

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

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TIME AND PLACE: Thursday, May 21, 2009, @ 6:30 p.m.
Office of Zoning Hearing Room
441 4th Street, N.W., Suite 220
Washington, D.C. 2001

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

CASE NO. 08-06-9 (Comprehensive Zoning Regulations Rewrite: Sustainability)

THIS CASE IS OF INTEREST TO ALL ANCs

This Notice of Public Hearing announces the ninth of several proposed subject areas the Zoning Commission for the District of Columbia (the "Commission") will consider under this docket. All recommendations offered by the Office of Planning ("OP") under this docket have been reviewed by a working group and a subject matter task force as part of a process designed to ensure full public participation. Nevertheless, this process cannot replace or limit the public hearing process required in the Zoning Act or the Commission's responsibility to consider the merits of each proposal submitted.

This hearing will consider general recommendations for changes to the zoning regulations in relation to sustainability. The theme of the majority of the recommendations is reduction of climate change inducing greenhouse gasses. Reduction of greenhouse gasses can be accomplished through zoning tools designed to decrease auto-reliance through improved walkability, increase energy conservation and renewable energy production, and increase vegetation. Climate change recommendations are cross-cutting and many simultaneously address additional sustainability issues, such as water quality protection and energy efficiency. The recommendations in this document are organized into the following specific categories of recommendations: Integrating Land Use & Mobility, Energy Conservation & Renewable Energy Production, Water & Sensitive Resource Conservation, Food Security, Green Jobs, and Large Area Development.

This hearing, like all others under this case number, is being scheduled without adherence to the set-down requirements stated at 11 DCMR § 3011 because the Commission waived the requirement at its public meeting held April 14, 2008. The Commission also waived the requirement that a pre-hearing statement be submitted before hearing notices can be published.

It is not expected that the Commission will take proposed action with respect to these recommendations, but that it will make determinations at a public meeting that will serve as guidance for drafting revisions to the zoning regulations pertaining to institutional uses and other relevant subject matters.

Analysis and supporting documentation for these recommendations can be found in the sustainability zoning diagnosis prepared by expert consultants for OP. This document can be

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viewed by clicking on “sustainability diagnosis” at www.dczoningupdate.org/sustainability.asp. More detailed information on the recommendations can also be found in the OP report document at the same site.

Title 11 DCMR (Zoning) is proposed to be amended as follows:

Recommendations

A. Integrating Land Use and Mobility

1. Transportation Demand Management

Incentivize or require basic Transportation Demand Management (TDM) features in large new buildings to address trip generation and encourage alternate transportation. DDOT has begun to prepare a list of proposed TDM measures that should be included in the zoning requirements, as appropriate, for large new developments and/or listed as potential amenities for PUDs. TDM features in new development encourage the use of alternative modes of transportation and could include:

- Carpool/Vanpool parking
- Free carshare parking spaces
- On-site business center for use by residents
- Free residential membership in car sharing program
- Complementary metro fare for initial residents/employees
- Display location for alternative travel information (i.e. bus/train maps & timetables)
- Provide for SmartBike stations

2. Accessory Dwelling Units (ADUs)

Allow both internal and external (free-standing) ADUs as a matter-of-right in single family zones subject to conditions including owner occupation. Currently “accessory apartments” are allowed by special exception.

Conditions for all ADUs might include:

- Required owner occupancy on lot
- Size limited to maximum % of primary structure
- Minimum living unit size
- Design restrictions on new front entrances

Additional conditions for external ADUs might include:

- Design requirements for compatibility with neighborhood
- Height, GFA, and setback standards associated with accessory buildings

3. Transit Oriented Development (TOD)

Create new stand-alone zone districts to encourage transit oriented development and map within those districts all properties located within a 1/2 mile radius of a Metro stations or

within a linear 1/4 mile on either side of a streetcar line or a high-service bus corridor, except those properties now zoned in R-1 through R-5-B zone districts.

Based on the Comprehensive Plan, the DC Transit Alternatives Analysis, and DDOT, Metro stations, major bus corridors and streetcar lines serve as TOD nodes. TOD walksheds of 1/2 mile radii around Metro stations and a linear 1/4 mile on either side of a streetcar line or a high-service bus corridor will be examined.

Within these walksheds, TOD zoning requirements would be initially applied to all existing zones *except* single family and rowhouse residential zones. TOD areas will have both general and variable requirements.

