

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of Zoning



Z.C. CASE NO.: 08-06A

As Secretary to the Commission, I hereby certify that on September 19, 2013, copies of this Z.C. Notice of Public Hearing were mailed first class, postage prepaid or sent by inter-office government mail to the following:

- | | |
|---|--|
| 1. <i>D.C. Register</i> (via e-mail) (09/17/13) | 8. DDOT (Jamie Henson) |
| 2. All ANCs (see attached) | 9. Melinda Bolling, Acting General Counsel |
| 3. All ANC/SMDs (see attached) | DCRA |
| 5. Gottlieb Simon | 1100 4 th Street, S.W. |
| ANC | Washington, D.C. 20024 |
| 1350 Pennsylvania Avenue, N.W. | 10. Office of the Attorney General (Alan |
| Washington, D.C. 20004 | Bergstein) |
| 6. All Councilmembers (see attached) | 11. MLK Library (30 Copies) |
| 7. Office of Planning (Jennifer Steingasser) | |

ATTESTED BY:

Sharon S. Schellin
Secretary to the Zoning Commission
Office of Zoning

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

TIME AND PLACE: **Monday, November 4, 2013, @ 6:00 p.m.**
 Tuesday, November 5, 2013, @ 6:00 p.m.
 Wednesday, November 6, 2013, @ 6:00 p.m.
 Thursday, November 7, 2013, @ 6:00 p.m.
 Tuesday, November 12, 2013, @ 6:00 p.m.
 Wednesday, November 13, 2013, @ 6:00 p.m.
 Thursday, November 14, 2013, @ 6:00 p.m.

**Jerrily R. Kress Memorial Hearing Room
441 4th Street, N.W. Suite 220-S
Washington, D.C. 20001**

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

CASE NO. 08-06A (Title 11, Zoning Regulations – Comprehensive Text Revisions)

THIS CASE IS OF INTEREST TO ALL ANCs

The Office of Planning (“OP”), in a report dated August 30, 2013, petitioned the Zoning Commission for the District of Columbia (“Zoning Commission” or “Commission”) for comprehensive revisions and amendments to the Zoning Regulations (Title 11 DCMR).

The proposed revised Zoning Regulations are divided into subtitles. The Zoning Commission set down the text of the proposed subtitles at its public meeting held September 9, 2013. At that time it agreed to hold a series of hearings, with each hearing limited to a group of subtitles. The subtitle groupings and associated hearing dates are set forth below. Although written testimony may be submitted at any time prior to the close of the record, witnesses at each hearing must confine their testimony to the substance of the specific subtitles that are the subject of the hearing.

In addition, the Commission voted to hear witnesses in the order in which the Office of Zoning was notified of their intent to testify. Therefore, the Commission at each hearing will first hear from those individuals, organizations, or associations who notified the Office of Zoning of their intent to present testimony based upon the date and time that the written notice of intent to testify was received by the Office of Zoning. The Commission will then hear from those persons who submitted witness cards on each hearing date in the order those cards were received by the Commission’s Secretary. Finally the Commission will hear from persons in the audience who did not submit witness cards. In order to proceed in this manner, the Commission waived the following provision of Title 11 DCMR:

3021.5 The order of procedure at the hearing shall be as follows: ...

- (g) Persons in support of the application or petition; and
- (h) Persons in opposition to the application or petition.

The text of the proposed land use subtitles refers to new zone districts that the Office of Planning proposes to replace the current districts and overlays. The proposed mapping of these new districts is not

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the subject of these hearings. The Office of Planning will formally propose the new zones as part of a subsequent map amendment proceeding for which notice and hearing will be provided in accordance with the Zoning Act and Regulations.

Finally, the Commission requests that the public's testimony focus on the substance of the proposed subtitles rather than the wording used. After this hearing process is concluded, the Office of Planning and the Office of the Attorney General will provide a revised text responding to any changes requested by the Commission that will also make any editorial modifications needed to assure clarity and consistency in the text. The public will have an opportunity to comment upon the word choices used during the comment period following the issuance of any notice of proposed rulemaking.

