District of Columbia
Office of Planning

ANC 6A
ZONING REGULATIONS REVIEW SUMMARY

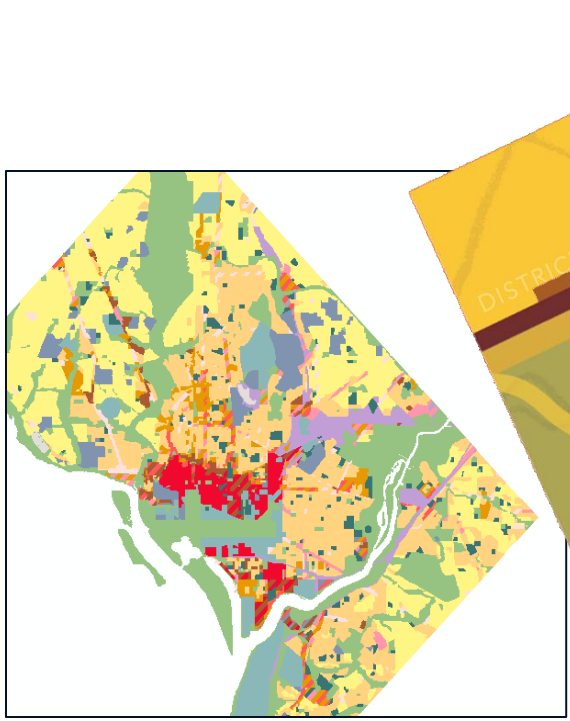
February, 2014

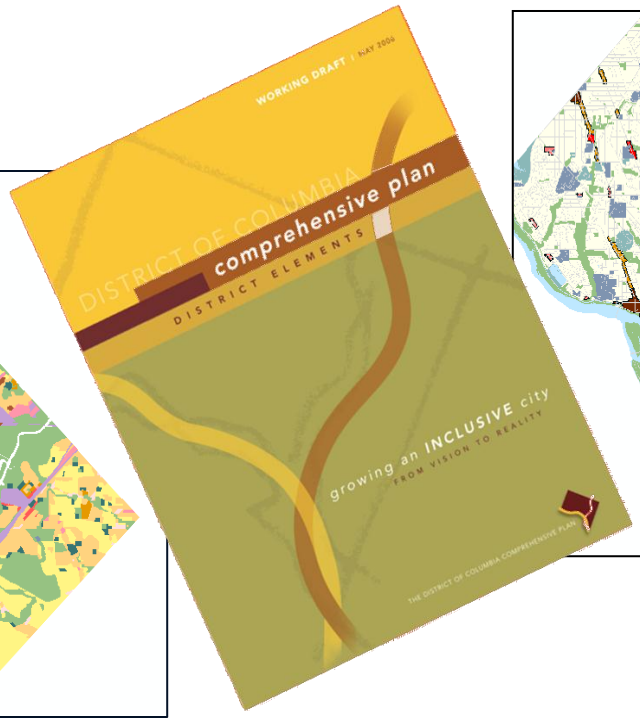
ZONING COMMISSION
District of Columbia
CASE NO.08-06A
EXHIBIT NO.635

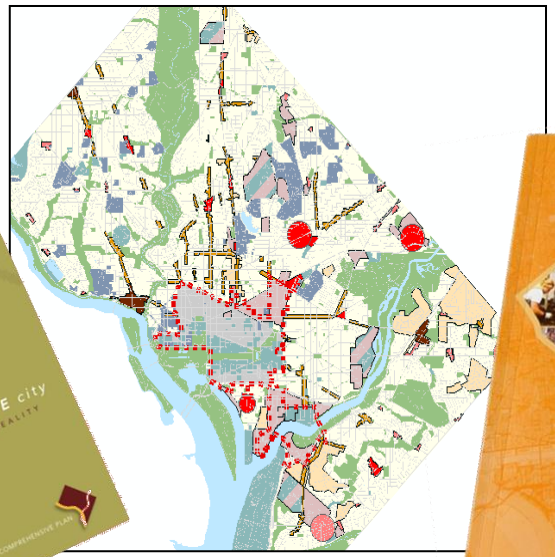
Comprehensive Plan

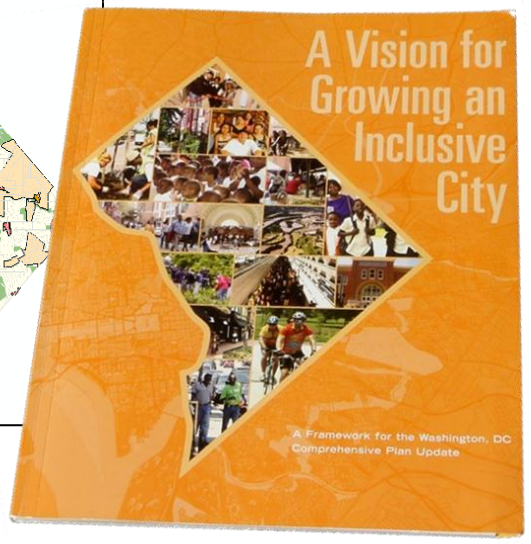
The Comprehensive Plan, adopted by City Council in 2006 and updated in 2010, includes direction to comprehensively update our antiquated 1958 zoning code, to help achieve a more sustainable, resilient, and healthy city with transportation options:

> "*The Zoning Regulations need substantial revision and reorganization, ranging from new definitions to updated development and design standards, and even new zones*." (IM-1.3)









Why revise the code?

- OP's proposed revisions are intended to address Comprehensive Plan objectives aimed at recognizing our vibrant city and shaping the city of the future:
  - Preserve distinctive and safe neighborhoods
  - Promote transportation choices by updating 1950s-era parking requirements that contribute to traffic congestion and housing affordability concerns
  - Ensure quality environments and open spaces
  - Address "green building" and sustainable development
  - Encourage convenient access to healthy food and services
  - Enable seniors to remain in their neighborhoods
  - Provide access to jobs and self-employment opportunities

Current Status and Applicability

- The ZRR process was initiated in 2007, in response to Comprehensive Plan direction.
- After almost 7 years of meetings, research, and Zoning Commission hearings and meetings, OP submitted draft proposed ZRR text to the Zoning Commission on July 29, 2013.
- The Zoning Commission set down proposed ZRR text for public hearings on September 9, 2013.
- The Commission is now holding public hearings and gathering community feedback before providing OP with additional direction.
- Any revisions adopted by the Commission would be applicable only to new development, and would not retroactively impact existing development in the City.

