

District of Columbia  
Office of Planning



# ANC 5A ZONING REGULATIONS REVIEW SUMMARY

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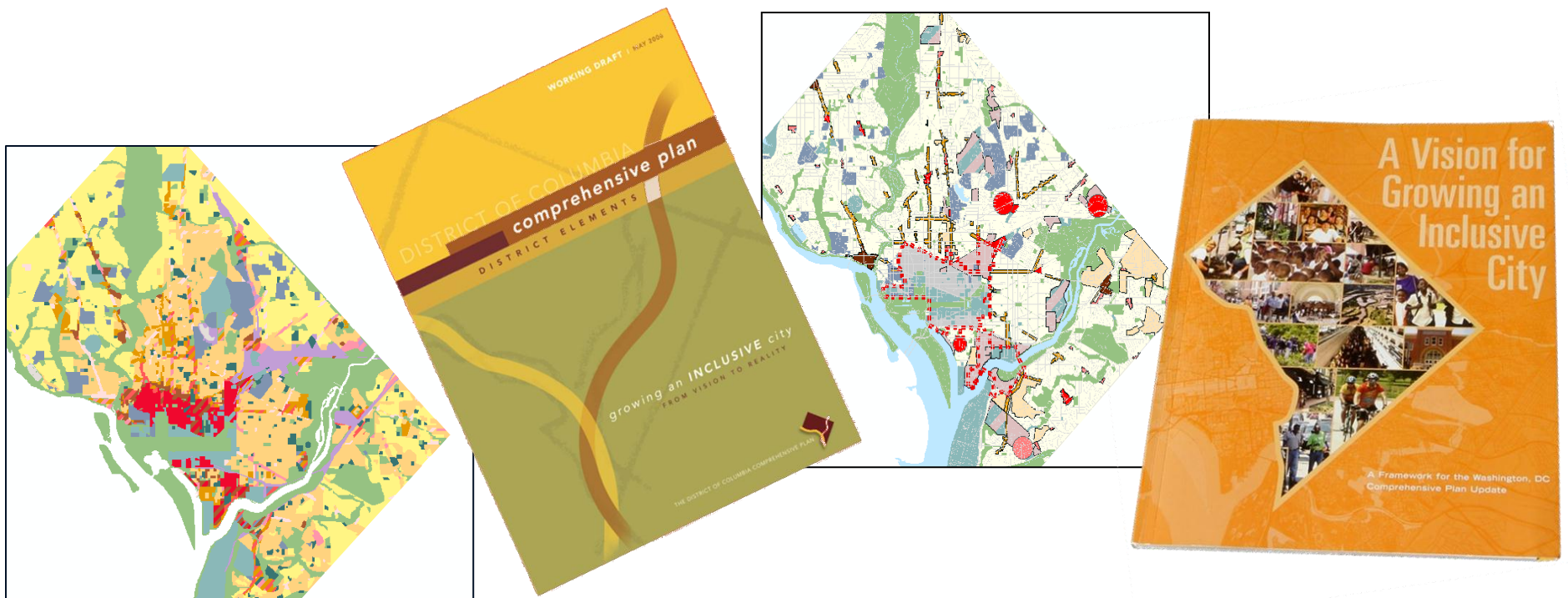
February, 2014

ZONING COMMISSION  
District of Columbia  
CASE NO.08-06A  
EXHIBIT NO.640

# Comprehensive Plan

The Comprehensive Plan, adopted by City Council in 2006 and updated in 2010, includes instruction 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 – CM-1 becomes P-1; FT/CM-1 becomes P-6)





# 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?                                                                                                  |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------|
| <b>By-Right :</b> <ul style="list-style-type: none"> <li>• Dr., Dentist Office</li> <li>• Child Dev. Center</li> <li>• Elderly Care</li> <li>• Boarders – 2</li> <li>• Home Occupation</li> </ul> | <b>By-Right :</b> <ul style="list-style-type: none"> <li>• Dr., Dentist Office</li> <li>• Child Dev. Center</li> <li>• Elderly Care</li> <li>• Boarders – 2</li> <li>• Home Occupation</li> </ul> | <p>No effective change, conditions incorporated</p> <p>Home Occupation Permit will still be required</p> |

