

**MEMORANDUM**

TO: District of Columbia Zoning Commission

FROM: Jennifer Steingasser, ^{JLS} Deputy Director, Development Review and Historic Preservation

DATE: October 29, 2013

SUBJECT: Case No. 08-06A Title 11, Zoning Regulations – Comprehensive Text Revisions; Hearing Report on Subtitle D - Residential House Zones

I. INTRODUCTION

The Comprehensive Plan is a general policy document that provides overall guidance for future planning and development of the city. The first Comprehensive Plan was adopted in 1984 and 1985. In 2006 a new Comprehensive Plan (Comp Plan) was approved, which was the first major revision of the 1985 plan. The Comp Plan was updated in 2011. The Comp Plan's Implementation chapter (IM-1.3) calls for the substantial revision and reorganization of the zoning regulations:

The Zoning Regulations need substantial revision and reorganization, ranging from new definitions to updated development and design standards, and even new zones.

This report provides OP's recommendation on Subtitle D – Residential House zones, a summary of the proposed changes relative to the current code chapters, a summary of Comprehensive Plan policies and actions. Each subtitle is discussed in terms of Commission guidance provided to OP and changes to the current text. Additionally, the report notes any clarifying or additional language that may be required or is recommended.

Zoning Commission Action to Date

The Commission held public hearings on the proposed concepts and then provided guidance to OP between 2008 and 2011. The table below summarizes the actions taken to date by the Zoning Commission relative to each subtitle or topic.

Subtitle	Case Number and Topic	Public Hearing	Guidance Public Meeting
D	Case 08-06-8 Low/Moderate Density Residential Districts	April 9, 2009	June 8, 2009
D	Case 08-06-9 Sustainability	May 21, 2009	June 22, 2009
D	Case 08-06A Height and Uses	September 20, 2010	December 8, 2008 (proposed action) February 7, 2011 (final action)

Advertised Version

All reports for Case 08-06A respond to the advertised text dated September 9, 2013 (“9/9/13 text”). The 9/9/13 text was posted and continues to be available for viewing on the Office of Planning website (www.dczoningupdate.org) and the Office of Zoning website (www.dcoz.dc.gov) through the IZIS link. An updated copy on a disc was provided to all ANCs, and an updated paper and disc copy was provided to every DC Public library.

Repetitions, Omissions, Additions and Clarifications

OP is aware that many of the regulations are repeated throughout the subtitles and that there are phrases that may be inconsistently used (e.g. “by special exception” and “as a special exception”). There are also some unintentional omissions due to the new format of the proposed text.

Some changes may also be recommended after additional consultation with the Zoning Administrator’s office since the publication of the 9/9/13 text and review of the guidance discussions. Additionally, OP has continued to hear from the public and where possible has proposed clarification or new language.

These issues are addressed in the report as clarifications with suggested or additional text, or noted as Errata with suggested additional text. The repetitions and inconsistencies will be reconciled after the public hearings in collaboration with the Office of Attorney General and any direction from the Commission.

SUBTITLE D

Subtitle D is a compilation of the standards and uses applicable to low density residential zones. The principal use is single family residential. The subtitle includes residential zones that permit as a principal building type: detached residential houses, semi-detached residential houses and attached (rowhouses) residential houses. Below is a summary, by existing chapter, of how elements are proposed to be modified or changed in the draft text.

Chapter 2 - R-1, Chapter 3 - R-2, R-3, R-4, and R-5 Residence District Use Regulations

- 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 current R-3 and R-4 equivalent zones subject to size, spacing and operational conditions

Chapter 4 - Residence Districts: Height, Area, and Density Regulations

- Development standards are incorporated into each new zone

Chapter 25 Miscellaneous Zoning Requirements

- 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.

