

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF PUBLIC HEARING**

TIME AND PLACE: **Thursday, November 7, 2019, @ 6:30 p.m.
Jerrily R. Kress Memorial Hearing Room
441 4th Street, N.W., Suite 220-South
Washington, D.C. 20001**

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

CASE NO. 19-14 (Office of Planning – Proposed Text Amendments to Subtitles C, D, E, and F to Clarify the Regulations on Nonconforming Structures)

THIS CASE IS OF INTEREST TO ALL ANCS

On July 18, 2019, the Office of Planning (“OP”) filed with the Office of Zoning a setdown report that served as the pre-hearing report required by Subtitle Z § 501 of Title 11 of the DCMR (Zoning Regulations of 2016, the “Zoning Regulations,” to which all references herein refer unless otherwise specified) and as a petition proposing text amendments to the Zoning Regulations that would clarify what relief is required and available for additions to a nonconforming structure by amending the following:

- Subtitle C § 202.2 to clarify that enlargements and additions to nonconforming structures that
 - conform to development standards would be permitted as a matter-of-right;
 - do not conform to development standards would require relief as required under each subtitle;
- Subtitle D, Chapter 52, to remove the current reference to relief from Subtitle C § 202.2, clarify which development standards are eligible for special exception relief and consolidate all special exception authority in this chapter by deleting current §§ 5007 and 5108;
- Subtitle E, Chapter 52, to remove the current reference to relief from Subtitle C § 202.2, clarify which development standards are eligible for special exception relief and consolidate all special exception authority in this chapter by deleting current §§ 5005 and 5107;
- Subtitle F, Chapter 52, to remove the current reference to relief from Subtitle C § 202.2 and clarify which development standards are eligible for special exception relief; and
- Subtitle X, Chapter 10, to remove the reference to Subtitle C § 202 as relief from that section is no longer required.

The proposed text amendment would apply city-wide.

At its regular public meeting held on July 29, 2019, the Zoning Commission voted to grant OP’s request to set down the proposed text amendment for a public hearing and authorized flexibility

for OP to work with the Office of the Attorney General to refine the proposed text and add any conforming language as necessary.

PROPOSED TEXT AMENDMENT

The proposed amendments to the text of the Zoning Regulations are as follows (text to be deleted is marked in **bold** and ~~struckthrough~~ text and new text is shown in **bold** and underlined text):

I. Subtitle C, GENERAL RULES, is proposed to be amended as follows:

Subsection 202.2 of § 202, NONCONFORMING STRUCTURES, of Chapter 2, NONCONFORMITIES, is proposed to be amended to read as follows:

202.2 Enlargements or additions may be made to the structure; provided that the addition or enlargement itself shall:

- (a) Conform to **the** use and development standard requirements **or obtain relief from the relevant standards**; and
- (b) Neither increase **nor** extend any existing, nonconforming aspect of the structure; nor create any new nonconformity of structure and addition combined **unless relief is obtained from the relevant standards**.

II. Subtitle D, RESIDENTIAL HOUSE ZONES, is proposed to be amended as follows:

Section 5007, SPECIAL EXCEPTION, of Chapter 50, ACCESSORY BUILDING REGULATIONS FOR R ZONES, is proposed to be deleted as follows:

~~5007 ——— SPECIAL EXCEPTION~~

~~5007.1 ——— Exceptions to the development standards of this chapter shall be permitted as a special exception if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9, and subject to the provisions and limitations of Subtitle D § 5201.~~

Section 5108, SPECIAL EXCEPTION, of Chapter 51, ALLEY LOT REGULATIONS FOR R ZONES, is proposed to be deleted as follows:

~~5108 ——— SPECIAL EXCEPTION~~

~~5108.1 ——— Exceptions to the development standards of this chapter shall be permitted as a special exception if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9, and subject to the provisions and limitations of Subtitle D § 5204.~~

The title of Chapter 52, RELIEF FROM REQUIRED DEVELOPMENT STANDARDS is proposed to be amended to read as follows:

CHAPTER 52 RELIEF FROM REQUIRED DEVELOPMENT STANDARDS FOR R ZONES

Section 5200, GENERAL PROVISIONS, of Chapter 52, RELIEF FROM REQUIRED DEVELOPMENT STANDARDS FOR R ZONES, is proposed to be amended as follows:

5200 GENERAL PROVISIONS

5200.1 The ~~following~~ provisions of this chapter provide for special exception relief to the specified development standards and regulations subject to the provisions of each section and the general special exception criteria at Subtitle X, Chapter 9.

