

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

TIME AND PLACE: **Thursday, November 17, 2016, @ 6:30 p.m.**
Jerrily R. Kress Memorial Hearing Room
441 4th Street, N.W., Suite 220-S
Washington, D.C. 20001

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

Case No. 14-11B (Office of Planning – Text Amendment to the Zoning Regulations: Subtitle B, Definitions; Subtitle D, Zones R-3, R-13, R-17, and R-20; and Subtitle E, RF Zones)

THIS CASE IS OF INTEREST TO ALL ANCs

The Office of Planning (OP), in a report dated April 29, 2016, petitioned the Zoning Commission for the District of Columbia (Commission) for text amendments to Subtitles B, D, and E of Title 11 DCMR (Zoning). These subtitles are part of the subtitles that constitute the Zoning Regulations pursuant to 11-A DCMR § 200.2.

At its regular public meeting held May 9, 2016, the Commission set down this case for a public hearing. The Office of Planning Report served as the Supplemental Filing then required by 11 DCMR § 3013 (now 11-Z DCMR § 501). The OP Report’s principally focused upon what it referred to as “Rear Additions” and proposed new sections with that title. In reviewing the format of Subtitles D and E, it was determined that the draft text should instead be added to the existing “Rear Yard” sections.

The proposed text amendments address concerns about excessively disproportionate rear extensions relative to adjoining row buildings. The language proposes to limit a matter-of-right rear extension, whether as an addition to an existing building or as new construction, to extending no more than 10 feet beyond the rear wall of an adjoining building and would allow a rear extension to extend further than 10 feet as a special exception.

The proposed language would be applicable in combination with the other existing development standards such as lot occupancy and rear yards, to regulate the overall development of a lot. The 10-foot rear wall limit could not be used to encroach into a required rear yard, to exceed lot occupancy or to reduce required pervious surface standards. The proposed language is limited to attached and semi-detached buildings because a detached building, including any rear addition, would be subject to side yard requirements.

Also considered as part of this case are amendments to the adopted text from case Z.C. Case No. 14-11 regarding conversions to apartment houses in the RF zones identified by the Zoning

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.

Administrator. These amendments are listed below as items 6 through 9 and propose to do the following:

- Clarify that a boarding house is a residential structure and therefore conversion to an apartment house would be subject to special exception under Subtitle U § 320.2;
- Change “residential building” to “apartment building” to clarify that the section applies when a non-residential building is converted to an apartment house and not when a change in use is to a matter-of-right single household dwelling or flat;
- Clarify that the building to be converted is an existing non-residential building;
- Provide clarity in the administration of the upper story additions and roof elements through proposed changes to Subtitle U § 320.2 and correct the numbering; and
- Delete the phrase “existing prior to May 12, 1958” to allow for non-residential buildings such as churches, schools, and fire stations, that were built as a matter of right after 1958 to be converted to an apartment house subject to the conditions of Subtitle U §§ 301.2 and 320.3.

The new language is shown in **bold** and underlined text; deleted language is shown with ~~strikethrough~~:

1. Add new Subtitle D §§ 306.3 and 306.4 to read as follows:

306.3 Notwithstanding §§ 306.1 and 306.2, a rear wall of an attached or semi-detached building shall not be constructed to extend more than ten feet (10 ft.) beyond the furthest rear wall of any adjoining principal residential building on an adjoining property.

306.4 A rear wall of an attached or semi-detached building may be constructed to extend more than ten feet (10 ft.) beyond the furthest rear wall of any adjoining principal residential building on an adjoining property if approved as a special exception pursuant to Subtitle Y, Chapter 9 and as evaluated against the criteria of Subtitle D §§ 5201.3(a) through (d) and §§ 5201.4 through 5201.6.

2. Add new Subtitle D §§ 706.3 and 706.4 to read as follows:

706.3 Notwithstanding §§ 706.1 and 706.2, a rear wall of an attached or semi-detached building shall not be constructed to extend more than ten feet (10 ft.) beyond the furthest rear wall of any adjoining principal residential building on an adjoining property.

706.4 A rear wall of an attached or semi-detached building may extend more than ten feet (10 ft.) beyond the furthest rear wall of any adjoining principal residential building on an adjoining property if approved as a

special exception pursuant to Subtitle Y, Chapter 9 and as evaluated against the criteria of Subtitle D §§ 5201.3 (a) through (d) and §§ 5201.4 through 5201.6.

3. Add new Subtitle D §§ 1006.2 and 1006.3 to read as follows:

1006.2 Notwithstanding § 1006.1, a rear wall of an attached or semi-detached building shall not be constructed to extend more than ten feet (10 ft.) beyond the furthest rear wall of any adjoining principal residential building on an adjoining property.

1006.3 A rear wall of an attached or semi-detached building may extend more than ten feet (10 ft.) beyond the furthest rear wall of any adjoining principal residential building on an adjoining property if approved as a special exception pursuant to Subtitle Y, Chapter 9 and as evaluated against the criteria of Subtitle D §§ 5201.3(a) through (d) and §§ 5201.4 through 5201.6.

