

AGENDA

ANC 6A Economic Development & Zoning Committee
Tuesday, May 22, 2007, 7-9:00 PM
Capitol Hill Towers (900 G St, NE)
Community Room

7:00 pm **Call to order**

7:01 **Ongoing Status Reports:**

1. 200 H (Jeff Fletcher/Drew Ronneberg) (3 minutes)
2. Vacant Properties (Heather Scott) (3 minutes)
3. Historic District Expansion/Creation (Drew Ronneberg) (3 minutes)

8:10 **Old Business** - None

8:10 **New Business**

1. ZC 06-34 (1700 Block of E. Capitol St. SE, Comstock East Capitol LLC) (Map Amendment,PUD)
Comstock is requesting approval of a consolidated planned unit development (PUD) and a related zoning map amendment from R-4 to R-5-B for the Property. south by A Street, SE, and to the west by 17th Street, SE. The Property, consisting of approximately 42,629 square feet of land area, fronts the south side of East Capitol Street and is bounded to the east by an existing apartment building owned by the Mt. Moriah Baptist Church, to the west by the Drummond Condominium, and to the south by a 20-foot wide public alley running through Square 1096. The Property is improved with a vacant apartment building that contained 80 dwelling units. The Applicant proposes to demolish the existing building and construct a new apartment house on the Property containing 134 dwelling units and garage parking for a total of approximately 113 cars. The floor area ratio ("FAR") of the Project will be approximately 2.73 FAR. The building height will measure approximately 50 feet. (35 minutes)
2. HPRB Case 07-XXX (816 E. Capitol St. NE)
The owner of the rowhouse at 816 E. Capitol St. NE is proposing to make 3 alterations to the property which require HPRB approval. The first alteration is to enclose the front portico with non-reflective glass. The second alteration is enclose the roof-top terrace on the 3rd floor at the rear of the property. The last alteration is to add an elevator at the rear of the property. (35 minutes)
3. Bill 17-0086, "Nuisance Properties Abatement Reform and Real Property Classification Amendment Act of 2007".
To amend the Office of Administrative Hearings Establishment Act of 2001 to authorize the Board of Real Property Assessment and Appeals to hear appeals from a notice of final determination on vacancy and to exempt appeals from a notice of final determination on vacancy from the purview of the Office of Administrative Hearings; to amend An Act To Provide for the abatement of nuisances in the District of Columbia by the Commissioners of said District, and for other purposes, to consolidate the overlapping responsibilities for the designation, registration and assessment of vacant properties, to provide for the consolidation of exemptions under the Department of Consumer and Regulatory Affairs and a reduction in the overall number of exemptions from the registration of vacant buildings, to provide for the establishment of regulations governing vacant property, to provide penalties for the filing of false or misleading vacant property registration of vacant buildings, to provide penalties for the filing of false or misleading vacant property registration information by an owner, to provide for the petition for reconsideration of a vacancy determination, to provide for the appeal of a notice of final determination to the Board of Real Property Assessment and Appeals; and to amend Title 47 of the District of Columbia Official Code to restate the classes of property subject to taxation, to vest fully with the Department of Consumer and Regulatory Affairs the determination of the vacant status of buildings for Class 3 real property

tax purposes, and to create a specific appeals process for Class 3 Properties. Councilmembers Evans and Cheh, sequentially to the Committee on Finance and Revenue and the Committee on Public Services and Consumer Affairs with comments from the Committee on Public Safety and the Judiciary. (20 minutes)

4. Online access to Certificates of Occupancy (10 minutes)
5. Form Based Zoning as an Alternative to Traditional Zoning (10 minutes)

9:00 **Additional Community Comment (time permitting)**

Everyone is welcome! Call Drew Ronneberg with questions at 431-4305.

Visit our website at <http://www.anc6a.org/>

Sign up for automated meeting reminders and community listserv at
<http://groups.yahoo.com/group/anc-6a/>

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

TIME AND PLACE: **Thursday, March 29, 2007, @ 6:30 P.M.**
 Office of Zoning Hearing Room
 441 4th Street, N.W., Suite 220
 Washington, D.C. 20001

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

Z.C. CASE NO. 06-34 (Comstock East Capitol, L.L.C. – Consolidated PUD and Related Map Amendment @ Square 1096, Lots 51, 52, 53, 54, and 55)

THIS CASE IS OF INTEREST TO ANC 6B

On June 23, 2006, the Office of Zoning received applications from Comstock East Capitol, L.L.C. (the "Applicant"), owner of Lots 51, 52, 53, 54 and 55 in Square 1096 (the "Property"), requesting approval of a consolidated planned unit development (PUD) and a related zoning map amendment from R-4 to R-5-B for the Property. The case was set down for hearing by the Zoning Commission at its November 13, 2006 public meeting. The Applicant provided its pre-hearing statement as part of its applications on November 28, 2006.

Square 1096 is bounded to the north by East Capitol Street, to the east by 18th Street, SE, to the south by A Street, SE, and to the west by 17th Street, SE. The Property, consisting of approximately 42,629 square feet of land area, fronts the south side of East Capitol Street and is bounded to the east by an existing apartment building owned by the Mt. Moriah Baptist Church, to the west by the Drummond Condominium, and to the south by a 20-foot wide public alley running through Square 1096. The Property is improved with a vacant apartment building that contained 80 dwelling units.

The Applicant proposes to demolish the existing building and construct a new apartment house on the Property containing 134 dwelling units and garage parking for a total of approximately 113 cars. The floor area ratio ("FAR") of the Project will be approximately 2.73 FAR. The building height will measure approximately 50 feet.

The R-4 District permits detached, semi-detached and row single family dwellings and flats as a matter-of-right, as well as the conversion to multi-family use of a building built prior to 1958. Detached dwellings require a minimum lot area of 4,000 square feet and a minimum lot width of 40 feet, semi-detached dwellings require a minimum lot area of 3,000 square feet and a minimum lot width of 30 feet, row dwellings require a minimum lot area of 1,800 square feet and a minimum lot width of 18 feet and conversions to multifamily use requires a minimum lot area of 900 square feet per unit. The maximum permitted height is 3 stories and 40 feet and the maximum permitted lot occupancy is 60 percent for row dwellings and flats and 40 percent for other structures. Each dwelling requires a 20 foot rear yard and a minimum of 1 parking space.