Proposed Subtitle Format & Organization

- Current code follows a Chapter format
- Proposed code would follow a Subtitle format

Land Use Subtitles

Subtitle	Content
A	Authority and Applicability
B	Definitions
C	General Procedures
D	Residential House (R)
E	Residential Flats (RF)
F	Apartment (A)
G	Mixed Use (M)
H	Neighborhood Mixed Use (N)
I	Downtown (D)
J	Production, Distribution, and Repair (P)
K	Special Districts
W	Mapping
X	General Procedures
Y	Board of Zoning Adjustment
Z	Zoning Commission

ZRR – Proposed Zone Naming

- R-1 to R-3 (low density residential) zones called **R** zones
- R-4 (flats/two principal units) zones called **RF** zones
- R-5 (multi-family/apartment) zones called **A** zones
- C, CR, SP, W (commercial mixed use) zones called **M** zones
- Neighborhood Commercial Overlay zones called **N** zones
- CM, M (industrial/production, distribution, repair) zones called **P** zones

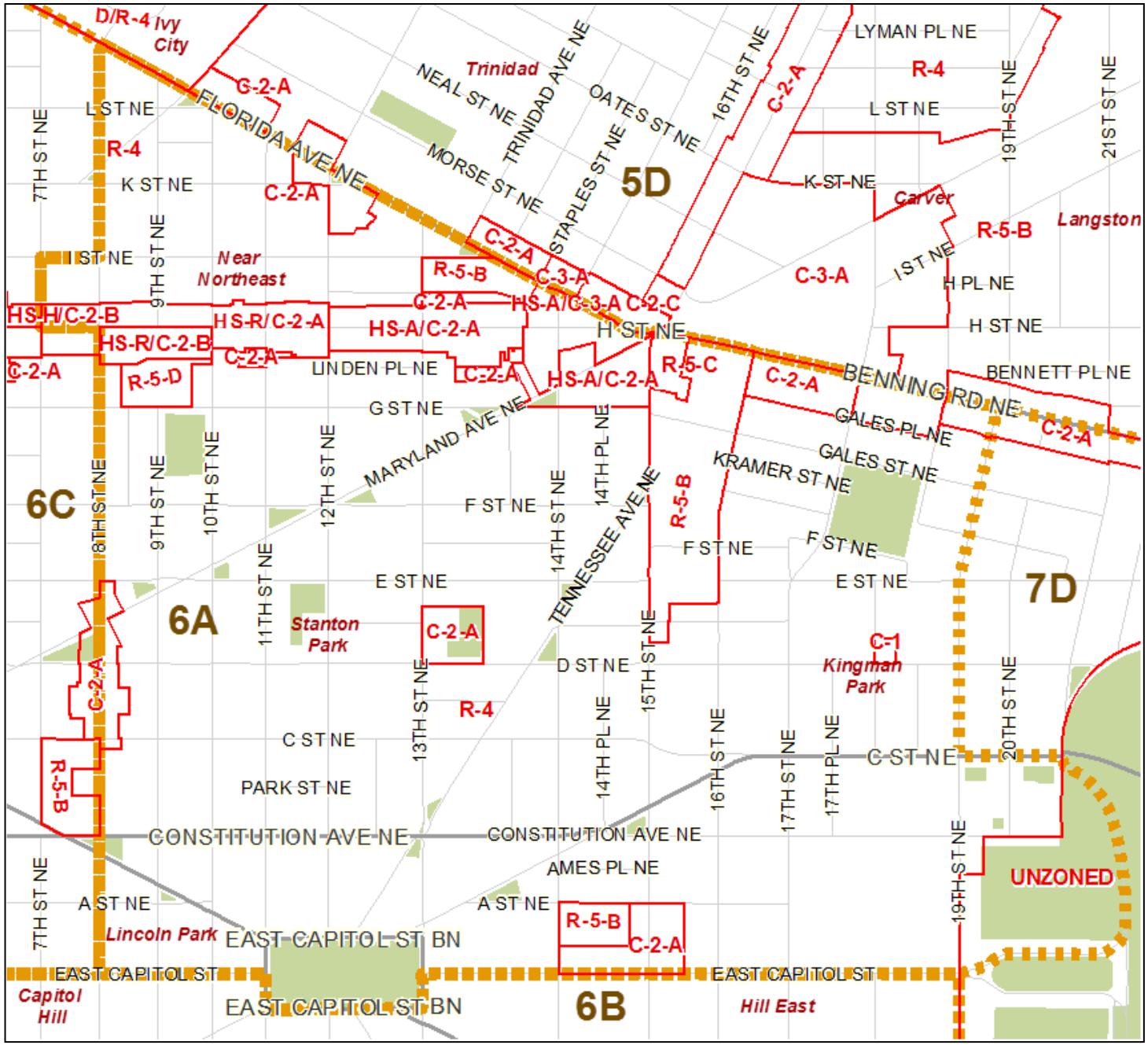
Overlays:

- Retain overlay provisions, but consolidate existing base zones text and overlay text into stand-alone zones

(example – C-2-A becomes M-4; HS-A/C-2-A becomes N-14)

ANC 6A Zone Districts

Existing Zone Name/Location	Proposed Zone Name/Location
R-4 Chap. 2, 3, 4	RF-1 Subtitle E
R-5-B Chap. 2, 3, 4,	A-2 Subtitle F
R-5-C Chap. 2, 3, 4	A-3 Subtitle F
R-5-D Chap. 2, 3, 4	A-4 Subtitle F
C-1 Chap. 7	M-3 Subtitle G
C-2-A Chap. 7	M-4 Subtitle G
HS-A/C-2-A Chap.7, 13	N-14 Subtitle H
HS-A/C-3-A Chap.7, 13	N-15 Subtitle H
HS-R/C-2-A Chap.7, 13	N-16 Subtitle H
HS-R/C-2-B Chap.7, 13	N-17 Subtitle H



Use Permissions

- Not proposing to change use permissions, but update the code to reflect current practice

Current Code:

- Current code includes an outdated use list with 600+ uses (Ice Sales, Telegraph Office, Penny Arcade)

Proposed Code:

- Includes use groups, to add clarity and flexibility
- Each use group would show sample uses and exceptions
- Use permissions would be spelled out for each zone

Retail

(a) A use engaging primarily in the on-site sale of goods, wares, or merchandise directly to the consumer or persons without a resale license. These uses include goods commonly sold to individuals in small quantities for their direct use.