5200.2 Requested relief that does not comply with specific conditions or limitations of a special exception authorized by this chapter shall be processed as a variance pursuant to Subtitle X, Chapter 10.

The title of Section 5201, ADDITION TO A BUILDING OR ACCESSORY STRUCTURE, of Chapter 52, RELIEF FROM REQUIRED DEVELOPMENT STANDARDS FOR R ZONES, is proposed to be amended to read as follows:

5201 ~~ADDITION TO A BUILDING OR ACCESSORY STRUCTURE~~ SPECIAL EXCEPTION RELIEF FROM CERTAIN REQUIRED DEVELOPMENT STANDARDS

Section 5201, SPECIAL EXCEPTION RELIEF FROM CERTAIN REQUIRED DEVELOPMENT STANDARDS, of Chapter 52, RELIEF FROM REQUIRED DEVELOPMENT STANDARDS FOR R ZONES, is proposed to be amended as follows:

5201 SPECIAL EXCEPTION RELIEF FROM CERTAIN REQUIRED DEVELOPMENT STANDARDS

5201.1 The For an addition to a principal residential building on a non-alley lot with one (1) principal dwelling unit or for a new principal residential building on a substandard record lot as described by Subtitle C § 301.1, the Board of Zoning Adjustment may approve as a special exception ~~in the R zones relief from the following development standards of this subtitle~~, subject to the provisions of this section and the general special exception criteria at Subtitle X, Chapter 9, relief from the following development standards of this subtitle:

- (a) Lot occupancy subject to the following table:

TABLE D § 5201.1(a): MAXIMUM PERMITTED LOT OCCUPANCY BY SPECIAL EXCEPTION

<u>Zone</u>	<u>Maximum Lot Occupancy</u>
<u>R-3, R-13, and R-17</u> <u>R-20 - Row dwellings</u>	<u>70%</u>
<u>R-20 - Detached and semi-detached dwellings</u> <u>All other R zones</u>	<u>50%</u>

- (b) Yards, including alley centerline setback;
- (c) Courts; and
- ~~(d) Minimum Lot dimensions;~~
- ~~(e) (d) Pervious surface; and.~~
- ~~(f) The limitations on enlargements or additions to nonconforming structures as set forth in Subtitle C § 202.2.~~

5201.2

Special For a new or enlarged accessory structure to a residential building on a non-alley lot, the Board of Zoning Adjustment may approve as a special exception relief under this section is applicable only to the following, subject to the provisions of this section and the general special exception criteria at Subtitle X, Chapter 9, from the following development standards:

- (a) **An addition to a building with only one (1) principal dwelling unit; or Lot occupancy subject to the following table:**

TABLE D § 5201.2(b): MAXIMUM PERMITTED LOT OCCUPANCY BY SPECIAL EXCEPTION

<u>Zone</u>	<u>Maximum Lot Occupancy</u>
<u>R-3, R-13, and R-17</u> <u>R-20 - Row dwellings</u>	<u>70%</u>
<u>R-20 - Detached and semi-detached dwellings</u> <u>All other R zones</u>	<u>50%</u>

- ~~(b) A new or enlarged accessory structure that is accessory to such a building Maximum building area of an accessory building;~~
- ~~(c) Yards, including alley centerline setback;~~
- ~~(d) Courts; and~~

(e) Pervious surface.

5201.3 **For a new or enlarged principal building on an alley lot, the Board of Zoning Adjustment may approve as a special exception, subject to the provisions of this section and the general special exception criteria at Subtitle X, Chapter 9 relief from the following development standards:**

(a) Yards, including alley centerline setback; and

(b) Pervious surface.