Z.C. PUBLIC HEARING NOTICE
Z.C. CASE NO. 06-34
PAGE NO. 2

The R-5-B District permits matter-of-right moderate density development of general residential uses, including single family dwellings, flats, and apartment buildings, to a maximum lot occupancy of 60%, a maximum FAR of 1.8 and a maximum height of 50 feet. Under Chapter 24, the guideline for height in a PUD is 60 feet and the guideline for FAR in a PUD is 3.0.

This public hearing will be conducted in accordance with the contested case provisions of the Zoning Regulations, 11 DCMR §3022.

Interested persons or representatives of organizations will be heard at the public hearing. **Any person who desires to participate as a party in this case must so request and must comply with the provisions of 11 DCMR §3022.3.** A party has the right to cross-examine witnesses, to submit proposed findings of fact and conclusions of law, to receive a copy of the written decision of the Zoning Commission, and to exercise the other rights of parties as specified in the Rules. Except for the applicant and the ANC, to participate as a party in a proceeding before the Commission, **any affected person shall file with the Commission, not less than fourteen (14) days prior to the date set for the hearing, a written statement containing the following information:**

- (a) The person's name and address;
- (b) A request to appear and participate as a party;
- (c) Whether the person will appear as a proponent or opponent of the application;
- (d) Whether the person will appear through legal counsel, and if so, the name and address of legal counsel;
- (e) A list of witnesses who will testify on the person's behalf; and
- (f) A written statement setting forth why the person should be granted party status, including reference to the following:
 - (1) The property owned or occupied by such person, or in which the person has an interest, that will be affected by the action requested of the Commission;
 - (2) The legal interest such person has in such property, such as owner, tenant, trustee, or mortgagee;
 - (3) The distance between the person's property and the property that is the subject of the application before the Commission;

- (4) The environmental, economic, social, or other impacts likely to affect the person and/or the person's property if the action requested of the Commission is approved or denied;
- (5) An explanation of how the person's interest as identified in response to paragraph (4) would likely be more significantly, distinctively, or uniquely affected in character or kind by the proposed zoning action than those of other persons in the general public.

The Commission shall determine who will be recognized as a party. In so determining, the Commission shall consider whether the provisions of §3022.3 have been complied with and whether the specific information presented qualifies the person as a party. The Commission shall grant party status only if the person requesting party status has clearly demonstrated that the person's interests would likely be more significantly, distinctly, or uniquely affected by the proposed zoning action than other persons in the general public.

Any person wishing to be considered a party should clearly state the request, and should also provide a daytime telephone number should it be necessary for the Office of Zoning to obtain additional information or clarification prior to the hearing. Written statements, in lieu of personal appearances or oral presentations, may be submitted for inclusions in the record.

The Zoning Commission hereby gives notice of the following procedures applicable to this case. Any person requesting to appear as a party to this application shall submit the following additional information:

1. A summary of the testimony of each witness.
2. An indication of which witnesses will be offered as expert witnesses, the areas of expertise in which any experts will be offered, and the resumes of qualifications of the proposed experts.
3. The total amount of time being requested to present the case.

The information cited above shall also be submitted by the Applicant. To the extent that the information is not contained in the Applicant's prehearing submission required by 11 DCMR § 3013.1, the information shall be filed no later than fourteen (14) days before the date of the hearing.

If an affected Advisory Neighborhood Commission (ANC), pursuant to 11 DCMR 3012.5, intends to participate at the hearing, the ANC shall also submit the information cited above relating to the hearing procedures. The written report of the ANC shall be filed no later than seven (7) days before the date of the hearing.

**Z.C. PUBLIC HEARING NOTICE
Z.C. CASE NO. 06-34
PAGE NO. 4**

The Zoning Commission gives further notice that it intends to establish time limits for oral presentations of both parties and persons. Accordingly, the following time limits shall apply:

- | | | |
|----|-------------------|------------|
| 1. | Applicant | 60 minutes |
| 2. | Any Other Parties | 15 minutes |
| 3. | Organizations | 5 minutes |
| 4. | Individuals | 3 minutes |

The Commission intends to adhere to the time limits as strictly as possible, in order to hear the case in a reasonable period of time. The Commission reserves the right to change the time limits for presentations if necessary and notes that no time shall be ceded. 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.

Information should be forwarded to the Director, Office of Zoning, Suite 210, 441 4th Street, N.W., Washington, D.C. 20001. Please include the number of this particular case and your daytime telephone number. **FOR FURTHER INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311.**

CAROL J. MITTEN, ANTHONY J. HOOD, JOHN G. PARSONS, GREGORY N. JEFFRIES, MICHAEL G. TURNBULL ----- ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA, BY JERRILY R. KRESS, FAIA, DIRECTOR, AND BY SHARON SCHELLIN, SECRETARY TO THE ZONING COMMISSION.

Greenberg Residence

816 E Capitol Street, NE
Washington, DC 20003

Building Description:

3-story brick and stucco clad townhouse

Project Scope

1. Enclose Front Portico

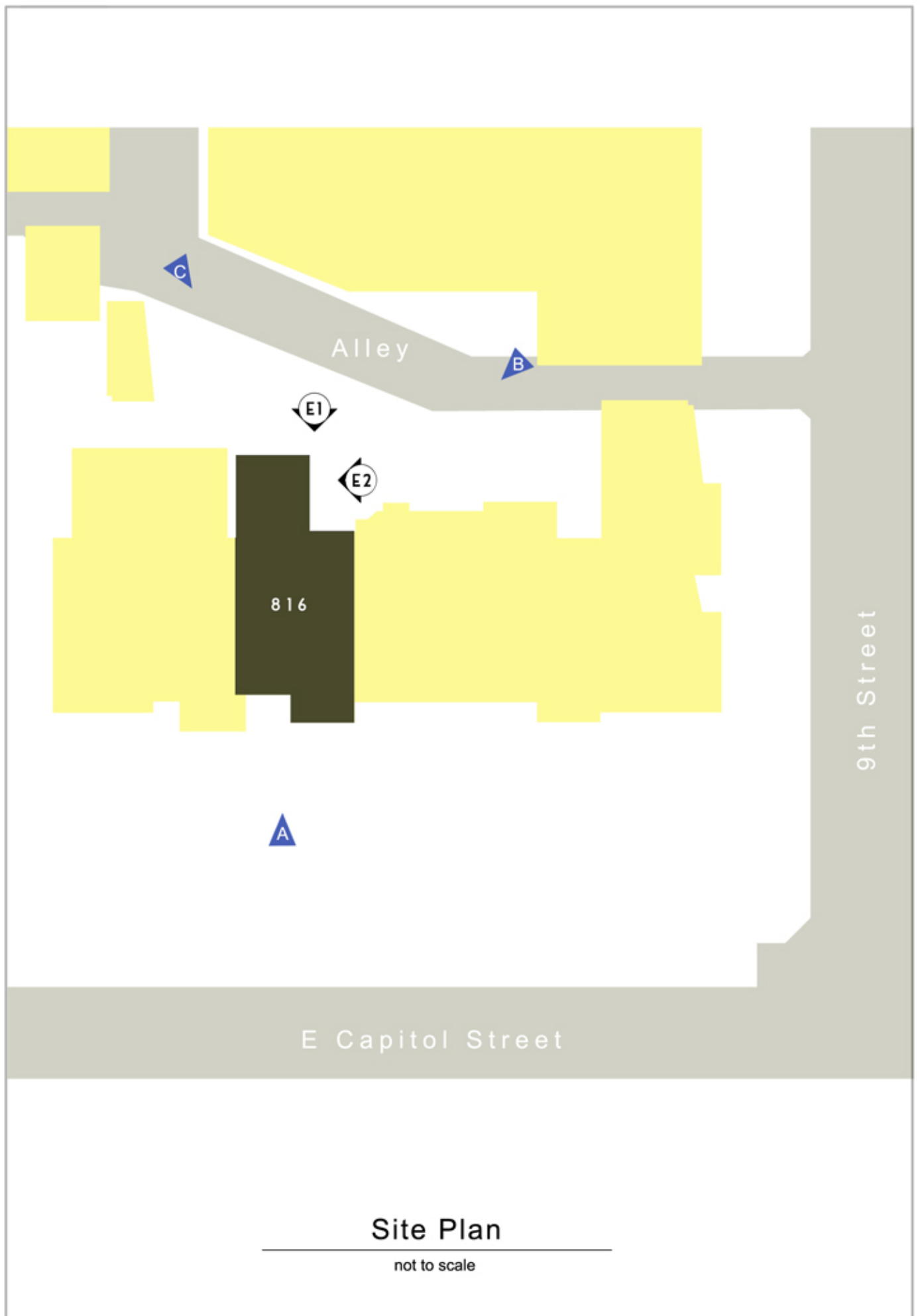
To preserve the look of the open portico, frameless, non-reflective glass shall be used without mullions at the front. The sides shall be enclosed with casement windows.

2. Enclose roof-top terrace on 3rd floor at rear

3rd floor terrace shall be clad on the east and north sides with channel glass, with one awning window on the east side. The party wall shall be extended on the west side.

3. Rear elevator addition

An elevator shall replace the footprint of the existing chimney. The elevator shaft shall be clad in stucco to match the existing stucco on the building.





A front facade

Non-reflective glass encloses portico

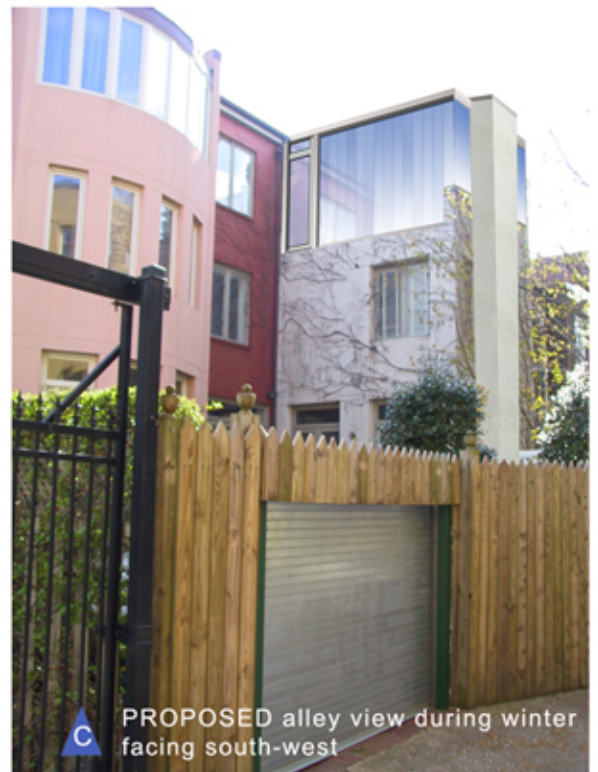


B alley view facing south-east

Trees and vegetation block view



C EXISTING alley view during winter facing south-west



C PROPOSED alley view during winter facing south-west

3rd floor Terrace enclosed with channel glass
New elevator replaces chimney shaft

Site Photos

see site plan for arrow references



E1 Proposed Rear Elevation

scale: 3/16" = 1'-0"



- Third floor terrace enclosed with channel glass on North and East sides.
- Elevator replaces chimney shaft

E2 Proposed Side Elevation

scale: 3/16" = 1'-0"

Councilmember Jack Evans

Councilmember Mary Cheh

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

Councilmembers Jack Evans and Mary Cheh introduced the following bill, which was referred to the Committee on _____.

To amend the Office of Administrative Hearings Establishment Act of 2001 to authorize the Board of Real Property Assessment and Appeals to hear appeals from a notice of final determination on vacancy and to exempt appeals from a notice of final determination on vacancy from the purview of the Office of Administrative Hearings; to amend AN ACT To provide for the abatement of nuisances in the District of Columbia by the Commissioners of said District, and for other purposes, to consolidate the overlapping responsibilities for the designation, registration and assessment of vacant properties, to provide for the consolidation of exemptions under the Department of Consumer and Regulatory Affairs and a reduction in the overall number of exemptions from the registration of vacant buildings, to provide for the establishment of regulations governing vacant property, to provide penalties for the filing of false or misleading vacant property registration information by an owner, to provide for the petition for reconsideration of a vacancy determination, to provide for the periodic noticing of the Office of Tax and Revenue of properties designated as vacant and the assessment of taxes on properties designated as vacant, to provide for the appeal of a notice of final determination to the Board of Real Property Assessment and Appeals; and to amend Title 47 of the District of Columbia Official Code to restate the classes of property subject to taxation, to vest fully with the Department of Consumer and Regulatory Affairs the determination of the vacant status of buildings for Class 3 real property tax purposes, and to create a specific appeals process for Class 3 Properties.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Nuisance Properties Abatement Reform and Real Property Classification Amendment Act of 2007”.

