

Chris Otten, Adams Morgan for Reasonable Development
Testimony before the DC Zoning Commission
Tuesday, November 5, 2013

Re: ZC Case 08-6a;

The DC Zoning Rewrite: Definition of Rear Lot Lines and Rear Yard Requirements

The current DC Zoning Regulations and definitions allow for space behind buildings to serve as the rear yard and functioning as a setback for commercial buffers, producing more air & light, creating space for emergency responders, etc. etc.

Current regulations allow for the rear yard space to exist as a buffer despite the shape of any given lot, whether it be symmetric or irregular. This is because the current definitions determine rear yards first by the rear line of the principal building on any given lot and then the space projects back to the lot line behind the building, otherwise the rear lot line (See Exhibit 1).

The new regulations would eliminate all together a rear yard buffer requirement for any lots that are irregularly shaped because the proposed definitions no longer fundamentally base the location of the rear yard as primarily in relation to the rear line of the principal building on the lot. OP now wants to base a rear lot line on whether the lot line touches a street or not.

By OP's diagrams (see Exhibit 2), the Zoning Commission will see that at least 50% of potential lot situations that currently require a rear yard buffer simply disappear and with it so do the current requirements for buffered space behind any given building on any given "irregular" shaped lot.

We want required rear yards to remain for any lot given the importance of light and air, safety, and to prevent over-crowding.

The new regulations should define the rear yard and rear lot line as they currently do now – primarily based on the principal building's rear line and projecting back. That way, no matter how irregular the lot, there is a rear yard buffer to meet the intentions and purpose of the Zoning Code as described by D.C. Code § 6-641.02:

§ 6-641.02. Zoning regulations -- Purpose [Formerly § 5-414]

Zoning maps and regulations, and amendments thereto, shall not be inconsistent with the comprehensive plan for the national capital, and zoning regulations shall be designed to lessen congestion in the street, to secure safety from fire, panic, and other dangers, to promote health and the general welfare, to provide adequate light and air, to prevent the undue concentration of population and the overcrowding of land, and to promote such distribution of population and of the uses of land as would tend to create conditions favorable to health, safety, transportation, prosperity, protection of property, civic activity, and recreational, educational, and cultural opportunities, and as would tend to further economy and efficiency in the supply of public services.

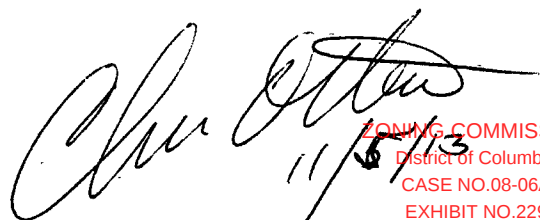

ZONING COMMISSION
District of Columbia
CASE NO. 08-06A
EXHIBIT NO. 229
11/5/13

Exhibit 1

DEFINITIONS

199.1

When used in this title, the following terms and phrases shall have the meanings ascribed:

Accessory apartment - a complete apartment unit contained within a one-family detached dwelling. It has kitchen and bath facilities separate from the principal dwelling and may have a separate entrance. (40 DCR 6364)

Accommodation, transient - a structure or building, other than a private club, one-family or two-family dwelling, apartment house, boarding house, rooming house, and tenement house, within which structure or building units are used for transient guests from time to time. The accommodations may include, but not be limited to, bed and breakfast accommodations, guesthouses, guest quarters, hotels, inns, motels, and tourist homes. (36 DCR 7628)

Adult day treatment facility - a building or part of a building used for non-residential programs operated for the purpose of providing medically-supervised day treatment services for adults with a developmental disability or mental disorder, totaling six (6) or more persons who are present for fewer than twenty-four (24) hours per day. An adult day treatment facility includes the following accessory uses: counseling, education, training, health, and social services for the person or persons with legal charge of individuals attending the center, including but not limited to any parent, spouse, sibling, child, or legal guardian of such individuals. This definition does not encompass facilities that offer drug or alcohol abuse rehabilitation services. For the purposes of this definition, the following sub-definitions apply:

Mental disorder - an abnormal mental condition in an individual, who requires a comprehensive and relatively intensive range of mental health services in a therapeutic and structured environment, if he or she is to remain in the community or if he or she is to move from twenty-four (24) hour institutional care to the community.

Developmental disability - a severe, chronic disability of a person that is attributable to a mental or physical impairment, or both, that is manifested before the person attains the age of twenty-two (22) years and is likely to continue indefinitely. The person causes substantial functional limitations in three (3) or more areas of major life activity:

- (a) Self-care;

which the affairs of the organization are actually conducted and carried on by the members thereof. (51 DCR 3440 and 52 DCR 6358)

Yard - an exterior space, other than a court, on the same lot with a building or other structure. A yard required by the provisions of this title shall be open to the sky from the ground up, and shall not be occupied by any building or structure, except as specifically provided in this title. No building or structure shall occupy in excess of fifty percent (50%) of a yard required by this title.

Yard, rear - a yard between the rear line of a building or other structure and the rear lot line, except as provided elsewhere in this title. The rear yard shall be for the full width of the lot and shall be unoccupied, except as specifically authorized in this title.

Yard, rear, depth of - the mean horizontal distance between the rear line of a building and the rear lot line, except as provided elsewhere in this title.

Yard, side - a yard between any portion of a building or other structure and the adjacent side lot line, extending for the full depth of the building or structure.

Zoning Administrator - the Zoning Administrator of the Department of Consumer and Regulatory Affairs.

