

Wednesday February 26, 2014

**THE ZONING REGULATIONS REVIEW (ZRR) ZONING COMMISSION CASE No.
08-06A**

WEDNESDAY FEBRUARY 26, 2014 AT 6:00 P.M.

TESTIMONY OF THE REED-COOKE NEIGHBORHOOD ASSOCIATION

Reference: Subtitle A; Subtitle C; Subtitle F; Subtitle G; Subtitle X; Subtitle Y; Subtitle W

Members of the Zoning Commission, I am Peter Lyden and I appear today as Treasurer of the Reed Cooke Neighborhood Association to tell you about our concerns with the proposed ZRR changes for Reed Cooke Neighborhood of Adams Morgan. Reed Cooke began its development into one of Washington's most vibrant communities over 100 years ago. Today our area is a thriving residential neighborhood, albeit with Neighborhood compatibility issues with some elements of our business community. To mitigate and minimize the conflict between residents and businesses that we saw in 1984, we waged a 6 years fight for the adoption of the Reed Cooke Overlay District (RCOD). In 1991 it was adopted, and it has been the land use document guiding development in Reed Cooke for nearly 25 years. This success is not by chance. The mix of daytime businesses and neighborhood residential uses has followed the carefully crafted Reed Cook Overlay District with much success. However, that is not the case before us today.

First, we are a neighborhood organization wishing to deal with a number of issues within our neighborhood, and not to concentrate solely on one problem. But, the way the ZRR has been introduced to us over a number of years by the Office of Planning (OP), has been chaotic, it has had complete reversals of direction, and has given us poor to false information about how the ZRR would be implemented and its effect on our neighborhood. This resulted in our loss of focus on the rewrite, with us moving on to other immediate issues that have occupied our limited resources. Now we are back, dealing with a document that is confusing to read, difficult to decipher, has internal contradictions, and loses the intent of zoning protections for residents that we have come to understand and expect. In short for us, it is mishmash.

An example of this "streamlining" is the Reed Cooke Overlay District (RCOD): It has gone from a cohesive, understandable, clear, consecutive 6 pages to over 37 pages in 7 different Subtitles with language that requires the intervention of a person who majored in English to understand. Last week at our monthly meeting I tried to present how the ZRR is organized, and the issues we face. I was able to talk in terms of major sub topic headings, but trying to go deeper and explain how the RCOD was treated, was lengthy, and not all together clear to my audience. From my and their frustrations, they do understand that the ZRR is a confusing document. A map of the proposed changes would have ensured that we were discussing the same area where the new zones would be applied. I had an OP representative tell me that a map of the new zoning will follow, but it would have been a nice visual aid when trying to explain the proposed changes. We have heard talks about transit zones; where are they in relation to Reed Cooke, and what impacts these will have on us? Again, having a map would have quickly conveyed much understanding.

Second, the impetus for the ZRR is to update the current regulations in accordance with the 2006 Comprehensive Plan. One Comprehensive Plan element speaks specifically and very positively about Reed Cooke. ***"Policy MC-2.4.5: Reed-Cooke Area*** Protect existing housing within the Reed Cooke neighborhood, maintaining heights and densities at appropriate levels and encouraging small-scale business development that does not adversely affect the residential community." However, the ZRR as currently drafted undoes and attacks many of the safeguards that are in place to protect the residential character of our neighborhood. Why OP has moved our residential housing that is presently under R-5-B zone, and placed it into "Apartment (A) zones" is unknown to us. "Apartment zones" allow commercial and other non-residential uses to intrude into residential neighborhoods. We feel our residential housing should at least be under the "Residential Flat (RF) Zones", with appropriate protections we have today. We clearly have a solid residential area and urge that zoning designations be reexamined with an eye to preventing the intrusion of non-residential uses and deleting the provisions allowing conversion of houses to apartments and pop-ups

It was noted in our work that a number of "Special Exceptions" are permitted, and that interpretations by the Zoning Administrator are allowed. We believe that the ZRR should be more explicit in what is permitted and prohibited, and not rely on the discretion of the Zoning Administrator or Board of Zoning Adjustment to adjudicate poorly written and fuzzy text. Using the word "prohibited" in the text is necessary for clarity.

Third, OP representatives have assured us that they would not change a thing about the RCOD, with perhaps some very minor changes to bring it up to date. OP has disassembled the RCOD, DCMR 11, Chapter 14, and applied parts of it to "Mixed use zones", M33-M34 zones, and "Apartment Zones A-8". Its reorganization scheme has created confusion, redundancy, dropped substantive phrases and made additions that are not currently authorized in the current Reed-Cooke Overlay or worse that do not exist under the current code. To us the term "overlay" makes sense. It takes the underlying code and lays on top of it certain restrictions. It is simple to understand. There is a cross walk from the RCOD to the ZRR, however we noted that parts of the overlay have been deleted, terms have been changed, and it no longer reads with the force that

was intended. These changes have degraded the intent and application from what we have today. In the past 4 years we have had two explicit applications of the RCOD. They are the Adams Morgan Church, and a proposal to build an 85-foot building at 1711 Florida Avenue. In both cases, clear provisions of RCOD were applied. This demonstrates that the RCOD in its present form is as relevant today as when the Zoning Commission enacted it.

Please maintain the integrity of The Reed Cooke Overlay District and the city's other overlays by keeping the name and the current language. We ask that you do this to allow the general users to understand what they can and cannot do -- please make the text of the code more explicit as to what is "prohibited", there by making it easier to understand and apply.

Prior to the closing of this case for comments, RCNA will provide the Zoning Commission specific recommendations of the discrepancies we have found in the proposed regulations, as well as our concerns and proposals to rectify major problems we have with the contents of the ZRR. With your consent we look forward to working with the OP staff to prepare alternate Reed Cooke text approaches for your consideration.

Thank you.

A handwritten signature in black ink, reading "Peter Lyden". The signature is written in a cursive, flowing style.