Sec. 2. Section 6(b)(2) of the Office of Administrative Hearings Establishment Act of 2001, effective March 6, 2002 (D.C. Law 14-76; D.C. Official Code § 2-1831.03(b)(2)), is amended by striking the phrase “Rent Administrator” and inserting the phrase “Rent Administrator and those cases under the jurisdiction of the Board or Real Property Assessment and Appeals” in its place.

Sec. 3. AN ACT to provide for the abatement of nuisances in the District of Columbia by the Commissioners of said District, and for other purposes, approved April 14, 1906 (34 Stat. 115; D.C. Official Code § 42-3131.01 *et seq.*), is amended as follows:

(a) Section 5 (D.C. Official Code § 42-3131.05) is amended as follows:

(1) The lead-in text is amended by striking the phrase “sections 5 through 15” and inserting the phrase “sections 5 through 16” in its place.

(2) Paragraph (2) is amended by striking the phrase “District of Columbia” and inserting the phrase “District of Columbia, actively operating as a hotel or motel, and legally using the real property as a hotel or motel” in its place.

(3) Paragraph (4) is amended to read as follows:

“(4) “Owner” means the owner of record of the real property.”.

(4) A new paragraph (4A) is added to read as follows:

“(4A) “Real property” means real property as defined under D.C. Official Code § 47-802(1).”.

(5) Paragraph (5) is amended as follows:

(A) Strike the word “means” and insert the phrase “means real property improved by” in its place.

(B) Strike the phrase “for more than 180 days”.	1
(b) A new section 5a is added to read as follows:	2
“Sec. 5a. Notice by mail.	3
“Notice shall be deemed to be served properly on the date when mailed by first	4
class mail to the owner of record of the vacant building at the owner’s mailing address as updated	5
in the real property tax records of the Office of Tax and Revenue.”.	6
©) Section 6 (D.C. Official Code § 42-3131.06) is amended as follows:	7
(1) Subsection (b) is amended as follows:	8
(A) Paragraph (3) is amended to read as follows:	9
“(3) Under active construction or undergoing active rehabilitation,	10
renovation, or repair, and there is a valid building permit to make the building fit for occupancy	11
that was issued, renewed, or extended within 12 months of the required registration date;”.	12
(B) Paragraph (4) is amended by striking the phrase “one year from	13
the initial listing, offer, or advertisement of sale, or 90 days from the initial listing, offer, or	14
advertisement to rent” and inserting the phrase “8 months” in its place.	15
©) Paragraph (5) is amended to read as follows:	16
“(5) Exempted by the Mayor in his or her sole discretion; provided, that	17
the exemption may be withdrawn upon notice in the same manner as if the building were	18
designated as vacant under section 11;”.	19
(D) New paragraphs (6), (7), (8), and (9) are added to read as	20
follows:	21
“(6) Occupied at the time of a fire, flood, or other casualty which occurred	22

within the preceding 12 months and which was not intentionally caused by the owner; 1

“(7) For a period not to exceed 24 months, the subject of a probate 2
proceeding or the title is the subject of litigation (not including a foreclosure of the right of 3
redemption action brought under Chapter 13A of Title 47 of the District of Columbia Official 4
Code); 5

“(8) For a period not to exceed 12 months, the subject of a pending 6
application for a necessary approval for development before the Board of Zoning Adjustment, the 7
Zoning Commission for the District of Columbia, the Commission on Fine Arts, the Historic 8
Preservation Review Board, the Mayor’s Agent for Historic Preservation, or the National Capital 9
Planning Commission; or 10

“(9) For a period not to exceed 12 months, owned by a qualifying 11
nonprofit housing organization under D.C. Official Code § 47-3505(a).”. 12

(2) Subsection (e) is amended by striking the phrase “30 days” and 13
inserting the phrase “30 days in the manner provided in section 499d(b-1) of An Act To establish 14
a code of law for the District of Columbia, effective October 23, 1997 (D.C. Law 14-282; D.C. 15
Official Code § 42-405(b-1))”in its place. 16

(3) New subsections (f) and (g) are added to read as follows: 17

“(f)(1) The cumulative time period for exemption from registration and fee 18
requirements for a vacant building under the same, substantially similar, or related ownership 19
shall not exceed 3 real property tax years. 20

“(2) Notwithstanding paragraph (1) of this subsection, any exemption shall 21
be terminated at the end of the 2007 real property tax year if the building under the same, 22

substantially similar, or related ownership benefitted from an exemption under this section or under D.C. Official Code § 47-813©-6) during 3 or more real property tax years.

“(3) The limitations set forth in paragraphs (1) and (2) of this subsection shall not apply to vacant buildings that benefit from the exemption under subsection (b)(1), (b)(2), or (b)(5) of this section.

“(4) A vacant building benefitting from an exemption under this section or D.C. Official Code § 47-813(c-6)(2)©) or (c-6)(3)©), immediately preceding the effective date of the Nuisance Properties Abatement Reform and Real Property Classification Emergency Amendment Act of 2006, passed on December 5, 2006 (Enrolled version of Bill 16-1035), shall continue to benefit from the exemption and shall not be required to register or pay fees for the duration permitted under those provisions; provided, that the exemption shall not be valid after September 30, 2007; provided further, that the vacant building may qualify for an exemption in effect after the effective date of the Nuisance Properties Abatement Reform and Real Property Classification Emergency Amendment Act of 2006, passed on December 5, 2006 (Enrolled version of Bill 16-1035) and subject to the time restriction and exclusion set forth in paragraphs (2) and (3) of this subsection.