5201.3 5201.4 An applicant **application** for special exception **relief** under this section shall demonstrate that the proposed addition or accessory structure shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular:

(a) The light and air available to neighboring properties shall not be unduly affected;

(b) The privacy of use and enjoyment of neighboring properties shall not be unduly compromised;

(c) The addition or accessory structure, together with the original building, **or the alley lot 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 subject street 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 or accessory structure to adjacent buildings and views from public ways; **and**.

~~(e) The Board of Zoning Adjustment may approve lot occupancy of all new and existing structures on the lot as specified in the following table:~~

TABLE D § 5201.4: MAXIMUM PERMITTED LOT OCCUPANCY

<u>Zone</u>	<u>Maximum Lot Occupancy</u>
<u>R-3</u> <u>R-13</u> <u>R-17</u>	<u>70%</u>
<u>R-20 – attached dwellings only</u>	<u>70%</u>
<u>R-20 – detached and semi-detached dwellings</u> <u>All Other R zones</u>	<u>50%</u>

~~5201.4~~ **5201.5** The Board of Zoning Adjustment may require special treatment in the way of design, screening, exterior or interior lighting, building materials, or other features for the protection of adjacent and nearby properties.

~~5201.5~~ **5201.6** This section may ~~may~~ **shall** not be used to permit the introduction or expansion of a nonconforming use, **lot occupancy**, as a special exception.

~~5201.6~~ This section shall not be used to permit the introduction or expansion of nonconforming height, or number of stories as a special exception.

5201.7 Where an application requests relief from the alley centerline setback requirements under this section, the Office of Planning (OP) shall coordinate the review of the application by referring it for comments or recommendations from relevant government agencies, including, but not limited to:

(a) District Department of Transportation (DDOT);

(b) Department of Public Works (DPW);

(c) Metropolitan Police Department (MPD);

(d) Fire and Emergency Medical Services Department (FEMS);

(e) DC Water (WASA); and

(f) If a historic district or historic landmark is involved, the Historic Preservation Office (HPO).

OP shall include any received comments or recommendations in its analysis of the application.

Section 5204, SPECIAL EXCEPTION CRITERIA ALLEY LOTS, of Chapter 52, RELIEF FROM REQUIRED DEVELOPMENT STANDARDS, is proposed to be deleted as follows:

5204 ~~SPECIAL EXCEPTION CRITERIA ALLEY LOTS [RESERVED]~~

~~5204.1~~ ~~The Board of Zoning Adjustment may approve as a special exception a reduction in the minimum yard requirements of an alley lot in an R zone pursuant to Subtitle X, Chapter 9~~

III. Subtitle E, RESIDENTIAL FLAT ZONES is proposed to be amended as follows:

Section 5007, SPECIAL EXCEPTION, of Chapter 50, ACCESSORY BUILDING REGULATIONS FOR RF ZONES is proposed to be deleted as follows:

5007 — ~~SPECIAL EXCEPTION~~

5108.1 — ~~Exceptions to the development standards of this chapter shall be permitted as a special exception if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9, and subject to the provisions and limitations of Subtitle E §§ 5201.~~

Section 5108, SPECIAL EXCEPTION, of Chapter 51, ALLEY LOT REGULATIONS is proposed to be deleted as follows:

5108 — ~~SPECIAL EXCEPTION~~

5108.1 — ~~Exceptions to the development standards of this chapter shall be permitted as a special exception if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9, and subject to the provisions and limitations of Subtitle E § 5204.~~

The title of Chapter 52, RELIEF FROM REQUIRED DEVELOPMENT STANDARDS is proposed to be amended to read as follows:

CHAPTER 52 RELIEF FROM REQUIRED DEVELOPMENT STANDARDS FOR RF ZONES

Section 5200, GENERAL PROVISIONS, of Chapter 52, RELIEF FROM REQUIRED DEVELOPMENT STANDARDS FOR RF ZONES, is proposed to be amended to read as follows:

5200 **GENERAL PROVISIONS**

5200.1 The ~~following~~ provisions of this chapter provide for special exception relief to the specified development standards and regulations subject to the provisions of each section and the general special exception criteria at Subtitle X, Chapter 9.

