

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING




Office of the Director

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D.C. OFFICE OF ZONING

RECEIVED

TO: The Zoning Commission for the District of Columbia

FROM: Travis Parker, Zoning Review Manager 
Office of Planning

DATE: April 4, 2008

SUBJECT: Comprehensive Review and Update of D.C. Zoning Regulations
ZC #08-06
Request for Waiver of Setdown for Individual Hearings

As regularly presented to the Zoning Commission over the past eight months, the Office of Planning has been proceeding with its review of the District's zoning regulations. In November, 2007 a taskforce was formed to provide overall guidance on the process and input into OP recommendations prior to presentation to the Zoning Commission. OP has designed a process that allows public input in the formation of recommended changes through subject-specific working groups. So far, three working groups have completed their work resulting in draft OP recommendations that have been presented to the taskforce. After taskforce review, the recommendations for each subject area are posted on the project website for public review while a hearing is scheduled with the Zoning Commission. It is the intent of OP to have at least two months of public review of any recommendations on our website prior to the Zoning Commission hearing.

The intent of this effort is to allow maximum public participation at all stages of the process. Specifically, in addition to the regular public review after recommendations have been formed, the working groups are designed to let experts and interested parties participate in the drafting of recommendations for each subject area. Another advantage of the process is that instead of one long series of public hearings on an entire set of zoning regulations at the end of the review, the Commission will hold separate hearings on each of the individual subject areas. In order for this to happen efficiently, the Zoning Commission will need to approve a format for the hearing process.

This process will not be the same as any other text amendment in that it is not proposing to amend some part of the text. Instead the process will result in a new document based on a complete public review and update of the entire zoning ordinance. As such, it is necessary for the Zoning Commission to approve a process outside of its standard practice.

ZONING COMMISSION
District of Columbia

CASE NO. 08-06 ZONING COMMISSION
District of Columbia

EXHIBIT NO. 1 CASE NO. 08-06
EXHIBIT NO. 1

Most cases (both development cases and zoning text/map amendments) go through a four stage process consisting of 1) a setdown meeting, 2) a hearing, 3) proposed action, and 4) final action. This case will require division into multiple parts of at least two stages of the process, the hearing and proposed action.

HEARING AND APPROVAL PROCESS

Since the work is being spread out over three years and the recommendations will come forward in twenty phases, it is not feasible to provide language to be setdown at the beginning of the process. OP recommends that the Commission waive the setdown requirements for the approved process, but proposes that the standard public hearing notice requirements be met for each of the twenty hearings. OP will work with OAG to complete a Notice of Public Hearing for each of the areas and will work with OZ to advertise each for the requisite 45 days prior to a hearing.

Hearings would be held throughout 2008-2009. After the conclusion of each hearing, the recommendations for that subject area would be set for proposed action at the next monthly meeting. The Commission would then give preliminary approval on the concept and preliminary text presented. Thereafter, OP and OAG will further refine the text, which the Commission will consider. If the Commission agrees that the text is consistent with its intent, the Commission would authorize the publication of the text in a Notice of Proposed Rulemaking and the forwarding of the text to NCPC for a 30-day period of review.

After all twenty sets of recommendations are published, OP would then compile all of the language and recommendations into a final, unified document together with all comments received during the hearing and post-hearing comment period. The Zoning Commission could then consider based upon the comments received, whether it is satisfied with the entire document, or whether it should revisit or discard certain portions. Once the Commission is satisfied with the document, it may take final action to adopt it. A notice of final rulemaking would then be published in the *D.C. Register* followed by its publication as a replacement volume of Title 11.

Where a subject matter is particularly controversial or complex, or where public comment is voluminous, the Commission may always decide to hold a decision meeting immediately after the comment period to resolve outstanding issues while the subject matter is still fresh in its mind.

SCHEDULE

The subject areas are listed on the following pages. If the Zoning Commission approves the process as laid out by OP, the first public hearing before the Zoning Commission would be in June 2008. The subject areas would progress at a rate of one or two per month through 2009. Final action on the entire zoning review process is anticipated to take place in 2010.

RECOMENDATION

OP recommends that the Zoning Commission waive the setdown requirement for the individual hearings for Zoning Commission Case No. 08-06. Each hearing would be scheduled with the Office of Zoning and proposed recommendations would be advertised under the normal process. Hearings and Commission action would proceed as outlined in this memo.

SUBJECT AREAS

Height *(Working group met January-February 2008)*

The subject area on height will include discussions about how height is measured; the relationship of the Height Act with zoning, roof structures, stories, and other issues that related to the height of buildings. This area will not examine raising or lowering the limits on height under zoning or the Height Act.

