

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of Zoning



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

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Washington, DC 20019

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Commissioner Joseph Wayne Lockett
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Commissioner Sheila Carson Carr
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Commissioner Charlene Exum
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Washington, DC 20020



Commissioner L Yvonne (L Y) Moore
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Washington, DC 20020

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Vacant
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847 Barnaby Street SE
Washington, DC 20032



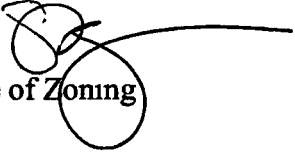
GOVERNMENT OF THE DISTRICT OF COLUMBIA

Office of Zoning



MEMORANDUM

To: ANC Chairs & SMD Commissioners

From: Sara A. Bardin 
Director, Office of Zoning

Date: July 23, 2014

Re: Z.C. Case No 08-06A (Zoning Regulations Review – Upcoming Hearings)

Enclosed you will two public hearing notices as follows

- **September 4, 2014 @ 6:00 p.m.** – This hearing will only be to hear testimony on the amendments to the Zoning Regulations (Title 11 DCMR) the Zoning Commission set down for public hearing at its public meeting held on September 9, 2013. Only those individuals, organizations, or associations who have not yet testified at a prior public hearing on the text may testify at this hearing. EXCEPTION: any Advisory Neighborhood Commissioner may testify on this night whether they previously testified on this text before or not, and
- **September 8-11, 2014 @ 6:00 p.m.** – These hearings will be to hear testimony on the alternative amendments to the Zoning Regulations (Title 11 DCMR) the Zoning Commission set down for public hearing at its public meeting held on July 10, 2014. Because this is new text, all individuals may testify.

All text may be found on the Office of Zoning's website at. <http://www.dcoz.dc.gov/zrr/zrr.shtm>.

Thank you

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

TIME AND PLACE: **Thursday, September 4, 2014, @ 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 Zoning Commission hereby gives notice of its intent to hold a further public hearing on the text of the comprehensive revisions and amendments to the Zoning Regulations (Title 11 DCMR) the Commission set down for public hearings at its public meeting held September 9, 2013. Only those individuals, organizations, or associations who have not yet testified at a prior public hearing on the text may testify ("Eligible Witnesses"), except that any Advisory Neighborhood Commissioner may also testify.

The scope of this hearing does not include the alternative text set down by the Commission on July 10, 2014 and which will be the subject of hearings to be held on the evenings of September 8-11, 2014. A separate notice of those public hearing has been issued and describes the specific procedures applicable to those proceedings.

At the time the Commission agreed to hold a series of hearings, 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 this hearing will first hear from those Eligible Witnesses who notified the Office of Zoning of their intent to present testimony based upon the date and time that the notice of intent to testify was received by the Office of Zoning. The Commission will then hear from those Eligible Witnesses who submitted witness cards in the order those cards were received by the Commission's Secretary. Finally the Commission will hear from Eligible Witnesses 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 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.

Since the time allotted to oral testimony is limited, the Commission encourages witnesses to also submit written testimony. In addition, the Commission asks witnesses not to repeat points made in other testimony, but to indicate at the outset of their testimony agreement with the position taken by [name of witness or organization].

Finally, the Commission requests that the 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.

**Z.C. NOTICE OF PUBLIC HEARING
Z.C. CASE NO. 08-06A
PAGE 2**

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

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 hearing 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 Eligible Witnesses wishing to testify at this hearing 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 to Sharon.Schellin@dc.gov, or by calling (202) 727-0340 As noted, those Eligible Witnesses 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

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.**

ANTHONY J. HOOD, MARCIE I. COHEN, ROBERT E. MILLER PETER G. MAY, AND MICHAEL G. TURNBULL — ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA, BY SARA A. BARDIN, DIRECTOR, AND BY SHARON S. SCHELLIN, SECRETARY TO THE ZONING COMMISSION.

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

TIME AND PLACE: **Monday-Thursday, September 8-11, 2014, @ 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 (Alternative Language to Certain Advertised Text - 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 Commission set down the proposed revisions for public hearings at its public meeting held September 9, 2013.

On June 16, 2014, OP submitted alternative language to several sections of the advertised draft text. The proposed alternative language responds to some comments received from the public and the Commission during the November 2013, January 2014, and February 2014 public hearings on Z C Case No 08-06A. The record in the case remains open through September 15, 2014. The proposed alternatives do not respond to all comments raised or submitted during the public input process.

