

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA**  
**NOTICE OF PROPOSED RULEMAKING**  
**Z.C. Case No. 12-10A**  
**(Text Amendment – 11 DCMR)**  
**(Technical Correction to Z.C. Order No. 12-10)**

The Zoning Commission for the District of Columbia (Commission), pursuant to its authority under § 1 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797; D.C. Official Code § 6-641.01 (2008 Repl.)), hereby gives notice of its intent to amend § 3401.3 of the Zoning Regulations (Title 11 DCMR) to include the phrase “, interior renovations, or both” in its introductory paragraph.

Subsection 3401.3 became effective on July 12, 2013, with the publication of Z.C. Order No. 12-10 in the *D.C. Register*. The subsection was part of a new Chapter 34, Green Area Ratio (GAR). The introductory paragraph of § 3401.3, among other thing, indicates the circumstances under which the GAR standards would apply to existing buildings. In the final draft text provided to the Commission by the Office of Planning (OP), the term “interior renovations or both” was intended to replace the initially proposed term “alterations, or repairs.” However, OP inadvertently omitted the term “alterations, or repairs” without replacing it. The intention that certain interior renovations would trigger GAR applicability is clearly evident by the fact that § 3401.3(c) specifies the conditions when an otherwise eligible interior renovation would be exempt from the GAR standards. Subsection § 3401.3 (c) would have no meaning but for the inclusion of interior renovations in the introductory paragraph of § 3401.3.

Final rulemaking action shall be taken in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

The following amendment to the Zoning Regulations is proposed.

**Title 11 DCMR, Chapter 34, GREEN AREA RATIO, Section 3401, APPLICABILITY OF GREEN AREA RATIO STANDARDS, Subsection 3401.3 is amended by inserting into its introductory paragraph the phrase “, interior renovations, or both” after the phrase “where any additions” so that the entire provision reads as follows:**

3401.3        The GAR standards set forth in this chapter shall apply to all new buildings and to all existing buildings where any additions, interior renovations, or both within any twelve (12) month period exceed one hundred percent (100%) of the assessed value of the building as set forth in the records of the Office of Tax and Revenue as of the date of the building permit application, except:

- (a)        Buildings that do not require certificates of occupancy;
- (b)        Municipal wastewater treatment facilities operated by the District of Columbia Water and Sewer Authority;
- (c)        The interior renovation of an existing building that:

- (1) Is located in the Central Employment Area;
  - (2) Has an existing one hundred percent (100%) lot occupancy prior to the filing of the building permit;
  - (3) Has an existing roof that cannot support a dead load of four inches (4 in.) of growth medium on the roof; and
  - (4) The work proposed by the building permit application will not result in a roof capable of supporting a dead load of four inches (4 in.) of growth medium on the roof; or
- (d) A historic resource and any additions thereto subject to the provisions of § 3401.7.

All persons desiring to comment on the subject matter of this proposed rulemaking action should file comments in writing no later than thirty (30) days after the date of publication of this notice in the *D.C. Register*. Comments should be filed with Sharon Schellin, Secretary to the Zoning Commission, Office of Zoning, 441 4<sup>th</sup> Street, N.W., Suite 200-S, Washington, D.C. 20001, or by e-mail at [zcsubmissions@dc.gov](mailto:zcsubmissions@dc.gov). Ms. Schellin may also be contacted by telephone at (202) 727-6311 or by e-mail at [Sharon.Schellin@dc.gov](mailto:Sharon.Schellin@dc.gov). Copies of this proposed rulemaking action may be obtained at cost by writing to the above address.