ZONING COMMISSION GUIDANCE

ZC Guidance: **Reconfiguration of Existing Zones**

- Create a generalized template for residential area and use requirements applicable separately to all Low Density (i.e. detached & semi-detached) zones and Moderate Density (i.e. row-dwelling) zones, and that could be customized for the creation of new residential zones.
- Approve text for specific optional tools to add protections developed from existing overlays, such as tree and slope, or concentration limits on non-residential uses.
- Each customized zone would be a residential stand-alone district.

The 9/9/13 draft text presents a set of regulations that generally reflects this guidance. As the text was drafted various levels of a template were investigated. It was determined that a pure template format with zone references tables that repeatedly sent the user back to a larger set of specific regulations was not easy to use and created a great opportunity for error in citing the sections. The 9/9/13 draft text has individual zones with a reference to the development standards within each zone and a reference to use tables that are sectioned by 1) by-right uses with and without conditions, 2) uses allowed by special exception.

Each existing zone that is covered by an overlay has been converted into a stand-alone zone with all the conditions included with the development or use standards. The new zones are grouped by overlay which should aid in understanding the transition from the old code to the new and underscores the important elements of each overlay.

Proposed Text: Residential Zones, Chapters 2 through 11;
Zones created from overlay are in Chapters 3 through 10;
Customized prototype zone is proposed as Chapter 11;
Residential Use permissions area represented in Chapter 16.

ZC Guidance: **Height**

- 1) Height maximums should continue to be measured in feet; however measurement should be to the top of a flat roof or the mid-point of a sloped roof.
- 2) Remove measurement of height by stories consistent with other zones, as well as ‘mezzanines’, ‘cellars’, ‘basements’ and ‘attics’. Consider lowering height limit where appropriate.

Guidance 1) Measuring height to the top of a flat or mid-point of a sloped roof has been adopted into the existing zoning regulations by ZC case number 12-11 and has been brought forward through Subtitle C. The new measurement has the effect of lowering a principal building by approximately 5 feet.

Guidance 2) has not been included in the draft text. There was considerable resistance to this proposal by the Task Force and the community as represented through public meetings. There was concern about unforeseen impacts that would result in buildings that appeared out of character with the neighborhood.

ZC Guidance: Front Setback

Require a front setback area for each block in local residential neighborhood zones. The area would have minimum and maximum set back lines. The minimum setback line would align with the front of the existing building that is the least set back from the curb. The maximum setback line would align within the existing building that is the most set back from the curb. The front wall of a new building must extend to at least the maximum set back line, but cannot extend beyond the minimum set back line.

Proposed Text: In Subtitle D each R zone contains a Front Setback that reads:

A front setback shall be provided in the R-XX zone that is within the range of existing front setbacks of all structures on the same side of the street in the block where the building is proposed

Clarification: The language should be specific to “all **residential** structures” not simply structures. Many permitted non-residential structures such as schools and places of worship have varying setbacks that are not consistent with an established residential street front. It is recommended that the word “**residential**” be added.

ZC Guidance: Side Yards – Determination of Minimum Size

For detached homes, apply a standard based on the ratio of building width to lot width. A minimum yard would be maintained on each side, but the two side yards could be of a different width as long as the aggregate ratio is met.

This provision has not been included in the draft text.

ZC Guidance: Side Yards – Extension of Non-Conforming

Allow buildings to expand to the rear, maintaining existing non-conforming side yards of whatever width. Maintain absolute minimum yard to match minimum recommended above.

This provision has not been included in the draft text as a matter-of-right for the R zones. D Chapter 17 provides for relief consistent with the existing special exception criteria of current §223.

ZC Guidance: Courts

Remove current court width and area requirements relying on Building Code and side yards requirements in the single family zones.

The existing code does not require a court in the R-1, R-2 or R-3 zones but if a court is provided than court standards are required, and the requirements are different for a one family dwelling and “all other structures”

The court requirements are not proposed to be carried forward in the 9/9/13 draft text.