Flood Plain *(Working group met January-February 2008)*

The working group for this study area will examine the city's policies for building structures within the flood plain. The group will discuss zoning strategies for regulation of these structures.

Parking *(Working group met February-April 2008)*

This subject area will cover all of the issues within the current Chapter 21 of the zoning ordinance. We will examine the requirements for parking spaces as well as the standards for their location and access.

Loading *(Working group met February-April 2008)*

This subject area will cover all of the issues within the current Chapter 22 of the zoning ordinance. We will examine the requirements for loading as well as the standards for location and access.

Retail Strategy *(Working group met March-April 2008)*

This area will focus on supporting and encouraging local, small, and disadvantaged businesses. We will examine zoning options to encourage retail development and improve local retail options.

Arts & Culture *(Working group met March-April 2008)*

The current zoning code has many incentives and requirements for arts and culture uses. This group will review existing policies and examine ways to expand the availability of art space and arts related uses throughout the city.

Historic *(Working group met March-April 2008)*

This area will deal with the relationship between the zoning code and the existing review structure for historic buildings. We will examine the current sections on historic structures and determine what exceptions or special requirements need to be in place for these buildings and areas.

Sustainability *(Working group to begin meeting in late April)*

This subject area will examine encouraging environmental sensitivity through zoning and removing zoning obstacles to sustainable design. Issues will include green building design, low impact development, transit oriented development, energy efficiency and measures of sustainability.

Low/Moderate Density Residential *(Working group meets March-June 2008)*

This subject area will deal with issues relating to lower density residential neighborhoods. Areas that would fit into the traditional R-1 through R-4 zones with largely single and two-family housing stock are the focus. This group will look at a very wide variety of issues including alley lots, accessory dwellings, corner retail stores, related non-residential uses, bulk and setback requirements, and many others. This group will also be examining the existing residential zoning categories and overlays to determine if these are sufficient to meet the needs of the city's neighborhoods.

Medium/High Density Commercial & Residential *(Working group to begin meeting in June)*

This subject area will deal with those issues surrounding the higher density commercial and residential nodes outside of the downtown. While not including commercial corridors, this area deals with other areas traditionally zoned C-3, CR, and R-5. The group will review existing zoning categories for sufficiency to meet city policies.

Downtown *(Working group to begin meeting in June)*

The Downtown subject area will begin with the area contained in the Downtown Development Overlay District. The group will examine the goals of the district to determine what has been accomplished and what needs remain. The group will look at the boundaries of "downtown" and examine the zoning techniques used to address this area.

Commercial Corridors *(Working group to begin meeting in September)*

This subject area will discuss zoning options to meet the needs of the cities commercial corridors. We will examine the relationship between commercial uses and the surrounding residential zones. The group will examine the use of geographically specific overlays and options for zoning solutions to more specifically related to each corridor.

Industrial *(Working group to begin meeting in September)*

The industrial use group will work with the existing Industrial Land Use Study and policies of the Comprehensive Plan to determine how our existing industrial zones could be improved. Issues will include relationships to residential use, matter-of-right uses in industrial zones, and transitional uses.

Mixed/Other Districts *(Working group to begin meeting in September)*

This study area will deal with issues related to zone districts not covered in the other areas. Specifically, the group will examine the Waterfront and Special Purpose districts as well as some of the miscellaneous overlays in the code.

Campus/Institutional (*Working group to begin meeting in November*)

This area will examine campus plan options for educational and institutional uses.

Parks/Open Space (*Working group to begin meeting in November*)

This group will examine the need for and makeup of potential zones for open space.

PUD (*Working group to begin meeting in January 2009*)

This subject area will look at different options for review and approval of larger development projects in the District. Issues include the limits of matter-of-right development, the relationship between density and public benefits, the role of government agencies and community groups in development, and other issues relating to discretionary review of large developments.

Design Review (*Working group to begin meeting in January 2009*)

This area will examine the need for and place for design review in our development review process. This group may work with or be combined with the PUD study area in the inclusion of design review as a part of the discretionary review process.

Administration & Enforcement (*Working group to begin meeting in March 2009*)

Working closely with the Office of Zoning, this group will use the results of the first 18 working groups to update and improve the policies of Chapter 32 of the existing ordinance.

ZC & BZA Procedures (*Working group to begin meeting in March 2009*)

Working closely with the Office of Zoning, this group will use the results of the first 18 working groups to update and improve the policies of Chapter 31 of the existing ordinance.