

**TO:** District of Columbia Zoning Commission  
**FROM:** <sup>JLS</sup>  
Jennifer Steingasser, Deputy Director Development Review & Historic Preservation  
**DATE:** July 27, 2018  
**SUBJECT:** ZONING COMMISSION 17-18: Supplemental Report – Request for a Text Amendment to the Zoning Regulations in Subtitles A, D, E, F, J and K.

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## I. RECOMMENDATION

The Office of Planning (OP) recommends approval of the text amendments to the zoning regulations as listed in the Notice of Proposed Rulemaking, which was published on June 29, 2018. OP and DCRA have reviewed the comments that were entered into the record after the Zoning Commission took Proposed Action on May 24, 2018, which are Exhibits 37-41. After consideration of the comments provided, OP recommends the following changes to the text amendment:

### 1.) AREAWAY

**Zoning Commission Proposed Action:**

**Areaway:** A subsurface space adjacent to a building open at the top or protected at the top by a grating or guard and passageways accessing basement/cellar doors.

**Proposed Revision:**

**Areaway:** A subsurface space adjacent to a building **that is** open at the top or protected at the top by a grating or guard **and that provides a** passageway accessing **a** basement/cellar doors.

### 2.) FINISHED GRADE

**Zoning Commission Proposed Action:**

**Grade, Exceptions to:** The following are exceptions to “Finished Grade” and “Natural Grade” as those terms defined below:

- (i) A window well that projects no more than four feet (4 ft.) from the building face; and
- (ii) An areaway that provides direct access to an entrance and projects no more than five feet (5 ft.) from the building face; excluding associated stairs or ramps.

**Proposed Revision:**

**Grade, Exceptions to:** The following are exceptions to “Finished Grade” and “Natural Grade” as those terms defined below:

- (i) A window well that projects no more than four feet (4 ft.) from the building face; and
- (ii) An areaway that provides direct access to an entrance and, **excluding associated stairs or ramps**, projects no more than five feet (5 ft.) from the building face; ~~excluding associated stairs or ramps.~~

3.) VESTING

**Zoning Commission Proposed Action:**

301.15 Notwithstanding Subtitle A § 301.4, any building permit application including a foundation-to-grade permit application, (the Permit Application) shall be processed, and any work authorized by the permit may be carried to completion pursuant to the rules for measuring floor area ratio and height as existed on [THE EFFECTIVE DATE OF THIS AMENDMENT] if the Permit Application was legally filed with, and accepted as complete by the Department of Consumer and Regulatory Affairs on or before that date.

**Proposed Revision:**

301.15 Notwithstanding Subtitle A § 301.4, any building permit application including a foundation-to-grade permit application; (the Permit Application), shall be processed, and any work authorized by the permit may be carried to completion, pursuant to the rules for measuring floor area ratio, height, **stories** and **grade** as existed on [THE EFFECTIVE DATE OF THIS AMENDMENT] if the permit application was legally filed with, and accepted as complete by the Department of Consumer and Regulatory Affairs on or before that date **and not substantially changed after filing.**

**Proposed Revision (not previously reviewed by Zoning Commission):**

301.4 Except as provided in Subtitle A §§ 301.9 through ~~301.13~~ **301.15**, any construction authorized by a permit may be carried to completion pursuant to the provisions of this title in effect on the date that the permit is issued, subject to the following conditions:

- (a) The permit holder shall begin construction work within two (2) years of the date on which the permit is issued; and
- (b) Any amendment to the permit shall comply with the provisions of this title in effect on the date the permit is amended.