ZC Guidance: Building Area (Maximum Footprint)

Assign each low to moderate residential zone a matter-of-right building footprint regardless of lot size. The footprint on any lot would be regulated by matter-of-right footprint or lot occupancy, whichever would allow the larger footprint, but look at whether this would create

overbuilding on small lots that could be inconsistent with the existing neighborhood character.

A maximum footprint provision has not been included in the draft text but lot occupancy has been retained. After reviewing the range of lot sizes by zones and the large percentage of record lots that are non-conforming it was determined that there was no footprint size that could be predictably established.

ZC Guidance: Building Depth for Row Buildings Concept

Assign rowhouse zones a matter-of-right depth by which they may extend into a lot, even if it would result in the reduction or elimination of a required rear yard. If an area remains between the rear of a rowhouse and the rear property line that is less than the minimum rear requirement, it shall satisfy the rear yard requirement.

A matter-of-right depth by which rowhouses may extend into a lot has not been included in the draft text.

Rowhouses in this subtitle are the R-3 equivalent zones and establishing a matter-of-right extension into a non-conforming yard would be unpredictable. After reviewing the range of lot sizes by zones and the large percentage of record lots that are non-conforming it was determined that there was no extension that could be predictably established.

Residential House- Lot Size and Percent Conforming	
<u>R-1-A (Minimum Lot Size = 7500 sf)</u> Total = 4023 Conforming = 78% Non-conforming = 22%	<u>R-1-B (Minimum Lot Size = 5000 sf)</u> Total = 24643 Conforming = 57% Non-conforming = 43%
<u>R-2 (Minimum Lot Size = 3000 sf)</u> Total = 23532 Conforming = 43% Non-conforming = 57%	<u>R-3 (Minimum Lot Size = 2000 sf)</u> Total = 16,677 Conforming = 46% Non-conforming = 54%

To maintain the proportionality of building to land area, lot occupancy has been retained in the draft text and will be applicable to lots of all size in the R zones.

ZC Guidance: Building Area (Calculating Footprint) concept

Exclude narrow courts and non-conforming side yards from building footprint and lot occupancy calculations. New additions in these areas would count toward lot occupancy.

The current code defines Building Area as: *the maximum horizontal projected area of a building and its accessory buildings. The term "building area" shall include all side yards and open courts less than five feet (5 ft.) in width, and all closed courts less than six feet (6 ft.) in width.*

This inclusion of side yards and open courts in the building area moves through to the current definition of Lot Occupancy even though they are open spaces.

Lot occupancy is defined as a figure that expresses that portion of a lot lying within lot lines and building lines that is occupied or that may be occupied under the provisions of this title as *building area*.

Including yards and open courts less than five feet into Building Area and subsequently into Lot Occupancy has had two undesirable effects. One is to force a property owner with a non-conforming side yard into a variance to maintain an extension of the side yard, and the other is to encourage their infill to avoid a variance. This is extremely important in the rowhouse zones which are historically built prior to the existing 1958 zoning regulations and have an abundance of side yards and courts less than five feet in width. The proposed text simply no longer includes these open spaces in the definition of building area.

Proposed Text: B § 100.3 Building Area: The maximum horizontal projected area of a *principal building* and its *accessory buildings*.

Proposed Text: B § 100.3 Lot Occupancy: The percentage of the total area of a lot that is occupied by the total building area of all buildings on the lot.

ZC Guidance: Building Area (Uniformity)

Rowhouse districts should have a single lot occupancy or building footprint limit for residential structures rather than separate limits based on building type. Examine standards for end rowhouse units to maintain end side yards when abutting adjacent rear yard.