5200.2 Requested relief that does not comply with specific conditions or limitations of a special exception authorized by this chapter shall be processed as a variance pursuant to Subtitle X, Chapter 10.

The title of Section 5201, ADDITION TO A BUILDING OR ACCESSORY STRUCTURE, of Chapter 52, RELIEF FROM REQUIRED DEVELOPMENT STANDARDS FOR RF ZONES is proposed to be amended to read as follows:

5201 ~~ADDITION TO A BUILDING OR ACCESSORY STRUCTURE~~ **SPECIAL EXCEPTION RELIEF FROM CERTAIN REQUIRED DEVELOPMENT STANDARDS**

Section 5201, SPECIAL EXCEPTION RELIEF FROM CERTAIN REQUIRED DEVELOPMENT STANDARDS, of Chapter 52, RELIEF FROM REQUIRED DEVELOPMENT STANDARDS FOR RF ZONES, is proposed to be amended to read as follows:

5201 SPECIAL EXCEPTION RELIEF FROM CERTAIN REQUIRED DEVELOPMENT STANDARDS

5201.1 The For an addition to a principal residential building on a non-alley lot or for a new principal residential building on a substandard record lot as described by Subtitle C §301.1, the Board of Zoning Adjustment may approve as a special exception, in the RF zones relief from the following development standards subject to the provisions of this section and the general special exception criteria at Subtitle X, Chapter 9, relief from the following development standards of this subtitle:

- (a) Lot occupancy up to a maximum of seventy percent (70%) for all new and existing structures on the lot;
- (b) Yards, including alley centerline setback;
- (c) Courts; and
- ~~(d) Minimum Lot dimension;~~
- ~~(e) (d) Pervious surface; and.~~
- ~~(f) The limitations on enlargements or additions to nonconforming structures as set forth in Subtitle C § 202.2.~~

5201.2 Special For a new or enlarged accessory structure to a residential building on a non-alley lot, the Board of Zoning Adjustment may approve as a special exception, relief under this section is applicable only to the following subject to the provisions of this section and the general special exception criteria at Subtitle X, Chapter 9, relief from the following development standards of this subtitle:

- (a) ~~An addition to a residential building~~ Lot occupancy under Subtitle E § 5003 up to a maximum of seventy percent (70%) for all new and existing structures on the lot;
- (b) ~~A new or enlarged accessory structure that is accessory to such a building; or~~ Yards, including alley centerline setback;
- (c) ~~A reduction in the minimum setback requirements of an alley lot.~~ Courts; and

(d) Pervious surface.

5201.3 For a new or enlarged building on an alley lot, the Board of Zoning Adjustment may approve as a special exception, subject to the provisions of this section and the general special exception criteria at Subtitle X, Chapter 9, relief from the following development standards of this subtitle:

(a) Yards, including alley centerline setback; and

(b) Pervious surface.

5201.3 ~~5201.4~~ An **applicant application** for special exception **relief** under this section shall demonstrate that the proposed addition or accessory structure shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular:

(a) The light and air available to neighboring properties shall not be unduly affected;

(b) The privacy of use and enjoyment of neighboring properties shall not be unduly compromised;

(c) The addition or accessory structure, together with the original building, **or the alley lot 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 subject street 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 or accessory structure to adjacent buildings and views from public ways; ~~and.~~

~~(e) The Board of Zoning Adjustment may approve lot occupancy of all new and existing structures on the lot up to a maximum of seventy percent (70%).~~

5201.4 ~~5201.5~~ The Board of Zoning Adjustment may require special treatment in the way of design, screening, exterior or interior lighting, building materials, or other features for the protection of adjacent and nearby properties.

