

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of Zoning



TO: Zoning Commission

FROM: Office of Zoning

DATE: April 7, 2020

RE: Text Amendment to Extend ZC & BZA Orders: Request for Emergency Action, Immediate Publication of Proposed Rulemaking, Set Down, & 30-Day Notice for Public Hearing Notice

With the current state of the District in the midst of the Covid-19 pandemic, the Office of Zoning is requesting that the Zoning Commission grant a six month extension of all ZC and BZA orders that are due to expire between the Commission's April 27, 2020 public meeting and December 31, 2020. This pandemic has kept businesses from operating as usual, with many having to cease operating altogether. This text amendment would avoid potential expiration of orders and approvals of the Commission and BZA caused by administrative disruptions due to the ongoing Covid-19 pandemic, with the associated risk to the District's economic state.

Therefore, we request that the Commission grant the following at their April 27th public meeting for the proposed text amendment:

- Set the case down for public hearing;
- Take emergency action and approve the immediate publication of a Notice of Proposed Rulemaking; and
- Approve a shorter notice period of 30 days for the Notice of Public Hearing.

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

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 be file 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.**

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.**

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.**

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 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.**

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.**