Proposed Text: (9/9/13) Subtitle D § 201.1

Zone	Lot Occupancy Maximum
R-4 (R-3)	60% (attached) 40% (other)

ERRATA: The advertised text does not reflect the Commission guidance to create one consistent lot occupancy; Its omission was an oversight and OP recommends that the draft text be modified to reflect the Commission’s guidance as follows:

201 DEVELOPMENT STANDARDS

201.1 The Development Standards Table for the R-1, R-2, R-3, and R-4 zones is as follows:

Zone	Lot Occupancy Maximum
R-4 (R-3)	60% (attached) 40% (other)

One consistent lot occupancy avoids an incentive for an owner of a detached dwelling to fill in the side yards to qualify as an attached dwelling in order to gain additional lot occupancy. Although there may not be a building to which a dwelling may attach, a detached dwelling that builds to the side property lines (i.e. a zero side setback) could be considered “attached” and gain additional lot occupancy without the burden of a variance, saving time and

uncertainty. Allowing one consistent lot occupancy removes this incentive to fill in side yards, and allows a dwelling to extend toward the rear.

Proposed Text: Side Setbacks: Subtitle D § 207.2

ZC Guidance: Residential Densities (Number of dwelling units per structure)

Maintain the existing unit densities for existing zones, but allow new customized Low and Moderate Density residential districts to set different standards that are area-appropriate and are not inconsistent with the Comprehensive Plan.

In the proposed R zones, the number of dwelling units has been limited to one principal dwelling and one accessory apartment.

The current code also allows a principal dwelling in the R-1 through R-3 equivalent zones, plus one accessory apartment by special exception. Additionally in the R-1-A and R-1-B zones the current code permits “domestic employee” living quarters as a second story to a detached garage as a matter-of-right, essentially a second accessory unit. Together, in the R-1-A and R-1-B there could be two accessory dwellings and one principal dwelling; in the R-2 and R-3 zones, there is currently permitted one accessory \

Current Zone	Principal Dwelling	Accessory Apartment (11 DCMR §202.10)	Domestic Quarters over Garage (11 DCMR § 2500.5)
R-1-A	1 – By-Right	1 – Special Exception	1 – By-Right
R-1-B	1 – By-Right	1 – Special Exception	1 – By-Right
R-2	1 – By-Right	1 – Special Exception	
R-3	1 – By-Right	1 – Special Exception	

Proposed Text: The 9/9/13 draft text proposes to limit the number of dwellings in the all R zones to one principal dwelling and one accessory dwelling with no distinction in tenancy.

ZC Guidance: Accessory Dwelling Units in R-1 through R-3 zones

Allow for either an accessory dwelling unit internal to the principal dwelling or external to the principal dwelling within an accessory building, as a matter-of-right subject to impact and design conditions, which reflect the current special exception criteria. External ADUs would be subject to accessory building regulations as well as access and utility limitations.

Accessory apartments help to address many goals and objectives for the District, including:

- Affordability - Accessory apartments can provide additional income (“mortgage helpers”) for home owners, bringing home ownership within reach of more DC residents and creating new rental units.
- Aging in Place - Accessory apartments can create revenue for retirees and long term homeowners to allow them to stay in their homes longer, or provide a smaller living space that fits their changing lifestyle and housing needs.
- Diversity - Additional housing options in established neighborhoods can make more of the city accessible to a more diverse population.

- Security - Additional “eyes on the street” and having someone else living close by can provide a sense of safety for existing homeowners
- Utilization of existing housing stock - Although the population is increasing, household size is decreasing in DC, going from 3.2 persons per household in 1950 to 2.1 in 2010. Accessory apartments can accommodate some of the increased housing demand in areas where infrastructure already exists, lessening pressure on undeveloped lands and providing housing options for new residents who, like us, wish to live in the city

This is why the DC Comprehensive Plan says:

Explore changes which would facilitate development of accessory apartments (also called “granny flats” or in-law units), English basements, and single room occupancy housing units. Any changes to existing regulations should be structured to ensure minimal impacts on surrounding uses and neighborhoods. (Action H-1.5-B)

Proposed Text: The advertised text proposes one principal dwelling and one accessory apartment with no distinction in tenant type in the R zones. An accessory apartment would be permitted either 1) by-right within the principal dwelling or 2) by-right within an existing accessory building, such as a carriage house or existing garage subject to conditions or 3) by special exception within a new accessory building. The conditions are based on the existing conditions for accessory apartments in the current code, and include:

- Retain but modify the minimum lot size requirement (see below);
- Retain the requirement that the property owner live on the lot;
- Retain the requirement that limits the number of people living on the lot, including both the principal house and accessory apartment, to six;
- A minimum house size requirement of 2,000 sq.ft. for an internal unit;
- A maximum accessory apartment size, proposed to be increased slightly from 25% of the home area to 30%; and
- A restriction on placing the entrance on the front façade.

