

**MEMORANDUM**

TO: District of Columbia Zoning Commission

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

DATE: October 28, 2013

SUBJECT: Zoning Regulations Review, Draft Proposed Text, Title 11
Hearing Report – Subtitle E – Residential Flats and Subtitle F - Apartments

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 E – Residential Flats and Subtitle F - Apartments zones, a summary of the proposed changes relative to the current code chapters (D.C. Municipal Regulations, Title 11), and a summary of Comprehensive Plan policies and actions relevant to the subject subtitles. 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 for inclusion in the September 9, 2013 draft.

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
E	Case 08-06-8 Low/Moderate Density Residential Districts	April 9, 2009	June 8, 2009
F	Case 08-06-14 Medium and High Density Residential	December 9, 2010	January 10, 2011
E and F	Case 08-06-9 Sustainability	May 21, 2009	June 22, 2009
E	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 copy was provided to every DC Public library.

Repetitions, Omissions, Additions and Clarifications

OP is aware that certain provisions 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”). Provisions may also have been unintentionally omitted due to reformatting of the proposed text.

Some changes have been 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. Furthermore, OP has continued to hear from the public and, where possible, has proposed clarification or new language based on input received. These items are addressed in the report as clarifications or 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.

RECORD LOTS – R-4

The Office of Planning’s Geographic Information Systems showed that well over half of the record lots in the current R-4, row-dwelling zones are non-conforming to the minimum lot area requirements.

R-4 - Lot Size and Percent Conforming
<u>R-4 (Min. Lot Size =1,800 sf)</u>
0 – 1799.99 = 22,280
1800.0 sf and above = 15,320
Total: 37,600
Conforming = 41%
Non-conforming = 59%

Approximately 53 percent of all record lots are non-conforming to minimum lot size in those zones that currently require a minimum lot area (R-1 through R-4 zones).

A change to the minimum lot area is not proposed, but the minimum lot area is proposed to be applicable only for the creation of new lots, thereby allowing the majority of residential property owners to build on their lots as a matter of right, provided they can do so in compliance with setback, and lot occupancy requirements. Setbacks establish the separations between buildings and property lines, and are established for each zone and do not vary within a zone based on lot size. Lot occupancy establishes how much of the lot can be covered by building. Together these development standards address the issues of light, air, and building separation by establishing a proportionate relationship between building size and lot area.

RESIDENTIAL UNITS PER LOT in RESIDENTIAL ZONES

One of the defining differences in the residential zones is the number of residential units permitted per building. Currently, in the R-1-A, R-1-B, R-2 and R-3 zones one principal residential unit is permitted per principal building and in the R-4 zone two principal units (flats) are permitted per

principal building. The R-5 zones however are permitted an unlimited number of units per building subject to building code. This jumping from two units in the R-4 to the unlimited units in the R-5 zones has created awkward transitions in some neighborhoods.

Many central rowhouse neighborhoods are zoned an R-5-B or R-5-C (multi-family), which allows for apartments as a matter-of-right, while other rowhouse areas are zoned R-4. The R-4 zone is unique in that it allows for low density residential row-dwellings that can, within conditions, be converted to apartment units.¹ While many rowhouse neighborhoods contain blocks of stately row-dwellings that are very large, their conversion to or replacement with apartments without a unit limit is frequently inconsistent with the character and quality of their neighborhoods.

The Comprehensive Plan calls for the creation of a new zoning district or the division of “*the existing R-4 district into R-4-A and R-4-B to better recognize the unique nature of row house neighborhoods...*” (Action LU-2.1.A) and to “[C]reate an R-4-A zone for one and two family row houses and another zone for multi-family row house flats. (Action H-1.3.A)

In response, the proposed Subtitle E includes new zone categories for Residential Flats (RF) use. The RF-1, RF-2 and RF-3 zones would be mapped as the existing R-4 (RF-1), R-4/DC (RF-2) and R-4/CAP (RF-3) zones, and would permit two dwelling units as is the case in the current regulations. The RF-4 and RF-5 zones are new and would permit three and four units respectively. They are not proposed to be mapped anywhere but would be available for communities who request a rezoning. OP would then work in consultation with the initiating ANC or neighborhood to map the new zone.

