

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission



MEMORANDUM

TO: ZONING COMMISSION

FROM: OFFICE OF ZONING ³

DATE: MARCH 31, 2026

RE: Z.C. CASE NO. 26-04 (OFFICE OF ZONING – TEXT AMENDMENT TO SUBTITLES Y AND Z, CHAPTERS 2, 7)

The Office of Zoning (OZ) is requesting that the Zoning Commission (Commission) grant set down for the following amendments to Subtitles Y and Z that would:

- Update the requirements for submitting a digital file (Y § 203.6; Z § 203.5);
- Update the times for receiving email and IZIS filings (Y and Z §§ 206.10-206.14);
- Clarify when the clock starts for scheduling BZA modifications without hearing (Y § 703.15);
- Add that BZA owner-occupied fees apply to applications that do not involve subdivided lots (Y § 1600.1);
- Remove the outdated references to COVID-19 time extensions and the fees for filing such (Y & Z, Chapters 7 & 16); and
- Add a new section for fees for required additional hearing notices (signs to post on properties) prepared by OZ (Y § 1600.4; Z § 1600.8).

We believe that the proposed amendments are fully consistent with the Comprehensive Plan for the District, inclusive of its Racial Equity directives. These revisions have been undertaken at the request of the BZA and the Commission for the purpose of improving the clarity, efficiency, and accessibility of the administrative framework governing zoning procedures. By removing obsolete provisions and terminology, the amendments will eliminate ambiguity, ensure alignment with current practices, and improve the public's ability to navigate the zoning process in a transparent and equitable manner.

OZ offers the following explanation for the proposed amendments to Subtitles Y and Z:

Digital Files (Y § 203.6; Z § 203.5)

The Zoning Regulations currently require that six DVD copies be provided for all video submissions. This requirement is outdated. We now request that digital copies be provided either on a USB drive or transmitted electronically.

Submissions via IZIS & E-Mail (Y and Z §§ 206.10-206.14)

IZIS submissions received up to 11:59 PM are recorded as received that same day whereas e-mail filings are only recognized until 5:00 PM, with anything received after that time treated as filed the next day. These differing deadlines were established pre-COVID, when hearings were held in person and a 5:00 PM e-mail cutoff aligned with 6:30 PM hearing times.

When filings began arriving exactly at 5:00 PM on hearing days, the ZC adjusted the deadline for all submissions related to cases on a meeting or hearing agenda to 24 hours in advance. Because submissions must now be filed the day before the hearing (or decision meeting, when the record remains open), there is no longer a compelling reason to maintain different deadlines for IZIS and e-mail filings. Because submissions must now be made the day prior to the hearing on a case (or decision, if the record is open), there is no clear reason not to have the submission times for IZIS and e-mail to align.

BZA Modifications Without Hearing (Y § 703.15)

Additional clarification is needed in this section regarding when a modification without hearing will be considered by the BZA. Applications are often submitted incomplete, requiring additional time for the Applicant to finalize the materials. Because the BZA meets weekly, these delays affect when the case is truly ready for BZA review, making it problematic to calculate the 35-day timeline from the initial submission date. BZA staff have indicated that clarifying this provision will improve the efficiency of case processing and presenting it to the BZA for deliberations.

BZA Filing Fees (Y § 1600)

BZA staff have determined that the current fee structure for owner-occupied projects should not apply to applications involving subdivided lots. Even if the owner occupies the property, subdivided lots may not remain solely owner-occupied. As a result, these applications should be assessed the non-owner-occupied fee rather than the discounted owner-occupied rate.

Removal of COVID-19 References (Y & Z, Chapter 7)

Many of these references are no longer valid and should be deleted.

BZA & ZC Filing Fees (Y § 1600 & Z § 1600)

We propose deleting outdated references to COVID-19 time extensions and associated filing fees, as such extensions are no longer requested under these sections.

Over the years, we have seen variations of how the signs are prepared that are posted throughout the District. The Director decided to have all signs prepared by staff so that the signs posted throughout the District are now uniform, consist, weatherproof, and included a QR code that will allow the public to use to go directly to the case to obtain further information immediately.

We also propose adding a new section requiring Applicants to pay for the cost of additional hearing notices—commonly known as the posted property signs. The recommended fee is modest: \$25 for BZA cases and \$100 for ZC cases for up to 10 signs, plus \$5 for each additional sign. Owner-occupied BZA applications would not be charged.