Peter Lyden
Reed-Cooke Neighborhood Association
Adams Morgan
Ward 1

Reference: Subtitle A-6, 7; A-9, 10;
Subtitle C-103/105;
Subtitle F-11, 12; F-15,16; F-29 to 38;
Subtitle G-40 to 43; G-55; G-74 to 81;
Subtitle X-3, 4; X-7; X-10; X-20;
Subtitle Y-61, 62;
Subtitle W-6

Government of the District of Columbia

ZONING COMMISSION



ZONING COMMISSION ORDER 523-2

Case No. 88-13

(Reed-Cooke Special Treatment Area:

Text and Map Amendment)

February 11, 1991

The Zoning Commission initiated this case to consider amendments of the text and map of the Zoning Regulations that would implement the Comprehensive Plan for the National Capital, and in particular, Section 1128 of the Land Use Element, which reads as follows:

Section 1128.

Reed-Cooke
Special Treatment
Area

(a) The Reed-Cooke area is designated as a special treatment area.

(b) The policies established for the Reed-Cooke special treatment area are as follows:

- (1) Protect current housing in the area, and provide for the development of new housing.
- (2) Maintain heights and densities at appropriate levels; and
- (3) Encourage small-scale business development that will not adversely affect the residential community.

D.C. Law 8-129, the District of Columbia Comprehensive Plan Amendments Act of 1989, became effective on May 23, 1990. Law 8-129 did not amend Sec. 1128; however, Sec. 2(a)(10)(L) of Law 8-129 adopted Sec. 1136(b)(42) to provide that the Generalized Land Use Map, as revised, would generally depict the Reed-Cooke Special Treatment area as "included in the moderate density residential land use category."

The Zoning Commission believes that the action that it effects by this order harmonizes Sec. 1128 and Sec. 1136(b)(42) of the Land Use Element. The rezoning action protects current housing and provides for the development of new housing, by rezoning the C-M-2 zoned portions to R-5-B, C-2-A, or C-2-B, within the Reed-Cooke (RC) Overlay. These zoning map changes provide a favorable zoning environment for continued residential and new residential development.

This contrasts sharply with the previous C-M-2 zoning, under which no new dwelling would be allowed. See 11 DCMR 800.4.

Consideration of this case has been long and has presented the Commission with the need to make a difficult choice. The amendment to the Land Use Element reflects the same difficulty. Existing residential, commercial, and industrial uses are juxtaposed in the area. All are thriving, at least sufficiently to deserve protection. These uses are not easily made compatible, and their proximity causes problems that detract from the reasonable enjoyment of the residential uses. The difficulties are compounded by narrow, crowded streets, and sharply-angled and dog-leg intersections.

The Office of Planning conscientiously crafted a proposal that undertook to resolve these issues. The OP proposal clearly established the correct direction and included the essential elements of the decision that the Commission has reached. That proposal was to rezone the area to C-2-B within the RC Overlay. OP concluded that a C-2-B base zone would protect and encourage residential uses consistently with the Comprehensive Plan, and at the same time provide a greater measure of viability for the established commercial and industrial uses, again consistent with the plan, than would an R-5-B base.

The Commission's conclusion is different in several ways from the OP recommendation, but is essentially based on the OP analysis. The Commission has decided that a substantial area of R-5-B base zoning is reasonable and necessary to protect current housing and provide for the development of new housing, and that a lower height limit is necessary to effect the same policies.

The final action that the Commission effects by this Order is based upon two notices of proposed rulemaking, which appeared in the D.C. Register on August 3, 1990, and November 9, 1990 (37 DCMR 5106 and 7139, respectively). The second notice followed a public hearing on September 13, 1990, at which the Commission considered several issues that were not within the scope of the earlier public hearing. The comments on the proposed rules are set forth below.

RAM, the Reed-Cooke Neighborhood Association, urged that special exceptions not be allowed as a means of relief from the RC Overlay provisions; that access to and from parking uses be limited to streets wider than sixty feet; and that assembly halls, auditoriums, and public halls, be added as prohibited uses. RAM also observed that the Citadel Soundstage had stopped operating.

assembly halls, auditoriums, and public halls, be added as prohibited uses. RAM also observed that the Citadel Soundstage had stopped operating.

ANC 1-C continued to urge the Zoning Commission to set a hearing on pure residential zoning; limit height to 50 feet, including roof structures within the 50-foot limit; and provide linkage for housing for low and moderate income families, with the benefits linked to the Reed-Cooke area. ANC 1-C also supported proposed 11 DCMR 1400.5(c) and (d), and 11 DCMR 1401.1(u) through (x).

The 18th & Columbia Road Business Association supported the 50-foot height limit; parking uses, with ANC review, rather than as a special exception; and flexibility for the height and floor area of PUDS.

A number of property owners or their counsel requested particular exemptions or changes to accommodate various specific properties, including the Security Storage Site at 1701 Florida Ave., the site leased by C&P Telephone Co. at 1711 Florida Ave., and the former National Geographic warehouse at 1707 Kalorama Road.

The Zoning Commission referred both notices of proposed rulemaking to NCPC, the National Capital Planning Commission. By comments dated October 4, 1990, and December 14, 1990, NCPC reported that the proposed amendments would not adversely affect the federal establishment or other federal interests in the National Capital, nor be inconsistent with the Comprehensive Plan.

At its meeting on February 11, 1991, the Zoning Commission considered the written comments, and determined:

1. Deletion of proposed sub-sections 1401.2 and 1401.3 is appropriate, because of the termination of the particular use that the provisions would have protected;
2. The preferred version of proposed sub-section 1402.1 is the version that includes an incentive to provide low and moderate income household units;
3. It would not be practical to prohibit access to parking uses from streets that are not wider than sixty feet; and
4. Other recommended changes have been considered, but do not require explicit discussion.

The Zoning Commission believes that the proposed amendments to the Zoning Regulations are in the best interest of the District of Columbia, are consistent with the intent and purpose of the Zoning Regulations and Zoning Act, are not

inconsistent with the Comprehensive Plan for the National Capital, and will appropriately implement and advance the objectives and policies established in the Comprehensive Plan.