(b) Examples include, but are not limited to: shop, appliance, computer, drug, jewelry, fabric, department, or grocery stores, clothing or gift boutique, and pawn and antique shops.

(c) Exceptions: This use group does not include wholesale goods commonly sold to businesses in bulk, corner store use, or uses which more typically would fall within the Arts Design and Creation, Food and Alcohol Services, Automobile-related, Firearm Sales, Marine, Production, Distribution, and Repair, or Sexually-based Business use groups.

ACCESSORY USES

Residential House Zones (current R-1 – R-4)

Current	Proposed	Change?
By-Right : • Dr., Dentist Office • Child Dev. Center • Elderly Care • Boarders – 2 • Home Occupation	**By-Right :** • Dr., Dentist Office • Child Dev. Center • Elderly Care • Boarders – 2 • Home Occupation	No effective change, conditions incorporated Home Occupancy Permit will still be required

Preserving Neighborhood Character

Development Standards that would remain unchanged for the Low Density Residential Zones:

- **Minimum Lot Size for New Subdivision**
- **Lot Occupancy**
- **Floor Area Ratio (FAR)(sq.ft.)**
- **Permitted Building Height**
- **Permitted Number of Stories**
- **Minimum Side Yards**
- **Minimum Rear Yards**

Preserving Neighborhood Character

OP is proposing new standards for Low Density Residential zones that would:

- Establish front-yard setbacks, to help ensure new development is consistent with existing street character; and
- Eliminate current incentives to "fill in" narrow courts and side yards in rowhouse zones

Apply in 6A?

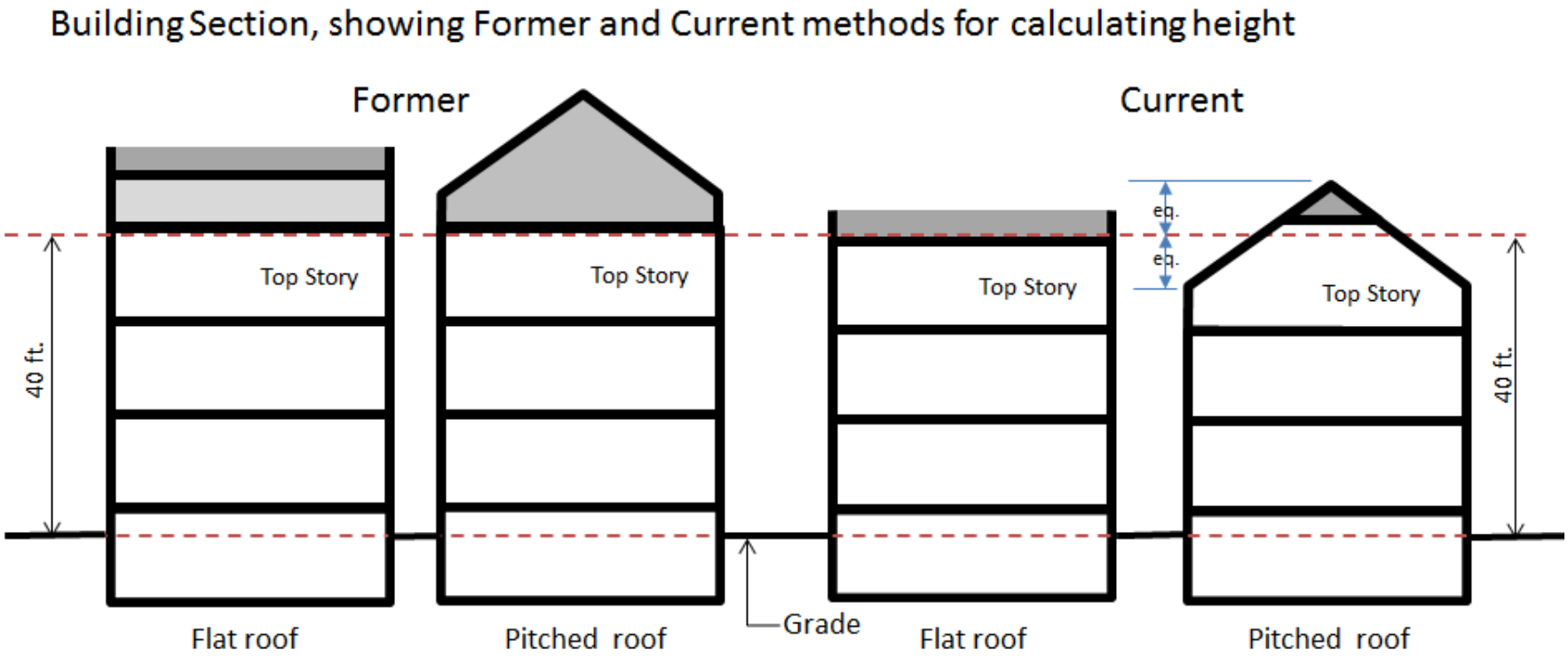
- Yes – within the current R-4 zoned area.

Existing Zone Name/Location	Proposed Zone Name/Location
R-4 Chap. 2, 3, 4	RF-1 Subtitle E

Preserving Neighborhood Character

Building Height:

- The Zoning Commission has already revised the measuring point for height of houses (Zoning Commission Case 12-13), which can effectively reduce the overall height of new construction by approximately 5 feet



Supporting Transportation Choices

- Provide more balance in zoning – less bias towards automobiles, and more support for varied options for all residents, young and old, in all parts of the city, without restricting or removing any parking
- Current requirements based on 1950s assumptions of auto-dependent city where people work downtown but live and shop in suburbs
- Approximately 38.5 % of DC households do not own a car (27.8% in ANC 6A); over 80% have one or fewer cars
- Help address neighborhood character and affordability issues – a structured parking space can add $15,000 to $50,000 to the cost of a home

Parking Proposals

Transit Zones: <u>No longer proposed</u>

Current Proposal for Required Parking:

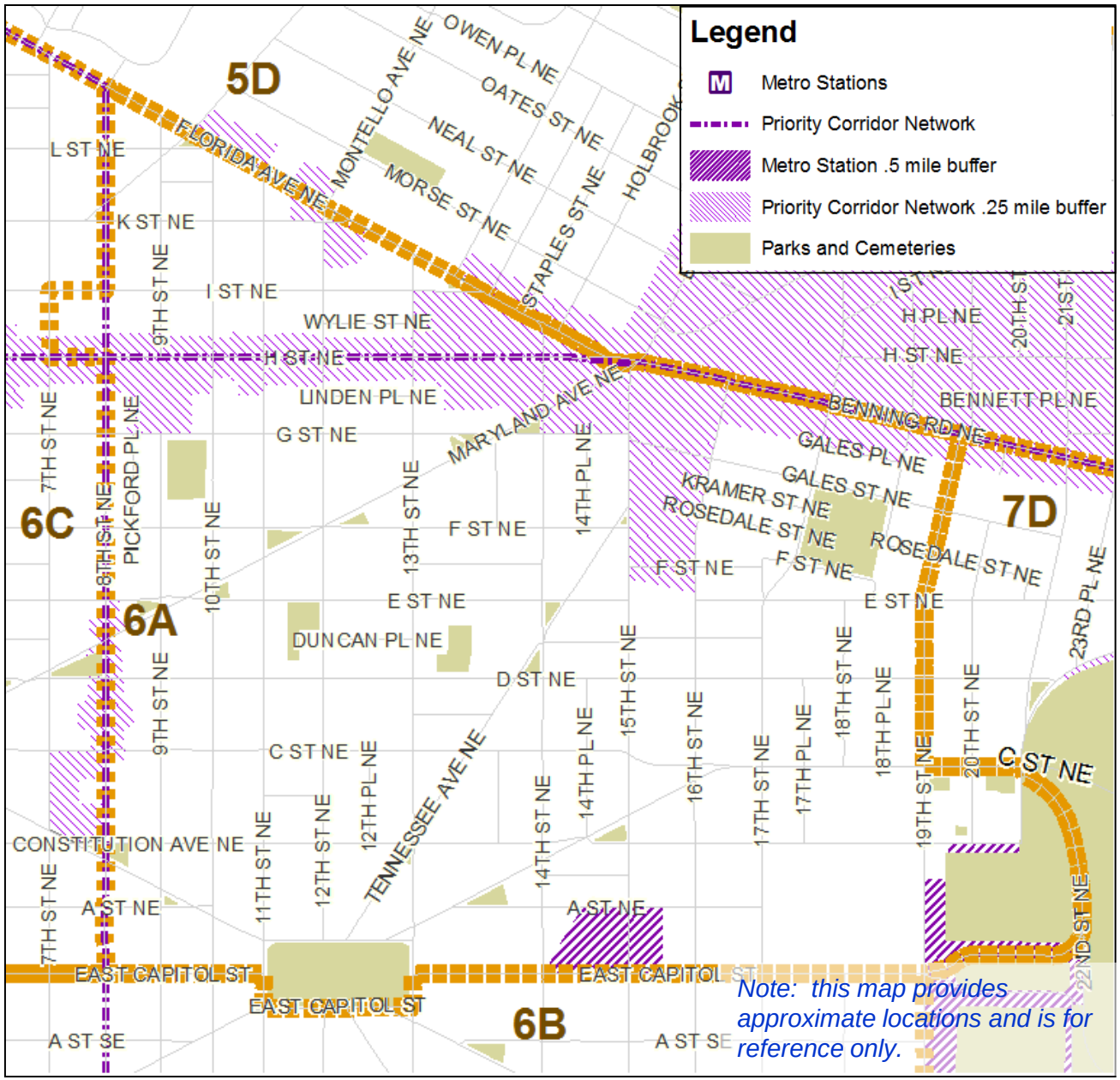
- Standardize requirement for multi-family (1 parking space for every 3 units greater than 4 units) and for office, retail, other uses
- By-right 50% reduction proposed for areas well-served by transit:
  - ½ mile of Metro, or
  - ¼ mile of Priority Bus Corridor or streetcar line
  - Would not apply in R-1 through R-4 areas
- Additional parking could be provided – a maximum is NOT proposed
- No parking requirement (although parking could be provided) for:
  - A single family home or flats with no alley access
  - A building in the downtown

Parking Proposals

- A Transportation Demand Management (TDM) package would be required for:
  - relief from parking required, and
  - providing excessive parking (two or more times the required amount), except for detached houses and flats
- Easier to share parking between uses or locate off-site
- Require car-share spaces in large parking facilities and allow car-share to count toward required parking
- Increase landscaping requirements for surface parking lots and establish a maximum by-right size of 100,000 sq. ft. (+/- 350 spaces)
- Increase permitted number of compact spaces
- Enhance bike parking, including long and short term bike parking for all uses
  - Provide bike storage location, signage, and design requirements;
  - Require changing rooms, lockers, and showers for non-residential uses of more than 25,000 sq.ft.

Parking - Applicable to ANC 6A?

- The by-right 50% reduction proposed for areas well-served by transit would apply:
  - Mainly along the H Street / Benning Street and the 8th Street NE metro bus corridors
  - Would not apply to current R-1 through R-4 zoned areas
  - Additional parking could be provided – no maximum
- Other proposed parking provisions would apply in applicable zones