General requirements will be consistent across all TOD areas and should include at least:

- Parking maximums
- Street activating design guidelines
- Required access/orientation to transit
- Permitted mixed-use

Variable requirements will change by area based on Comprehensive Plan and Small Area Plan guidance. Variable standards will be tailored to transit type, service levels, and scale of neighborhood and will recognize local characteristics including historic designation. Variable standards for TOD areas should include at least:

- Use mix requirements
- Minimum bulk and form
- Maximum bulk and form
- Step-downs to surrounding neighborhoods

Approval of text for TOD areas would be accompanied by zoning map changes to identify TOD areas. TOD zoned areas would be subject to general standards upon adoption. Variable standards would be initially adopted based on existing zoning for the area with the intention that future planning should be done to more appropriately reflect TOD goals in the variable zoning standards.

The overall intention of this recommendation is that no significant changes to the density of areas within TOD walksheds will take place without substantial public involvement specific to the local area.

B. Energy Conservation and Renewable Energy Production

4. Increased Energy Efficiency

Consider requiring 2030 Architecture Challenge standards to be met for projects requesting density or height above matter-of-right limits. This standard would require new buildings requesting this density to be designed to meet a fossil fuel, GHG-emitting,

energy consumption performance standard of 60% below the regional average for that building type. The standard is set to increase at the following rate:

70% in 2015

80% in 2020

90% in 2025

Carbon-neutral in 2030 (using no fossil fuel GHG emitting energy to operate).

This requirement would be deemed public benefits under a PUD or other discretionary approval, would be conditions of the approval, and could potentially be enforced through a performance bond system.

More information about Architecture 2030 and the standards can be found at www.architecture2030.org.

OP would coordinate any such requirement with DDOE, DCRA, and other stakeholders involved in future updates to the Building Code and the Green Building Act prior to proposing final text.

5. Outdoor Lighting

To reduce energy consumption, adopt the standards of a Model Lighting Ordinance such as those suggested by the New England Light Pollution Advisory Group (NELPAG) or the International Dark-Sky Association (IDA). Model lighting ordinances generally require the use of more energy efficient fixtures, lower lighting fixture heights, cutoff lighting fixtures (i.e., those that focus light downward and reduce energy loss through horizontal light dispersion), and luminosity of outdoor lighting fixtures. Increasingly, these ordinances also include different standards for varying types of commercial, residential, and mixed use areas, because areas with large crowds or high late night use have different lighting needs than other areas. The same is true for individual sites – not all areas need the same amount of lighting. By requiring that builders identify portions of sites that need more or less energy (often through the use of differing “lighting zones”), energy consumption can be significantly reduced while at the same time, enhancing site safety.

OP will coordinate final proposed text to complement and avoid redundancy with DDOE and City Council initiatives on this topic.

More information on these model ordinances is available at the following websites: www.cfa.harvard.edu/nelpag/nelpag.html and www.darksky.org.

6. Sustainable Energy Features

Allow energy related sustainability features (such as light shelves and photovoltaic panels) to project into setbacks and yards or exceed standard roof coverage limitations in all districts with a minimum vertical clearance above the ground.

7. Renewable Energy Generation

Permit wind and solar generation accessory to all development in all zones and as a primary use in industrial, high density, and parks areas (with limitations to protect historic districts or national monuments from visual and other impacts). The recommendation would expressly allow solar panels and small wind turbines accessory to any primary use and would further allow larger stand-alone facilities dedicated to wind or solar power generation on lots in compatible areas. Limits on both accessory and stand-alone facilities would be tailored to limit visual, noise, and safety impacts, as well as to ensure compatibility with existing neighborhood character.

8. Solar Access Protection

Limit discretionary development that would block existing roof-mounted solar power generation. This recommendation would limit discretionary density above matter-of-right height and FAR where it would interfere with existing roof-mounted photovoltaic systems. The burden in PUD and variance applications would fall on the applicant for additional density to prove that the project would not impact solar collection.

9. District Energy Systems

Expressly permit district energy systems in all districts. District energy systems produce steam, hot water or chilled water at a central plant and then pipe that energy out to buildings in the district for space heating, hot water heating and air conditioning. Individual buildings don't need their own boilers or furnaces, chillers or air conditioners. Such systems reduce upfront costs, provide great increases in efficiency, and can easily convert to renewable fuel sources.

This would be most applicable in new large-tract developments. While district energy is likely implicitly allowed under the current regulations, the regulations should explicitly allow not only the system, but the structure that houses the central plant.

More information on district energy systems can be found at www.districtenergy.org/what_is.htm.

C. Water and Sensitive Resource Protection

10. Water Conservation Features

Allow water-related sustainability features (such as rain barrels and rain gardens) to project into setbacks in all districts subject to size limits. Water harvesting should also be expressly permitted on roofs and in underground tanks.