On July 10, 2014, at their public meeting, the Zoning Commission set down portions of the alternative language submitted by OP and asked that some additional alternative language also be advertised. The Commission did not set down the proposal for regulating outdoor lighting, concluding that more work was needed on the proposal and the issue warranted a separate hearing at a future date. They also did not set down § 206 8(c) regarding building roof design in the design criteria for Large Format Retail.

The scope of this hearing is limited to the alternative text described below and does not include the original text set down by the Commission on September 9, 2013. The Commission will hold a final hearing on that text on the evening of September 4, 2014, which is limited to testimony by those individuals, organizations, or associations who have not yet testified at a prior public hearing on the text, except that any Advisory Neighborhood Commissioner may also testify. A separate notice of that public hearing has been issued and describes the specific procedures applicable to that proceeding.

ORDER OF APPEARANCE

At the time it set down the original text, the Commission waived §§ 3021.5(g) and (h) of Title 11 DCMR, which establishes that persons or parties in support (§ 3021 5 (g)) appear before persons or parties in opposition (§ 3021 5(h)).

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 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.

The Commission requests that the public’s testimony focus on the substance of the proposed July 10, 2014 alternative language rather than the exact wording used. After this hearing process is concluded, OP and the Office

Z.C. NOTICE OF LIMITED PUBLIC HEARING
Z.C. CASE NO. 08-06A
PAGE 2

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.

FULL TEXT

The full and official text of the proposed alternative amendments and of the original text is available for viewing online 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 zonngupdate@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 ALTERNATIVE AMENDMENTS

A summary of the alternative text is presented in the following table with the proposed Subtitle in the left column and the relevant summary of changes in the right. The alternative amendments are to the advertised draft text setdown by the Zoning Commission on September 9, 2013.

PROPOSED SUBTITLE	ALTERNATIVE AMENDMENTS SUMMARY
ALL SUBTITLES	<u>Zone Names</u> Rename A zones to RA zones and M zones to MU zones, N zones to NC zones, P zones to PDR zones, simplify Downtown zone names, maintain residential zone names, and other changes to reflect reorganization of draft text
Subtitle B	<u>Definitions</u> • Add definitions that were omitted, delete unused or unregulated terms, make corrections to some terms • Include a definition that addresses meaningful building connection
Subtitle C	<u>Bicycle Parking</u> • Revise spacing standards and aisle width requirements. • Align residential requirement with District Department of Transportation (DDOT) standard that requires bicycle parking at 8 units instead of 10 units as originally setdown • Reduce requirement so that after the first 50 spaces are provided, additional spaces are required at ½ the ratio • Increase allowable distance from a primary building entrance for short term bicycle spaces to 120 feet from 50 feet as originally setdown • Establish a minimum number of 10 bicycle spaces that must be within 50 feet of a primary building entrance and allow the minimum to be shared by multiple smaller tenants with separate entrances

Subtitle C	<u>Vehicle Parking</u> • Revert to existing standard for private school parking. • Revert to existing standard for religious institution parking • Allow off-site parking to be within 600 feet of the use or structure that the parking serves instead of 400 feet as originally setdown. Allow off-site parking at a distance greater than 600 feet as a special exception • Clarify that parking in excess of the requirement is not prohibited • Remove the Priority Bus Corridor from the areas within which required parking may be reduced by up to 50% as a matter of right as originally advertised <u>In the Alternative</u> Retain the Priority Bus Corridor as an area within which required parking may be reduced by up to 50% as a matter of right, as originally setdown on September 9, 2013 • Add the presence of mature trees as a rationale for relief from required parking • Increase the threshold for requiring mitigation efforts when the parking provided for a project is twice the required amount instead of 1.5 times the required amount as originally, add a minimum threshold of 20 required parking spaces <u>In the Alternative</u> retain the threshold for mitigation when provided parking is 1.5 times the required amount as originally setdown on September 9, 2013, add a minimum threshold of 20 required parking spaces • Remove the requirement for car-share spaces, but if provided allow the first and second car-share space to count as 3 required parking spaces each, retain car-share spaces as a mitigation item for excess parking • Change “mechanized” parking to “automated” parking • Revise drive aisle widths to correspond to industry standards • Allow an automobile laundry as an accessory use within a permitted garage • Require parking in the D-5 zone west of 20th Street NW <u>In the Alternative</u> retain the parking standards for the D-5 zone west of 20th Street NW as originally setdown on September 9, 2013
Subtitle C	<u>Green Area Ratio</u> • Revise calculation for vegetated walls to equal height times width of the wall area to be covered by vegetation instead of the ground coverage area. • Revise credit system to credit new trees based on mature canopy spread.
Subtitle D	<u>Accessory Apartments.</u> • Eliminate the minimum lot size requirement • Amend the minimum house size to be eligible for an accessory apartment from the originally setdown size of 2,000 sq ft GFA for all zones, to 2,000 GSF for current R-1-A and R-1-B zones, and 1,200 sq ft for R-2 and R-3 zones • Require any accessory apartment in an accessory building (i.e. detached) to be permitted as a special exception in all cases <u>In the Alternative</u> 1) Retain the matter of right provision for accessory apartments to be located in existing accessory buildings as originally setdown on September 9, 2013 2) Delete the six person aggregate maximum for the principal and accessory apartment and establish a limit only on the number of residents in the accessory apartment • Add specific review criteria for accessory apartments in accessory buildings, including review by FEMS and DC Water

