

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

**TIME AND PLACE:** **Monday, June 18, 2016, @ 6:30 p.m.**  
**Jerrily R. Kress Memorial Hearing Room**  
**441 4<sup>th</sup> Street, N.W., Suite 220-South**  
**Washington, D.C. 20001**

**FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:**

**CASE NO. 16-08 (Text Amendments to Current Version of 11 DCMR (Zoning) Chapter 3 and to the Adopted but not yet Effective Replacement Version of 11 DCMR (Zoning) Subtitle U, Chapter 3 – Continuation of Conforming Status of Certain Multiple Dwellings in Squares 2580, 2581, 2582, 2583, 2584, 2586W, 2587, and 2589)**

**THIS CASE IS OF INTEREST TO ANC 1C**

On March 21, 2016, at the public hearing for Zoning Commission map amendment Case No. 15-09, the Commission requested that the Office of Planning prepare a text amendment that would allow existing multi-family dwellings to continue as conforming uses once the proposed remapping to R-4 was approved. The Office of Planning submitted a memo that among other things suggested a text amendment that would render existing apartment buildings conforming, as well as apartment buildings for which a building permit was applied for prior to setdown. The Office of Planning later supplemented that report to add additional text to allow for small modifications to submitted permits, as well as to ensure that the text amendment language is read as narrowly as possible.

At a public meeting on April 11, 2016, the Zoning Commission set down the suggested text for a public hearing. The Office of Planning's reports served as the supplemental filing described in § 3013.

The current version of Title 11 DCMR (Zoning) is proposed to be amended as follows:

**Chapter 3, R-2, R-3, R-4, AND R-5 RESIDENCE DISTRICT USE REGULATIONS, § 330, R-4 DISTRICTS: GENERAL PROVISIONS, is amended by inserting the following new matter of right use in alphabetical order:**

Multiple dwelling in Squares 2580, 2581, 2582, 2583, 2584, 2586W, 2587, or 2589, in existence as of December 14, 2015 with a valid Certificate of Occupancy, or under review for a building permit as of December 14, 2015, provided that the multiple dwelling shall not be expanded in floor area or in number of units. Said multiple dwelling, however, may be repaired, renovated, remodeled, or structurally altered. Notwithstanding § 3202.5(a), said building permit applications may be revised to address structural, mechanical, building code, or other similar issues raised during review, or to bring the building into greater compliance with zoning, so long as the proposed building does not expand in volume, number of stories or number of units, all as stated in the initial building permit application and plans.

The replacement version of Title 11 DCMR adopted by the Zoning Commission through a Notice of Final Rulemaking published in Part II of the March 4, 2016 edition of the *District of Columbia Register* to become effective on September 6, 2016 is proposed to be amended as follows:

**Subtitle U, USE PERMISSIONS, Chapter 3, USE PERMISSIONS RESIDENTIAL FLATS (RF) ZONES, § 301, MATTER-OF-RIGHT USES (RF), is amended by inserting the following new matter of right use in alphabetical order:**

Multiple dwelling in Squares 2580, 2581, 2582, 2583, 2584, 2586W, 2587, or 2589, in existence as of December 14, 2015 with a valid Certificate of Occupancy, or under review for a building permit as of December 14, 2015, provided that the multiple dwelling shall not be expanded in floor area or in number of units. Said multiple dwelling, however, may be repaired, renovated, remodeled, or structurally altered. Notwithstanding § 3202.5(a), said building permit applications may be revised to address structural, mechanical, building code, or other similar issues raised during review, or to bring the building into greater compliance with zoning, so long as the proposed building does not expand in volume, number of stories or number of units, all as stated in the initial building permit application and plans.

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

The public hearing on this case will be conducted as a rulemaking in accordance with the provisions of § 3021.

### **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.

### **Time limits.**

All individuals, organizations, or associations wishing to testify in this case are encouraged to inform the Office of Zoning of 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](mailto: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 |

Pursuant to § 3020.3, 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 4<sup>th</sup> Street, N.W., Suite 200-S, Washington, DC 20001; by e-mail to [zcsubmissions@dc.gov](mailto: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, MARCIE I. COHEN, ROBERT E. MILLER 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.**