted in Subtitle C § 1500.4 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 Consumer and Regulatory Affairs, and had received a Letter of Zoning Compliance from the Zoning Administrator prior to that date.

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, Secretary to the Zoning Commission, Office of Zoning, 441 4th Street, N.W., Suite 200-S, Washington, D.C. 20001, or electronic submissions may be submitted in PDF format through the Interactive Zoning Information System (IZIS) at <http://app.dcoz.dc.gov/Login.aspx> or to zcsubmissions@dc.gov. Ms. Schellin may be contacted by telephone at (202) 727-6311 or by email at Sharon.Schellin@dc.gov. Copies of this proposed rulemaking action may be obtained at cost by writing to the above address.