

GOVERNMENT OF THE DISTRICT OF COLUMBIA

OFFICE OF ZONING

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WASHINGTON, D.C. 20001

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**GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission**



**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF FINAL RULEMAKING
AND
ZONING COMMISSION ORDER NO. 14-13B
Z.C. Case No. 14-13B
(Text Amendment – 11 DCMR)
Minor Modification to Z.C. Order No. 14-13B (Penthouse Regulations)
May 23, 2016**

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, as amended (52 Stat. 797; D.C. Official Code § 6-641.01 (2012 Repl.)), hereby gives notice of the adoption of amendments to the current and newly adopted versions of the Zoning Regulations (Title 11 of the District of Columbia Municipal Regulations (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 modification concerns the permitting process set forth in § 3202 of the Current Regulations and Subtitle A, Chapter 3 of the 2016 Regulations, which provides that construction rights do not vest until a building permit is issued. (11 DCMR § 3202.4.) The amendment adds a new § 3202.12 to the Current Regulations and a new § 301.13 to Subtitle A of 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 modification also makes conforming amendments to § 3202.4 of the Current Regulations and Subtitle A § 301.4 of the 2016 Regulations.

The amendments 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