Accessory Apartments

Comp Plan 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.*

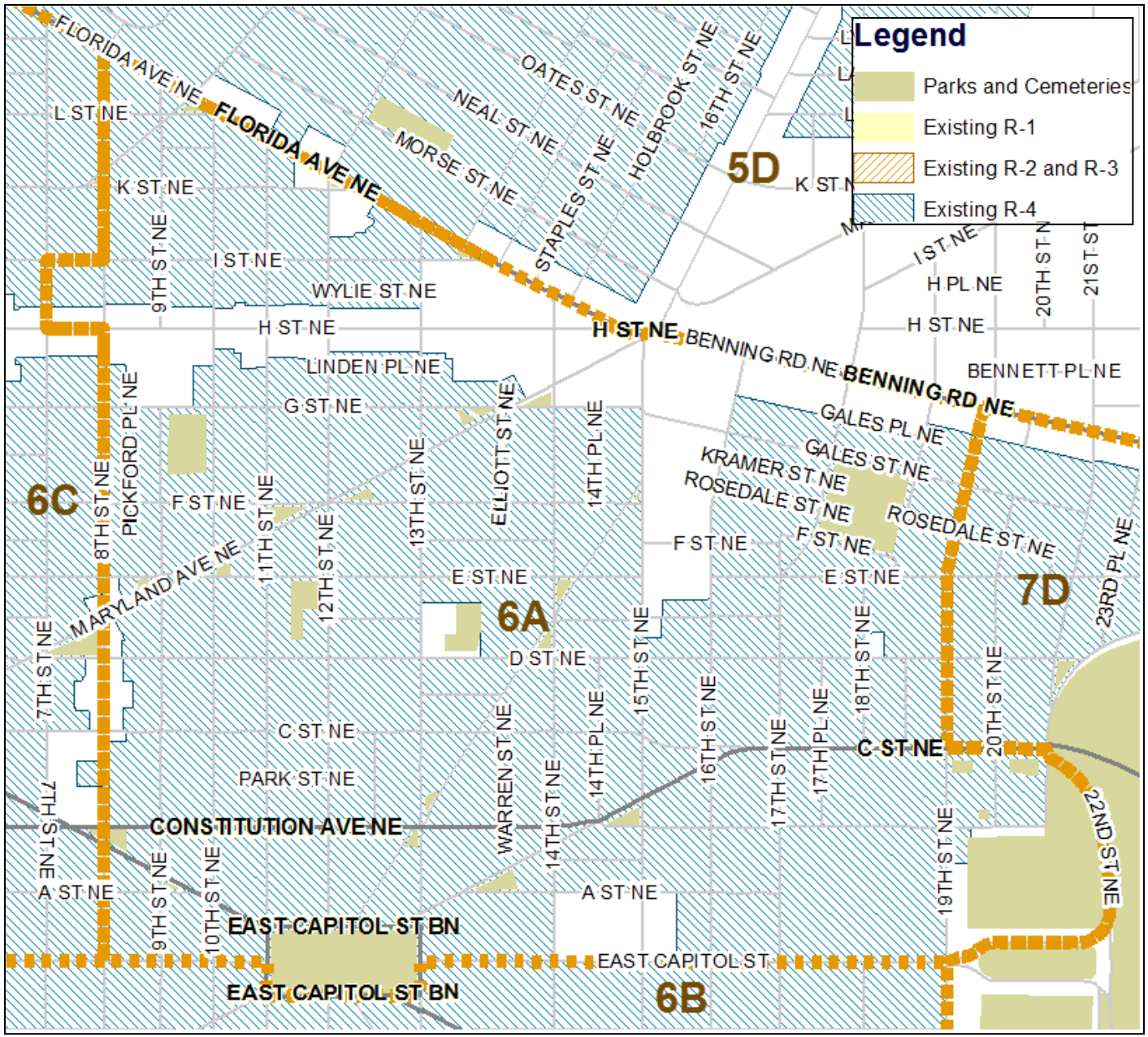
	Location	Existing Regulations Allow:	Total	Proposed Regulations Would Allow:	Total
R-1	In the house:	1 by s.e. subject to conditions PLUS		1 by right subject to conditions OR	
	In the accessory building:	1 for domestic by-right or by area variance for non-domestic	2	1 by right in existing accessory building subject to conditions OR 1 by s.e. in new or expanded accessory building	1
R-2	In the house:	1 by s.e. subject to conditions		1 by right subject to conditions OR	
	In the accessory building:	Would require an area variance	1	1 by right in existing accessory building subject to conditions OR 1 by s.e. in new or expanded accessory building	1
R-3	In the house:	1 by s.e. subject to conditions		1 by right subject to conditions OR	
	In the accessory building:	Would require an area variance	1	1 by right in existing accessory building subject to conditions OR 1 by s.e. in new or expanded accessory building	1

- R-4 currently permits 2 units by right; the proposal would allow the second unit to be in a separate accessory building on the lot, subject to access conditions
- Current regulations allow an accessory building to be 15 ft. tall and one story (except for a domestic accessory apartment in R-1 where 20 ft. is allowed); proposed to allow 20 ft. and 2 stories.

Proposed to only be allowed on a lot which conforms to minimum lot area, but many existing lots (about ¼ to over half of all lots, depending on the zone) are smaller than currently required, so at the request of the Zoning Commission, OP is studying the minimum lot and house size requirement for an accessory apartment.

Accessory Apartments in ANC 6A?

- **Limited** – there is no R-1 through R-3 zoned area in ANC 6A.
- In the R-4 zoned area, the proposal to allow the second permitted unit to be located in an accessory building, subject to access conditions, would apply.



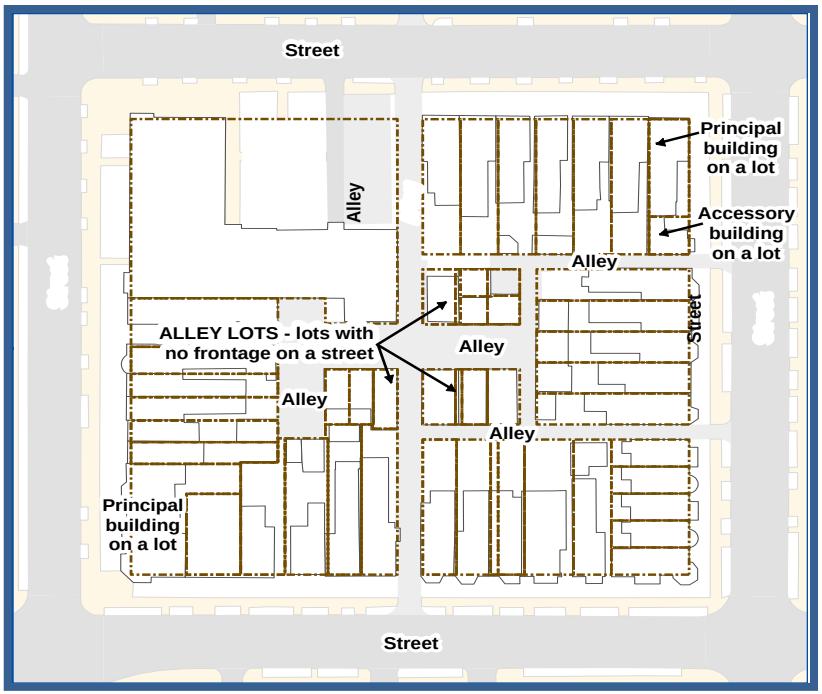
Alley Lots

	Current	Proposed
Uses – non residential	Artist Studio, Parking, Storage	Same
Alley Dwellings	One max, provided alley is 30' min. width	Current R-1 and R-2 – ***not permitted*** Current R-3 to R-4 – one alley dwelling max: • by right if alley is 24 ft. min width • by sp. ex. if alley is not 24 ft. wide • 450 s.f. min. lot area requirement
New Alley Lots	Conform to zone lot dimensions	Conform to zone lot dimensions

Are there alley lots in ANC 6A?

