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GOVERNMENT OF THE DISTRICT OF COLUMBIA  
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**MEMORANDUM**

**TO:** District of Columbia Zoning Commission

**FROM:** Jennifer Steingasser, <sup>JS</sup> Deputy Director

**DATE:** June 29, 2007

**SUBJECT:** Repeal of Subsection 411.10 to remove referral of roof structure plans by the Zoning Administrator to the Office of Planning; initiated by the Office of Planning.

#07-19

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**RECOMMENDATION**

The Office of Planning proposes the repeal of 11 DCMR § 411.10, which requires the Zoning Administrator, before taking final action on a roof structure plan, to submit the plan to OP for review and report.<sup>1</sup> OP is given fifteen days to respond, unless a different timeframe is agreed upon. OP believes that this process serves no beneficial purpose, and is delaying the completion of building permit reviews. OP therefore requests that the matter be set down for a public hearing.

The Office of Planning also requests that the Commission authorize the issuance of a Notice of Proposed Rulemaking for the text and that the Commission allow the immediate advertisement of the text with a thirty-day notice period. This will allow for the expedited consideration of the proposed rule.

Although the rule itself does not prohibit the Zoning Administrator (ZA) from approving a roof plan in the absence of an OP report, as a matter of practice the ZA will not take final action until a report is received. OP's report is solely advisory and the ZA must still confirm compliance with the code. OP recommends the repeal of this requirement since it

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<sup>1</sup> 11 DCMR S 411.10 currently reads as follows:

Before taking final action on a roof structure plan, the Zoning Administrator shall submit the plan to the D.C. Office of Planning from review and report. The report shall be returned within fifteen (15) days of the date of submission unless a different period has been provided by mutual agreement of all parties involved.

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EXHIBIT NO. 1

is currently creating unintended consequences of delays in the issuance of building permits. As a result of an increased volume of building permit applications, OP's current review and report increases a wait time for permits by an additional two weeks, at minimum. The plans being reviewed are for the most part relatively straightforward and do not require two sets of reviewers. The Office of Planning will, of course, review any plans voluntarily referred to it by the Zoning Administrator, but believes it both unnecessary and inefficient to continue to make such referrals compulsory. The proposed repeal would not bypass any critical aspect of the Zoning Administrator's review process, as Section 411.11 already provides for the Board of Zoning Adjustment review if roof structure requirements cannot be met. This determination is made by the Zoning Administrator.

Therefore, OP recommends that the following text amendment to Section 411 be adopted to repeal the requirement that the Office of Planning provide reports on roof structure installations.

Amend 11 DCMR § 411 as follows:

Subsection 411.10 is repealed.

JLS/kt