5201.5 ~~5201.6~~ This section ~~may~~ **shall** not be used to permit the introduction or expansion of a nonconforming use, **lot occupancy, as a special exception.**

~~5201.6~~ — ~~This section shall not be used to permit the introduction or expansion of noneonforming height, or number of stories as a special exception.~~

5201.7 Where an application requests relief from the alley centerline setback requirements, the Office of Planning (OP) shall coordinate the review of the application by referring it for comments or recommendations from relevant government agencies, including, but not limited to:

- (a) District Department of Transportation (DDOT);
- (b) Department of Public Works (DPW);
- (c) Metropolitan Police Department (MPD);
- (d) Fire and Emergency Medical Services Department (FEMS);
- (e) DC Water (WASA); and
- (f) If a historic district or historic landmark is involved, the Historic Preservation Office (HPO).

OP shall include any received comments or recommendations in its analysis of the application.

Section 5204, SPECIAL EXCEPTION CRITERIA ALLEY LOTS, of Chapter 52, RELIEF FROM REQUIRED DEVELOPMENT STANDARDS FOR RF ZONES, is proposed to be deleted:

~~5204~~ ~~SPECIAL EXCEPTION CRITERIA ALLEY LOTS [RESERVED]~~

~~5204.1~~ — ~~The Board of Zoning Adjustment may approve as a special exception a reduction in the minimum yard requirements of an alley lot in an RF zone may be approved as a special exception pursuant to Subtitle X, Chapter 9~~

IV. Subtitle F, RESIDENTIAL APARTMENT (RA) ZONES is proposed to be amended as follows:

The title of Chapter 50, ACCESSORY BUILDING REGULATIONS FOR RA ZONES, is proposed to be amended to read as follows:

Chapter 50, ACCESSORY BUILDING REGULATIONS (RA) FOR RA ZONES

Section 5005, SPECIAL EXCEPTION, of Chapter 50, ACCESSORY BUILDING REGULATIONS FOR RA ZONES, is proposed to be deleted as follows:

5005 ~~SPECIAL EXCEPTION [RESERVED]~~

5005.1 ~~Exceptions to the development standards of this chapter shall be permitted as a special exception if approved by the Board of Zoning Adjustment under Subtitle X and subject to the provisions and limitations of Subtitle F§ 5201.~~

Section 5107, SPECIAL EXCEPTION, of Chapter 51, ALLEY LOT REGULATIONS FOR RA ZONES, is proposed to be deleted as follows:

5107 ~~SPECIAL EXCEPTION [RESERVED]~~

5107.1 ~~Exceptions to the development standards of this chapter shall be permitted as a special exception if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9, and subject to the provisions and limitations of Subtitle F§ 5201.~~

Section 5200, ADDITION TO A BUILDING OR ACCESSORY STRUCTURE, of Chapter 52, RELIEF FROM REQUIRED DEVELOPMENT STANDARDS, is proposed to be amended to read as follows:

5200 GENERAL PROVISIONS

5200.1 The provisions of this chapter provide for special exception relief to the specified development standards and regulations ~~in the RA zones~~ as a special exception subject to the provisions of ~~this chapter~~ each section and the general special exception criteria at Subtitle X, Chapter 9.

5200.2 Requested relief that does not comply with specific conditions or limitations of a special exception authorized by this chapter shall be processed as a variance pursuant to Subtitle X, Chapter 10.

The title of Section 5201, ADDITION TO A BUILDING OR ACCESSORY STRUCTURE, of Chapter 52, ACCESSORY BUILDING REGULATIONS FOR RA ZONES, is proposed to be amended to read as follows:

5201 ~~ADDITION TO A BUILDING OR ACCESSORY STRUCTURE~~ SPECIAL EXCEPTION RELIEF FROM CERTAIN REQUIRED DEVELOPMENT STANDARDS

Section 5201, ADDITION TO A BUILDING OR ACCESSORY STRUCTURE, of Chapter 52, SPECIAL EXCEPTION RELIEF FROM CERTAIN REQUIRED DEVELOPMENT STANDARDS, is proposed to be amended to read as follows:

5201 SPECIAL EXCEPTION RELIEF FROM CERTAIN REQUIRED DEVELOPMENT STANDARDS

5201.1

~~The~~ For an addition to a principal residential building on a non-alley lot or for a new principal residential building on a substandard record lot as described by Subtitle C §301.1, the Board of Zoning Adjustment may grant as a special exception, ~~relief from the following development standards of this subtitle,~~ subject to the provisions of this section and the general special exception criteria at Subtitle X, Chapter 9, relief from the following development standards of this subtitle:

- (a) Lot occupancy up to a maximum of seventy percent (70%) for all new and existing structures on the lot;
- (b) Yards, including alley centerline setback; and
- (c) Courts; and
- (e) ~~(d)~~ Green area Area ratio Ratio.