In consideration of the reasons set further herein, the Zoning Commission hereby orders APPROVAL of amendments to the Zoning Regulations to establish and map a Reed-Cooke Overlay Zone District, and make related amendments to the Zoning Map. The specific amendments to the Zoning Regulations are as follows:

1. Amend the text of the Zoning Regulations by adopting a new Chapter 14 of Title 11, to read as follows:

CHAPTER 14 REED-COOKE OVERLAY DISTRICT

1400 GENERAL PROVISIONS

1400.1 The Reed-Cooke Overlay District is applied to the portions of Squares 150, 2557, 2558, 2560, 2562, 2563, 2566, 2567, and 2572 in the Reed-Cooke Special Treatment Area, as defined in the Comprehensive Plan, that are zoned non-residentially as of January 1, 1989.

1400.2 The purposes of the District are as follows:

- (a) To implement the objectives of the Reed-Cooke Special Treatment Area (Section 1128 of the Comprehensive Plan as adopted), which are to:
 - (1) Protect current housing in the area, and provide for the development of new housing;
 - (2) Maintain heights and densities at appropriate levels; and
 - (3) Encourage small-scale business development that will not adversely affect the residential community.
- (b) To ensure that new non-residential uses serve the local community by providing retail goods, personal services, and other activities that contribute to the satisfaction of unmet social, service, and employment needs in the Reed-Cooke and Adams-Morgan community; and

- (c) To protect adjacent and nearby residences from damaging traffic, parking, environmental, social, and aesthetic impacts.

- 1400.3 The Reed-Cooke Overlay District and the underlying commercial and residential zone districts shall together constitute the Zoning Regulations for the geographic area identified in sub-section 1400.1.
- 1400.4 Where there are conflicts between this chapter and the underlying zoning district, the more restrictive regulations shall govern.
- 1400.5 In addition to other applicable provisions of this title, the requirements of this chapter shall apply to the following:
- (a) All new construction;
 - (b) All additions, alterations, or repairs that, within any 18 month period exceed in cost 50 percent (50%) of the assessed value of the structure as set forth in the records of the Office of Property Assessment on the date of the application for a building permit;
 - (c) Any use that requires a change in the use listed on the owner's or lessee's certificate of occupancy; and
 - (d) Any existing use that requires a new permit from the Alcoholic Beverage Control Board.
- 1400.6 If there is a dispute between the property owner and the Zoning Administrator about the cost pursuant to sub-section 1400.5(b), the cost shall be determined by the average of the estimates furnished by three independent qualified contractors, the first of whom shall be selected by the owner, the second of whom shall be selected by the Zoning Administrator, and the third of whom shall be selected by the first two contractors.
- 1400.7 The estimates provided for by sub-section 1400.6 shall be prepared and submitted according to a standard procedure and format established by the Zoning Administrator, and the cost of estimates shall be at the expense of the property owner.

1401 USE PROVISIONS

1401.1 The following uses are prohibited in the
Reed-Cooke Overlay District:

- (a) Bar or cocktail lounge;
- (b) Off-premises alcoholic beverage sales;
- (c) Restaurant or fast food restaurant;
- (d) Hotel or inn;
- (e) Transient accommodations that are not home occupations;
- (f) Movie theater;
- (g) Gasoline service station or repair garage;
- (h) Automobile laundry;
- (i) Drive-through;
- (j) Automobile or truck sales;
- (k) Boat or other marine sales;
- (l) Motorcycle sales or repair;
- (m) Automobile rental agency that stores or services automobiles within the Overlay District;
- (n) Billiard parlor or pool hall;
- (o) Video game parlor;
- (p) Bowling alley;
- (q) Funeral mortuary or other similar establishment;
- (r) Parcel delivery service establishment other than one that is exclusively dedicated to serving a sound stage or a movie, video, or television production facility that existed on the effective date of this chapter;
- (s) Veterinary hospital;
- (t) On-premises dry cleaning establishment;
- (u) Assembly hall, auditorium, or public hall;
- (v) Bus passenger depot;
- (w) Antenna tower in excess of twenty (20) feet in height;
- (x) Satellite reception dish that is greater than fifteen (15) feet in diameter; and
- (y) Any use prohibited in the CR District by sub-section 602.1 of this title, except a parking lot as permitted by sub-section 1403.2 of this chapter.

1402 HEIGHT AND BULK PROVISIONS

1402.1 The maximum height permitted in the Reed-Cooke Overlay District shall not exceed forty (40) feet plus roof structure as defined in this title; provided that in the RC/C-2-B District the Board of Zoning Adjustment may approve a maximum height of fifty (50) feet with appropriate set-backs from the street, plus roof structures, subject to

determination by the Board that the project will provide for the on-site construction or substantial rehabilitation of low and moderate income household units, as defined by the regulations of the Department of Housing and Community Development of the District of Columbia, of a total gross floor area equal to fifty percent (50%) of the additional gross floor area made possible by this exception.

1402.2 For the purpose of this chapter, no Planned Unit Development shall exceed the matter-of-right height, bulk, and area requirements of the underlying district.

1403 EXCEPTIONS

1403.1 An exception from the requirements of this chapter shall be permitted only if granted by the Board of Zoning Adjustment as a special exception after a public hearing, and subject to the following criteria:

- (a) The use, building, or feature at the size, intensity, and location proposed will substantially advance the stated purposes of the Reed-Cooke Overlay District;
- (b) Vehicular access and egress shall be designed and located so as to minimize conflict with pedestrian ways, to function efficiently, and to create no dangerous or otherwise objectionable traffic condition;
- (c) Adequate off-street parking shall be provided for employees, trucks, and other service vehicles;
- (d) If located within a C-2-B zone, the use shall not be within 25 feet of a Residence District, unless separated therefrom by a street or alley;
- (e) Noise associated with the operation of a proposed use will not adversely affect adjacent or nearby residences;
- (f) No outdoor storage of materials, nor outdoor processing, fabricating, or repair shall be permitted; and

- (g) The use, building, or feature at the size, intensity, and location proposed will not adversely affect adjacent and nearby property or be detrimental to the health, safety, convenience, or general welfare of persons living, working, or visiting in the area.