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Subtitles D and E	<u>Corners Stores</u> • Clarify that residential use is permitted above a corner store. • Better define “grocery” aspect of corner store provisions For a matter of right grocery store use, require hat a minimum of 40% of customer-accessible sales and display area be dedicated to the sale of a general line of food products intended for home preparation and consumption, and a minimum of 20% of retail space be dedicated to the sale of perishable goods that include dairy, fresh produce, fresh meats, poultry, fish and frozen foods • Make beer and wine sales (capped at 15% of gross floor area) a use that may only be approve as a special exception, not a matter of right, in corner grocery store and in non-grocery corner stores • Clarify that corner store use is not permitted in Squares 1327 or 1350 to 1353
Subtitles D and E	<u>Camping In Alleys</u> Allow camping on alley lots only as a special exception and only in Row house zones
Subtitles D and E	<u>Theater Space Use in Residential Zones</u> • Allow use of institutional theater or assembly space in residential zones by outside organizations as a special exception • Allow performing arts theater use in residential zones as a special exception
Subtitle J	<u>Production, Distribution and Repair</u> • Allow auto repair only as a special exception and subject to buffer conditions • Include new language regarding Standards of External Effects
Subtitles G, J and K	<u>Large Format Retail</u> Allow new large format retail establishments with single tenant space of 50,000 gross square feet or greater as a special in Subtitles G, J, and K, and add a cross reference to other applicable requirements such as parking and Green Area Ratio
Subtitle I	<u>Downtown</u> • Retain existing upper-story setback provisions that protect the light and air available to residential buildings adjacent to TDR receiving zones • Clarify the amount of required retail in NoMa is consistent with requirements for other primary streets • Eliminate the proposed 3-year time limit on the conversion of credits • Ensure and clarify continued validity of purchased and assigned credits • Establish minimum parking standards in West End (Subtitle C) <u>In the Alternative</u> retain the parking standards as originally setdown on September 9, 2013
<u>Subtitle X</u>	<u>Private Schools</u> Reestablish the current criteria as the proposed criteria for evaluating the impacts of a private school, reestablish the current parking standards and Floor Area Ratio calculation (when applicable) as the proposed standards
<u>Subtitle Z</u>	<u>Party Status for Contested Zoning Case</u> Allow an individual or group to request an early determination of party status prior to a public hearing and establishes the process for early determination

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

**Z.C. NOTICE OF LIMITED PUBLIC HEARING
Z.C. CASE NO. 08-06A
PAGE 5**

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 hearing date. This can be done by mail sent to the address stated below, e-mail to Sharon Schellin@dc.gov, or by calling (202) 727-0340. As noted, those persons whose intention to testify is received by the Office of Zoning 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 the specific hearing date 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.**

ANTHONY J. HOOD, MARCIE I. COHEN, ROBERT E. MILLER, PETER G. MAY, AND MICHAEL G. TURNBULL — ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA, BY SARA A. BARDIN, DIRECTOR, AND BY SHARON S. SCHELLIN, SECRETARY TO THE ZONING COMMISSION.