Yes:

- As with much of Ward 6, ANC 6A has a number of alley lots, some of which are on alleys of at least 24 feet in width.
- As proposed, a new alley dwelling would not be permitted by-right on an alley lot that is on a narrower alley.



Corner Stores

CURRENT	PROPOSED
Not Allowed, except for an existing one with a current, valid C of O	**Allowed in the current R-3 and R-4 zones only** Grocery - by-right subject to conditions; Other uses (other retail, service, arts, or eating) - by SPECIAL EXCEPTION subject to conditions

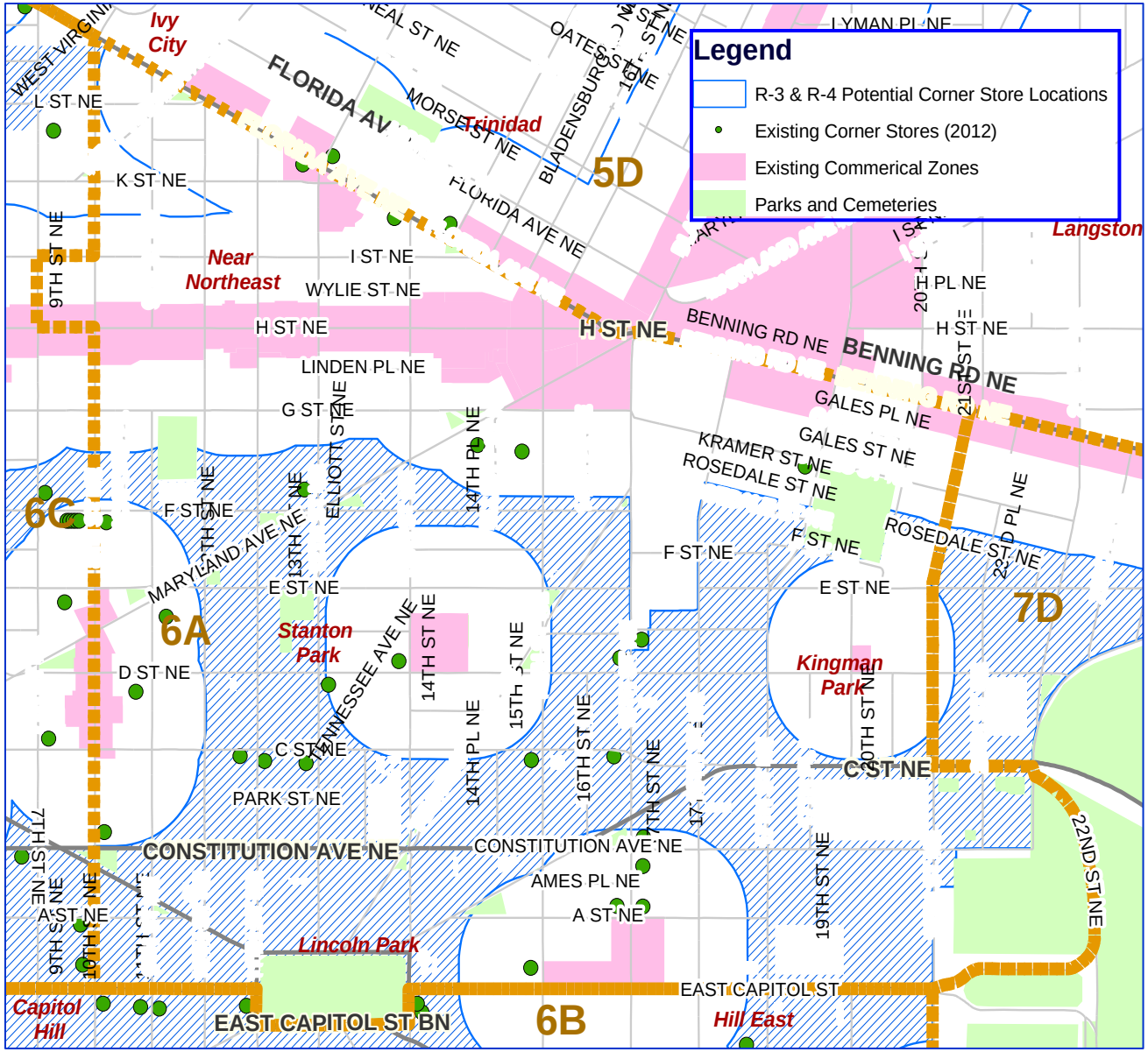
Proposed Conditions:

- Separated from Commercial zone
- No more than 4 within 500’ of each other
- Corner site only or existing commercial use
- Size limited to 1,200 sq.ft. max
- Must be on ground floor
- Any parking must be screened
- All storage and garbage kept inside
- Hours limited to 7 AM to 9 PM
- No alcohol consumption on-site
- Off-site alcohol sales limited to 15% floor area
- One unlit sign
- Max employees on site at one time = 3 (including owner)
- No on-site cooking, but heating allowed

Corner Stores in ANC 6A?

Potentially:

- On corner lots in areas shown hatched on the map, currently zoned R-4.
- Any new corner store would have to meet all of the proposed conditions, including that it be located on a lot that is at the corner of two streets.
- There are already some corner stores - existing permits for all businesses in residential areas are shown as green dots on the map.



