

MEMORANDUM

TO: District of Columbia Zoning Commission
FROM: ^{JLS} Jennifer Steingasser, Deputy Director Development Review & Historic Preservation
DATE: January 5, 2015
SUBJECT: ZC 08-06A - Zoning Regulations Review – Summary of Changes to Use Permissions

At the November 16, 2014 meeting on the comprehensive changes to the zoning regulations, the Commission requested a summary of the changes to use permissions. The summary with detailed cross references was submitted into the case record as exhibit number 767, on August 13, 2014. This summary has been updated to reflect the actions taken by the Commission since that time.

The summary is grouped into the following categories:

- 1) Uses that require a variance under the existing 1958 regulations and but will require a special exception under the new regulations;
- 2) Uses that are permitted as a matter of right under the existing 1958 regulations but will require a special exception under the new regulations;
- 3) Uses that require a special exception under the existing 1958 regulations and but will be permitted as a matter of right under the new regulations;
- 4) Uses that require a variance under the existing 1958 regulations and but will be permitted as a matter of right under the new regulations; and
- 5) Uses that will no longer be permitted under the new regulations.

Special exception and variances will continue to require notice to surrounding property owners and the Advisory Neighborhood Commission (ANC), the holding of a public hearing, and “great weight” will still be afforded the ANC.

SUMMARY OF PROPOSED USE CHANGES (Updated December 15, 2014)

VARIANCE (1958) to SPECIAL EXCEPTION (New Regulations)

- Corner Store in R-3 and R-4, except grocery
- Corner Stores that don't meet Matter of Right conditions in R-3 and R-4
- Accessory Apartment in an Accessory Building that requires new construction, alteration or addition`
- Animal Care and Boarding in C-1 and CR
- Theater Use of Institutional Buildings in Residential Zones
- Alley Dwellings in R-3 through R-5
 - On Alleys Less Than 30 feet
 - Converted from Non-Residential Building
- Roof Structure Provisions relief based on a better looking or less visual structure
- Retail Uses that don't comply with the specific conditions
 - example: café limited to 18 seats but wants 20 seats can apply for sp ex relief
- Service Uses that don't comply with the specific conditions
 - example: A laundry that is limited to 2,500 sf but wants 3,000 sf can apply for sp ex relief
- Development standards in Mixed Use and D zones

- Development standards for alley lots in R-3 and above
- Residential Use of Alley Buildings in R-3 through C-5, CR, W and SP zones that don't meet conditions
- Theater Use in institutional buildings in R zones.

MATTER OF RIGHT (1958) to SPECIAL EXCEPTION (New Regulations)

- Big Box Retail, larger than 50,000 sf
- Auto Repair in CM zones within 200 feet of an R zone
- Nightclubs, Bars in CM zones within 200 feet of an R zone
- Camping in Alley Lots in R-3 through C-5, CR, W and SP zones
- Non-matter-of right University use in C-1 and C-2-A zones
- Conversion of Rowhouses to more than 2 units in R-4
- Height above 35 feet for new residential construction in the R-4 zone.

SPECIAL EXCEPTION (1958) to MATTER OF RIGHT (New Regulations)

- Police Department General Facilities in R, SP, CR zones
- Health Care Facilities in all C zones
- Electronic Equipment Facility (aka Data Center) in C-4
- Corner Grocery Stores subject to conditions
- Accessory Apartments within the Principal House in the R-1/R-2/R-3 zones
- Accessory Apartment within an existing Accessory Building subject to conditions.

VARIANCE (1958) to MATTER OF RIGHT (New Regulations)

- 0.5 FAR for non-residential uses in C-2-A and C-2-B zones on lots 10,000 sf or less; uses limited to ground floor and below
- Residential Use of Alley Buildings in zones R-3 through C-5, CR, W and SP zones subject to conditions
- Animal Shelter in the CM zones
- Ability to build by right on lots that are non-conforming due to minimum lot area provided other development standards are met.

USES NO LONGER PERMITTED UNDER NEW REGULATIONS (ZRR)

- Residential use of alleys in R-1 and R-2
- Private Club Use in R-4
- Museum Use in R-4
- Boarding Houses with more than 8 residents.