11. Environmentally Sensitive Area Buffers

Establish environmental protection zones to create buffer requirements for steep slopes, streams, and wetlands. The Comprehensive Plan has several policies dedicated to the

protection of these sensitive areas. This recommendation proposes creating a map layer of identified steep slope, wetland, and stream areas and creating a development buffer to prevent future degradation of these resources.

Any buffer would have to be carefully calibrated to not eliminate development potential of existing lots. While development would be restricted in protected areas, the remainder of any affected lots would still be developable normally and the entire lot would be used to calculate lot occupancy.

12. Floodplain Protection

Establish flood plain zones to limit vulnerable populations within floodplains and protect the water system from potentially contaminating uses. Adopt regulations restricting certain types of uses from being located in floodplains in order to a) reduce the risk of injury to vulnerable populations and b) reduce the risk of water contamination during flood events. Examples include child and adult care facilities, senior housing facilities, dry cleaners, gas stations, auto repair facilities, facilities with underground tanks, and facilities using industrial chemicals.

13. Existing Tree Cover Protection

Currently, the city has overlay protection for certain areas of the city to protect existing trees. OP recommends making tree protection limits applicable to all residential zones.

Trees greater than 8" diameter at breast height (dbh) (25" circumference) would be protected. Removal of any such trees must be accompanied by a plan for planting and continued maintenance of new trees either on or off site.

Any existing trees over 24" dbh would only be removable based on special exception approval by the Board of Zoning Adjustment.

OP will consult with DDOT's Urban Forestry Administration in making its final recommendation with regard to the standards for size and amount of replacement for any trees protected so that replacement will result in equivalent carbon sequestration levels.

14. Vegetated ("Green") Roofs

Exempt vegetated roof components from zoning height restrictions. Usually, vegetated roofs could be accomplished within the four feet allowed above the zoning height limit for parapets and could simply be included in the exemption allowed for parapets.

Vegetated roofs should be encouraged through the green site design requirement of Recommendation 18.

15. Water Conserving Landscaping

Specify native and low-water demand plant species in the zoning code. Encourage their use through green site design requirements in Recommendation 18.

16. Pavement Runoff and Soil Erosion Control

Standards for parking lots would include regulations for design and distribution of required landscaping. Parking lot landscaping is often designed primarily to create visual buffering of large paved areas and the buildings behind them rather than addressing pavement or water quality. Visual buffering often requires that required landscaping be dispersed throughout parking areas, so that paved areas are broken up by small areas of landscaping that are raised above the parking surface behind curbs that prevent auto incursions into landscaped areas. That avoids the impression of large paved surfaces. Unfortunately, these types of areas often accept and filter less runoff than larger landscaped areas located at or below the parking surface and in the path of storm water runoff. Maximizing natural storm water management and treatment often requires redesign of landscaped areas in ways that create fewer, larger landscaped areas in different locations on the site, which may compromise the level of visual buffering achieved by small dispersed pockets. The revised standard should encourage parking lot landscaping design that balances these differing goals to reflect the most important outcomes for the zone district.

OP, through its parking recommendations, has already proposed to increase the amount of landscaping and provide a minimum tree cover. This recommendation would buttress those earlier recommendations by prescribing a minimum size for each planting area. Additional standards might include requirements that some portion of the planting areas actually function as stormwater capture areas, rather than being walled off by concrete curbs.

17. Pavement Runoff Reduction

In coordination with DDOE and stormwater fees, reduce of runoff from paved areas by encouraging pervious pavement. This can be done through the green site design requirements of Recommendation 18.

18. Green Area Ratio

The Green Area Ratio (GAR) is a point system intended to implement recommendations 13 through 17 and 19 while allowing flexibility to respond to site constraints. Using a combination of mandatory requirements (including tree cover protection) and a menu of voluntary elements (such as vegetated roofs, water conserving landscaping, parking lot landscape design, and community gardens) the G.A.R. would require each applicant to meet a minimum point total as a condition of development approval. The choice of which tools to use in order to accumulate the required points would be up to the builder, and would vary depending on the type of development (residential, mixed use, commercial, or industrial) proposed and whether the project is new development or

redevelopment. The potential environmental benefits include air quality improvements, stormwater runoff mitigation, tree preservation, and reduction of building energy use.

How would it work?