1403.2 A parking lot or parking garage shall be permitted if approved by the Board of Zoning Adjustment as a special exception, subject to the following:

- (a) The parking lot or garage shall meet the conditions specified in sub-sections 214.4 through 214.8 of chapter 2 of this title;
- (b) The parking lot or garage shall meet the conditions set forth in sub-section 1403.1 of this section; and
- (c) The Board may require that all or a portion of the parking spaces be reserved for residential parking, unrestricted commercial parking, accessory parking for uses within 800 feet, and shared parking for different uses by time of day.

2. Rezone from C-M-2 to RC/C-2-B the following lots and squares:

- a. In Square 2560, Lots 64, 125, 875, and 882;
- b. In Square 2572, Lot 36;
- c. In Square 2562, all lots now zoned C-M-2 and not occupied by the Marie Reed School, including Lots 95, 97, and 824;
- d. In Square 2567, Lots 58 through 60, 81, and 851;
- e. In Square 2566, all lots now zoned C-M-2 and not rezoned to RC/R-5-B in the following paragraph numbered 3; and
- f. Any lot in Square 2560, 2567, or 2572 that is now zoned C-M-2 and not specifically listed in this paragraph.

3. Rezone from C-M-2 to RC/R-5-B the following lots and squares:

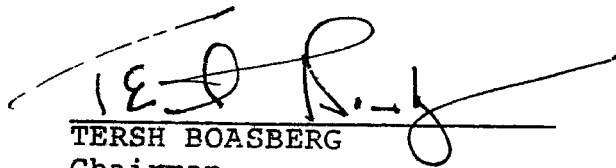
- a. In Square 2563, Lots 73, 79 through 81, 97, 98, 101, 816, 862, 879, 880, 883 through 885, and 887;
 - b. In Square 2558, the portion of the Square that is now zoned C-M-2;
 - c. In Square 2562, the portion of the Square that is now zoned C-M-2 and occupied by the Marie Reed School;
 - d. In Square 2566, Lot 36; Lot 55 (or 95) (occupied by Colortone Press); and Lots 839 and 841 from Ontario Road to a line parallel to and 70 feet east of Ontario Road; and
 - e. Any lot in Square 2558 or 2563 that is now zoned C-M-2 and is not specifically listed in this paragraph.
4. Rezone from C-M-2 to RC/C-2-A following lots and squares:
- a. In Square 2557, Lot 800;
 - b. In Square 150, Lot 800; and
 - c. Any lot in Square 150 or 2557 now zoned C-M-2, and not specifically listed in this paragraph.

Vote of the Zoning Commission on proposed action on April 16, 1990: 4-0, in part; 5-0, in part; and 3-1, in part (Maybelle Taylor Bennett, John G. Parsons, Tersh Boasberg, and William Ensign to approve proposed amendments to the text of Title 11; and, except as specified herein, to approve proposed amendments to the Zoning Map; Lloyd D. Smith not voting, not present; Maybelle Taylor Bennett, John G. Parsons, Tersh Boasberg, William Ensign, and Lloyd D. Smith to approve proposed rezoning in Square 2562; John G. Parsons, Maybelle Taylor Bennett, and Tersh Boasberg to approve proposed rezoning in Square 2566; William Ensign, opposed; Lloyd D. Smith not present, not voting).

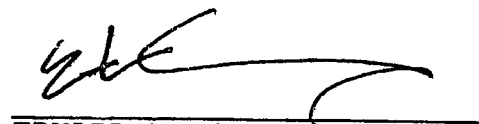
Vote of the Zoning Commission on proposed action on October 15, 1990: 4-1 in part, and 5-0 in part (Lloyd D. Smith, John G. Parsons, Maybelle Taylor Bennett, and William Ensign to approve an alternative text of 11 DCMR 1402.1; Tersh Boasberg, opposed; and Lloyd D. Smith, John G. Parsons, Maybelle Taylor Bennett, William Ensign, and Tersh Boasberg to approve proposed 11 DCMR 1400.5(c) and (d), and 11 DCMR 1401.1(u) through (y)).

This order and amendments to Title 11, DCMR, and to the zoning map, were revised and adopted by the Zoning Commission at its meeting on February 11, 1991, by a vote of 5-0 (Maybelle Taylor Bennett, William L. Ensign, Tersh Boasberg, Lloyd D. Smith, and John G. Parsons to approve.

Pursuant to 11 DCMR 3028, this Order shall be final and effective when it is published in the D.C. Register, that is, on APR 26 1991.



TERSH BOASBERG
Chairman
Zoning Commission



EDWARD L. CURRY
Executive Director
Zoning Secretariat

nopr88-19/LJP63

BZA Application No. 16666 – Paul and Susan Leonard

SPECIAL EXCEPTION
(11 DCMR 3104.1 Test)

The applicant must prove that the special exception will:

- 1. Be in harmony with the general purpose and intent of the Zoning Regulations and Maps;**
- 2. Not adversely affect the use of neighboring property in accordance with the Zoning Regulations and Maps; and**
- 3. Meet the special conditions specified in 11 DCMR 223.**

Zoning is written to ^{define} ~~show~~ what the City CAN
Support. John Holmes met the height
with ~~is the~~ out a variance or special Except
Lowered Ceiling
Sell Space
w/limits
Sell Space
separately

AREA VARIANCE

(Three-Prong Test under 11 DCMR 3103.2)

The applicant must prove that:

1. The property is unique by reason of:
 - A. Exceptional narrowness, shallowness, or shape;
 - B. Exceptional topographical conditions; or
 - C. Other extraordinary or exceptional situation or condition.
2. Because of the unique situation or condition of the property, the strict application of the Zoning Regulations would result in peculiar and exceptional practical difficulties upon the owner of the property.

To show "practical difficulties," the applicant must show that compliance with the Zoning Regulations would be unnecessarily burdensome and that the practical difficulties are unique to the property.