5201.2

~~Special exception relief under this section is applicable only to the following~~ For a new or enlarged accessory structure to a residential building on a non-alley lot, the Board of Zoning Adjustment may approve as a special exception, subject to the provisions of this section and the general special exception criteria at Subtitle X, Chapter 9, relief from the following development standards, of this subtitle:

- (a) ~~An addition to an existing residential building; or~~ Lot occupancy up to a maximum of seventy percent (70%) for all new and existing structures on the lot;
- (b) ~~A new or enlarged accessory structure that is accessory to such a building.~~ Yards, including alley centerline setback;
- (c) Courts; and
- (d) Green Area Ratio.

5201.3

For a new or enlarged building on an alley lot, the Board of Zoning Adjustment may approve as a special exception, subject to the provisions of this section and the general special exception criteria at Subtitle X, Chapter 9, relief from the following development standards of this subtitle:

- (a) Yards, including alley centerline setback; and
- (b) Green Area Ratio.

~~5201.3~~ **5201.4** An application for special exception relief under this section shall demonstrate that the addition or accessory structure shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular:

- (a) The light and air available to neighboring properties shall not be unduly compromised;
- (b) The privacy of use and enjoyment of neighboring properties shall not be unduly compromised;
- (c) The addition or accessory structure, together with the original building, or the alley lot 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 subject street frontage; and
- (d) In demonstrating compliance with paragraphs (a), (b), and (c) of this subsection, the applicant shall use graphical representations such plans, photographs, or elevation and section drawings sufficient to represent the relationship of the proposed addition or accessory structure to adjacent buildings and views from public ways; ~~and.~~
- ~~(e) The Board of Zoning Adjustment may approve lot occupancy of all new and existing structures on the lot up to a maximum of seventy percent (70%).~~

5201.4 ~~5201.5~~ The Board of Zoning Adjustment may require special treatment in the way of design, screening, exterior or interior lighting, building materials, or other features for the protection of adjacent and nearby properties.

5201.5 ~~5201.6~~ This section shall not be used to permit the introduction or expansion of a nonconforming use, lot occupancy, ~~as a special exception.~~

~~5201.6~~ ~~5201.8~~ ~~This section shall not be used to permit the introduction or expansion of nonconforming~~ height, or number of stories as a special exception.

5201.7 Where an application requests relief from the alley centerline setback requirements under this section, the Office of Planning (OP) shall coordinate the review of the application by referring it for comments or recommendations from relevant government agencies, including, but not limited to:

- (a) District Department of Transportation (DDOT);
- (b) Department of Public Works (DPW);
- (c) Metropolitan Police Department (MPD);

(d) Fire and Emergency Medical Services Department (FEMS);

(e) DC Water (WASA); and

(f) If a historic district or historic landmark is involved, the Historic Preservation Office (HPO).

OP shall include any received comments or recommendations in its analysis of the application.

Section 5204, SPECIAL EXCEPTION CRITERIA ALLEY LOTS, of Chapter 52, SPECIAL EXCEPTION RELIEF FROM CERTAIN REQUIRED DEVELOPMENT STANDARDS, is proposed to be deleted to read as follows:

5204 SPECIAL EXCEPTION CRITERIA ALLEY LOTS [RESERVED]

~~5204.1 The Board of Zoning Adjustment may approve as a special exception a reduction in the minimum yard requirements of an alley lot in an RA zone may be approved as a special exception pursuant to Subtitle X, Chapter 9~~

V. Subtitle X, GENERAL PROCEDURES, is proposed to be amended as follows:

Subsection 1001.3 of Section 1001, VARIANCE TYPES, of Chapter 10, VARIANCES is proposed to be amended as follows:

1001.3 Examples of area variances are requests to deviate from:

(a) Requirements that ...¹

...

