

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF PROPOSED RULEMAKING
Z.C. Case No. 14-13D
(Text Amendment – 11 DCMR)
Technical Corrections to Z.C. Order Nos. 14-13 and 08-06A

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 intent to make technical corrections to Z.C. Order Nos. 14-13 and 08-06A and to amend Subtitle C (General Rules) of Title 11 (Zoning Regulations of 2016) of the District of Columbia Municipal Regulations (DCMR) to reflect those corrections. Z.C. Order No. 14-11 made amendments to Chapter 4 of Title 11 DCMR, which Z.C. Order No. 08-06A repealed and replaced with Chapter 15 of Subtitle C.

As part of Z.C. Case No. 14-13, the Commission significantly revised the regulations pertaining to roof structures, which it renamed “penthouses.” The record of that case makes plain the Commission’s intent to eliminate the limitation on penthouse area to one-third (1/3) of the roof for all zones except zones with a story limitation of three (3) or less. The adopted rule did not expressly state that numeric limit, but required compliance for areas in “Zones where there is a limitation on the number of stories other than the C-3-B Zone District,” which had a story limit of six (6).

The Commission recognizes that by failing to explicitly apply the roof area limit to just those zones with a story limit of three (3) and then exempting a zone with a story limit of six (6), the rule could be misinterpreted as applying all zones with a story limit except C-3-B. Since Z.C. Order No. 08-06A repealed § 411.12, and replaced it with Subtitle Z § 1503.2, the only mechanism clarify the Commission’s intent is to amend § 1503.2(a) to apply the penthouse area limit to: “Zones **or portions of zones** where there is a limitation on the number of stories **of three (3) or less.**”

In addition, the Commission proposes to correct Z.C. Order No. 08-06A by further amending Subtitle Z § 1503.2 to strike its reference to the MU-8, MU-20, and NC-13 zones. These zones had been the C-3-B zone, but no longer have a story limit. Even if the zones still had a story limit of six (6), the proposed clarification eliminates the need to exempt them.

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 2016 Regulations (Title 11 DCMR) are proposed (additions are shown in bold underlined text; deletions are shown in ~~strikethrough~~ text):

Paragraph § 1503.2(a) of § 1503, PENTHOUSE AREA, of Subtitle C, GENERAL RULES, is amended to read as follows:

1503.1 Penthouses shall not exceed one-third (1/3) of the total roof area upon which the penthouse sits in the following areas:

- (a) Zones **or portions of zones** where there is a limitation on the number of stories **of three (3) or less** ~~other than the MU-8, MU-20, or NC-13 zones;~~ and
- (b) Any property fronting directly onto Independence Avenue, S.W. between 12th Street, S.W. and 2nd Street, S.W.

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.