The current regulations (Section 2500.5) permit, by-right, an accessory living quarters for domestic employees (not defined) as a second story to an accessory garage in the R-1 zones, limiting height to 20 feet and two stories. The proposed text would remove the requirement that this unit be for a domestic, retain the height and stories limit, and includes additional provisions, including:

- Require that the accessory building be in existence on January 1, 2013;
- Not allow an expansion or addition to the accessory building except by special exception;
- Require permanent access to the accessory building dwelling from either a dedicated and improved right of way, a twenty-four foot wide alley, or via a ten feet wide easement through a side setback;
- Not allow both an accessory apartment and any other use other than a garage; and
- Not allow a roof deck or balcony; and
- Require special exception review for a new accessory building or expansion to an existing accessory building intended to contain an accessory apartment.

An analysis of existing accessory buildings in the R-1 through R-3 zones using GIS mapping system was performed. Although the numbers varied by neighborhood, overall between 25 and 30% of lots within the R-1 and R-2 zones have an existing accessory building of some kind; the number is somewhat lower in the R-3 zone, about 15 to 20%. An evaluation of the

suitability of the existing accessory buildings for possible conversion to accessory apartment use was not performed; it is likely that many of these buildings would be too small or in too poor conditions for a by-right conversion.

ERRATA: The advertised text limits the ability to have a by-right accessory apartment to lots of a specified size, based on the current zoning regulations. In the existing R-2 and R-3, this is the lot size required for a detached house (4,000 sq.ft.), since the existing regulations do not permit an accessory dwelling except within a detached house. The advertised text proposes an accessory apartment be permitted by right in a semi-detached or rowhouse dwelling - provided the conditions are satisfied, and those conditions brought forward the existing lot size minimum of 4,000 sq.ft. in the R-2 and R-3 zones.

OP heard comments that the 4,000 sq.ft. minimum lot area carried over from the current code is overly restrictive. A review of the R-2 and R-3 zones found that only a small percentage of these lots exceed the 4,000 sq.ft. area requirement – approximately 15% of the R-3 zoned lots and approximately 23% of the R-2 zoned lots.

Current R-2 (Minimum Lot Size = 3000 sf)	Current R-3 (Minimum Lot Size = 2000 sf)
Up to 3000 s.f = 13,416 3000.0 sf and above = 10116 Total = 23532 Conforming = 43% Non-conforming = 57% Approximately 23 % of lot above 4,000 sq. ft	Up to 2000 s.f. = 8953 2000.0 sf and above = 7724 Total = 16,677 Conforming = 46% Non-conforming = 54% Approximately 13% of lots above 4,000 sq. ft.

OP agrees that the advertised text with the existing 4,000 sq.ft minimum lot size for the R-2 and R-3 would be unnecessarily restrictive and contrary to the purpose of the by-right provisions. Therefore OP recommends that the lot area reflect the minimum lot size for the respective zones as following:

1606 ACCESSORY APARTMENT CONDITIONS

1606.4 An accessory apartment shall be permitted subject to the following conditions:

(a) The lot shall have a minimum lot area in the following zones:

Zones	Minimum Lot Area
R-1, R-5, R-6, R-8, R-11, R-14 [R-1-A]	7,500 sq. ft.
R-2, R-7, R-9, R-12, R-15, R-17, R-18, R-19 [R-1-B]	5,000 sq. ft.
R-3, R-10 [R-2]	4,000 <u>3,000 sq. ft.</u>
R-4, R-13, R-16, R-20 [R-3]	4,000 <u>2,000 sq. ft.</u>

ZC Guidance: Lot Area and Width – New Lots

Establish minimum lot area and width standards by structure type only (detached, semi-detached, attached), not by use.

