

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of Zoning



TO: Zoning Commission
FROM: Office of Zoning ³
DATE: May 29, 2020
RE: Z.C. Case No. 20-07 (Text Amendment re: Six-Month Extension of ZC & BZA Validity & Approvals)

Office of Zoning staff has discussed the text with the Office of the Attorney General and suggests the following amendments for further clarity. These amendments would clarify that the six month extension granted by the Commission is not meant to be cumulative, but to run concurrently.

Therefore, we ask the Commission to take emergency action and authorize the immediate publication of a second proposed rulemaking on this revised text at its June 8th public meeting. This will allow final action to be taken prior to the August recess.

New text is shown in **red**, **bold**, and underlined text and deleted text is shown in **red**, **bold**, and ~~strikethrough~~ text:

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

Subsections 702.1 and 702.2 of § 702, VALIDITY OF APPROVALS AND IMPLEMENTATION, of Chapter 7, APPROVALS AND ORDERS, of Subtitle Y, BOARD OF ZONING ADJUSTMENT RULES OF PRACTICE AND PROCEDURE, are proposed to be amended to read as follows:

702.1 An order granting a special exception or variance where the establishment of the use is dependent upon the erection or alteration of a structure shall be valid for a period of two (2) years, or one (1) year for an Electronic Equipment Facility, within which time an application shall be filed for a building permit for the erection or alteration approved. If the erection or alteration of more than one (1) structure is approved, a building permit application **must shall** be **file filed** for all such structures within this two (2) year period; **provided that any order scheduled to expire between April 27, 2020 and December 31, 2020 shall remain valid for a period of six (6) months from the date of expiration of the order although this six (6) month extension shall run concurrently with any subsequent time extension and shall not be cumulative to that subsequent time extension.**

702.2 An order granting a special exception or variance where the establishment of the use is not dependent upon the erection or alteration of a structure shall be valid for a period of six (6) months, within which time an application shall be filed for an certificate of occupancy for the use approved; **provided that any order scheduled to expire between April 27, 2020 and December 31, 2020 shall remain valid for a period of six (6) months from the date of expiration of the order although this six (6) month extension shall run concurrently with any subsequent time extension and shall not be cumulative to that subsequent time extension.**

II. Amendments to Subtitle Z, ZONING COMMISSION RULES OF PRACTICE AND PROCEDURE

Subsections 702.1 through 702.3 of § 702, VALIDITY OF APPROVALS AND IMPLEMENTATION, of Chapter 7, APPROVALS AND ORDERS, of Subtitle Z, ZONING COMMISSION RULES OF PRACTICE AND PROCEDURE, are proposed to be amended to read as follows:

702.1 A first-stage approval of a planned unit development (PUD) by the Commission shall be valid for a period of one (1) year, unless a longer period is established by the Commission at that time of approval; **provided that any approval scheduled to expire between April 27, 2020 and December 31, 2020 shall remain valid for a period of six (6) months from the date of expiration of the approval although this six (6) month extension shall run concurrently with any subsequent time extension and shall not be cumulative to that subsequent time extension.**

702.2 A contested case approval by the Commission shall be valid for a period of two (2) years from the effective date of the order granting the application, unless a longer period is established by the Commission at the time of approval, within which time **an** application shall be filed for a building permit; **provided that any approval scheduled to expire between April 27, 2020 and December 31, 2020 shall remain valid for six (6) months from the date of expiration of the approval although this six (6) month extension shall run concurrently with any subsequent time extension and shall not be cumulative to that subsequent time extension.**

702.3 Construction shall start within three (3) years after the effective date of **the** order granting the application, unless a longer period is established by the Commission at the time of approval; **provided that this three (3) year period shall be extended by six (6) months for any construction deadline scheduled to expire between April 27, 2020 and December 31, 2020 although this six (6) month extension shall run concurrently with any subsequent time extension and shall not be cumulative to that subsequent time extension.**