

MEMORANDUM

TO: Sara Bardin, Director, Office of Zoning
FROM:  Joel Lawson, Associate Director, Development Review
DATE: November 14, 2025
SUBJECT: Zoning Commission Case No. 08-06S
Request for Consent Calendar consideration of a technical correction to DCMR 11 Zoning Regulations as originally adopted in Case 08-06A in 2016 and subsequently modified.

I. RECOMMENDATION

Pursuant to Z §§ 703.1 and 703.2, the Office of Planning recommends that the Commission make the following technical correction to the Zoning Regulations as approved in case 08-06A and subsequently modified. OP requests that the matter be placed on the earliest possible Consent Calendar for a Zoning Commission Public Meeting, pursuant to Z § 703.4 of the regulations.

This proposal represents a continuation of the on-going effort to correct and clarify the regulations when needed, as requested by the Zoning Commission at the time ZR-16 was adopted. This proposal follows a series of similar technical correction cases and placed on the Consent Calendar, in 2016 through 2025.

II. PROPOSED AMENDMENTS

The proposed change would not amend the court regulations themselves, but would correct the intended means of obtaining relief from those regulations. The technical correction is as follows:

Subtitle I DOWNTOWN ZONES

Chapter 2 DEVELOPMENT STANDARDS FOR DOWNTOWN (D) ZONES is amended as follows:

Subsection 207.2 is added to § 207 COURT REQUIREMENTS as follows:

...

207.2 The Board of Zoning Adjustment may grant relief from the minimum court requirements as a special exception pursuant to Subtitle X Chapter 9.

III. BACKGROUND

As part of the public comments for Omnibus Text Amendment Case 25-12, there were many suggestions for additional changes to the zoning regulations. While some of these were incorporated into the proposed Omnibus text at setdown, many others were considered outside the scope of that text amendment case, or were ones that OP and other staff considered as being potentially inconsistent with current Comp Plan policy.

However, in our public hearing report ([ZC Case 25-12, Exhibit 15](#)), OP did bring to the Zoning Commission's attention a technical correction raised as part of public comments filed to the record

for that case. As it was not including in the Public Hearing Notice, the Commission requested that this item be removed from discussion as part of that case and brought forward as a separate request. This report is in response to that direction.

IV. OP ANALYSIS

The issue is one of obtaining relief from court requirements in the Downtown Zones. In an oversight in the translation of the ZR-58 downtown regulations into the current ZR-16 Downtown zone regulations, relief by special exception was no longer explicitly stated, so an area variance from court requirements would be required instead.

Specifically, under the ZR-58 regs:

- The Downtown was covered by the DD Overlay on top of standard mixed-use high-density zones, which at the time, were mainly the “C” zones.
- The provisions of the underlying zones established what could be constructed on a property, augmented by specific provisions of the DD Overlay.
- The underlying zones established court requirements and allowed relief by special exception, so the court requirements and the special exception relief from them applied also in the Downtown Overlay area.

In the translation to the ZR-16 regulations:

- The provisions of the underlying zones and the DD Overlay were combined into one set of distinct regulations in Subtitle I – the Downtown Zones.
- Language to allow relief by special exception in the Downtown zones from rear yard (I § 205.5) and side yard (I § 206.2), was included, but it was not included for courts.

OP could find no evidence in the record that the Zoning Commission intended to, for some reason, amend the permitted relief from court provisions from special exception in the ZR-58 regulations to a variance under ZR-16. It would have been particularly unusual to do so, since building courts are also regulated by the building code.

As such, this proposed technical correction to add the relief by special exception provision would correct language that is inconsistent with the intent at the time of adoption of the ZR-16 regulations, as well as being inconsistent with other zones and other Downtown zone provisions.

Although this issue was removed from consideration as part of ZC Case 25-12, comments on the proposal had been added to the record. Most notably, the Committee of 100 concurred, noting that “*we view the change as a minor technical amendment permissible under administrative procedure principles.*” ([Exhibit 130 to Case 25-12](#))

This proposed correction would not change the substance of the regulations, but would be consistent with Zoning Commission intent, provide clarity to the regulations and greater certainty to review processes, and remove an unintended regulatory burden. As such, it would be not inconsistent with the Comprehensive Plan, including when viewed through a Racial Equity Lens.

OP recommends that the technical correction be approved and incorporated into the Zoning Regulations.