SUBTITLE E – Residential Flat Zones

Subtitle E contains the provisions for residential flat zones. The provisions for rowhouse zones are currently located mainly in chapters 2, 3 and 4 of the current zoning code. Below is a summary, by existing chapter, of how elements are 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;
- Campus Plans – Limitations on adjunct commercial uses and sizes, detailed requirements for counting students;
- Corner Stores –
 - permit existing corner stores to continue by right;
 - fresh grocers proposed as a by-right use subject to size, spacing and operational conditions; and
 - other uses proposed to be permitted by special exception subject to size, spacing and operational conditions; and
- New Residential Flat zones that would allow a maximum of three, four or five units; to be mapped in consultation with neighborhoods in future cases.

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

- Development standards incorporated into each new zone.

¹ The less common R-3 zones also allows rowhouses, but has a slightly larger minimum lot size and does not permit flats, or the conversion of larger rowhouses to multi-family units.

Chapter 12 Capitol Interest Overlay District

- Incorporated with base zone into new RF-3 zone.

Chapter 15 Miscellaneous Overlay Districts

- Incorporated Dupont Circle Overlay provisions with base zone into new RF-2 zone.
- No change to boundaries, uses, purposes, or conditions

Chapter 25 Miscellaneous Zoning Requirements

- Building on Alley Lots
 - Permit only by special exception with a minimum lot area of 450 square feet
 - Not permitted at all in R-1 or R-2 zones.

ZONING COMMISSION GUIDANCE**SUBTITLE E****ZC Guidance: Reconfiguration of Existing Zones**

- Create a generalized template for residential area and use requirements applicable separately to all Moderate Density (i.e. row-dwelling) 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.
- After the effective date of the general template provisions, individual neighborhoods may petition the Zoning Commission for the creation of a customized zone that would consist of:
 1. Customized modifications to the general template; or
 2. Adding one or more specific tools to the general template; or
 3. A combination of the two.
- 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 originally drafted, various forms 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 uses tables that are sectioned as by-right uses with and without conditions, or as 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. In the RF zones, this includes RF-2, which incorporates current R-4 and relevant Dupont Circle Overlay provisions, and RF-3, which incorporates R-4 and relevant Capitol Interest Overlay provisions.

Finally, new zones which would allow a maximum of three or four principal units have been drafted but are not proposed to be mapped at this time in any location. Rather, they are intended to be used as a possible zone to be mapped in consultation with neighborhoods in the future.

Proposed Text: Residential Flat zones, including zones which incorporate an existing overlay are in chapters 2, 3 and 4;
Proposed new RF zone provisions are in Chapter 5;
General Development Standards are in chapters 6, 7, 8, 9 and 10;
Use Permissions are represented in Chapter 11.

ZC Guidance: **Height**

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.

Proposed Text: 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.

ZC Guidance: **Height**

Remove measurement of height by stories consistent with other zones, as well as ‘mezzanines’, ‘cellars’, ‘basements’ and ‘attics’. Consider lowering height limit where appropriate.

This proposal has not been included in the 9/9/13 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 Yards**

Require a front yard 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 E each RF zone contains a Front Setback that reads:

A front setback shall be provided in the RF-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 – 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

Proposed Text: E §§ 207, 307, and 407 all address side setbacks in the RF -1, RF-2 and RF-3 zones.

E § 1008.5 states, “*In the case of a building existing on or before [Effective date of this title], with a non-conforming side setback, an extension or addition may be made to the building; provided, that the width of the existing side setback shall not be decreased; and provided further, that the width of the existing side setback shall be a minimum of two feet (2 ft.).*”

Clarification: The side setback language of E §§ 207, 307, and 407 is also in E § 1008 as §1008.2 and §1008.4.