3. The variance can be granted without substantial detriment to the:
 - A. Public good; and
 - B. Zone plan.

1400 GENERAL PROVISIONS (RC)

1400.1 The Reed-Cooke (RC) Overlay District shall be applied to the portions of Squares 150, 2557, 2558, 2560, 2562, 2563, 2566, 2567, and 2572 in the Reed-Cooke Special Treatment Area, as defined in the Comprehensive Plan, 10 DCMR § 1127, that are zoned nonresidentially as of January 1, 1989.

1400.2 The purposes of the RC Overlay District shall be to.

- (a) Implement the objectives of the Reed-Cooke Special Treatment Area, which are to:
 - (1) Protect current housing in the area and provide for the development of new housing;
 - (2) Maintain heights and densities at appropriate levels; and
 - (3) Encourage small-scale business development that will not adversely affect the residential community;
- (b) Ensure that new nonresidential uses serve the local community by providing retail goods, personal services, and other activities that contribute to the satisfaction of unmet social, service, and employment needs in the Reed-Cooke and Adams-Morgan community;
- (c) Protect adjacent and nearby residences from damaging traffic, parking, environmental, social, and aesthetic impacts; and
- (d) Ensure the preservation and adaptive reuse of the First Church of Christ Scientist building located on Lot 872 of Square 2560, through a planned unit development process.

1400.3 The RC Overlay District and the underlying commercial and residential zone districts shall together constitute the zoning regulations for the geographic area identified in § 1400.1

1400.4 Where there are conflicts between this chapter and the underlying zone district, the more restrictive regulations shall govern.

1400.5 In addition to other applicable provisions of this title, the requirements of this chapter shall apply to:

- (a) All new construction;
- (b) All additions, alterations, or repairs that, within any eighteen (18) month period, exceed in cost fifty percent (50%) of the assessed value of the

structure as set forth in the records of the Office of Tax and Revenue on the date of the application for a building permit;

- (c) Any use that requires a change in the use listed on the owner's or lessee's certificate of occupancy; and
- (d) Any existing use that requires a new permit from the Alcoholic Beverage Control Board.

1400.6 If there is a dispute between the property owner and the Zoning Administrator about the cost pursuant to § 1400.5(b), the cost shall be determined by the average of the estimates furnished by three (3) independent qualified contractors selected in the following manner:

- (a) The first shall be selected by the owner;
- (b) The second shall be selected by the Zoning Administrator; and
- (c) The third shall be selected by the first two (2) contractors.

1400.7 The estimates provided for by § 1400.6 shall be prepared and submitted according to a standard procedure and format established by the Zoning Administrator.

1400.8 The cost of estimates shall be at the expense of the property owner

SOURCE Final Rulemaking published at 38 DCR 2386 (April 26, 1991), as amended by Final Rulemaking published at 47 DCR 9741-43 (December 8, 2000), incorporating by reference the text of Proposed Rulemaking published at 47 DCR 8335, 8447-48 (October 20, 2000), as corrected by Errata Notice published at 58 DCR 4314, 4315 (May 20, 2011), as amended by Final Rulemaking published at 60 DCR 3635 (March 15, 2013)

1401 USE PROVISIONS (RC)

1401.1 The following uses shall be prohibited in the RC Overlay District:

- (a) Antenna tower in excess of twenty feet (20 ft.) in height;
- (b) Any use prohibited in the CR District by § 602.1, except a parking lot as permitted by § 1403.2;
- (c) Assembly hall, auditorium, or public hall;
- (d) Automobile laundry;
- (e) Automobile or truck sales;
- (f) Automobile rental agency that stores or services automobiles within the

RC Overlay District;

- (g) Bar or cocktail lounge,**
- (h) Billiard parlor or pool hall;**
- (i) Boat or other marine sales,**
- (j) Bowling alley;**
- (k) Bus passenger depot;**
- (l) Drive-through;**
- (m) Funeral mortuary or other similar establishment,**
- (n) Gasoline service station or repair garage;**
- (o) Hotel or inn;**
- (p) Motorcycle sales or repair;**
- (q) Movie theater;**
- (r) Off-premises alcoholic beverage sales;**
- (s) On-premises dry cleaning establishment;**
- (t) Parcel delivery service establishment other than one exclusively dedicated to serving a sound stage or a movie, video, or television production facility that existed on April 26, 1991;**
- (u) Restaurant or fast food establishment;**
- (v) Satellite reception dish greater than fifteen feet (15 ft.) in diameter;**
- (w) Transient accommodations that are not home occupations;**
- (x) Veterinary hospital; and**
- (y) Video game parlor.**

1401 2

Except as provided in §1401.3, if any of the principal uses prohibited by § 1401.1 would be permitted as an accessory use in the underlying zone district, that accessory use is also prohibited in the RC Overlay District.

- 1401.3 Notwithstanding § 1401.2, the off-premises beer and wine sales accessory use in the grocery store located in Square 2572, Lot 36 may continue as a matter of right provided that it shall not occupy more than 2,078 square feet of the store's gross floor area.
- 1401.4 Notwithstanding § 1401.1, the Zoning Commission may approve a planned unit development that permits a hotel use integrating the First Church Christ Scientist building on a new lot created by combining Lots 872, 875, and 127 of Square 2560, and within such hotel, but only within the First Church Christ Scientist building, permit a restaurant and bar use; provided that the Zoning Commission may also permit food and alcohol to be served in the enclosed pool, the meeting rooms, the guestrooms, and the rooftop area located in the proposed addition to the First Church Christ Scientist building/or so long as such addition and the First Church Christ Scientist building are being operated together as a hotel.

