

## OFFICE OF DOCUMENTS AND ADMINISTRATIVE ISSUANCES

### ERRATA NOTICE

The Administrator of the Office of Documents and Administrative Issuances (ODAI), pursuant to the authority set forth in Section 309 of the District of Columbia Administrative Procedure Act, approved October 21, 1968, as amended (82 Stat. 1203; D.C. Official Code § 2-559 (2016 Repl.)), hereby gives notice of a correction to the Notice of Final Rulemaking and Zoning Commission Order No. 19-14, issued by the Zoning Commission of the District of Columbia and published in the *D.C. Register* on July 3, 2020, at 67 DCR 8068, *et seq.*

The final rulemaking amended Subtitles C (General Rules), D (Residential House (R) Zones), E (Residential Flats (RF) Zones), F (Residential Apartment (RA) Zones), and X (General Procedures) of Title 11 (Zoning Regulations of 2016) of the District of Columbia Municipal Regulations (DCMR).

Among other changes, the final rulemaking revised Subtitle D § 5201, Subtitle E § 5201, and Subtitle F § 5201 to expand the eligibility for special exception relief from certain development standards to include new principal residential buildings on substandard non-alley record lots (as described by Subtitle C § 301.1). The final rulemaking inadvertently failed to fully update Subtitle D § 5201.4, Subtitle E § 5201.4, and Subtitle F § 5201.4, which impose the applicable specific special exception criteria that an application must meet - specifically paragraph (d) of these sections, requiring sufficient illustrations of the proposed building or addition for which relief is sought, was not updated to refer to “new buildings” as well as additions or accessory structures.

Therefore, the final rulemaking is corrected to amend Subtitle D § 5201.4, Subtitle E § 5201.4, and Subtitle F § 5201.4 to read as follows (the corrections to the final rulemaking are made below, with additions are shown in **bold and underline**; deletions are shown in **~~bold and strikethrough~~**):

#### **I. Amendments to Subtitle D, RESIDENTIAL HOUSE (R) ZONES**

**Paragraph (d) of § 5201.4 of § 5201, SPECIAL EXCEPTION RELIEF FROM CERTAIN REQUIRED DEVELOPMENT STANDARDS, of Chapter 52, RELIEF FROM REQUIRED DEVELOPMENT STANDARDS FOR RF ZONES, of Subtitle D, RESIDENTIAL HOUSE (R) ZONES, is amended to correct the inadvertent omission of “new building,” to read as follows:**

5201.4            An application for special exception relief under this section shall demonstrate that the proposed addition, new building, or accessory structure shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, specifically:

- (a)            The light and air available ...<sup>1</sup>

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<sup>1</sup> 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.

- (b) The privacy of use and enjoyment ...
- (c) The proposed addition or accessory structure, together with the original building, or the proposed new building, as viewed from the street, alley, and other public way, shall not substantially visually intrude upon the character, scale, and pattern of houses along the street and alley frontage; and
- (d) In demonstrating compliance with paragraphs (a), (b), and (c) of this subsection, the applicant shall use graphical representations such as plans, photographs, or elevation and section drawings sufficient to represent the relationship of the proposed addition, **new building**, or accessory structure to adjacent buildings and view from public ways.

## **II. Amendments to Subtitle E, RESIDENTIAL FLAT (RF) ZONES**

**Paragraph (d) of § 5201.4 of § 5201, SPECIAL EXCEPTION RELIEF FROM CERTAIN REQUIRED DEVELOPMENT STANDARDS, of Chapter 52, RELIEF FROM REQUIRED DEVELOPMENT STANDARDS FOR RF ZONES, of Subtitle E, RESIDENTIAL FLAT (RF) ZONES, is amended to correct the inadvertent omission of “new building,” to read as follows:**

- 5201.4      An application for special exception relief under this section shall demonstrate that the proposed addition, new building, or accessory structure shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, specifically:
- (a) The light and air available ...
  - (b) The privacy of use and enjoyment ...
  - (c) The proposed addition or accessory structure, together with the original building, or the proposed new building, as viewed from the street, alley, and other public way, shall not substantially visually intrude upon the character, scale, and pattern of houses along the street and alley frontage; and
  - (d) In demonstrating compliance with paragraphs (a), (b), and (c) of this subsection, the applicant shall use graphical representations such as plans, photographs, or elevation and section drawings sufficient to represent the relationship of the proposed addition, **new building**, or accessory structure to adjacent buildings and view from public ways.

### **III. Amendments to Subtitle F, RESIDENTIAL APARTMENT (RA) ZONES**

**Paragraph (d) of § 5201.4 of § 5201, SPECIAL EXCEPTION RELIEF FROM CERTAIN REQUIRED DEVELOPMENT STANDARDS, of Chapter 52, RELIEF FROM REQUIRED DEVELOPMENT STANDARDS FOR RF ZONES, of Subtitle F, RESIDENTIAL APARTMENT (RA) ZONES, is amended to correct the inadvertent omission of “new building,” to read as follows:**

- 5201.4      An application for special exception relief under this section shall demonstrate that the proposed addition, new building, or accessory structure shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, specifically:
- (a)      The light and air available ...
  - (b)      The privacy of use and enjoyment ...
  - (c)      The proposed addition or accessory structure, together with the original building, or the proposed new building, as viewed from the street, alley, and other public way, shall not substantially visually intrude upon the character, scale, and pattern of houses along the street and alley frontage; and
  - (d)      In demonstrating compliance with paragraphs (a), (b), and (c) of this subsection, the applicant shall use graphical representations such as plans, photographs, or elevation and section drawings sufficient to represent the relationship of the proposed addition, **new building**, or accessory structure to adjacent buildings and view from public ways.

These corrections by this Errata Notice to the Notice of Final Rulemaking is non-substantive in nature and does not alter the intent, application, or purpose of the proposed rules. The rules are effective upon the original publication date of the Notice of Final Rulemaking of July 3, 2020.

Any questions or comments regarding this notice shall be addressed by mail to Victor L. Reid, Esq. Administrator, Office of Documents & Administrative Issuances, 441 4<sup>th</sup> Street, N.W., Suite 520S, Washington, D.C. 20001, email at [victor.reid@dc.gov](mailto:victor.reid@dc.gov), or via telephone at (202) 727-5090.