E § 1008.5 includes additional language to recognize non-conforming side setbacks and side streets. It was the intention of the draft text and the ZC guidance to allow for the extension of a non-conforming side setback. The combined reading of the individual zones and the General Provisions for Chapter 10 are confusing and could be interpreted to deny the extension of a non-conforming side setback. Therefore OP recommends that the language in E §§ 207, 307, and 407 **be replaced with a reference to E § 1008** to avoid confusion about the setback requirement and to remove duplication:

SIDE SETBACK (E §§ 207, 307 and 407)

~~*A side setback in the RF-1 zone shall not be required. However, if a side setback is provided, it shall be no less than five feet (5 ft.).*~~

~~*In the RF-1 zone, when a single household dwelling, flat, or multiple dwelling is erected that does not share a common division wall with an existing building or a building being constructed together with the new building, it shall have a side setback on each resulting free-standing side.*~~

Side Setback requirements for the RF-1/2/3 zone shall be as required by E § 1008

ZC Guidance: Courts

Remove current court width and area requirements relying on Building Code and side yards requirements.

The existing code does not require a court in the R-4 or R-5-A zones but if a court is provided, then 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.

A maximum footprint provision has not been included in the draft. 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 rowhouses 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.

This provision has not been included in the draft text.

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 the lot owner owns an adjacent lot, provided all other use and area requirements are met.

This provision has not been included in the draft text.

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 guaranteed minimum construction size that could be predictably established. Rather the draft regulations propose no longer requiring an existing record lot to have a minimum lot area but they continue to require a building to comply with required development standards, such as lot occupancy and setbacks.

ZC Guidance: Lot Area and Width – New lots

Establish minimum lot area and width standards by structure type not uses.

Proposed Text: The existing standards for the creation of new lots (in those zones that have a minimum lot size and width requirement) have been retained. These are incorporated into charts in E § 1010 for various forms of residential buildings and other buildings and structures. The standards would be a requirement for the creation of new lots.

ZC Guidance: Building Area (Calculating Footprint) concept

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

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.

Subtitle C Chapter 7 establishes the rules of measurement for lot occupancy and does not include narrow courts and non-conforming side setbacks.

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.

A single and consistent lot occupancy standard 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. Establishing one consistent lot occupancy removes this incentive to fill in side yards, and allows a dwelling to extend toward the rear.

Errata: The Development Standards tables in Subtitle E (§§ 201.1, 301.1, 401.1 and 501.1) show different lot occupancies for Detached, Semi-detached and Row dwellings. This is an inadvertent error and is not in compliance with the ZC guidance. It is recommended that the tables be corrected to reflect a single, consistent lot occupancy for all dwelling types at 60% as follows:

RF-	Height Max.	Number of Stories Max.	Lot Occupancy Max.
Detached Dwelling	40 ft.	3	40% 60%
Semi-Detached Dwelling	40 ft.	3	40% 60%
Row Dwelling and Flat	40 ft.	3	60%

The last two lines in the proposed RF-4 and RF-5 Development Standards tables are vacant - these cells should contain the following standards:

RF-4	Height Max.	Number of Stories Max.	FAR Max.	Lot Occupancy Max.
Detached Dwelling	40 ft.	3	n/a	40% 60%
Semi-Detached Dwelling	40 ft.	3	n/a	40% 60%
Row Dwelling and Flat	40 ft.	3	n/a	60%
<u>Church</u>	<u>60 ft.</u>	<u>3</u>	<u>n/a</u>	<u>60%</u>
All Other Structures	<u>40 ft.</u>	<u>3</u>	1.8	60%

RF-5	Height Max.	Number of Stories Max.	FAR Max.	Lot Occupancy Max.
Detached Dwelling	40 ft.	3	n/a	40% 60%
Semi-Detached Dwelling	40 ft.	3	n/a	40% 60%
Row Dwelling and Flat	50 ft.	4	n/a	60%
<u>Church</u>	<u>60 ft.</u>	<u>3</u>	<u>n/a</u>	<u>60%</u>
All Other Structures	<u>50 ft.</u>	<u>4</u>	1.8	60%

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.

Proposed Text: E §§ 204, 304, and 404 establish the maximum number of dwelling units per building at two. E § 504 proposes to limit the number of dwellings in the RF-4 zone at three per building and in the RF-5 zone at four. These last two zones would not be mapped at this time, but rather would be available for communities who request a rezoning.

ZC Guidance: Permitted Uses

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 E Chapter 11. The proposal includes conditions associated with many use categories including accessory, by-right, conditioned and special exception uses. .

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. The proposal is to permit only existing stores and new grocery stores by right and any other proposed corner store in these zones would need a special exception. 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 E §§ 1101.2 subject to the conditions of E § 1106; and by special exception in E § 1102 subject to the conditions of E § 1106.