In recent years, the format and quality of posted signs across the District have varied significantly. To ensure consistency, accuracy, durability, and the inclusion of a QR code that directs the public to case information, the Director has centralized sign production within staff. This fee supports the standardized preparation of these required notices.

OZ has not raised its fees in years, despite Regulations requiring a review every three years. Like BZA and ZC Applicants, we face rising costs and budget constraints, too. Fee increases are made only when

necessary, and all fees will be reviewed next year; however, until then, we are hopeful these proposals may be approved for set down.

PROPOSED AMENDMENTS

The proposed text amendment to the Zoning Regulations for the Commission's consideration (additions are shown in **bold** and underlined text and deletions are shown in **bold** and ~~strikethrough~~ text) are as follows:

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

Subsection § 203.6, EVIDENCE, of Chapter 2, PUBLIC PARTICIPATION, of Subtitle Y, BOARD OF ZONING ADJUSTMENT RULES OF PRACTICE AND PROCEDURE, is amended to read as follows:

203.6 If a video is used, ~~six (6) copies~~ a digital copy of the video ~~on DVD~~ shall be filed with the Board.

Subsections §§ 206.10-206.14, SUBMITTING COMMENTS OR FILING DOCUMENTS ELECTRONICALLY OR BY E-MAIL, of Chapter 2, PUBLIC PARTICIPATION, of Subtitle Y, BOARD OF ZONING ADJUSTMENT RULES OF PRACTICE AND PROCEDURE, are amended by revising §§ 206.10 and 206.12, deleting § 206.11, and renumbering the remaining subsections to read as follows:

206.10 All filings submitted through IZIS and e-mail filings sent on or before 11:59 p.m. shall be recorded as being received on the same day.

~~206.11 All e-mail filings sent between on or after 12:01 a.m. and 5:00 p.m. on any Office of Zoning business day shall be recorded on the date it was received.~~

206.11~~2~~ The filing for IZIS filings and an e-mail filings received ~~between 5:01 p.m. and~~ on or after 12:00 a.m. shall be recorded on the next business day.

206.12~~3~~ ...¹

206.13~~4~~ ...

Subsections §§ 702.1-702.2 of § 702, VALIDITY OF APPROVALS AND IMPLEMENTATION, of Subtitle Y, BOARD OF ZONING ADJUSTMENT RULES OF PRACTICE AND PROCEDURE, are 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

¹ The use of this and other ellipses indicate that other provisions exist in the subsection being amended and that the omission of the provisions does not signify an intent to repeal.

approved, a building permit application shall be filed for all such structures within this two (2) year period; ~~provided that any order, including any extension other than one granted by this subsection, scheduled to expire between April 27, 2020 and December 31, 2020 shall remain valid for a single period of six (6) months from the date of expiration of the order.~~

702.2 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 shall be filed for all such structures within this two (2) year period; ~~provided that any order, including any extension other than one granted by this subsection, scheduled to expire between April 27, 2020 and December 31, 2020 shall remain valid for a single period of six (6) months from the date of expiration of the order.~~

Subsection § 703.15, CONSENT CALENDAR – TECHNICAL CORRECTIONS TO FINAL ORDERS AND MODIFICATIONS WITHOUT HEARINGS TO ORDERS AND PLANS, of Chapter 7, APPROVALS AND ORDERS, of Subtitle Y, BOARD OF ZONING ADJUSTMENT RULES OF PRACTICE AND PROCEDURE, is amended to read as follows:

703.15 A request for a modification without hearing shall be filed with and accepted as complete by the Office of Zoning at least thirty-five (35) days prior to the public meeting at which the request is to be considered.

Subsection § 705.7 of § 705, TIME EXTENSIONS, of Subtitle Y, BOARD OF ZONING ADJUSTMENT RULES OF PRACTICE AND PROCEDURE, is amended by deleting § 705.7 to read as follows:

~~705.7 For an order scheduled to expire between October 27, 2020 and June 30, 2022, an applicant may request an extension due to the complications from the COVID-19 pandemic by filing an application with the Director prior to the expiration of the order sought to be extended, which shall be extended administratively by the Director upon payment of the fee specified in Subtitle Y § 1600.1 and Table Y § 1600.~~

Subsection 1600.1 amended, new § 1600.4 is added, and Table Y § 1600 is amended of § 1600, FILING FEES, of Chapter 16, FEES, of Subtitle Y, BOARD OF ZONING ADJUSTMENT RULES OF PRACTICE AND PROCEDURE, is proposed to read as follows:

1600.1 Except as provided in Subtitle Y §§ 1600.2 and 1600.3...

...