The dates of the hearings and the subject matter of each hearing are as follows. As noted, all hearings will begin at 6:00 p.m.:

DATE	SUBTITLE and SUBJECT
Monday, November 4, 2013	A: Authority and Applicability W: Mapping X: General Procedures (includes PUDs and Campus Plan procedures) Y: Board of Zoning Adjustment Rules of Practice and Procedure Z: Zoning Commission Rules of Practice and Procedure
Tuesday, November 5, 2013	B: Definitions, includes uses
Wednesday, November 6, 2013	D: Residential House (R) Zones (includes Accessory Apartments in all R zones and corner stores for the current R-3 zones)
Thursday, November 7, 2013	E: Residential Flat (RF) Zones (includes new rowhouse zones; corner stores for the current R-4 zones) F: Apartment (A) Zones
Tuesday, November 12, 2013	C: General Procedures (includes parking, bike parking, loading)
Wednesday, November 13, 2013	G: Mixed Use (M) Zones H: Neighborhood Mixed Use (N) Zones (includes new zones created from Neighborhood Commercial Overlays)
Thursday, November 14, 2013	I: Downtown Zones J: Production, Distribution and Repair (P) Zones K: Special Purpose Zones

FULL TEXT:

The full and official text of the proposed amendments is available for viewing on line at www.dcoz.dc.gov by clicking the following icon that appears on the home page:



Direct access to the proposed text is also available at <http://www.dcoz.dc.gov/ZRR/ZRR.shtm>.

A copy of the official text on compact disk may be requested from either the Office of Planning at zoningupdate@dc.gov or the Office of Zoning and will be provided at no charge.

Additionally, paper copies have been provided to the District of Columbia Public Library system for distribution to every public library.

SUMMARY OF AMENDMENTS

The revisions propose a reorganization of Title 11 DCMR including new zone groups and names as follows:

- The Residential House (R) zones include those zones that permit a single household dwelling as a principal use; these are currently the R-1, R-2 and R-3 zones; the zones continue to be divided by detached, semi-detached, and attached dwellings;
- Residential Flat (RF) zones include those zones that permit more than one household as a principal use these are currently the R-4 zone which permits two dwelling units per building, and two new Residential Flat zones that would permit three and four units per building; attached dwellings (a.k.a. rowhouses) continue to be the predominate housing type;
- Apartment (A) zones include those residential zones that permit buildings of more than four dwelling units per building which are currently the R-5 zones;
- A new Residential House (R-19) zone and a new Residential Flat (R-20) zone for the Georgetown area;
- Mixed Use (M) zones include those zones that permit residential and commercial uses both by right which are currently the C, SP, W, and CR zones;
- Neighborhood Mixed Use (N) zones include those zones that permit residential and commercial uses both by right and are covered by existing neighborhood commercial overlays, these are currently C -1, C-2, and C-3 zones and the CP, WP, MW, ES, TK, HS, and GA overlays; and
- Production Distribution and Repair (PDR) zones include those zones that permit industrial and commercial uses these are currently the CM and M zones.

All overlay zones, their purposes, and protections have been incorporated into the zones and their geographies would remain the same.

A summary of general changes is presented in the following table with the proposed Subtitle in the left column and the relevant current chapters and summary of changes in the right:

PROPOSED SUBTITLE	CURRENT CHAPTER and AMENDMENTS SUMMARY
A: Authority and Applicability	<u>Chapter 32 Administration and Enforcement</u> <u>Chapter 1 – The Zoning Regulations</u> • New Zone Names ○ Zones names reflect similar use groups (Residential House, Residential Flat, Mixed Use) • New Zones for overlays, incorporating existing requirements of overlay and base zone

PROPOSED SUBTITLE	CURRENT CHAPTER and AMENDMENTS SUMMARY
B: Definitions, includes uses	• New Residential Flat Zones to bridge the density between flats (2 units) and apartments (unlimited units) <u>Chapter 1 – The Zoning Regulations</u> • Created Use Groups and Use Category for Home Occupation • Added new definitions • Removed definitions that are no longer used
C: General Procedures (includes parking, bike parking, loading)	<u>Chapter 4 - Residence Districts: Height, Area, and Density Regulations</u> • Requirements for “setbacks from property lines” instead of “yards” • No changes to side or rear setbacks dimensions in the R-1 and R-2 equivalent zones • Clarification that rear yard would be measured from the rear lot line • Front yard setbacks proposed to foster consistent street wall and neighborhood character • Minimum lot dimensions would apply only for creating new lots ◦ Existing lots that meet setbacks can proceed to building permit • Courts: ◦ R and RF zone – No longer required, except for Public Buildings ◦ Multi-dwellings – Retained; proposing one dimension standard for all Apartment zones instead of the existing 10 dimensions ◦ Attached dwellings – Proposal to remove side yards and courts less than 5 feet from definition of lot occupancy, which eliminates the incentives to fill them in • Roof Structures limited to 10 feet in height in the R and RF zones. • Roof Structure area changed from 0.37 FAR to 0.40 FAR in Apartment zones; limited to 1/3 of total roof area in other residential zones. <u>Chapter 20 Nonconforming Uses and Structures</u> • Allow non-conforming buildings to have an addition or expansion that conforms to use and development requirements <u>Chapter 21 Off-Street Parking Requirements</u> • No longer proposing transit zones • Consolidation of many of the standards • Single-family dwellings – Retained parking requirement provided there is alley access; optional if there is no alley access • Multi-family buildings – No requirement for building with 4 or fewer units; 1 space per 3 units after four units for larger buildings • Downtown – no minimum parking requirement • Schools – based on square footage, not program; roughly equivalent to current amounts • Metro and Streetcar Proximity – within ½ mile of a metro station or ¼ mile of a priority Bus Corridor or streetcar line,