SOURCE Final Rulemaking published at 38 DCR 2384, 2386 (April 26, 1991), as amended by Final Rulemaking published at 47 DCR 9741-43 (December 8, 2000), incorporating by reference the text of Proposed Rulemaking published at 47 DCR 8335, 8448 (October 20, 2000), as amended by Final Rulemaking published at 54 DCR 9393,9399 (September 28, 2007); as corrected by Errata Notice published at 58 DCR 4314, 4315 (May 20, 2011); as amended by Final Rulemaking and Order No 08-17 published at 57 DCR 2304 (March 19, 2010); as amended by Final Rulemaking published at 60 DCR 3635 (March 15, 2013)

1402 HEIGHT AND BULK PROVISIONS (RC)

- 1402.1 The maximum height permitted in the RC Overlay District shall not exceed forty feet (40 ft.) plus roof structure as defined in this title; provided, that in the RC/C-2-B Overlay District, a maximum height of fifty feet (50 ft.), plus roof structures, shall be permitted to provide for the on-site construction of low and moderate income household units, as those households are defined by the Inclusionary Zoning Regulations of Chapter 26 for a total gross floor area equal to fifty percent (50%) of the additional gross floor area made possible by the height bonus
- 1402.2 For the purpose of this chapter, no Planned Unit Development shall exceed the matter-of-right height, bulk, and area requirements of the underlying district.
- 1402.3 Notwithstanding § 1402.2, the Zoning Commission, as part of a planned unit development permitting a hotel integrating the First Church Christ Scientist building on a new lot created by combining Lots 872, 875, and 127 of Square 2560, may permit a building height on former Lots 875 and 127 not to exceed 72 feet measured from Euclid Street, and an overall building density not to exceed 3.99 FAR.

SOURCE Final Rulemaking published at 38 DCR 2384, 2387 (April 26, 1991), as amended by Final Rulemaking published at 47 DCR 9741-43 (December 8, 2000), incorporating by reference the text of Proposed Rulemaking published at 47 DCR 8335, 8448 (October 20, 2000); as amended by 54 DCR 6943, 6948 (July 20, 2007); as

corrected by Errata Notice published at 58 DCR 4314, 4315 (May 20, 2011), as amended by Final Rulemaking published at 60 DCR 3635 (March 15, 2013)

1403 SPECIAL EXCEPTIONS (RC)

1403.1 An exception from the requirements of this chapter shall be permitted only if granted by the Board of Zoning Adjustment as a special exception pursuant to § 3104 after a public hearing, and subject to the following criteria

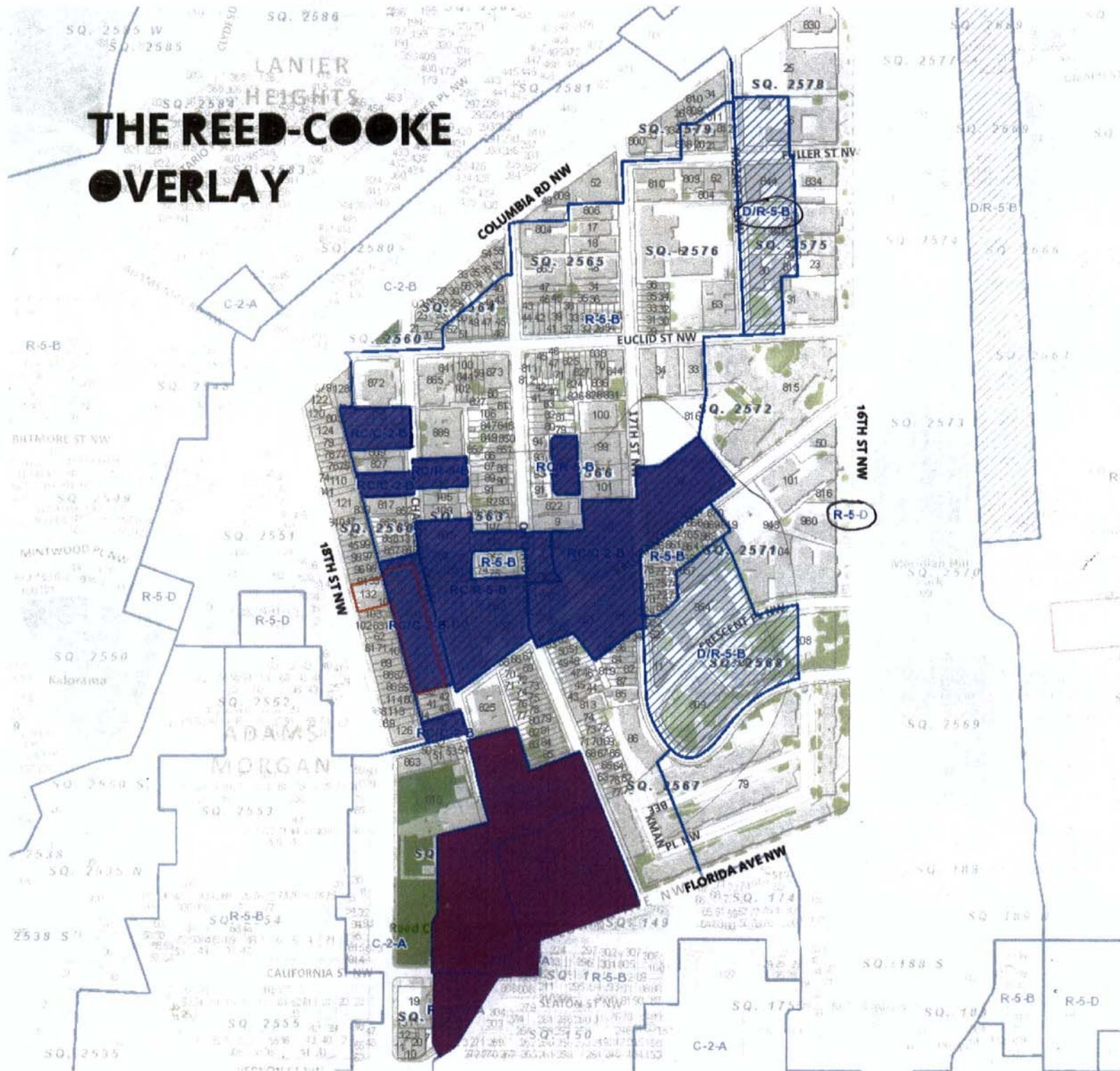
- (a) The use, building, or feature at the size, intensity, and location proposed will substantially advance the stated purposes of the RC Overlay District;
- (b) Vehicular access and egress shall be designed and located so as to minimize conflict with pedestrian ways, to function efficiently, and to create no dangerous or otherwise objectionable traffic condition,
- (c) Adequate off-street parking shall be provided for employees and for trucks and other service vehicles,
- (d) If located within a C-2-B District, the use shall not be within twenty-five feet (25 ft) of a Residence District, unless separated there from by a street or alley;
- (e) Noise associated with the operation of a proposed use will not adversely affect adjacent or nearby residences,
- (f) No outdoor storage of materials, nor outdoor processing, fabricating, or repair shall be permitted, and
- (g) The use, building, or feature at the size, intensity, and location proposed will not adversely affect adjacent and nearby property or be detrimental to the health, safety, convenience, or general welfare of persons living, working, or visiting in the area.