(d) Owner-occupied, single dwelling unit or flat not involving a subdivided lot, regardless of the number of variances, special exceptions, or alternatives requested, three hundred twenty-five dollars (\$325); and

(e) For a time extension, a modification of a Board order, or approved plans, whether the modification is minor or not, for the owner of an owner-occupied single dwelling unit or flat **not involving a subdivided lot**, one hundred thirty dollars (\$130); for all other applicants, twenty-six percent (26%) of the original filing fee; **except that:**

~~(1) — A six (6) month time extension pursuant to Subtitle Y § 705.7 due to COVID-19 shall be fifty dollars (\$50) for an owner-occupied single dwelling unit or flat and five hundred twenty dollars (\$520) for all other applicants; and~~

~~(2) — A one (1) year time extension pursuant to Subtitle Y § 705.7 due to COVID-19 shall be one hundred dollars (\$100) for an owner-occupied single dwelling unit or flat and one thousand dollars (\$1,000) for all other applicants.~~

...

1600.4

Pursuant to Subtitle Y § 402.6, the Director shall supply up to ten (10) hearing notices for posting the property. The fee for said hearing notices shall be twenty-five dollars (\$25), which must be paid prior to scheduling of the hearing. If required, additional signs may be requested at a fee of five dollars (\$5) per sign. There shall be no cost for owner-occupied properties that do not involve subdivided lots.

TABLE Y § 1600 – SCHEDULE OF FILING FEES			
SPECIAL EXCEPTIONS			
Case Type	Unit	Fee	Maximum
...			
Time extension/minor and non-minor modifications <u>with and without hearing (owner-occupied)</u>			
• 6 month extension pursuant to Subtitle Z § 705.7 due to COVID-19		\$50	
• 1 year extension pursuant to Subtitle Z § 705.7 due to COVID-19		\$100	
• All other extensions/minor and non-minor modifications		\$130	
Time extension/modification with or without hearing (owner-occupied)			
• 6 month extension pursuant to Subtitle Z § 705.7 due to COVID-19		\$500	
• 1 year extension pursuant to Subtitle Z § 705.7 due to COVID-19		\$1,000	
• <u>Owner-occupied, not involving subdivided lot(s)</u>		\$130	
• All other extensions/modifications with or without hearing		26% of the original filing fee	
...			
HEARING NOTICES (POSTING SIGNS)			
Up to 10 notices (signs) per application		N/A	
• Owner-occupied, not involving subdivided lots		\$25	
• All other applicants		\$ 5	
• Additional signs (per sign)			

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

Subsection § 203.5, EVIDENCE, of Chapter 2, PUBLIC PARTICIPATION, of Subtitle Z, ZONING COMMISSION RULES OF PRACTICE AND PROCEDURE, is amended to read as follows:

203.5 If a video is used, ~~six (6) copies~~ a digital copy of the video ~~on DVD~~ shall be filed with the Commission.

Subsections §§ 206.10-206.14, SUBMITTING COMMENTS OR FILING DOCUMENTS ELECTRONICALLY OR BY E-MAIL, of Chapter 2, PUBLIC PARTICIPATION, of Subtitle Z, ZONING COMMISSION RULES OF PRACTICE AND PROCEDURE, are amended by revising §§ 206.10 and 206.12, deleting § 206.11, and renumbering the remaining subsections to read as follows:

206.10 All filings submitted through IZIS ~~and e-mail sent~~ and received on or before 11:59 p.m. shall be recorded as being received on the same day.

~~206.11 All e-mail filings sent between on or after 12:01 a.m. and 5:00 p.m. on any Office of Zoning business day shall be recorded on the date it was received.~~

206.112 The filing date for IZIS and an e-mail filings received ~~between 5:01 p.m. and~~ on or after 12:00 ~~ap~~.m. shall be recorded on the next business day.

206.123 ...²

206.134 ...

