

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
SECOND NOTICE OF PROPOSED RULEMAKING
Z.C. Case No. 17-18
(Office of Planning –Text Amendments to Subtitle B Regarding the Measurement
of Floor Area Ratio)

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 B (Definitions, Rules of Measurement, and Use Categories), of Title 11 (Zoning Regulations of 2016) of the District of Columbia Municipal Regulations (DCMR) to add a new § 304.6.

Through a notice of final rulemaking published in the *D.C. Register* on August 17, 2018, at 65 DCR 008555 the Commission adopted rules which, among other things, amended Subtitle B §§ 304.4 and 304.5 to identify when the “perimeter wall” method or the “grade plane” method is used to measure the gross floor area of a partially below-grade building. In response to comments received at the public hearing held on February 22, 2018, the Office of Planning proposed adding a new subsection to § 304 to provide that when the finished floor of a building’s ground floor is removed or altered in elevation in association with a renovation, the higher of previously existing or new finished floor of the ground floor is to be used for calculating the gross floor area pursuant to §§ 304.4 and 304.5. Although the Commission agreed to include the proposed provision when it voted to take proposed action on this case, the provision was inadvertently omitted from the Notices of Proposed Rulemaking and Final Rulemaking. It is therefore being proposed through this notice.

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 amendment to Title 11 DCMR is proposed (additions are shown in **bold underlined** text and deletions are shown in ~~striketrough~~ text):

Section 304, RULES OF MEASUREMENT FOR GROSS FLOOR AREA (GFA), of Chapter 3, GENERAL RULES OF MEASUREMENT, of Subtitle B, DEFINITIONS, RULES OF MEASUREMENT, AND USE CATEGORIES, is amended to add a new § 304.6 to read as follows:

304.6 For a building where the finished floor of the ground floor is removed or altered in elevation in association with a renovation where a raze of the building has not occurred, the higher of previously existing or new finished floor of the ground floor shall be used for calculating the gross floor area pursuant to 11-B DCMR §§ 304.4 and 304.5.

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.