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: 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 E § 1102.2 (i) 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.

ZC Guidance: Lot Control – Multiple residential buildings on a single lot of record

In those zones that allow two or more units, allow permitted units to be located in a second residential structure on the same lot by special exception.

Proposed Text: E §§ 200.2, 300.4, 400.3 allows for two dwelling units one of which may be located within an accessory structure.

Proposed Text: E §§ 500.4 and 500.5 allows for three and four two, three and four dwelling units one of which may be located within an accessory structure.

The proposal limits the use of an accessory structure to one dwelling unit by right which is consistent with the proposal for accessory apartments in the lower R zones. The bulk and density of the entire site would continue to be regulated by lot occupancy, setbacks, height and number of units.

ERATTA: The conditions for using an accessory building need to also be reflected in Subtitle E similar to the conditions for using an accessory building for an accessory apartment in Subtitle D. Proposed language should be added to E Chapter 10, General Development Standards:

1011 Accessory Building Standards for a Dwelling Unit

1011.1 An accessory building that houses a dwelling unit shall comply with the following conditions:

- (a) The accessory building was in existence on January 1, 2013;**
- (b) No expansion or addition may be made to the accessory building to accommodate an apartment except by special exception;**
- (c) There shall be permanent access to the accessory building dwelling from a dedicated and improved right of way;**
- (d) Permanent access shall be provided by either or both of the following:**
 - (1) An easement for a permanent passage, open to the sky, no narrower than ten feet (10 ft.) in width, and extending from the accessory building to a public street through a side setback recorded in the land records of the District of Columbia; or**
 - (2) Through an improved public alley with a minimum width of twenty-four feet (24 ft.) that connects to a public street.**

- (d) An accessory building that houses a dwelling unit shall not have a roof deck or balcony;**
- (f) An accessory building constructed as a by right accessory building after January 1, 2013 and that is located within a required setback shall not be used as, or converted to, a dwelling unit for a period of five years after the approval of the building permit for the accessory building, unless approved by special exception; and**
- (g) Any proposed expansion of an accessory building for residential purposes shall be permitted only by special exception approval pursuant to Y Chapter 8, and shall be evaluated against the applicable standards of D § 1701.3.**

The language generally reflect that of Subtitle D § 1606.4 (f) however, because the RF zones are multi-family zones, a special exception is required for the residential use of an existing accessory building only if the existing accessory building is built within a required setback that would be applicable to a principal building. This recognizes that an accessory building not within a required setback is no closer to an adjoining property than a potential principal multifamily building and would have no greater impact on an adjoining property.

A new section 1205 is needed that permits BZA relief to the conditions of an accessory building:

1205 SPECIAL EXCEPTION FROM ACCESSORY STRUCTURE REQUIREMENTS

1202.1 The Board of Zoning Adjustment may grant special exception relief from the accessory structure development standard requirements of this subtitle.

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 alley 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 alley lots 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 feet in the RF 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.

Proposed Text: General Development regulations for existing alley lots are set out in E Chapter 9.

Use of Alley lots are set out in E §§ 1104 and 1105. 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.

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.

Errata: Subtitle E requires the addition of special exception language for relief from the development standards and alley width requirements, similar to that proposed for Subtitle D, for alley lots. OP recommends that the language be the same as provided in Subtitle D § 1706.

SUBTITLE F – Residential Apartment (A) Zones**ZC Guidance: Side Setbacks**

Define side setback standards to apply to any portion of a building that is set back from the side lot line.

R-5-A zone equivalents - maintain existing setback standards

R-5-B through R-5-E zones equivalents - continue to allow no setback, but where one is provided establish a uniform side setback standard of four feet (4' or more).

All R-5 zone equivalents:

- Allow existing buildings to build back along existing nonconforming side yards.
- Establish rules to apply the side setback standard to any portion of a building that is set back from the side lot line.

Proposed Text: F § 203.1 (a) carries forward the side yard setbacks distances

F § 203.1 (b) carries forward the “no setback” provision of the current code and establishes a four foot minimum should a side setback be provided.

Clarification: F § 1006 establishes the permission to extend a non-conforming side setback.