PROPOSED SUBTITLE	CURRENT CHAPTER and AMENDMENTS SUMMARY
	lessen parking to 50% of zone requirement • Allow parking to be located off-site • Allow shared parking • Require Car-share spaces • Update compact parking standards • Require more landscaping for surface parking lots • Require special exception for large surface parking lots • Require mitigation for excessive parking • Update bike parking standards ○ Require additional bike parking spaces ○ Require support facilities for bikes <u>Chapter 22 Off-Street Loading Facility Requirements</u> • Remove 55' truck bay requirements • Allow sharing of loading facilities between uses <u>Chapter 23 Garages, Carports, Parking Lots and Gasoline Service Stations</u> • Uses incorporated into zone-specific use permissions • Standards proposed for drive through <u>Chapter 25 Miscellaneous Zoning Requirements</u> • Moderations to projections into required open spaces to address current building code requirements <u>Chapter 26 Inclusionary Zoning</u> <u>Chapter 27 Antennas</u> <u>Chapter 34 Green Area Ratio</u>
D: Residential House (R) Zones (includes Accessory Apartments in all R zones and corner stores for the current R-3 zones)	<u>Chapter 2 - R-1, Chapter 3 - R-2, R-3, R-4, and R-5 Residence District Use Regulations</u> • Place Use Permissions and Development Standards into each zone • Reduced CBRF size to a household of six residents plus caregivers • Accessory Apartments – ○ limit the R-1 equivalent zones to one accessory unit and delete distinction for “Domestic employees” from other tenants; ○ by right in principal house and existing accessory building with access to street through alley or side yard, special exception for any construction or addition; ○ allow in the R-2 and R-3 equivalent zones; ○ property owner must still live on the property, include other size and location limitations • Corner Stores – ○ permit existing corner stores by right; ○ fresh grocers proposed as a by-right use subject to size, spacing and operational conditions ○ other uses proposed to be permitted by special exception in R-3 and R-4 equivalent zones subject to size, spacing and operational conditions • New Residential Flat zones that allow a maximum of three or four units; zones only be created; any mapping would be done in

PROPOSED SUBTITLE	CURRENT CHAPTER and AMENDMENTS SUMMARY
	consultation with neighborhoods as future cases <u>Chapter 4 - Residence Districts: Height, Area, and Density Regulations</u> • Development standards incorporated into each new zone <u>Chapter 12 Capitol Interest Overlay District Chapter 15 Miscellaneous Overlay Districts</u> • Incorporated with base zone into new zones in Mixed Use and Residential <u>Chapter 25 Miscellaneous Zoning Requirements</u> • Prohibit residential dwellings on Alley Lots in R-1 and R-2 equivalent zones • Permit only by special exception in all other residential zones with a minimum lot area of 450 square feet.
E: Residential Flat (RF) Zones (includes corner stores for the current R-4 zones)	<u>Chapter 12 Capitol Interest Overlay District Chapter 15 Miscellaneous Overlay Districts</u> • Incorporated with base zone into new zones in Mixed Use and Residential <u>Chapter 25 Miscellaneous Zoning Requirements</u> • Building on Alley Lots only by special exception in all other residential zones with a minimum lot area of 450 square feet.
F: Apartment (A) Zones	<u>Chapter 15 Miscellaneous Overlay Districts</u> • Incorporated with base zone into new zones in Mixed Use and Residential • No change to boundaries, purposes or conditions <u>Chapter 25 Miscellaneous Zoning Requirements</u> • Building on Alley Lots only by special exception in all other residential zones with a minimum lot area of 450 square feet.
G: Mixed Use (M) Zones	<u>Chapters 5 (SP), 6 (CR), 7 (C), and 9 (W)</u> • Placed in one subtitle as Mixed Use zones • Rear setbacks standardized by height and zone instead of by use • Standardized court requirements • Waterfront setback from W zones applied to all zones fronting the Anacostia or Potomac River; addition of physical and visual accessibility requirements <u>Chapter 14 Reed-Cooke Overlay District</u> <u>Chapter 15 Miscellaneous Overlay Districts</u> <u>Chapter 19 Uptown Arts-Mixed Use (Arts) Overlay District</u> • Incorporated with base zone into new zones in Mixed Use • No change to boundaries, purposes, or conditions
H: Neighborhood Mixed Use (N) Zones (includes new zones created from Neighborhood Commercial Overlays)	<u>Chapter 13 Neighborhood Commercial Overlay District</u> • Subtitle H created for new Neighborhood Mixed Use zones • No change to boundaries, purposes, or conditions
I: Downtown Zones	<u>Chapter 17 Downtown Development Overlay District</u> • Align zoning's downtown regulations and permissions with actual downtown, by expanding regulations to high density commercial areas • Provisions for retail, housing, arts established in all high density commercial areas included with the DD • Consolidate and simplify types of regulations by consolidating