199.2 For the purpose of this title, the following definitions shall not be held to modify or affect in any way the legal interpretations of these terms or words where used in other regulations:

- (a) Words in the present tense shall include the future tense;
- (b) Words in the singular number shall include the plural number, and words in the plural number shall include the singular number;
- (c) The word "lot" shall include the words "plot" and "parcel";
- (d) The word "shall" is mandatory and not discretionary;
- (e) The word "person" shall include a corporation as well as an individual;
- (f) The words "occupied" and "used" shall be considered as though followed by the words "or intended, arranged, or designed to be used or occupied, offered for occupancy"; and

Exhibit 2

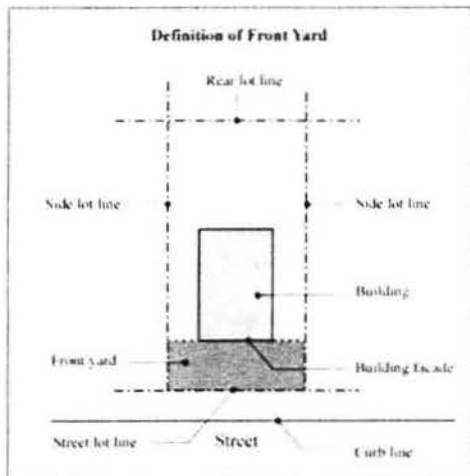
SUBTITLE B DEFINITIONS

SUBTITLE B	DEFINITIONS	 B-1
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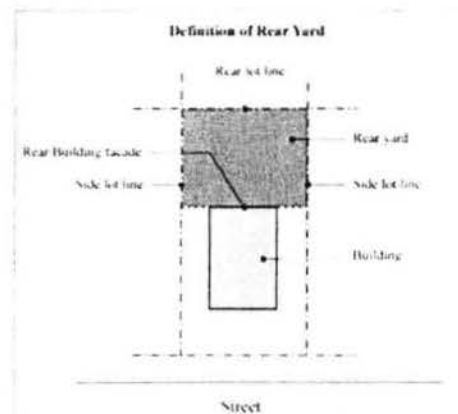
Veterinary Hospital: An establishment used by a licensed veterinarian for the practice of veterinary medicine and not as an *animal boarding* establishment. (54 DCR 8943)

Waterfront: That area proximate to either the Potomac or Anacostia rivers.

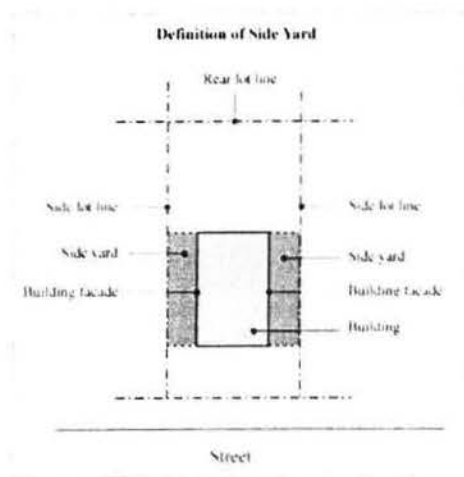
Yard, Front: An exterior space, open from the ground to the sky, between all *street lot lines* and the *building façades* of the *principal building* facing those *street lot lines*.



Yard, Rear: An exterior space, open from the ground to the sky, between a *rear lot line* or lines and the nearest *building façade*, of the *principal building*.



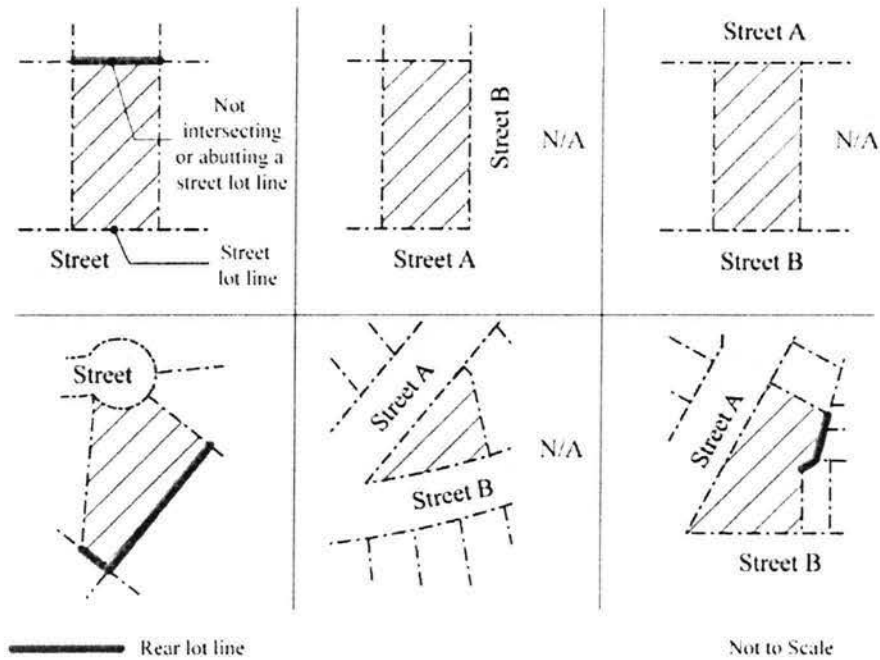
Yard, Side: An exterior space, open from the ground to the sky, between a *side lot line* and the nearest *building façade*, of the *principal building* facing that *lot line*.



July 29, 2013
Amd. September 9, 2013

Lot Line, Rear: A *lot line* that does not intersect a street lot line or abut a street. See C Chapter 12 for rules of measurement of rear setbacks.

Proposed Rear Lot Line Definition Application



Lot Line, Side: A *lot line* that intersects a *street lot line*. C Chapter 12 for rules of measurement of side setbacks.

Proposed Side Lot Line Definition