# 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

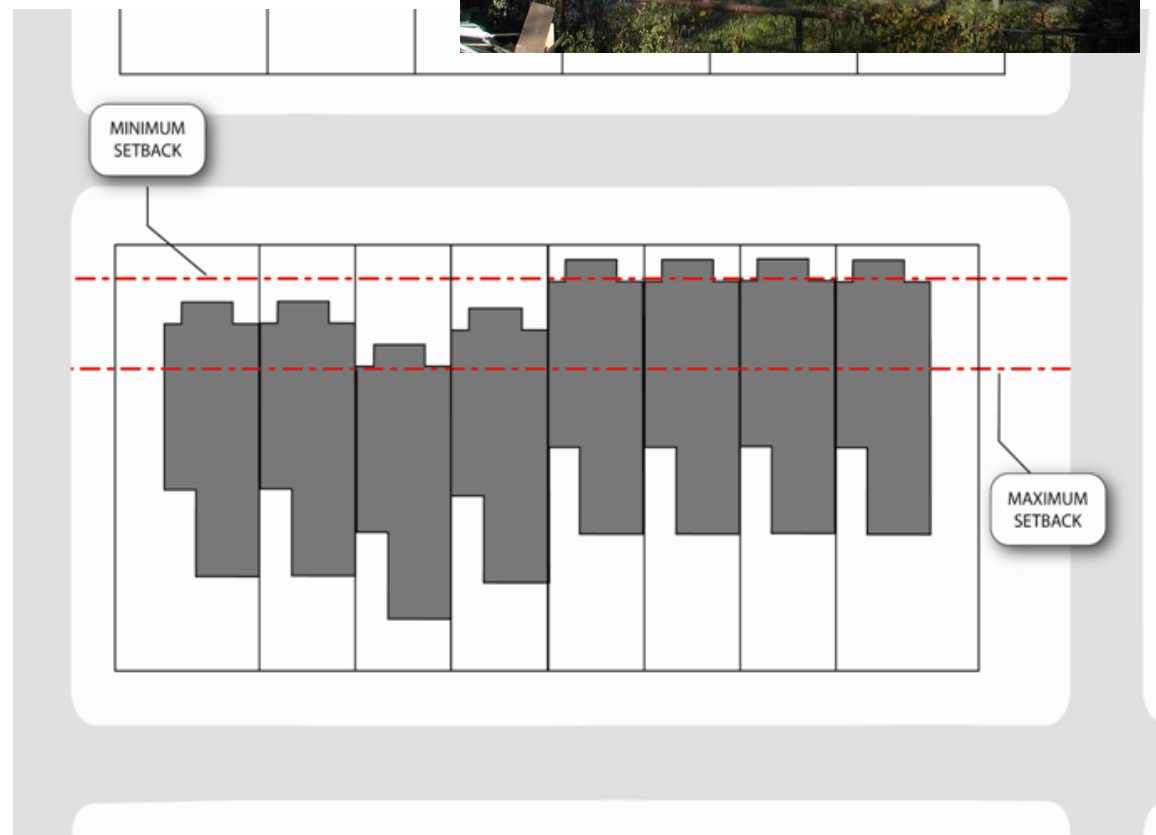
## Proposed New Standards for Low Density Residential:

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

## Apply in 5A?

- Yes – in the current R-1-B, R-2, and R-3 zoned areas.

| Existing Zone Name/Location | Proposed Zone Name/Location |
|-----------------------------|-----------------------------|
| R-1-B<br>Chap. 2, 4         | R-2<br>Subtitle D           |
| R-2<br>Chap. 2, 3, 4        | R-3<br>Subtitle D           |
| R-3<br>Chap. 2, 3, 4        | R-4<br>Subtitle D           |

