

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF PROPOSED RULEMAKING**

Z.C. Case No. 12-08B

(Text Amendment – 11 DCMR)

**(To Establish Maximum Building Heights and Permit Emergency Shelter Uses
as a Matter of Right with no Limit on the Number of Persons in the StE-2 Zone)**

The Zoning Commission for the District of Columbia, (Commission) pursuant to its authority under § 1 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797), as amended; D.C. Official Code § 6-641.01 (2012 Rep1.)), hereby gives notice of its intent to amend Subtitle K (Special Purpose Zones) of Title 11 (Zoning Regulations of 2016) of the District of Columbia Municipal Regulations (DCMR).

Substantively, the Zoning Commission proposes to amend 11-K DCMR § 603 to establish maximum building heights for the St-E 2 zone (none are presently specified) and to amend 11-K DCMR §§ 612 and 614 to permit emergency shelter uses a matter-of-right use in the StE-2 zone with no numeric limitation as to persons housed. As to all other StE zones, the matter of right limit for emergency shelter uses will remain at four (4) persons, with up to 15 (fifteen) permitted by special exception. Corrective amendments are also proposed to the first sentence of 11-K DCMR § 612.1 to fix a typographical error (singular for plural) and to paragraph (m) of that subsection to replace an erroneous reference to a “Health Care” use category with a correct reference to the “Medical Care” use category.

Final rulemaking action shall be taken not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

The following amendments to Title 11 DCMR are proposed (additions are shown in **bold underlined** text and deletions are shown in ~~strikethrough~~ text):

Chapter 6, SAINT ELIZABETHS EAST CAMPUS ZONES – StE-1 THROUGH StE-19, of Title 11-K, SPECIAL PURPOSE ZONES, is amended as follows:

Section 603, HEIGHT (StE), is amended as follows:

Table K § 603, MAXIMUM PERMITTED BUILDING HEIGHT, PENTHOUSE HEIGHT, AND PENTHOUSE STORIES, is amended to read as follows:

TABLE K § 603.1: MAXIMUM PERMITTED BUILDING HEIGHT, PENTHOUSE HEIGHT, AND PENTHOUSE STORIES

Zone District	Maximum Building Height (ft.)	Maximum Penthouse Height	Maximum Penthouse Stories
StE-1	25	12 ft. except 15 ft. for penthouse mechanical space	1; Second story permitted for penthouse mechanical space

StE-2	<u>Subtitle K § 603.3</u>	12 ft. except 18 ft. 6 in. for penthouse mechanical space	1; Second story permitted for penthouse mechanical space
StE-3	... ¹		

A new subsection 603.3 is added to read as follows:

603.3 **The maximum permitted building height, not including the penthouse, for any portion of a building shall be as follows based on the building’s distance from the property line along Martin Luther King, Jr. Avenue:**

- (a) **For a distance of two-hundred thirty feet (230 ft.) or less, the maximum permitted building height, not including the penthouse, shall be forty feet (40 ft.);**
- (b) **For a distance of more than two-hundred thirty feet (230 ft.) and less than five hundred sixty feet (560 ft.), the maximum permitted building height, not including the penthouse, shall be eighty feet (80 ft.); and**
- (c) **For a distance of five hundred sixty feet (560 ft.) or more, the maximum permitted building height, not including the penthouse, shall be ninety feet (90 ft.).**

Paragraphs (j) and (m) of subsection 612.1 of § 612, USE PERMISSIONS (StE), are amended as follows:

612.1 The following ~~uses~~ **use** categories shall be permitted as a matter of right in all of the StE zones, except as limited in Subtitle K §§ 613 and 614, or if specifically prohibited by Subtitle K § 615:

- (a) ...
- (j) Emergency shelter uses that house no more than four (4) persons, not including resident supervisors or staff and their families, **except in the StE-2 Zone where no numeric limit applies;**
- ...
- (m) ~~Health Care~~ **Medical Care;**

Subsection 614.1 of § 614, USES PERMITTED BY SPECIAL EXCEPTION (StE) is amended as follows:

¹ The uses 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.

614.1 The uses in this section shall be permitted in the StE zones as a special exception if approved by the Board of Zoning Adjustment pursuant to the general standards of Subtitle X, the criteria set forth in Subtitle K § 615.2, and subject to applicable conditions of each section as stated below:

- (a) **Except as permitted as a matter of right in the StE-2 zone by Subtitle K § 612.1(j), emergency** Emergency shelter **uses** for five (5) to fifteen (15) persons, not including resident supervisors or staff and their families, subject to the following conditions:

(1) ...

All persons desiring to comment on the subject matter of this proposed rulemaking action should file comments in writing no later than thirty (30) days after the date of publication of this notice in the *D.C. Register*. Comments should be filed with Sharon Schellin, Secretary to the Zoning Commission, Office of Zoning, through the Interactive Zoning Information System (IZIS) at <https://app.dcoz.dc.gov/Login.aspx>; however, written statements may also be submitted by mail to 441 4th Street, N.W., Suite 200-S, Washington, D.C. 20001; by e-mail to zcsubmissions@dc.gov; or by fax to (202) 727-6072. Ms. Schellin may be contacted by telephone at (202) 727-6311 or by email at Sharon.Schellin@dc.gov. Copies of this proposed rulemaking action may be obtained at cost by writing to the above address.