Proposed Text: The existing standards for the creation of new lots in those zones which have a minimum lot size and width requirement have been retained. These are incorporated into charts in D § 1508 for various forms of residential buildings, and in D §1204.1 for public buildings and structures. The standards would be a requirement for the creation of new lots.

ZC Guidance: Lot Area and Width – Existing Lots

Allow minimum matter-of-right construction on lots regardless of the degree of non-conformity or whether lot owner owns an adjacent lot, provided all other use and area requirements are met.

Proposed Text: No minimum matter-of-right construction is proposed; rather a lot is proposed developable if a building can comply with development standards such as height, lot occupancy, pervious surface and setbacks. The minimum lot area and width are proposed as a requirement for the creation of new lots and not applicable to existing lots.

ZC Guidance: Permitted Uses (includes Corner Stores)

Establish strict baseline limits for matter-of-right non-residential uses in each residential zone. In shifting to a system of use control by general category rather than use lists, control the establishment of retail, service, institutional, and office uses (including home occupations) through performance measures. Within general limits, performance measures that apply to each category could be customizable to meet the needs of particular neighborhoods (i.e. hours of operation, maximum GFA, etc.).

Proposed Text: The proposed text includes, as noted above, the replacement of multiple uses with Use Categories, and the use provisions of Subtitle D Chapter 16, particularly the use tables of D §§ 1601 - 1604. The proposal includes conditions associated with many use categories. The proposal includes provisions related to home occupations (D § 1610), including the requirement for a Home Occupation Permit in D § 1610.2, and the establishment of a number of conditions and requirements in D § 1610.3, generally based on the conditions in the current regulations.

Corner Stores:

The existing regulations do not allow small retail uses in these residential zones, which often results in extra car trips, more time spent traveling, and more emissions from cars to run a simple errand. Although existing corner stores are “grandfathered”, new ones are not currently permitted and changes to existing ones require BZA approval.

The proposed regulations would allow limited neighborhood serving commercial, service and arts uses and only in the zones equivalent to the current R-3 and R-4 zones. The initial proposal was to permit corner stores by right subject to conditions that address concentration, operational activities, location and size. However after hearing from the community on many issues, the proposal for matter-of-right use was limited to existing stores and for grocery

stores. The special exception review allows for public input and a demonstration that the corner store will not adversely impact the residential character or compete with commercial corridors.

Proposed Text – Corner Stores:

The guidance for matter-of-right corner stores was proposed in the 9/9/13 draft text only for grocery and existing stores in D §§ 1601.2 (e) subject to the conditions of D § 1605; and by special exception in D § 1602.2 subject to the conditions of D § 1605.

ZC Guidance: **Accessory Buildings**

Provide a matter-of-right square footage allowance for accessory structures on small lots. Structures above the matter-of-right standard would continue to be subject to lot occupancy limits meaning that the combined total of primary and accessory buildings would be calculated as lot occupancy.

Proposed Text: This guidance has not been incorporated into the proposed text. Rather, existing lot occupancy limits are proposed to be brought forward, and would govern all buildings and structures on a lot.

ZC Guidance: **Alley Lots**

Clarify that a record lot is required to obtain a building permit for a new building on an alley lot, and that if the lot does not meet minimum dimension standards that a variance is required. Modify existing § 401.6 to state that any record lot created on an alley must meet minimum frontage standards on the alley.

A survey of alley record lots in the District showed that the majority of lots are in wards 2 and 6.

Ward	Number of Alley Record Lots	Percentage of All Alley Record Lots
1	219	13
2	335	20
3	133	8
4	166	10
5	166	10
6	501	29
7	39	2
8	45	3

The majority of those in residential zones are in the current R-4 zone.