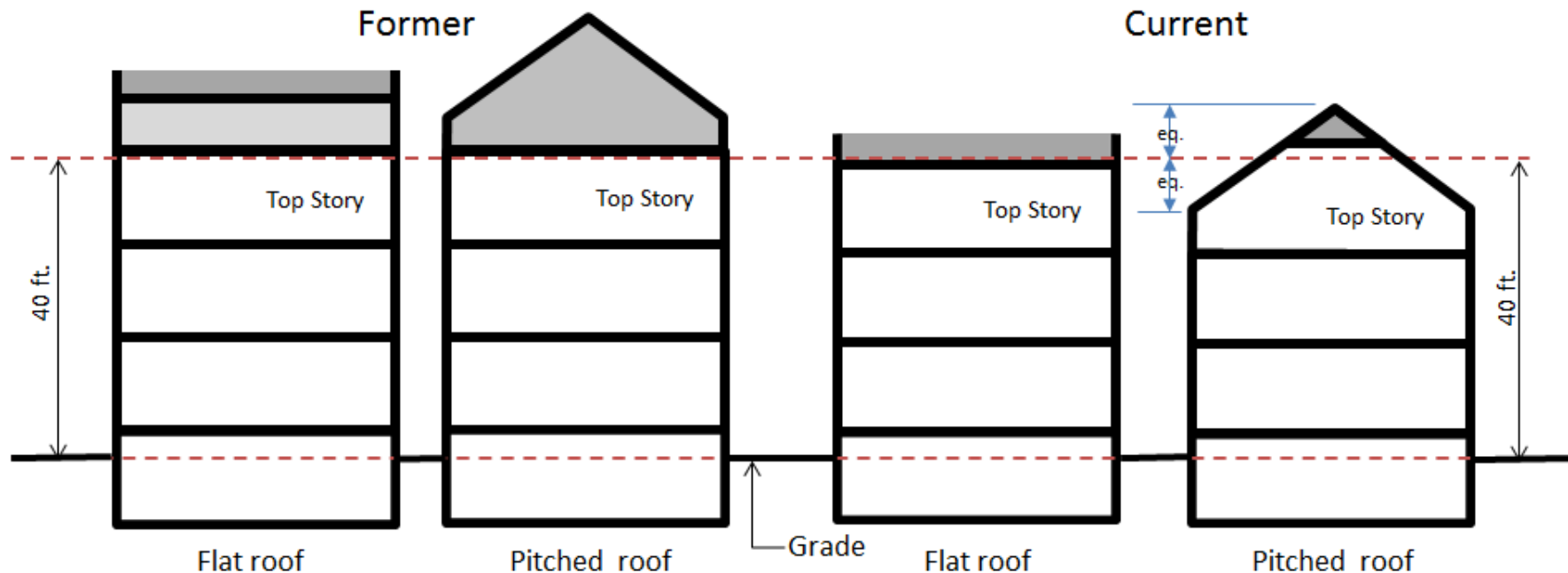


# Preserving Neighborhood Character

## 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

Building Section, showing Former and Current methods for calculating height



# 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% in ANC 5A); 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