However, when the General Provisions are read together with the zone specific setback standards it could be interpreted that the existing side setback may not be extended. It was the intention of the draft text and the ZC guidance to allow for the extension of a non-conforming side setback. Therefore, it is recommended that Subtitle F have a similar correction to the side setback language as proposed for Subtitle E, above.

ZC Guidance: Courts

Redefine courts as “courtyards” (areas where two walls of the same building with windows face each other) and maintain current court width standards for separation of the two walls with windows. This would leave courts opened to a lot line to be regulated solely by side setbacks requirement, while only interior or closed courts would become “courtyards”.

Proposed Text: This definition was proposed within Subtitle B.

ZC Guidance: Lot Occupancy

Eliminate narrow courts and side setbacks from lot occupancy calculations.

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.

Subtitle C Chapter 7 establishes the rules of measurement for lot occupancy and does not include narrow courts and non-conforming side setbacks.

ZC Guidance: Corner Stores in R-5 zones (already included in R-3 and R-4 revisions)

Allow a limited set of neighborhood-serving non-residential uses (corner stores), subject to contextually appropriate performance standards.

Option Two as an alternative: Allow a limited set of neighborhood-serving non-residential uses (corner stores) only through special exception.

Proposed Text: The provision for corner stores in Apartment zones has not been brought forward. The existing provisions for commercial adjunct uses has been continued into the 9/9/13 draft text as a special exception; F § 1403.15 (a) and (b). These sections represent the same conditions as exist in the current code in section 354 and 356.

ZC Guidance: R-5-B rezoning

Divide the R-5-B zone between apartment areas and row house areas.

Proposed Text: Subtitle E represents the new zones (RF) designed to be between the current R-4 Row-dwellings and the current multi-family R-5-B.

COMPREHENSIVE PLAN POLICIES AND ACTIONS

ZONING ISSUE	COMPREHENSIVE PLAN CITATION	COMPREHENSIVE PLAN TEXT
Low-Moderate Density Residential (R-1 through R-4) (Subtitles D and E)		
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.

ZONING ISSUE	COMPREHENSIVE PLAN CITATION	COMPREHENSIVE PLAN TEXT
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.
High Density Residential and Mixed Use (Subtitles F and G)		
Multi-Family Neighborhoods	Policy LU-2.1.10	Maintain the multi-family residential character of the District's Medium and High-Density residential areas. Limit the encroachment of large scale, incompatible commercial uses into these areas, and make these areas more attractive, pedestrian-friendly, and transit accessible.
Transitional and Buffer Zone Districts	Policy LU-2.3.4	Maintain mixed use zone districts which serve as transitional or buffer areas between residential and commercial districts, and which also may contain institutional, non-profit, embassy/chancery, and office-type uses. Zoning regulations for these areas (which currently include the SP-1 and SP-2 zones) should ensure that development is harmonious with its surroundings, achieves appropriate height and density transitions, and protects neighborhood character.
Transient Accommodations in Residential Zones	Policy LU-2.3.9	Continue to distinguish between transient uses—such as hotels, bed and breakfasts, and inns—and permanent residential uses such as homes and apartments in the District's Zoning Regulations. The development of new hotels on residentially-zoned land should continue to be prohibited, incentives for hotels (such as the existing Hotel Overlay Zone) should continue to be provided on commercially zoned land, and owner-occupancy should continue to be required for transient accommodations in residential zones.

ZONING ISSUE	COMPREHENSIVE PLAN CITATION	COMPREHENSIVE PLAN TEXT
Co-operatives and Co-housing	Policy H-1.3.4	Encourage cooperatives, shared housing, and co-housing (housing with private bedrooms, but shared kitchens and common areas) as a more affordable alternative to condominiums. Ensure that such housing is appropriately regulated to avoid adverse effects on surrounding residences and neighborhoods.
Single Room Occupancy Units	Policy H-1.3.6	Allow the development of single room occupancy (SRO) housing in appropriate zone districts.
Commercial Corridors	Policy UD-3.1.6 and Policy UD-3.1.7	Along walkable shopping streets create street walls with relatively continuous facades built to the front lot line in order to provide a sense of enclosure and improve pedestrian comfort. Create attractive and interesting commercial streetscapes by... avoiding windowless facades and gaps in the street wall.