

**Staff Report**

**TO:** District of Columbia Zoning Commission  
**FROM:** <sup>JLS</sup> Jennifer Steingasser, AICP  
Deputy Director, Development Review & Historic Preservation  
**DATE:** October 30, 2019  
**SUBJECT:** Final Report for a Text Amendment to the Zoning Regulations, 11 DCMR, Subtitles C, D, E, F and X

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**I. RECOMMENDATION**

The Office of Planning (OP) recommends the Commission approve the advertised text amendment to clarify the regulations on nonconforming structures.

**II. BACKGROUND AND ADDITIONAL INFORMATION**

At the July 29, 2019 public meeting, the Commission voted to set down case 19-14, proposed text amendments Subtitles C, D, E, and X to clarify the regulations on nonconforming structures. The Commission granted OP flexibility to work with the Office of the Attorney General (“OAG”) to refine the proposed text and to add conforming language as necessary. Subtitle F was included in the public hearing because it has similar text regulating nonconforming structures.

The proposed text amendment would amend the following:

- Subtitle C § 202.2 to clarify that enlargements and additions to nonconforming structures that
  - conform to development standards would be permitted as a matter-of-right;
  - do not conform to development standards would require relief as required under each subtitle;
- Subtitle D, Chapter 52, to remove the current reference to relief from Subtitle C § 202.2, clarify which development standards are eligible for special exception relief and consolidate all special exception authority in this chapter by deleting current §§ 5007 and 5108;
- Subtitle E, Chapter 52, to remove the current reference to relief from Subtitle C § 202.2, clarify which development standards are eligible for special exception relief and consolidate all special exception authority in this chapter by deleting current §§ 5005 and 5107;
- Subtitle F, Chapter 52, to remove the current reference to relief from Subtitle C § 202.2 and clarify which development standards are eligible for special exception relief; and
- Subtitle X, Chapter 10, to remove the reference to Subtitle C § 202 as relief from that Section is no longer required.

The July 18, 2019 OP report serves as a pre-hearing report and the Office of Planning recommends adoption of the text as advertised.