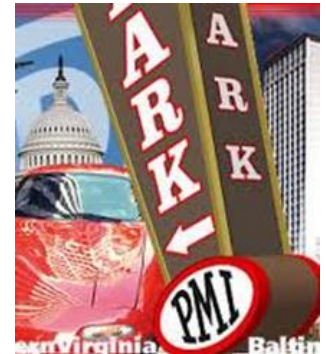


# Parking Proposals

**Transit Zones: No longer proposed**

## **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





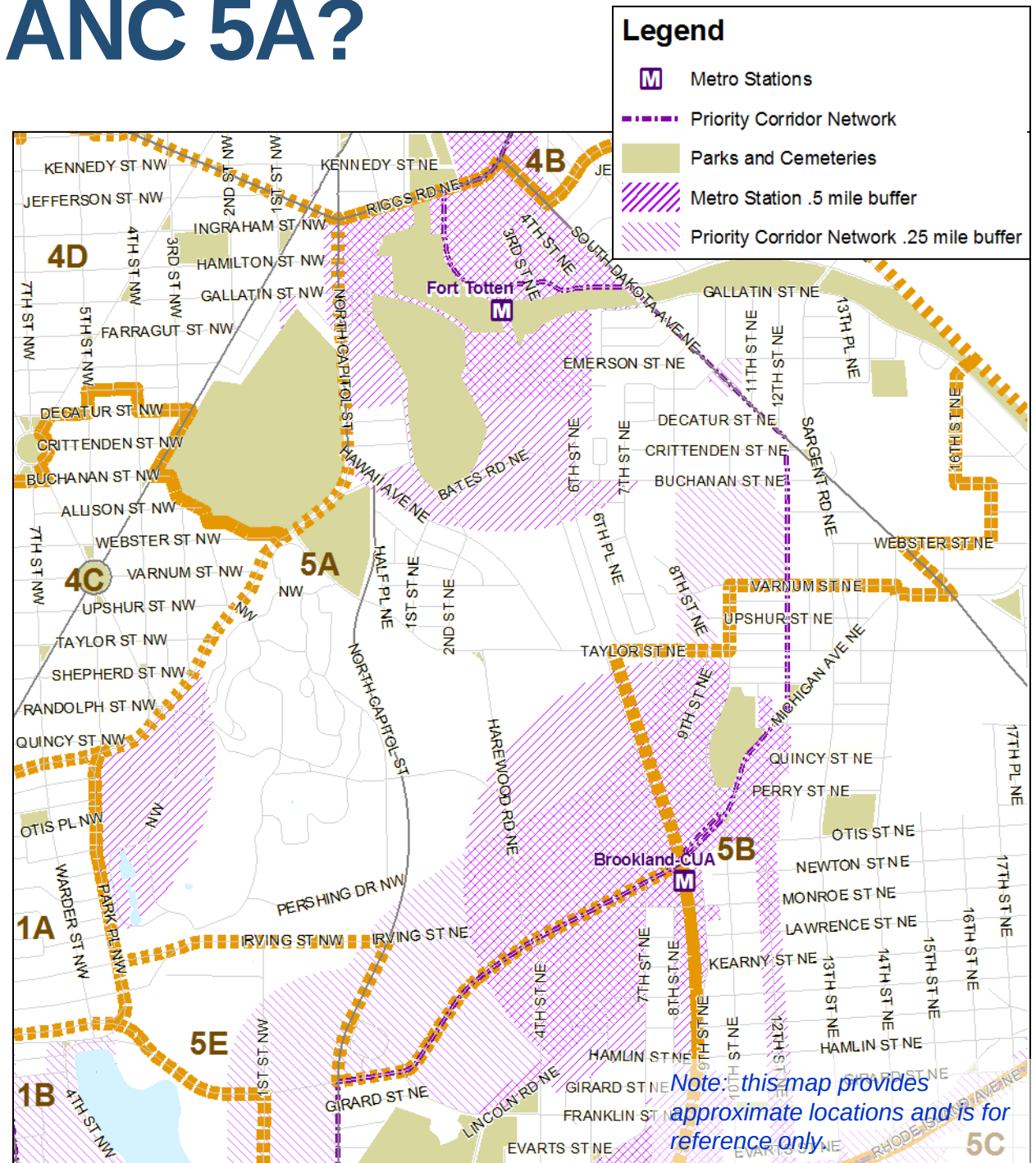
# Parking Proposals

- 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.