“(5) For purposes of this subsection, ownership shall be related if a deduction for a loss from the sale or exchange of properties between taxpayers would be disallowed under section 267 of the Internal Revenue Code of 1986, approved August 16, 1954 (68A Stat. 78; 26 U.S.C. § 267); provided, that the exclusion under section 267(a)(1) for a loss in a distribution in a complete liquidation shall not apply.

“(g) The Mayor shall issue proposed rules to implement the provisions of this title
on or before June 30, 2007. The proposed rules shall be submitted to the Council for a 45-day
period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If
the Council does not approve or disapprove the proposed rules, in whole or in part, by resolution
within this 45-day review period, the proposed rules shall be deemed disapproved.”.

(d) Section 8 (D.C. Official Code § 42-3131.08) is amended to read as follows:

“Sec. 8. Notice of denial or revocation of registration.

“The owner shall be notified of the denial or revocation of registration of a vacant
building and the right to appeal. Upon notice of the denial or revocation, the owner shall not
proceed with any operation to which the registration related. If the registration is denied or
revoked, no registration fees or parts thereof shall be returned.”.

(e) Section 9(d) (D.C. Official Code § 42-3131.09(d)) is amended by striking the
phrase “section 11” wherever it appears and inserting the phrase “section 8” in its place.

(f) Section 10 (D.C. Official Code § 42-3131.10(a)) is amended as follows:

(1) Subsection (a) is amended by striking the phrase “receipt of a mailing
of a delinquency and determination notice under section 11 or” and inserting the phrase “notice
of the designation of the owner’s building as vacant, the determination of delinquency of
registration or fee payment, the denial or revocation of registration, the filing by an owner of any
false or misleading registration-related information, or” in its place.

(2) Subsection ©) is amended by striking the word “semiannual”.

(g) Section 11 (D.C. Official Code § 42-3131.11) is amended to read as follows:

“Sec. 11. Notice of vacancy designation and right to appeal.

“The Mayor shall identify nonregistered vacant buildings in the District,
excluding vacant buildings identified in section 8. The owner shall be notified that the owner’s
building has been designated as vacant and of the owner’s right to appeal.”.

(h) Section 15 (D.C. Official Code § 42-3131.15) is amended to read as follows:

“Sec. 15. Administrative review and appeal.

“(a) Within 15 days after the designation of an owner’s building as vacant, the
determination of delinquency of registration or fee payment, or the denial or revocation of
registration, the owner may petition the Mayor for reconsideration by filing the form prescribed
by the Mayor. Within 30 days after receiving the petition, the Mayor shall issue a notice of final
determination.

“(b) Within 45 days after the date of the notice of final determination under
subsection (a) of this section, an owner may file an appeal with the Board of Real Property
Assessments and Appeals on the form prescribed by the Mayor; provided, that the notice of final
determination under subsection (a) of this section shall be a prerequisite to filing an appeal with
the Board of Real Property Assessments and Appeals.”.

(I) A new section 16 is added to read as follows:

“Sec. 16. Transmission of list by Mayor.

“(a) Semiannually, the Mayor shall transmit to the Office of Tax and Revenue a
list of buildings:

“(1) Registered as vacant; provided, that for the purposes of this section
and D.C. Official Code § 47-813(c-7)(5)(A-1)(i)(I)(aa), buildings for which the registration has
been revoked shall also be deemed registered; and

“(2) For which a notice of final determination has been issued under this title and administrative appeals have been exhausted or expired.

“(b) The list shall be in the form and medium prescribed by the Office of Tax and Revenue.”.

Sec. 4. Title 47 of the District of Columbia Official Code is amended as follows:

(a) Section 47-813 is amended as follows:

(1) Subsection ©-6)(1) is amended by striking the phrase “the real property tax year beginning October 1, 2002, and ending September 30, 2003, and for each subsequent tax year” and inserting the phrase “tax years 2003 through 2006” in its place.

(2) A new subsection ©-7) is added to read as follows:

“©-7)(1) For tax year 2007 and thereafter, the following classes of taxable real property are established:

“(A) Class 1 Property;

“(B) Class 2 Property; and

“©) Class 3 Property.

“(2)(A) Except as otherwise provided in this paragraph, Class 1 Property shall be comprised of residential real property that is improved and used exclusively for nontransient residential dwelling purposes; provided, that the improved and nontransient real property shall not be classified as Class 1 Property if it appears on the list compiled under § 42-3131.16.

“(B) Unimproved real property benefitting from an exemption under subsection (c-6)(2)©) of this section immediately preceding the effective date of the

Nuisance Properties Abatement Reform and Real Property Classification Emergency 1
Amendment Act of 2006, passed on December 5, 2006 (Enrolled version of Bill 16-1035) shall 2
continue to benefit from the exemption and be classified as Class 1 Property for the duration 3
permitted under that subsection; provided, that the exemption shall not be valid after September 4
30, 2007; provided further, that the unimproved real property may qualify for an exemption in 5
effect after the effective date of the Nuisance Properties Abatement Reform and Real Property 6
Classification Emergency Amendment Act of 2006, passed on December 5, 2006 (Enrolled 7
version of Bill 16-1035) and subject to the time restriction and exclusion set forth in 8
subparagraph (E)(ii)(II) of this paragraph. 9

“(C) Real property used as a parking lot shall be classified as Class 10
1 Property if it appertains to improved Class 1 Property and if each approval required from the 11
District government for use as a parking lot has been obtained. 12

“(D) Unimproved real property which abuts Class 1 Property shall 13
be classified as Class 1 Property if the real property and the Class 1 Property have common 14
ownership. 15

“(E)(i) Unimproved, residential real property shall be classified as 16
Class 1 Property if: 17

“(I) The real property is actively offered for sale or 18
rental at a reasonable market price as of September 30 of the preceding tax year or as of March 19
31 of the current tax year; provided, that a real property which has been offered for sale or rental 20
for more than 8 months shall be presumed not to be offered for sale or rental at a reasonable 21
market price; 22

“(II) A valid building permit to construct at least
one nontransient dwelling unit has been issued and construction is actively pursued as of
September 30 of the preceding tax year or as of March 31 of the current tax year;

“(III) The real property is encumbered by a deed of
trust that was recorded during the 12 months preceding the current tax year and a building permit
described in sub-sub-subparagraph (II) of this sub-subparagraph has been issued;

“(IV) The real property is owned by a qualifying
nonprofit housing organization under § 47-3505(a);

“(V) The zoning regulations adopted by the Zoning
Commission for the District of Columbia do not allow the building of any structure on the real
property as a matter of right; or

“(VI) The unimproved air rights lot appertains to
improved Class 1 Property.

