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The Honorable Muriel Bowser

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The Honorable Phil Mendelson

Executive Director
Marcel Acosta

IN REPLY REFER TO:
NCPC File No. ZC 19-14

FEB 06 2020

Zoning Commission of the District of Columbia
2nd Floor, Suite 210
441 4th Street, NW
Washington, DC 20001

Members of the Zoning Commission:

Pursuant to delegations of authority adopted by the Commission on February 6, 2020, I found that the proposed Text Amendment to Subtitles C, D, E, and X - Nonconforming Structure located in Washington, DC is not inconsistent with the *Comprehensive Plan for the National Capital* and would not adversely impact any other identified federal interests. A copy of the Delegated Action of the Executive Director is enclosed.

Sincerely,

Marcel Acosta
Executive Director

Enclosures

cc: Mr. Andrew Trueblood, Director, DC Office of Planning
Mr. Anthony Hood, Chairman, Zoning Commission



Delegated Action of the Executive Director

PROJECT
Text Amendment to Subtitles C, D, E, and X
- Nonconforming Structure
441 4th Street, NW Suite 200-S
Washington, DC

NCPC FILE NUMBER
ZC 19-14

NCPC MAP FILE NUMBER
21.00(06.00)45064

REFERRED BY
Zoning Commission of the District of Columbia

DETERMINATION
Approval of report to the Zoning
Commission of the District of
Columbia

REVIEW AUTHORITY
Advisory
per 40 U.S.C. § 8724(a) and DC Code § 2-
1006(a)

The Zoning Commission of the District of Columbia has taken a proposed action and has referred a text amendment submitted by the Office of Planning (OP) to modify the following: Subtitle C, § 202.2; Subtitle D, Chapter 52; Subtitle E, Chapter 52; and Subtitle X, Chapter 10 of the Zoning Regulations. This proposed text amendment is to clarify when zoning relief is necessary for additions or alterations to nonconforming structures on any property within Washington, DC.

Subtitle C § 202.2 regulates enlargements and additions to nonconforming structures and can be read to require additional relief that often causes confusion in the evaluation of special exceptions to certain development standards. This amendment would clarify that conforming enlargements or additions to nonconforming structures would be permitted and relief is only required when a nonconformity is extended or created. Additional relief would no longer be needed from C § 202.2 itself as part of the special exception process of Chapter 52. This amendment would also remove references to Subtitle C § 202.2 in Subtitles D, E and X.

Amendments to Subtitle D, Chapter 52 and Subtitle E, Chapter 52 clarify the development standards eligible for special exception relief for 1) additions to residential buildings on street-facing lots, 2) new or expansions of accessory structures and 3) new or expansions of buildings on alley lots. The proposed amendments to Subtitles D and E also reflect the recently proposed text amendments to alley lots (ZC 19-13) and the new format for new zone names.

The change to Subtitle X, Chapter 10 is to remove a reference in subsection 1001.3 of the General Procedures, Variances that identifies examples of when area variances are necessary regarding additions to nonconforming structures.

After reviewing the proposed text amendment, staff understands that the designation of “nonconforming structure” pertains to private development in Washington, DC and it does not affect federal property. Since it will not affect federal property, this text amendment is not inconsistent with the policies contained within the Federal Elements of the Comprehensive Plan for the National Capital.

* * *

Pursuant to delegations of authority adopted by the Commission on August 6, 1999 and per 40 U.S.C. § 8724(a) and DC Code § 2-1006(a), I find that the proposed text amendment to amend Subtitles C, D, E and X of the DC Zoning Regulations clarifying when zoning relief is necessary for additions or alterations to nonconforming structures in Washington, DC is not inconsistent with the Federal Elements of the Comprehensive Plan and will not affect any other federal interest.

<u>// Original Signed // Matthew Flis for</u>	<u>1/31/20</u>
Marcel Acosta	Date
Executive Director	