Zone	Number of Alley Record Lots	Percentage of All Alley Record Lots
R-1-A	2	0.1
R-1-B	148	8.6
R-2	121	7.1
R-3	318	18.6
R-4	692	40.4
R-5-A	79	4.6
R-5-B	92	5.4
R-5-C	10	0.6
R-5-D	1	0.1
R-5-E	8	0.5

The proposed regulations would allow single family residential uses along alleys with a minimum width of 24 foot in the current R-3, R-4 zones. For alleys with widths less than 24 feet a special exception would be required. Other conditions that would apply to alley dwellings include setback requirements, a 450 square foot minimum record lot area, and 20-foot building height limit in a residential zone (30 feet in some commercial zones).

Alley dwellings would not be permitted in low-density residential areas (R-1 and R-2 zones).

Proposed Text: General Development regulations for existing alley lots are set out in D Chapter 14.

Use of Alley lots are set out in D § 1608. The uses are similar to those currently permitted in alley lots except that residential use on an alley lot in the zones equivalent to the existing R-1 and R-2 zones will no longer be permitted.

Relief to alley lot dimensions and standards is proposed as a Special Exception, with criteria set out in D § 1706. Creation of new alley record lots is proposed in Subtitle C, Chapter 4, which establishes that new alley lots must meet the minimum lot area of its zone or, for those zones where no minimum area is required an alley lot must have a minimum area of 1,800 square feet to be recorded.

ZC Guidance: Non-Residential Use of Historic Institutional Buildings

Allow adaptive reuse of historic institutional buildings by uses not permitted in the zone district. Conditions would be put on the impacts of new uses in these buildings that would allow development as either matter-of-right or special exception. Zoning Commission to identify matter-of-right uses/impacts; all others would be special exception.

Proposed Text: The proposed text in D § 1607 brings forward the conditions for the by-right conversion of former public schools for specified uses subject to a number of conditions. Permitted uses include Residential, Daytime Care, Health Care, other Institutional, Local government, and arts center uses.

Proposed Text: The proposed text in D § 1602.2 (l) allows for the adaptive reuse of historic buildings by a nonprofit organization for the purposes of the nonprofit organization by special exception. The conditions of the existing code § 217 have been brought forward.

11. Environmentally Sensitive Area Buffers

OP Proposal: Establish environmental protection zones to create buffer requirements for steep slopes, streams, and wetlands.

Proposed Text: D Chapters 3, 4, and 5; Tree and Slope overlay protections have been brought forward and incorporated directly into zones:

EXISTING ZONES and TSP OVERLAY	New Zone
R-1-A/CBUT	R-5
R-1-A/TSP	R-6
R-1-B/TSP	R-7
R-1-A/FH-TSP	R-8
R-1-B/FH-TSP	R-9
R-2/FH-TSP	R-10
R-1-A/NO/TSP and R-1-A/NO/TSP/D	R-11

Other development specific regulations are administered by the District Department of Environment including watershed and stream protection, slope stabilization, stormwater management, and wetland protections.

COMPREHENSIVE PLAN POLICIES AND ACTIONS

SUBTITLE D RESIDENTIAL HOUSE		
Zoning Changes to Reduce Land Use Conflicts in Residential Zones	Action LU-2.3.A	As part of the comprehensive rewrite of the zoning regulations, develop text amendments which: a. Expand buffering, screening, and landscaping requirements along the edges between residential and commercial and/or industrial zones; b. More effectively manage the non-residential uses that are permitted as a matter-of-right within commercial and residential zones in order to protect neighborhoods from new uses which generate external impacts; c. Ensure that the height, density, and bulk requirements for commercial districts balance business needs with the need to protect the scale and character of adjacent residential neighborhoods; d. Provide for ground-level retail where appropriate while retaining the residential zoning along major corridors; and e. Ensure that there will not be a proliferation of transient accommodations in any one neighborhood.
Group Housing	Action LU-3.4.C	Analyze spatial standards used to regulate group homes and homeless shelters, and determine whether modifications are necessary to create additional siting opportunities. Consider allowing group homes and homeless shelters in the CM-1 and CM-2 zones.
Conserving and Expanding Our	Policy E-1.1	The benefits of a healthy urban forest, including street trees, trees in parks and other public places, and trees on private lands, are well