“(ii)(I) Classification of unimproved real property as Class
1 Property pursuant to sub-subparagraph (i)(I), (II), (III) or (IV) of this subparagraph shall not
exceed 3 tax years under the same, substantially similar, or related ownership.

“(II) Notwithstanding sub-sub-subparagraph (I) of
this sub-subparagraph, unimproved real property under the same, substantially similar, or related
ownership that qualified for and benefitted from an exemption under sub-subparagraph (i) of this
subparagraph or under subsection (c-6)(2)© or (c-6)(2)(E) of this section, other than under sub-
subparagraph (i)(V) or (VI) of this subparagraph or a similar provision of subsection (c-6)(2)©),

for 3 or more tax years shall no longer be classified as Class 1 Property beginning in tax year 2008.

“(III) For purposes of this sub-subparagraph, ownership shall be related if a deduction for a loss from the sale or exchange of properties between taxpayers would be disallowed under section 267 of the Internal Revenue Code of 1986, approved August 16, 1954 (68A Stat. 78; 26 U.S.C. § 267); provided, that the exclusion under section 267(a)(1) for a loss in a distribution in a complete liquidation shall not apply.

“(F) Unimproved real property which is separated from Class 1 Property by a public alley less than 30 feet wide shall be classified as Class 1 Property if:

“(i) The real property is less than 1,000 square feet;

“(ii) The zoning regulations adopted by the Zoning Commission for the District of Columbia do not allow the building of any structure on the real property as a matter of right; and

“(iii) The real property and the Class 1 Property separated by the alley from the real property have common ownership.”.

“(3)(A) Except as otherwise provided in this paragraph, Class 2 Property shall be comprised of improved commercial real property; provided, that such improved real property shall not be classified as Class 2 Property if it appears on the list compiled under § 42-3131.16.

“(B) Unimproved real property benefitting from an exemption under subsection (c-6)(3)©) of this section immediately preceding the effective date of the Nuisance Properties Abatement Reform and Real Property Classification Emergency

Amendment Act of 2006, passed on December 5, 2006 (Enrolled version of Bill 16-1035) shall
continue to benefit from the exemption and be classified as Class 2 Property for the duration
permitted under subsection (c-6)(3)©) of this section; provided, that the exemption shall not be
valid after September 30, 2007; provided further, that the unimproved real property may qualify
for an exemption in effect after the effective date of the Nuisance Properties Abatement Reform
and Real Property Classification Emergency Amendment Act of 2006, passed on December 5,
2006 (Enrolled version of Bill 16-1035) and subject to the time restriction and exclusion set forth
in subparagraph (E)(ii)(II) of this paragraph.

“(©) Real property used as a parking lot shall be classified as Class
2 Property if each approval required from the District government for use as a parking lot has
been obtained.

“(D) Unimproved real property which abuts Class 2 Property shall
be classified as Class 2 Property if the real property and the Class 2 Property have common
ownership.

“(E)(i) Unimproved, commercial real property shall be classified as
Class 2 Property if:

“(I) The real property is actively offered for sale or
rental at a reasonable market price as of September 30 of the preceding tax year or as of March
31 of the current tax year; provided, that a real property which has been offered for sale or rental
for more than 8 months shall be presumed not to be offered for sale or rental at a reasonable
market price;

“(II) A valid building permit to construct an improvement to be occupied or a parking lot has been issued and construction is actively pursued as of September 30 of the preceding tax year or as of March 31 of the current tax year;

“(III) The real property is encumbered by a deed of trust that was recorded during the 12 months preceding the current tax year and a building permit described in sub-sub-subparagraph (II) of this sub-subparagraph has been issued;

“(IV) The zoning regulations adopted by the Zoning Commission for the District of Columbia do not allow the building of any structure on the real property as a matter of right; or

“(V) The unimproved air rights lot appertains to improved Class 2 Property.

“(ii)(I) Classification of unimproved real property as Class 2 Property pursuant to sub-subparagraph (i)(I), (II) or (III) of this sub-subparagraph shall not exceed 3 tax years under the same, substantially similar ,or related ownership.

“(II) Notwithstanding sub-sub-subparagraph (I) of this sub-subparagraph, unimproved real property under the same, substantially similar, or related ownership that qualified for and benefitted from an exemption under sub-subparagraph (i) of this subparagraph or under subsection (c-6)(3)©) of this section, other than under sub-subparagraph (i)(IV) or (V) of this subparagraph or under a similar provision of subsection (c-6)(3)©) of this section, for 3 or more tax years shall no longer be classified as Class 2 Property beginning with tax year 2008.

“(III) For purposes of this sub-subparagraph,

ownership shall be related if a deduction for a loss from the sale or exchange of properties
between taxpayers would be disallowed under section 267 of the Internal Revenue Code of 1986,
approved August 16, 1954 (68A Stat. 78; 26 U.S.C. § 267); provided, that the exclusion under
section 267(a)(1) for a loss in a distribution in a complete liquidation shall not apply.

“(F) Unimproved real property which is separated from Class 2
Property by a public alley less than 30 feet wide shall be classified as Class 2 Property if:

“(i) The real property is less than 1,000 square feet;

“(ii) The zoning regulations adopted by the Zoning
Commission for the District of Columbia do not allow the building of any structure on the real
property as a matter of right; and

“(iii) The real property and the Class 2 Property separated
by the alley from the real property have common ownership.