4. Add new Subtitle D §§ 1206.3 and 1206.4 to read as follows:

1206.3 Notwithstanding § 1206.2 of this section, a rear wall of an attached or semi-detached building shall not be constructed to extend more than ten feet (10 ft.) beyond the furthest rear wall of any principal residential building on an adjoining property.

1206.4 In the R-20 zone a rear wall of an attached or semi-detached building may extend more than ten feet (10 ft.) beyond the furthest rear wall of any principal residential building on an adjoining property if approved as a special exception pursuant to Subtitle Y, Chapter 9 and as evaluated against the criteria of Subtitle D §§ 5201.3(a) through (d) and §§ 5201.4 through 5201.6.

5. Add new Subtitle E §§ 205.4 and 205.5 to read as follows:

205.4 Notwithstanding §§ 205.1 through 205.3, a rear wall of an attached or semi-detached building shall not be constructed to extend more than ten feet (10 ft.) beyond the furthest rear wall of any adjoining principal residential building on an adjoining property.

205.5 A rear addition may extend more than ten feet (10 ft.) beyond the furthest rear wall of any principal residential building on an adjoining property if approved as a special exception pursuant to Subtitle Y, Chapter 9 and as evaluated against the criteria of Subtitle E §§ 5201.3 through 5201.6.

6. Amend Subtitle B, § 100.2, the definition of Boarding House as follows:

Boarding House: A building or part thereof where, for compensation, lodging and meals are provided to three (3) or more guests on a monthly or longer basis; **a boarding house shall be considered a residential structure.**

7. Amend Subtitle U § 301.2 (Matter of Right Uses in RF zones) as follows:

301.2 Conversion of an existing non-residential building or structure, ~~existing prior to May 12, 1958, to a residential building~~ **an apartment house** shall be permitted as a matter of right in the R-4 Zone District subject to the following conditions:

- (a) **The building or structure to be converted is in existence** ~~There is an existing non-residential building~~ on the property at the time of filing an application for a building permit;
- (b) ...
- (c) A roof top architectural element original to the structure such as **cornices, porch roofs,** a turret, tower, or dormers shall not be removed or significantly altered, including **shifting its location,** changing its shape or increasing its height, elevation, or size;
- (d) Any addition, including a roof structure or penthouse, shall not block or impede the functioning of a chimney or other external vent **compliant with any municipal code** on an adjacent property ~~required by any municipal code.~~ **A chimney or other external vent must be existing and operative at the date of the building permit application for the addition.**
- (e) Any addition, including a roof structure or penthouse, shall not **significantly** interfere with the operation of an existing ~~or permitted~~ solar energy system on an adjacent property. **For the purposes of this provision, “significantly interfere” shall mean an impact caused solely by the addition that decreases the energy produced by the system by more than five percent (5%) on any one day,** as evidenced through a shadow, shade, or other reputable study acceptable to the Zoning Administrator. **For the purposes of this provision “an existing solar energy system” shall mean a system that is installed and operative or a system for which a permit has been issued as of the date of filing an application for a building permit for the addition. If the permitted solar energy system is not operative within one (1) year of the issuance of the solar energy system permit, a system shall not be considered existing.**

8. Amend Subtitle U § 320.2, paragraphs (f) through (h) as follows:

- (f) Any addition, including a roof structure or penthouse, shall not block or impede the functioning of a chimney or other external vent **compliant with any municipal code** on an adjacent property ~~required by any municipal code.~~ **A chimney or other external vent must be existing and operative at the date of the building permit application for the addition.**
- (g) Any addition, including a roof structure or penthouse, shall not **significantly** interfere with the operation of an existing ~~or permitted~~ solar energy system on an adjacent property. **For the purposes of this provision, “significantly interfere” shall mean an impact caused solely by the addition that decreases the energy produced by the system by more than five percent (5%) on any one day,** as evidenced through a shadow, shade, or other reputable study acceptable to the Board. **For the purposes of this provision “an existing solar energy system” shall mean a system that is installed and operative or a system for which a permit has been issued. If the permitted solar energy system is not operative within one (1) year of the issuance of the solar energy system permit, a system shall not be considered existing.**
- (h) A roof top architectural element original to the structure such as **cornices, porch roofs,** a turret, tower, or dormers shall not be removed or significantly altered, including **shifting its location,** changing its shape or increasing its height, elevation, or size.

9. Amend Subtitle U § 320.3 (Special Exception Uses in the RF zones) to delete the phrase “existing prior to May 12, 1958” as follows:

320.3 Conversion of a non-residential building or other structure ~~existing prior to May 12, 1958,~~ to an apartment house and not meeting one (1) or more of the requirements of Subtitle U § 301.2, shall be permitted as a special exception in an RF-1, RF-2, or RF-3 zone if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9 subject to the following provisions...

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.*

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

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), 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 <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, 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 G. MAY, AND MICHAEL G. TURNBULL ----- ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA, BY SARA A. BARDIN, DIRECTOR, AND BY SHARON SCHELLIN, SECRETARY TO THE ZONING COMMISSION.