# Applicable to ANC 5A?

- **Yes** – including areas close to the Fort Totten and Brookland Metro stations, and along the South Dakota / Michigan Avenue NE metro bus corridors
- Within the hatched area:
  - Parking would still be required, but requirement would be reduced by 50%;
  - Additional parking could be provided – no parking 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    |
|------------|----------------------------|--------------------------------------------------------------|----------|-----------------------------------------------------------------------------------------------------------------------|----------|
| <b>R-1</b> | 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 | <b>2</b> | 1 by right in existing accessory building subject to conditions OR<br>1 by s.e. in new or expanded accessory building | <b>1</b> |
| <b>R-2</b> | 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                               | <b>1</b> | 1 by right in existing accessory building subject to conditions OR<br>1 by s.e. in new or expanded accessory building | <b>1</b> |
| <b>R-3</b> | 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                               | <b>1</b> | 1 by right in existing accessory building subject to conditions OR<br>1 by s.e. in new or expanded accessory building | <b>1</b> |

- ❑ 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.

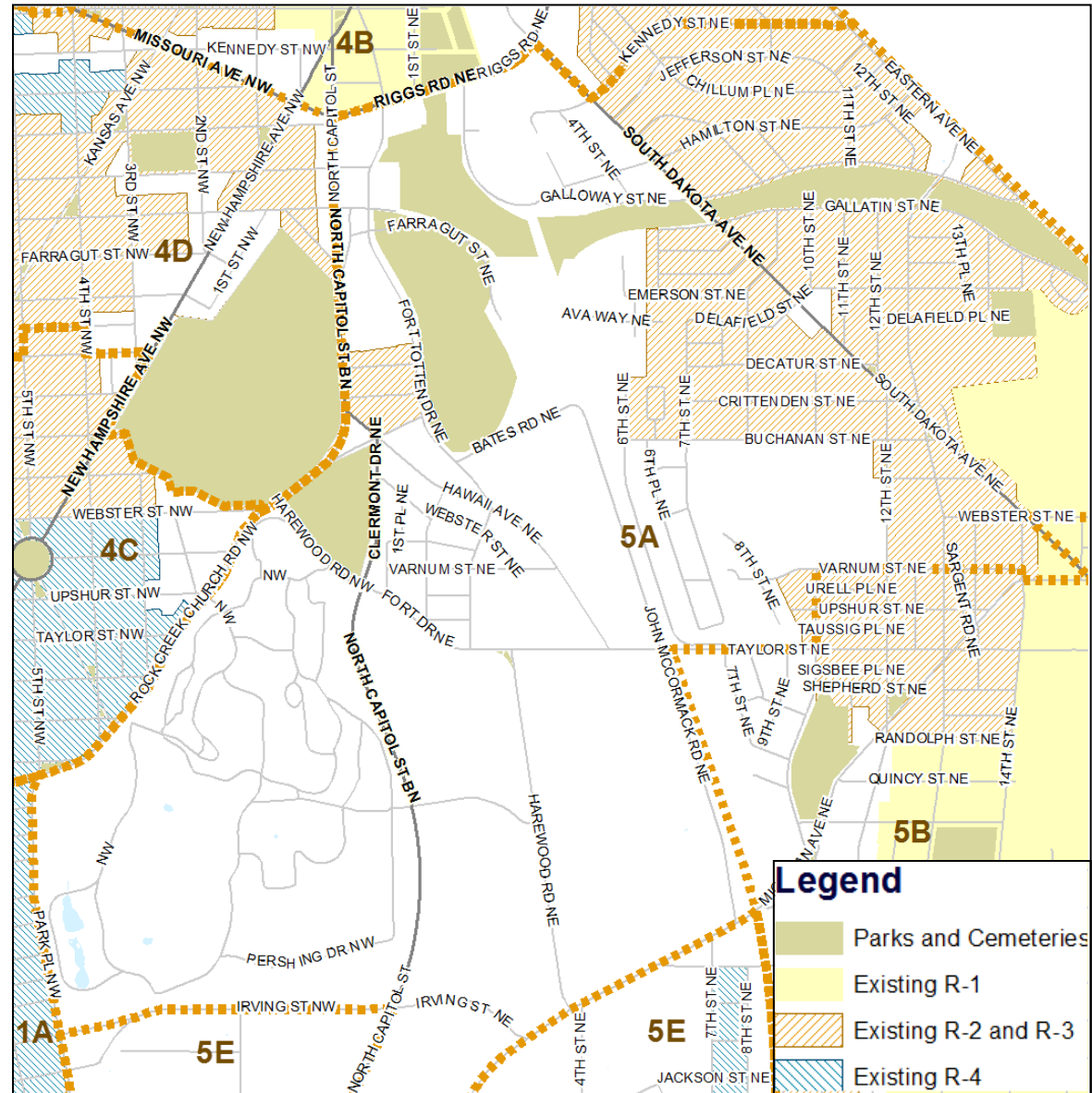
Proposed to only be allowed on a lot which conforms to minimum lot area, but many existing lots (about 1/4 to over half of all lots, depending on the zone) are smaller than currently required, so at the request of the Zoning Commission, OP is studying the minimum lot and house size requirement for an accessory apartment.