PROPOSED SUBTITLE	CURRENT CHAPTER and AMENDMENTS SUMMARY
	20+ zones into 10 zones in one subtitle • Maintain all existing commercial and residential entitlements • Upgrade TDRs/CLDs with more flexible Credit systems and maintain relative value of CLDs and TDRs • Tie increased FARs and heights to provision of housing; require IZ for new areas • Location-Based Requirements – use and design requirements for designated primary (retail) streets • Require, not incent, existing preferred ground floor uses on some current and additional streets • Leave parking to the market – no minimum parking requirement • Credits for residential use, arts, historic preservation, open space and preferred uses including child care center • Identify new trade areas
J: Production, Distribution and Repair (P) Zones	<u>Chapter 8 - Industrial Districts</u> • Floor Area Ratio requirements modified, to maintain industrial use • Transition Setback (Buffer) proposed along any industrial lot line adjacent to residential lot lines or separated by an alley • Eating and Drinking Establishments, and Entertainment uses that include night club/dancing activities would require a special exception
K: Special Purpose Zones	<u>Chapter 16 Capitol Gateway (CG) Overlay District</u> • A portion of the north side of M Street SE (currently CG/C3C and within a TDR Receiving Area) proposed to be removed from CG and included within the expanded DD <u>Chapter 18 Southeast Federal Center</u> <u>Chapter 28 – Hill East</u> <u>Chapter 29 Union Station North</u> <u>Chapter 33 Saint Elizabeths East Campus</u>
W: Mapping	Central location for geographic descriptions from overlays
X: General Procedures (includes Campus Plan, Chaneries and PUD)	<u>Chapter 2 - R-1, Chapter 3 - R-2, R-3, R-4, and R-5 Residence District Use Regulations</u> • Campus Plans ○ Limitations on adjunct commercial uses and sizes ○ Detailed requirements for counting students ○ Exclude DCPS students from counts <u>Chapter 10 Mixed Use Diplomatic Overlay District</u> • Proposed to be allowed in all Residential zones subject to 50% of square being institutional and FMBZA review <u>Chapter 24 Planned Unit Development Procedures</u> • Included all references from other zones and overlays • PUD FAR bonus a straight 20% instead of the variable increases currently used • Propose limits and standards on extensions and modifications
Y: Board of Zoning Adjustment Rules of Practice and Procedure	<u>Chapter 31 Board of Zoning Adjustment Rules of Practice and Procedure</u> • Modified to reflect current practices and electronic filing procedures

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PROPOSED SUBTITLE	CURRENT CHAPTER and AMENDMENTS SUMMARY
Z: Zoning Commission Rules of Practice and Procedure	<u>Chapter 30 Zoning Commission Procedures</u> • Modified to reflect current practices and electronic filing procedures
	<u>Chapter 11 - Hotel-Residential Incentive Overlay District</u> • No longer proposed because it is no longer the geographic priority

Proposed amendments to the Zoning Regulations of the District of Columbia are authorized pursuant to the Zoning Act of June 20, 1938, (52 Stat. 797), as amended, D.C. Official Code § 6-641.01, *et seq.*

The public hearings on this case will be conducted as a rulemaking in accordance with the provisions of 11 DCMR § 3021. Pursuant to that section, 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 are encouraged to inform the Office of Zoning their intent to testify prior to the hearing date. This can be done by mail sent to the address stated below, e-mail (donna.hanousek@dc.gov), or by calling (202) 727-0789. As noted, those persons who have submitted an intention to testify prior to a hearing date will be permitted to testify first and in the order in which their intention was received. For this reason, it is important that all communications indicate Case No. 08-06A and the specific hearing date or dates at which testimony will be given.

Written statements, in lieu of personal appearances or oral presentations, may be submitted for inclusion in the record. The public is encouraged to submit written testimony through the Interactive Zoning Information System (IZIS) at <http://app.dcoz.dc.gov/Login.aspx>; however, written statements may also be submitted by mail to 441 4th Street, N.W., Suite 200-S, Washington, DC 20001; by e-mail to zcsubmissions@dc.gov; or by fax to (202) 727-6072. Please include on your submissions Case No. 08-06A and the subtitle for which you are submitting written statements. **FOR FURTHER INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311.**

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