(d) Limitations on the alteration or conversion of certain structures on alley lots as stated in Subtitle D § 1610; Subtitle E § 1104; Subtitle F § 903; and Subtitle G § 1503; and

~~(e) The prohibition against certain enlargements and additions to nonconforming structures as stated at Subtitle C § 202; and~~

~~(f)~~ (e) Preconditions to the establishment of ... a more intense use.

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.

Proposed amendments to the Zoning Regulations of the District of Columbia are authorized pursuant to the Zoning Act of June 20, 1938, (52 Stat. 797), as amended (D.C. Official Code § 6-641.01, *et seq.* (2018 Repl.)).

This public hearing will be conducted in accordance with the rulemaking case provisions of the Zoning Regulations, 11 DCMR Subtitle Z, Chapter 5.

How to participate as a witness.

Interested persons or representatives of organizations may be heard at the public hearing. The Commission also requests that all witnesses prepare their testimony in writing, submit the written testimony prior to giving statements, and limit oral presentations to summaries of the most important points. The applicable time limits for oral testimony are described below. Written statements, in lieu of personal appearances or oral presentation, may be submitted for inclusion in the record.

All individuals, organizations, or associations wishing to testify in this case are encouraged to inform the Office of Zoning their intent to testify prior to the hearing date. This can be done by mail sent to the address stated below, e-mail (donna.hanousek@dc.gov), or by calling (202) 727-0789.

The following maximum time limits for oral testimony shall be adhered to and no time may be ceded:

- | | | |
|----|---------------|----------------|
| 1. | Organizations | 5 minutes each |
| 2. | Individuals | 3 minutes each |

The Commission may increase or decrease the time allowed above, in which case, the presiding officer shall ensure reasonable balance in the allocation of time between proponents and opponents.

Written statements, in lieu of oral testimony, may be submitted for inclusion in the record. The public is encouraged to submit written testimony through the Interactive Zoning Information System (IZIS) at <http://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, DC 20001; by e-mail to zcsubmissions@dc.gov; or by fax to (202) 727-6072. Please include the case number on your submission. **FOR FURTHER INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311.**

ANTHONY J. HOOD, ROBERT E. MILLER, PETER A. SHAPIRO, PETER G. MAY, AND MICHAEL G. TURNBULL ----- ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA, BY SARA A. BARDIN, DIRECTOR, AND BY SHARON S. SCHELLIN, SECRETARY TO THE ZONING COMMISSION

Do you need assistance to participate? If you need special accommodations or need language assistance services (translation or interpretation), please contact Zee Hill at (202) 727-0312 or Zelalem.Hill@dc.gov five days in advance of the meeting. These services will be provided free of charge.

¿Necesita ayuda para participar? Si tiene necesidades especiales o si necesita servicios de ayuda en su idioma (de traducción o interpretación), por favor comuníquese con Zee Hill llamando al (202) 727-0312 o escribiendo a Zelalem.Hill@dc.gov cinco días antes de la sesión. Estos servicios serán proporcionados sin costo alguno.

Avez-vous besoin d'assistance pour pouvoir participer? Si vous avez besoin d'aménagements spéciaux ou d'une aide linguistique (traduction ou interprétation), veuillez contacter Zee Hill au (202) 727-0312 ou à Zelalem.Hill@dc.gov cinq jours avant la réunion. Ces services vous seront fournis gratuitement.

참여하시는데 도움이 필요하세요? 특별한 편의를 제공해 드려야 하거나, 언어 지원 서비스(번역 또는 통역)가 필요하시면, 회의 5일 전에 Zee Hill 씨께 (202) 727-0312 로 전화 하시거나 Zelalem.Hill@dc.gov 로 이메일을 주시기 바랍니다. 이와 같은 서비스는 무료로 제공됩니다.

您需要有人帮助参加活动吗? 如果您需要特殊便利设施或语言协助服务(翻译或口译)·请在见面之前提前五天与 Zee Hill 联系·电话号码 (202) 727-0312, 电子邮件 Zelalem.Hill@dc.gov 这些是免费提供的服务。

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