NCPC
NATIONAL CAPITAL PLANNING COMMISSION

401 9th Street, NW
North Lobby, Suite 500
Washington, DC 20004
Tel 202 482-7200
Fax 202 482-7272
www.ncpc.gov

IN REPLY REFER TO:
NCPC File No. Z.C. 07-15

SEP 14 2007

Zoning Commission for the
District of Columbia
2nd Floor, Suite 210 South
441 4th Street, NW
Washington, D.C. 20001

Members of the Commission:

Pursuant to delegations of authority adopted by the Commission on August 6, 1999, I reviewed the proposed text amendment to permit accessory structures on lots with one-family dwellings or flats in R-1 districts, and found that the proposal would not be inconsistent with the Comprehensive Plan for the National Capital, nor would it have an adverse impact on any federal interests. A copy of the Delegated Action of the Executive Director is enclosed.

Sincerely,

Marcel C. Acosta
Acting Executive Director

Enclosure

NCPC File No. Z.C. 07-15

NCPC
NATIONAL CAPITAL PLANNING COMMISSION

TEXT AMENDMENT TO CHAPTER 2 OF THE ZONING REGULATIONS OF THE DISTRICT OF COLUMBIA TO EXPAND § 223 TO PERMIT ACCESSORY STRUCTURES
Washington, D.C.

Delegated Action of the Executive Director

AUG 3 0 2007

Pursuant to delegations of authority adopted by the Commission on August 6, 1999, 40 U.S.C. §8724(a), and D.C. Code §2-1006(a), I find that the proposed text amendment to 11 DCMR, Chapter 2, §223, to permit accessory structures on lots with one-family dwellings or flats in R-1 districts, would not be inconsistent with the Comprehensive Plan for the National Capital, nor adversely affect any other federal interests.

* * *

The Zoning Commission of the District of Columbia has taken a proposed action to approve a text amendment to 11 DCMR, Chapter 2, "R-1 Residence District Use Regulations" §223, "Additions to One-Family Dwellings or Flats (R-1)" to allow construction of a new or enlarged accessory structure on the same lot as a one-family dwelling or flat as a special exception, titled:

223 **ZONING RELIEF FOR ADDITONS TO ONE-FAMILY DWELLINGS OR FLATS AND FOR NEW OR ENLARGED ACCESSORY STRUCTURES**

Currently, language in §223 allows additions to one-family dwellings or flats, which may include an attached garage, but not a detached garage. This amendment as initially proposed would have allowed detached garages as special exceptions in order to reduce the increasing number of Board of Zoning Adjustment (BZA) cases. The amendment's scope has since been expanded to include accessory structures other than just garages so that any sheds or pool houses could be allowed as special exceptions. Text would be added to §223.1 such that:

An addition to a one-family dwelling or flat, in this Residence districts where a flat is permitted, **or a new or enlarged accessory structure on the same lot as a one-family dwelling or flat, shall be permitted even though the addition or accessory structure**.....shall be permitted as a

special exception if approved by the Board of Zoning Adjustment under §3104, subject to the provisions of this section.

There would be no change in the percentage of allowable lot occupancy as amended. However, the 50% permitted in R-1 and R-2 districts or 70% in the R-3, R-4, and R-5 districts, which currently applies to the lot occupancy of the dwelling or flat, together with the addition, would apply to **all new and existing structures on the lot** as amended.

Staff notes that allowable lot occupancy permitted in residence districts with no existing additions is a lower percentage than when combined with additions or accessory buildings. In those cases, the maximum lot occupancy is 40% for single-family residential uses for detached semi-detached, dwellings, and 60% for row dwellings and flats in the R-1 through R-4 Districts, and ranges from 40%, to 60% to 75% as density increases for the R-5-A through R-5-E districts.

Staff wishes to acknowledge receipt of written testimony directly from two citizens, representing the Committee of 100 on the Federal City and the Citizens Association of Georgetown, in opposition to the proposed amendment as published in the Notice of Public Hearing, but which the Zoning Commission did not receive in time to consider before voting to approve the proposed action. The testimony expressed concerns:

- that treating R-3 and R-4 zones as similar regarding lot occupancy for all new and existing structures could blur the standards regarding lot coverage,
- that expanding the higher percentages of lot coverage could threaten the comparatively limited open space in built-out communities, and
- that free standing structures could limit the open space (courts, side and rear yards) in Historic Georgetown.

Staff notes that the open space being considered is private residential open space rather than public space, and for the most part would not face street frontage. Of the courts, side, and rear yards, only those side yards occurring on lots at the end of a block would have the potential of facing the street. Since the open space is private rather than public, located for the most part in back yards, NCPC staff does not view it as affecting any federal interests.

However, as always, proposed future alterations or new development within historic districts will be reviewed by the D.C. Historic Preservation Review Board (HPRB) in regularly scheduled public meetings. Staff recommends approval of the proposed amendment with the assurance that individual cases will be subject to such design review. Staff believes that concerns expressed by citizens would be appropriately addressed at the local level by the processes in place for that purpose through the HPRB. NCPC staff believes that the HPRB is the appropriate venue for addressing local issues which are not federal interests. Therefore, I find that the proposal would not be inconsistent with the Comprehensive Plan for the National Capital, nor adversely affect any other federal interests.

Patricia E. Gallagher, AICP
Executive Director