“(G) Class 2 Property shall include, as of September 30 of the
preceding tax year, the unimproved real property that is within the Northeast No. 1/Eckington
Yards Special Treatment Area and the Buzzard Point/Near Southeast Development Opportunity
Area, as designated on the current District of Columbia Generalized Land Use Map that is part of
the Comprehensive Plan; provided, that the real property is zoned for commercial development
and the real property owner is engaged in predevelopment activities as supported by written
documentation. For the purpose of this subparagraph, the term "predevelopment activities"
means completion of one of the following:

“(i) Preparation of subdivision or large tract review
applications;

“(ii) Preparation or application for District of Columbia	1
permits or authorizations to proceed with development;	2
“(iii) Participation in special planning or transportation	3
studies prepared in conjunction with the District of Columbia; or	4
“(iv) Completion of environmental assessment or	5
mitigation studies prepared in conjunction with the District of Columbia.	6
“(4) Class 3 Property shall be comprised of all real property which cannot	7
be classified as Class 1 Property or Class 2 Property.”.	8
(3) Subsection (d)(5) is repealed.	9
(4) Subsection (d-1) is amended as follows:	10
(A) Paragraph (3) is repealed.	11
(B) Paragraph (3A)(A) is amended as follows:	12
(i) Strike the phrase “appeal any reclassification under this	13
section in the same manner and to the same extent as a new owner under § 47-825.01(f-1)(1),	14
regardless of the tax year involved or whether a prior petition or appeal had been filed for the tax	15
year” and insert the phrase “appeal any classification of Class 3 Property under this section of	16
unimproved real property or real property that is used as a parking lot to the same extent as a new	17
owner under § 47-825.01(f-1)(1)(C)(iii) or (iv)” in its place.	18
(ii) A new sentence is added to read as follows:	19
“The Class 3 Property classification shall only be appealed under the provisions of	20
this paragraph and regardless of whether a petition or appeal is filed under § 47-825.01(f-1)(1A),	21
notwithstanding any other provision of law.”.	22

(iii) Strike the word “reclassification” wherever it appears 1
and insert the word “classification” in its place. 2

©) New paragraphs (4A) and (4B) are added to read as follows: 3

“(4A) For improved real property that is not used as a parking lot, the 4
determination that the real property belongs on the list compiled under § 42-3131.16 (and, 5
indirectly, its Class 3 Property classification) shall only be appealed as prescribed under § 42- 6
3131.15 and § 47-825.01(f-1)(2A), notwithstanding any other provision of law. A notice of final 7
determination by the Mayor shall be a prerequisite before an appeal to the Board of Real Property 8
Assessments and Appeals may be taken. 9

“(4B) The classification of Class 3 Property in the notice of proposed 10
assessment under §§ 47-824 and 47-829 shall not be appealed under the provisions applicable to 11
the appeal of such notice and any statement in such notice that the real property shall be 12
classified as other than Class 3 Property shall not be effective, notwithstanding any other 13
provision of law.”. 14

(D) Paragraph (5) is amended as follows: 15

(i) Subparagraph (A) is amended to read as follows: 16

“(A) Whenever the classification of real property subject to the 17
new owner petition or appeal process under paragraph (3A) of this subsection shall: 18

“(i)(I) Change to Class 3 Property, the owner shall 19
file a notification to change the classification with the Office of Tax and Revenue within 30 days 20
after the change in the manner as may be prescribed by the Mayor. 21

“(II) The change in classification shall be 22

retroactive to the half tax year when the Office of Tax and Revenue was so notified. If the owner fails to notify timely, the real property shall be reclassified for each tax year beginning with the half tax year when the classification should have changed; provided, that the periods subject to reclassification shall be limited to the current and 3 preceding tax years. Penalty and interest as prescribed under § 47-811©) shall be assessed beginning 30 days after the date of the real property tax bill that issues after any administrative appeals have been exhausted; or

“(ii)(I) Cease to be Class 3 Property, the owner shall file a notification to change the classification with the Office of Tax and Revenue within 30 days after the change in the manner as may be prescribed by the Mayor.

“(II) If the notification is approved, the change in classification of the real property from Class 3 Property shall be retroactive to the half tax year when the Office of Tax and Revenue was so notified. If the notification is disapproved, the notice of classification under paragraph (3A) of this subsection shall be given to the owner.”.

(ii) A new subparagraph (A-i) is added to read as follows:

“(A-i)(i) Whenever the classification of improved real property that is not used as a parking lot and appears on the list compiled under § 42-3131.16 shall change to Class 3 Property:

“(I) The owner shall notify the Department of Consumer and Regulatory Affairs within 30 days of the change by making application to register the property as vacant under §§ 42-3131.06 and 42-3131.07, which the change in classification of the real property to Class 3 Property shall be retroactive to the half tax year during which one of the following first occurred:

“(aa) The owner of the real property
registered the real property as vacant under § 42-3131.06; or

“(bb) The owner of real property received a
notice of final determination under § 42-3131.15;

“(II) The Office of Tax and Revenue shall re-
classify the real property without limitation for each tax year or half tax year after receipt of the
list under § 42-3131.16; and

“(III) Penalty and interest as prescribed under § 47-
811©) shall be assessed beginning 30 days after the date of the real property tax bill that issues
after any administrative appeals have been exhausted.

“(ii) Whenever improved real property that is not used as a
parking lot and appears on the list compiled under § 42-3131.16 shall cease to be Class 3
Property, the owner shall notify the Department of Consumer and Regulatory Affairs within 30
days after the change in the manner as may be prescribed by the Mayor. If the request for a
change in classification is approved, the change in classification of the real property from Class 3
Property shall be retroactive to the half tax year when the Department of Consumer and
Regulatory Affairs was so notified. If the request is denied, the owner shall have a right to
administrative review of the determination as provided under § 42-3131.16 and § 47-825.01(f-
1)(2A).”.

(iii) Subparagraph (B) is amended as follows:

(I) Strike the phrase “subparagraph (A)” and insert
the phrase “subparagraphs (A) and (A-i) in its place.