1403.2 A parking lot or garage shall be permitted if approved by the Board of Zoning Adjustment as a special exception pursuant to § 3104, subject to the following

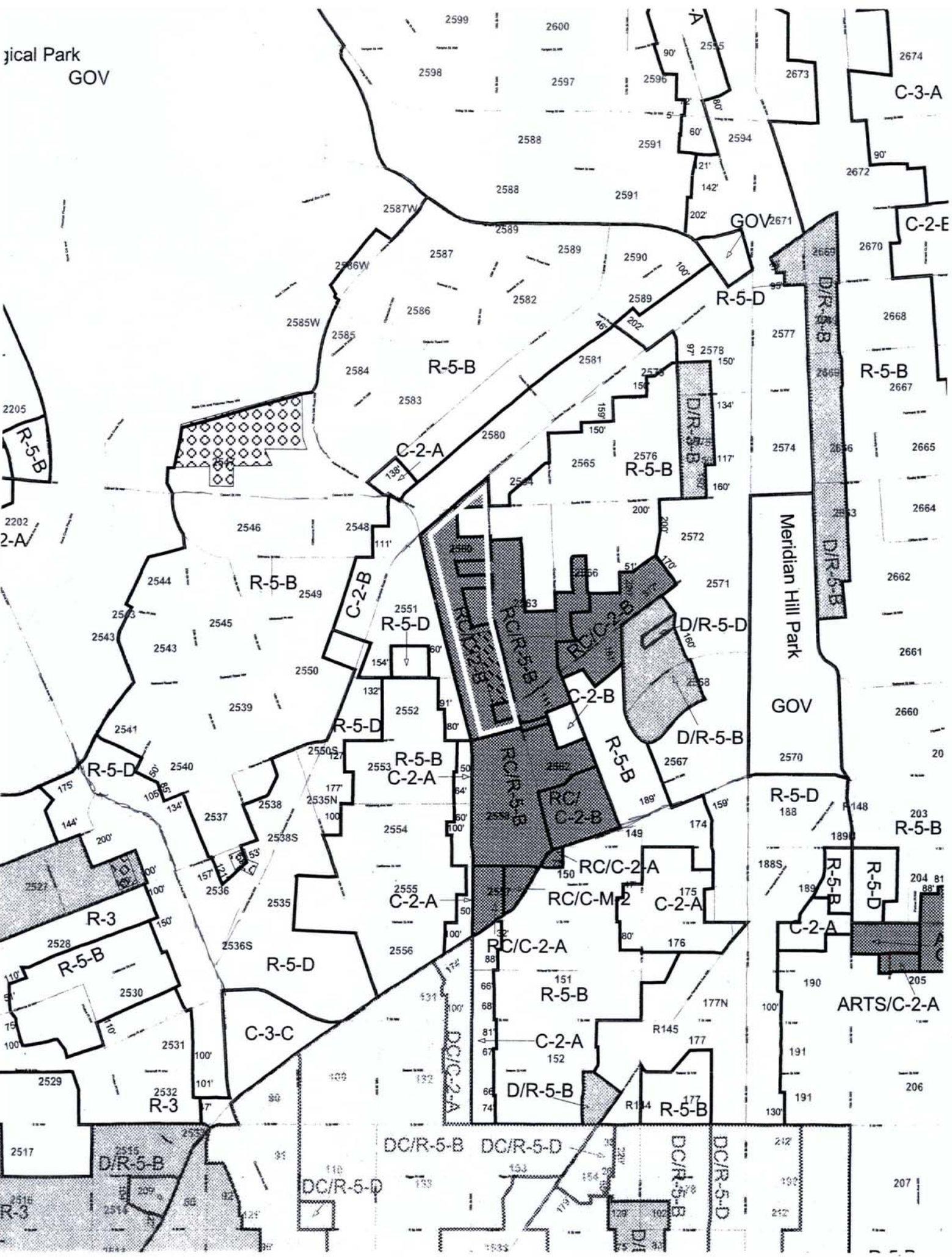
- (a) The parking lot or garage shall meet the conditions specified in §§ 214.4 through 214.8;
- (b) The parking lot or garage shall meet the conditions in § 1403.1, and
- (c) The Board may require that all or a portion of the parking spaces be reserved for the following
 - (1) Residential parking;
 - (2) Unrestricted commercial parking;
 - (3) Accessory parking for uses within eight hundred feet (800 ft.), and
 - (4) Shared parking for different uses by time of day

SOURCE Final Rulemaking published at 38 DCR 2384, 2387 (April 26, 1991), as amended by Final Rulemaking published at 47 DCR 9741-43 (December 8, 2000), incorporating by reference the text of Proposed Rulemaking published at 47 DCR 8335, 8448-49 (October 20, 2000), as corrected by Errata Notice published at 58 DCR 4314, 4315 (May 20, 2011)

THE REED-COOKE OVERLAY



jical Park
GOV



Neighborhood Conservation Areas

Section 223.4 of the Comprehensive Plan:

- Have very little vacant or underutilized land
- They are primarily residential in character
- Maintenance of existing land uses and community character is anticipated over the next 20 years
- Where change occurs, it will be modest in scale and will consist primarily of scattered site infill housing, public facilities, and institutional uses
- Major changes in density over current (2005) conditions are not expected but some new development and reuse opportunities are anticipated