Commercial Zones and Overlays

- Retain overlay provisions, but consolidate existing commercial zone text and overlay text into stand-alone zones in which the uses and area restrictions are tailored to the needs of specific and contiguous geographic areas
- Retain prohibited and permitted uses for overlays
- Retain street frontage design requirements
- Continue to allow no side setback, but where provided, require a standard 4 feet
- Retain but standardize court requirements
- Remove lot occupancy requirements for residential stories
- Allow non-residential FAR of 2.0 in C-2-A zone on lot of less than 10,000 sq.ft. (currently 1.5 FAR)

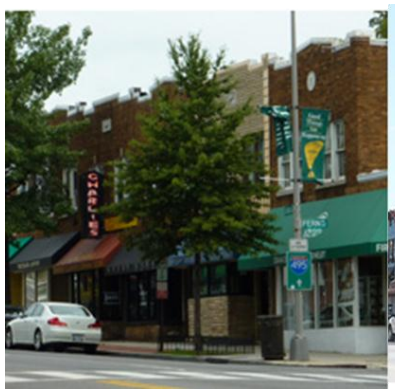
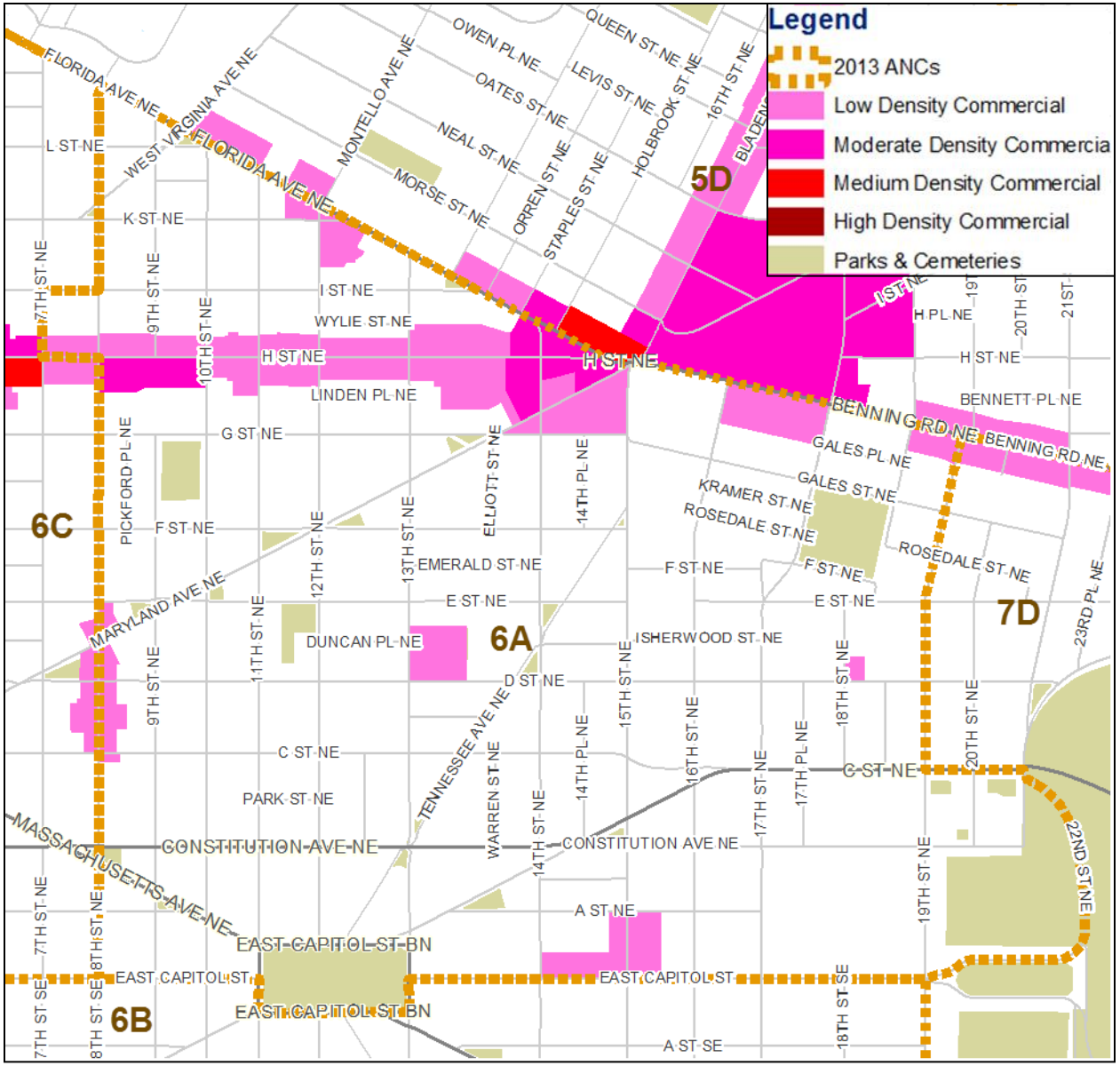


Photo: Street DC Living

Commercial Zoning in ANC 6A?



Existing Zone Name/Location	Proposed Zone Name/Location
C-1 Chap. 7	M-3 Subtitle G
C-2-A Chap. 7	M-4 Subtitle G
HS-A/C-2-A Chap.7, 13	N-14 Subtitle H
HS-A/C-3-A Chap.7, 13	N-15 Subtitle H
HS-R/C-2-A Chap.7, 13	N-16 Subtitle H
HS-R/C-2-B Chap.7, 13	N-17 Subtitle H

Yes:

- Mostly moderate to medium density commercial zoning along the H Street/ Benning Road corridor
- Provisions of the H Street Overlay are carried forward into the new zones

Downtown: Main Proposals

- Expand downtown provisions
- Reduce 21 zones into 11 zones
- Standardize 2 existing approaches:
  1. *Zone-Based Rules*, Across Different Locations;
  2. *Location-Based Rules*, Across Different Zones
- Replace TDRs & CLD's with simpler Credit System
- Leave parking to the market – remove remainder of minimum parking requirement (but no parking maximum proposed)

Would this apply in ANC 6A?