The program would be designed to incorporate as options a number of the desired objectives of the Sustainability Working Group. Recommendations regarding vegetated and cool roofs, pervious surfaces, native/water conserving landscaping, and tree planting and preservation can be addressed comprehensively through site design requirements. These elements could be incorporated in an array of options available to meet a target GAR level based on zone and/or building type. For the different zones, a target level of GAR is set and property owners demonstrate that their projects meet the target using a toolbox of possible green site design options from a provided score sheet.

The program would require building permit applicants in affected zones to demonstrate that their project meets Green Site Design criteria by using a Green Area Ratio score sheet. Credit toward the required GAR target may be provided for elements such as native and drought-tolerant plants or rainwater harvesting. The score sheet will automatically calculate a project's Green Area Ratio, allowing property owners to easily experiment with different combinations of features.

The proposed program correlates with other District agency initiatives, such as WASA's upcoming stormwater impact fees for impermeable surfaces and the District Department of the Environment's RiverSmart Homes grant program. There is also significant policy support in the 2006 Comprehensive Plan that is supportive of the intent of the GAR.

Other Examples

Green Area Ratio programs have been piloted in Seattle, Washington as well as internationally. The Seattle program has been very successful in achieving community support for the requirement due to its low cost of implementation and easy process. The Seattle "Green Factor" (<http://www.seattle.gov/dpd/Permits/GreenFactor/Overview/>) has been implemented for neighborhood scale commercial areas since 2006 and is planning on expanding to high-density residential zones and some of its downtown areas in early 2009. Implemented through their commercial zones, the program is designed to work in concert with their Neighborhood Business District Strategy for commercial areas.

Implementation

OP proposes to limit GAR requirements to neighborhood-serving commercial areas and low and moderate-density residential areas. Larger commercial sites would not be subject to a GAR because such sites are already subject to a number of environmental regulations aiming toward similar ends, such as the Green Building Act and DDOE's stormwater regulations (which apply to sites of more than 5,000 square feet of disturbed area).

The Office of Planning will work with DDOE to set environmental performance rankings for the possible elements in the score sheet. Different greening target levels would be set

for different zones or building types, such as neighborhood scale commercial, TOD, or moderate density residential. The Office of Planning would then collaborate with DCRA and DDOE to develop implementation and enforcement plan.

A threshold for applicability would be established and distinctions made between new construction and additions to existing buildings.

D. Food Security

Recommendation 19: Local Food Production

Explicitly allow community gardens, private gardens, roof-top gardens, and composting in all zones. Apply impact limits as necessary and allow gardens to count toward landscaping and open space requirements or incentives.

Recommendation 20: Individual Food Sales

Allow produce sales stands in residential and mixed use districts as a temporary use. Limit uses by location, size, and time to minimize impacts and prevent permanent uses and structures. This recommendation is intended primarily to allow produce sales at a scale consistent with an individual household or a very small produce stand.

Recommendation 21: Farmer's Markets

Define farmer's markets and explicitly allow in appropriate districts. Apply location, size and time standards to the use to limit impacts on nearby residential uses. Coordinate standards with other city regulations such as 24 DCMR § 400, Farmers' Markets.

E. Green Jobs

Recommendation 22: Incubator Space for Sustainable Businesses

Enable incubator-sized light industrial uses in compatible commercial and mixed-use zones. Strict size, grouping, and location and performance standard limits should ensure compatibility with surrounding commercial uses.

F. Large Area Development

Recommendation 23: LEED-ND for Large Areas

Require new development of large tracts of undeveloped land to meet environmental standards compatible with the LEED-ND program. One of the subjects to be discussed in the Mixed/Other Zones working group this summer will be process for zoning large tracts of land developed as one development. This recommendation proposes a requirement that when multi-acre developments are proposed, they would be required to meet LEED-ND platinum standards or better.

More information about LEED and LEED-ND is available at www.usgbc.org/leed.

PROCEDURES

The public hearing on this part of Case No. 08-06 will be conducted as a rulemaking in accordance with the provisions of § 3021 of the District of Columbia Municipal Regulations, Title 11, Zoning. The Commission will impose time limits on testimony presented to it at the public hearing.

All individuals, organizations, or associations wishing to testify in this case should file their intention to testify in writing. Written statements, in lieu of personal appearances or oral presentations, may be submitted for inclusion in the record.

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

ANTHONY J. HOOD, GREGORY N. JEFFRIES, WILLIAM W. KEATING, III, PETER G. MAY, AND MICHAEL G. TURNBULL ——— ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA, BY RICHARD S. NERO, JR., ACTING DIRECTOR, AND BY SHARON S. SCHELLIN, SECRETARY TO THE ZONING COMMISSION.