Subsections §§ 702.1-702.3 of § 702, VALIDITY OF APPROVALS AND IMPLEMENTATION, of Subtitle Z, ZONING COMMISSION RULES OF PRACTICE AND PROCEDURE, are 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, including any extension other than one granted by this subsection, scheduled to expire between April 27, 2020 and December 31, 2020, shall remain valid for a single period of six (6) months from the date of expiration of the approval.~~

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, including any extension other than one granted by this subsection, scheduled to expire between April 27, 2020 and December 31, 2020 (including any campus plan approval, whether approved under the BZA or Zoning Commission rules of procedure), shall remain valid for a single period of six (6) months from the date of expiration of the approval.~~

² The use of this and other ellipses indicate that other provisions exist in the subsection being amended and that the omission of the provisions does not signify an intent to repeal.

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 any such construction deadline, including by any extension other than one granted by this subsection, scheduled to expire between April 27, 2020 and December 31, 2020, shall be extended by a single period of six (6) months.~~

Subsections §§ 705.4-705.5, and 705.9, of § 705, TIME EXTENSIONS, of Subtitle Z, ZONING COMMISSION RULES OF PRACTICE AND PROCEDURE, are amended by revising §§ 705.4-705.5 and deleting § 705.9 to read as follows:

705.4 Only one (1) extension, not including any granted due to the COVID-19 pandemic ~~under Subtitle Z §§ 702.1-702.3 or 705.9~~, may be requested for a design review development approval.

705.5 An applicant with an approved PUD may request no more than two (2) extensions, ~~not including any granted due to the COVID-19 pandemic under Subtitle Z §§ 702.1-702.3 or 705.9.~~ The second extension for an extension may be approved for no more than one (1) year.

...

~~705.9 For an order scheduled to expire between October 27, 2020 and June 30, 2022, an applicant may request an extension due to the complications from the COVID-19 pandemic by filing an application with the Director prior to the expiration of the order sought to be extended, which shall be extended administratively by the Director upon payment of the fee specified in Subtitle Z § 1600.10 and Table Z § 1600.~~

Subsection 1600.1 and Table Z § 1600 of § 1600, FILING FEES, of Chapter 16, FEES, of Subtitle Z, ZONING COMMISSION RULES OF PRACTICE AND PROCEDURE, is proposed to be amended, to read as follows:

1600.10 At the time of filing a request for approval of an extension of time to the validity of a Zoning Commission order, the applicant shall pay a filing fee ~~as follows:~~

- ~~(a) Six (6) month time extension pursuant to Subtitle Z § 705.9 due to COVID-19 – five hundred twenty dollars (\$520);~~
- ~~(b) One (1) year time extension pursuant to Subtitle Z § 705.9 due to COVID-19 – one thousand dollars (\$1,000); or~~
- ~~(c) All other time extensions of the greater of one thousand, five hundred dollars (\$1,500) or ten percent (10%) of the original hearing fee, up to a maximum of five thousand dollars (\$5,000).~~

TABLE Z § 1600 – SCHEDULE OF FILING FEES		
CASE TYPE	FEE	MAXIMUM
...		
Time extension to the validity of an order for an approved design review or PUD		
*-6 month extension pursuant to Subtitle Z § 705.9 due to COVID-19	\$520	-
*-1 year extension pursuant to Subtitle Z § 705.9 due to COVID-19	\$1,000	-

CASE TYPE	FEE	MAXIMUM
<u>Time extension to the validity of an order for an approved design review or PUD</u> All other extensions	The greater of \$1,500 or 10% of the original hearing fee	\$5,000
...		

Add a new subsection 1601.8 and amend Table Z § 1601 of § 1601, HEARING FEES, of Chapter 16, FEES, of Subtitle Z, ZONING COMMISSION RULES OF PRACTICE AND PROCEDURE, is proposed to be amended, to read as follows:

1601.8 **Pursuant to Subtitle Z § 402.6, the Director shall supply up to ten (10) hearing notices for posting the property. The fee for said hearing notices shall be one hundred dollars (\$100), which shall be paid prior to scheduling of the hearing. If required, additional signs may be requested at a fee of five dollars (\$5) per sign.**

TABLE Z § 1600 – SCHEDULE OF HEARING FEES		
CASE TYPE	FEE	MAXIMUM
...		
<u>Additional Hearing Notices (Posting Signs)</u>		
• Up to 10 signs	<u>\$100</u>	
• Each additional sign over 10 (cost per sign)	<u>\$ 5</u>	