(II) Strike the word “Mayor” and insert the phrase	1
“applicable agency” in its place.	2
(E) Paragraph (6) is amended by striking the phrase “real property”	3
and inserting the phrase “Class 3 Property ” in it place.	4
(5) Subsection (d-2) is amended by striking the phrase “an erroneous or	5
improper classification” and inserting the phrase “a change in classification to Class 3 Property”	6
in its place.	7
(b) Section § 47-825.01(f-1) is amended as follows:	8
(1) A new paragraph (2A) is added to read as follows:	9
“(2A) If an owner is aggrieved by a notice of final determination issued	10
pursuant to § 42-3131.15 or a notice of final determination issued under § 47-813(d-1)(3A), the	11
owner may file an appeal on the determination of vacancy with the Board within 45 days from	12
the date of such notice. The Board shall render a decision on the appeal within 120 days of	13
filing.”.	14
(2) Paragraph (3) is amended by striking the word “Board” and inserting	15
the phrase “Board and a petition to the Mayor for reconsideration of the designation of their	16
building as vacant shall be a prerequisite for filing an appeal with the Board pursuant to §	17
42.3131.15” in its place.	18
(3) Paragraph (8) is amended by striking the phrase “value or	19
classification” and inserting the phrase “value, classification, or determination of vacancy” in its	20
place.	21
©) Section 47-850.02(b-1) is amended by striking the phrase “a reclassification”	22

and inserting the phrase “an appeal of a Class 3 classification” in its place. 1

(d) Section 47-863(f-1) is amended by striking the phrase “a reclassification” and 2
inserting the phrase “an appeal of a Class 3 classification” in its place. 3

Sec. 5. Applicability. 4

Sections 2 through 4 shall apply to real property tax years beginning after September 30, 5
2006. 6

Sec. 6. Fiscal impact statement. 7

The Council adopts the fiscal impact statement in the committee report as the fiscal 8
impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, 9
approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02©)(3)). 10

Sec. 7. Effective date. 11

This act shall take effect following approval by the Mayor (or in the event of veto by the 12
Mayor, action by the Council to override the veto), a 30-day period of Congressional review as 13
provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 14
24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of 15
Columbia Register. 16



Drew Ronneberg <ronneberg6a02@gmail.com>

Is there a way for an ANC to get a list of recently issued C of Os?

6 messages

Drew Ronneberg <ronneberg6a02@gmail.com>

Thu, Nov 2, 2006 at 8:19 AM

To: lennox.douglas@dc.gov

Cc: Rich Luna <thelunas@speakeasy.net>, Joseph Fengler <fengler6a02@yahoo.com>, Nick Alberti <alberti6a04@yahoo.com>, dcra@dc.gov, "Rogers, Eric (DCRA)" <eric.rogers@dc.gov>

Mr. Douglas,

People at DCRA told me that you were the best person to contact about this issue.

Is there a mechanism for an ANC to obtain a list of recently issued C of Os? Our ANC receives a monthly spreadsheet of issued building permits from Eric Rogers of DCRA and this spreadsheet has been useful for us to identify 1) illegal construction in our ANC and 2) occasional incidents where building permits have been issued in error.

Our ANC is seeing a tremendous growth of new businesses and home renovations and we would like to know what C of Os are being issued in our neighborhood. If there is some mechanism to be notified of new C of Os, can I get on that distribution list?

If no such list exists would it be possible to start putting one together in a manner similar to the building permit list? Without such a list it is very difficult to know that C of Os have been issued and almost impossible for our ANC to respond to any issuance within the 60 day window.

Best regards,

Drew Ronneberg
ANC 6A Economic Development and Zoning Committee, Chair

Douglas, Lennox (DCRA) <Lennox.Douglas@dc.gov>

Thu, Nov 2, 2006 at 9:33 AM

To: Drew Ronneberg <ronneberg6a02@gmail.com>

Mr. Ronneberg:

The existing process, does not identify total C of Os issued within a given period of time. However in the re-organization of the process, slated to be completed by August 2007, the requested information would be available.

Lennox Douglas

[Quoted text hidden]

Drew Ronneberg <ronneberg6a02@gmail.com>

Sun, Nov 5, 2006 at 10:16 PM

To: "Douglas, Lennox (DCRA)" <Lennox.Douglas@dc.gov>

Cc: Rich Luna <thelunas@speakeasy.net>

Mr. Douglas,

I'm very happy to hear that there will new system in August, but until that time, is there any way for us to know what C of Os have been issued (we are especially interested in H Street)? If we know the address to a certain property, can we get information on what C of Os have been applied for?

Best regards,

Drew Ronneberg
ANC 6A Economic Development and Zoning Chair
[Quoted text hidden]

Douglas, Lennox (DCRA) <Lennox.Douglas@dc.gov>
To: Drew Ronneberg <ronneberg6a02@gmail.com>

Mon, Nov 6, 2006 at 9:14 AM

Mr. Ronneberg:
If you provide an address you can obtain information as to whether a C of O is pending or issued by e-mailing stacie.williams@dc.gov or completing a C of O request form and submitting to the Records Management Section of DCRA located at 941 North Capitol Street NE 2nd floor. See attachment for request form.

Lennox Douglas

-----Original Message-----

From: Drew Ronneberg [mailto:ronneberg6a02@gmail.com]

[Quoted text hidden]



c of o request for copies 1..doc
32K

Drew Ronneberg <ronneberg6a02@gmail.com>
To: "Douglas, Lennox (DCRA)" <Lennox.Douglas@dc.gov>
Cc: Rich Luna <thelunas@speakeasy.net>

Mon, Nov 6, 2006 at 9:30 AM

Mr. Douglas,

Thanks for the information and your quick response!

Best regards,

Drew Ronneberg
[Quoted text hidden]

Drew Ronneberg <ronneberg6a02@gmail.com>
To: drew.ronneberg@ee.doe.gov

Thu, May 17, 2007 at 8:07 AM

----- Forwarded message -----

From: Douglas, Lennox (DCRA) <Lennox.Douglas@dc.gov>

Date: Nov 6, 2006 9:14 AM

Subject: RE: Is there a way for an ANC to get a list of recently issued C of Os?

[Quoted text hidden]



c of o request for copies 1..doc
32K

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
Building and Land Regulation Administration
Permit Service Center

941 North Capitol Street, N.E.
Washington, D.C.

Telephone No. (202) 442-4489 Fax No. (202) 442-4862

REQUEST FOR COPIES OF ISSUED CERTIFICATE OF OCCUPANCY

Name of Requester _____

Organization or Firm _____

Address of Requester _____

Telephone No. _____ Fax No. _____

E-mail Address _____

Please furnish _____ copy(ies) of ☐ Certified
(Quantity) ☐ Non-Certified

of issued certificate(s) of occupancy for the following address(es):

(Please include all pertinent data e.g suite and floor numbers etc.)

Each copy cost \$7.00; certified copies \$20.00/each record. We will contact you within twenty-four (24) hours of receipt of request. Fax requests are accepted.