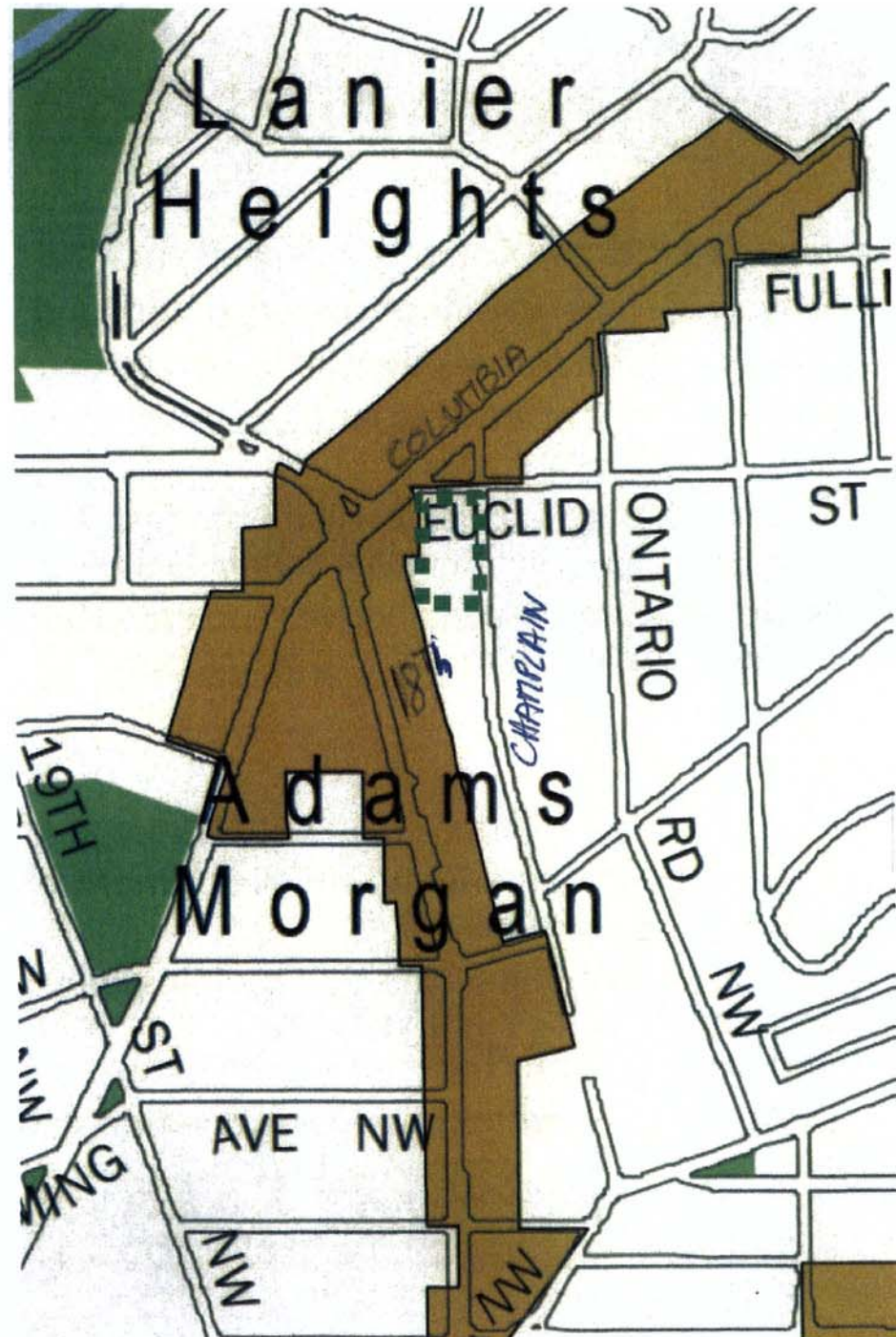
Section 223.5:

- The guiding philosophy is to conserve and enhance established neighborhoods
- Limited development and redevelopment opportunities do exist within these areas but they are small in scale
- The diversity of land uses and building types in these areas should be maintained and new development and alterations should be compatible with the existing scale and architectural character of each area
- Densities in Neighborhood Conservation Areas are guided by the Future Land Use Map

Comprehensive Plan Generalized Policy Map

Proposed Church-Hotel Site

-  **Neighborhood Conservation Areas**
-  **Neighborhood Enhancement Areas**
-  **Land Use Change Areas**
-  **Land Use Change Areas (Federal)**
-  **Main Street Mixed Use Corridors**
-  **Neighborhood Commercial Centers**
-  **Multi-Neighborhood Centers**
-  **Regional Centers**
-  **Central Employment Area**
-  **Federal Lands**
-  **Central Washington**
-  **Institutional Uses**
-  **Parks - Federal and District-owned**
-  **Water Bodies**
-  **Metro Stations**
-  **Subject Site**



Moderate Density Residential

Comprehensive Plan Section 225.4

- Row house neighborhoods, as well as its low-rise garden apartment complexes, or areas characterized by a mix of single family homes, 2-4 unit buildings, row houses, and low-rise apartment buildings.
- In some of the older inner city neighborhoods with this designation, there may also be existing multi-story apartments, many built decades ago when the areas were zoned for more dense uses (or were not zoned at all).
- The R-3, R-4, R-5-A zones are generally consistent with this category; the R-5-B district and other zones may also apply in some locations.

Low Density Commercial

Comprehensive Plan Section 225.8

- Used to define shopping and service areas that are generally low in scale and character. Retail, office, and service businesses are the predominant uses.
- Areas with this designation range from small business districts that draw primarily from the surrounding neighborhoods to larger business districts uses that draw from a broader market area.
- Their common feature is that they are comprised primarily of one- to three-story commercial buildings.
- The corresponding Zone districts are generally C-1 and C-2-A, although other districts may apply.

Comprehensive Plan Future Land Use Map

Proposed Church-Hotel Site

Residential Land Use Categories

-  Low Density
-  Moderate Density
-  Medium Density
-  High Density

Commercial Land Use Categories

-  Low Density
-  Moderate Density
-  Medium Density
-  High Density
-  Production, Dist. and Repair

Public and Institutional Land Use Categories

-  Federal
-  Local Public Facilities
-  Institutional
-  Parks, Rec. and Open Space

-  Subject Site