Urban Forest		documented. Trees add beauty, improve mental health, reduce water pollution, absorb noise, produce oxygen and absorb greenhouse gases, and provide habitat for birds and small animals.
Conservation of Steep Slopes	Policy E-1.4.1	Strongly discourage development on steep slopes (i.e., greater than 25 percent), such as those found along stream valleys in Upper Northwest and Southeast DC.
Preserving neighborhood scale: Pop-ups	Policy LU-2.1.7: Conservation of Row House Neighborhoods	Protect the character of row house neighborhoods by requiring the height and scale of structures to be consistent with the existing pattern
		Upward and outward extension of row houses which compromise their design and scale should be discouraged.
New Rowhouse Zone	Action LU-2.1.A	Develop a new zoning district or divide the existing R-4 district into R-4-A and R-4-B to better recognize the unique nature of row house neighborhoods and conserve their architectural form (including height, mass, setbacks, and design).
Preserving neighborhood building form and scale	Policy UD-2.2.1: Neighborhood Character and Identity	Strengthen the defining visual qualities of Washington's neighborhoods. This should be achieved in part by relating the scale of infill development, alterations, renovations, and additions to existing neighborhood context.
	Policy UD-2.2.6: Maintaining Facade Lines	Generally maintain the established facade lines of neighborhood streets by aligning the front walls of new construction with the prevailing facades of adjacent buildings.
	Action LU-2.1.D	Consider adjustments to the zoning regulations to address the construction of excessively large homes that are out of context with the surrounding neighborhood.
Housing for Families	Policy H-1.3.1	Provide a larger number of housing units for families with children by encouraging new and retaining existing single family homes, duplexes, row houses, and three- and four-bedroom apartments.
Diversity of housing types	Action H-1.3.A	Make necessary changes (R-4 zone, in particular) to preserve row houses as single-family units to conserve the city's inventory of housing for larger households. Create an R-4-A zone for one and two family row houses and another zone for multi-family row house flats.
Accessory apartments	Action H-1.5-B	Explore changes which would facilitate development of accessory apartments (also called "granny flats" or in-law units), English basements, and single room occupancy housing units. Any changes to existing regulations should be structured to ensure minimal impacts on surrounding uses and neighborhoods.
	Action AC-3.1.A	Zoning should be revised to facilitate the creation of live-work space and make it easier to use garages or accessory buildings as artist studios.
Retention of Non-Conforming Retail	Action NNW-2.1.B	Investigate zoning tools to retain Shaw's non-conforming retail corner stores and other existing retail uses within residential zones.

Attachment A: Zone Name Conversion Table

Current Zone Name	Proposed Zone Name
Subtitle D - Residential House	
R-1-A and R-1-A/D	R-1
R-1-B and R-1-B/D	R-2
R-2 and R-2/D	R-3
R-3 and R-3/D	R-4
R-1-A/CBUT	R-5
R-1-A/TSP	R-6
R-1-B/TSP	R-7
R-1-A/FH-TSP	R-8
R-1-B/FH-TSP	R-9
R-2/FH-TSP	R-10
R-1-A/NO/TSP and R-1-A/NO/TSP/D	R-11
R-1-B/NO and R-1-B/NO/D	R-12
R-3/NO	R-13
R-1-A/WH	R-14
R-1-B/WH	R-15
R-3/FB	R-16
R-1-B/SSH1	R-17
R-1-B/SSH2	R-18
Modified R-1-B (Gtwn)	R-19
Modified R-3 (Gtwn)	R-20