- No – no portion of ANC 6A is or would be in the Downtown

Proposed Process Changes

Board of Zoning Adjustment (BZA):

- Increase filing deadlines for applicant and agencies
- Clarify rules for electing the Chair
- Clarify rules related to review of Chancery cases

	Filing Deadline	
	Existing	Proposed
Supplemental information by applicant	14 days	21 days
Transportation Consultant report	20 days	45 days
Government agency reports	7 days	10 days

Zoning Commission (ZC):

- Increase filing deadlines for applicant and agencies
- Establish 2 year expiration for dormant setdowns
- Allow ZC to hear any case BZA can hear
- **Planned Unit Developments (PUDs):**
  - PUD with no map amendment = one vote
  - PUD with Map Amendment = two votes
  - Standardize bonus density achievable = 20%; height as specified in ZC guidance
  - Formalize pre-application process for community input
  - ANC input at PUD setdown – Setdown Form

Map / Text Amendments:

- Process for neighborhood zoning modifications established in Subtitle X

Campus and School Plans

- Three educational use groups are proposed:
  - College/University subject to campus plan regulations
  - Private Education continue to be subject to Private School plans
  - Public Education continue to be matter-of-right uses in all zones
- Campus Plans
  - Include guidance for adjunct commercial uses
  - Provide details for counting students
  - Clarify building height measurement point for campuses
  - Add university use of commercial properties
- Institutional uses separated into two groups
  - General - private clubs, non-profit uses and social service providers
  - Religious-based - places of worship and related schools and residences

Chanceries

- Replace Diplomatic Overlay with a process applicable in all residential zones
- Subject to fifty percent (50%) of the square being an institutional use
- Subject to FMBZA review

ZRR Public Meetings and Hearings (to date)

Over 300 ZRR meetings and hearings so far:

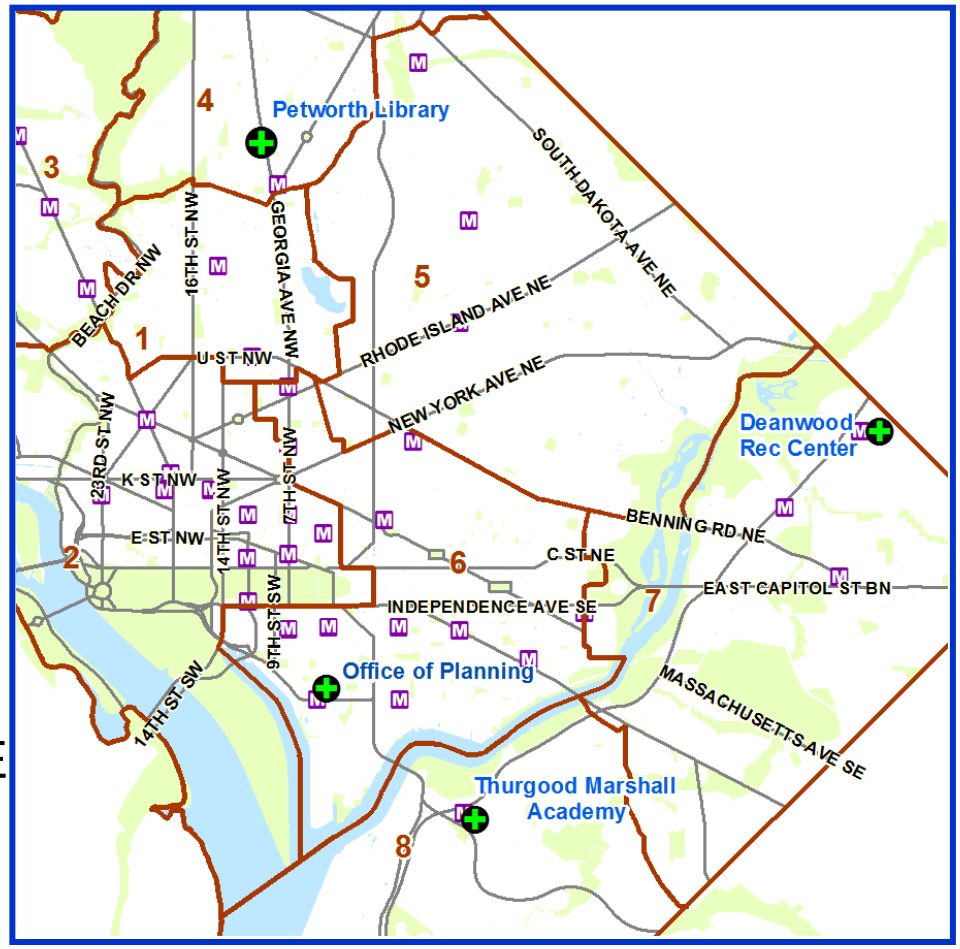
- Zoning Commission Round Tables June 21 and July 12, 2007
- Focused Work Group Meetings 2007 – 2011 = **81**
- Task Force Meetings 2007 – 2013 = **41**
- Zoning Commission Meetings and Hearings:
  - Specific Topics & Process = **44**
  - Proposed Text = **13** (to date)
  - DCOZ notice to each ANC for each meeting and hearing

- OP meetings with ANCs = **35** (to date)
  - Met with ANCs in every ward of the District
- Community Group meetings = **84** (to date)
  - Community group meetings in every ward of the District

Copies of proposed text were sent to each ANC and placed in each DC public library in September, 2013

Next Steps:

- **Zoning Commission Hearings** continue – contact the DC Office of Zoning for dates, locations and times (www.dcoz.dc.gov, or phone 202-727-6311).
- **OP Open Houses**, for anyone to discuss the ZRR proposals with OP staff:
  - Tues. March 4, 9 am to 8 pm, OP - 1100 4th St. SW, Suite E650
  - Tues. March 11, 4 pm to 8 pm, Petworth Library, 4200 Kansas Ave. NW
  - Wed. March 12, 4 pm to 8 pm, Deanwood Recreation Center, 1350 49th St. NE
  - Sat. March 15, 10 am to 2 pm, Thurgood Marshall Academy, 2427 MLK Jr. Ave SE
  - Fridays March 7, 15, 21, & 28, 9 am to 5 pm, 1100 4th St. SW, Suite E650



- **The Zoning Commission will hold the record open for written comments until April 25, 2014. Submit written comments at www.dcoz.dc.gov.**

Where to go for more information?

- www.planning.dc.gov (OP website)
- www.dcoz.dc.gov (Office of Zoning website)
- www.DCZoningUpdate.org (ZRR website)
- www.ZoningDC.org (ZRR blogsite)
- zoningupdate@dc.gov (ZRR e-mail)
- OP Phone 202-442-7600
- Hard copies of the draft proposed text are available at all DC Public Libraries, and on the OP and OZ websites