# Accessory Apartments in ANC 5A?

- **Potentially** - Within the R-1 through R-3 zoned areas. Any new accessory apartment would have to meet all of the proposed conditions:

- One per lot maximum
- Property owner must live on the lot
- 6 unrelated persons on the lot max.
- By-right within the dwelling:
  - House of 2,000 sq.ft. gross floor area minimum.
  - Occupy 30% of the house area max.
  - No new front entrance
  - No roof deck or balcony
- By-right within an existing accessory building:
  - Permanent 10' wide access to street or to a 24' wide alley
  - No other accessory use except parking
- By sp. ex. in a new or expanded accessory building

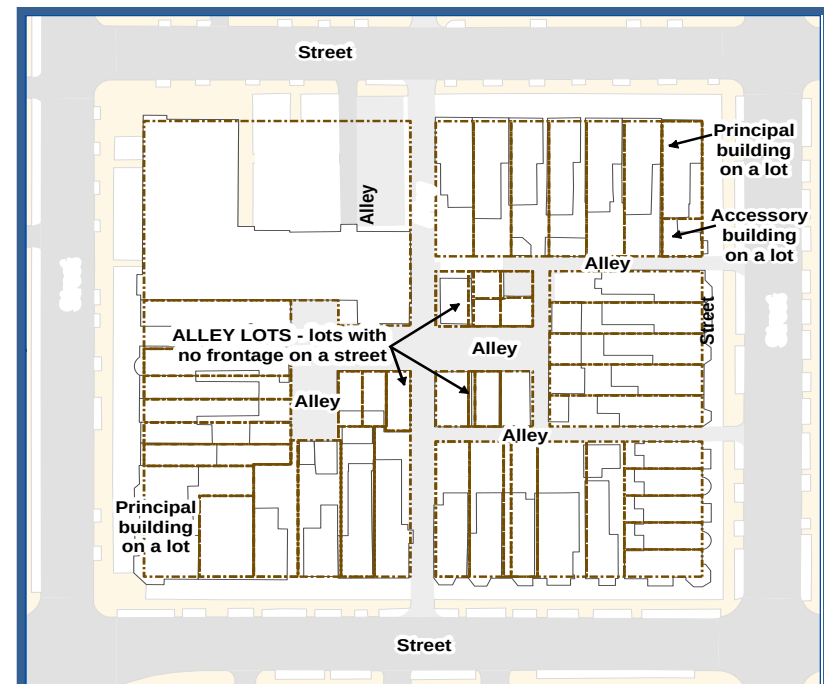


# Alley Lots

|                        | 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 – <b><i>not permitted</i></b><br>Current R-3 to R-4 – one alley dwelling max: <ul style="list-style-type: none"> <li>• by right if alley is 24 ft. min width</li> <li>• by sp. ex. if alley is not 24 ft. wide</li> <li>• 450 s.f. min. lot area requirement</li> </ul> |
| New Alley Lots         | Conform to zone lot dimensions            | Conform to zone lot dimensions                                                                                                                                                                                                                                                              |

## Are there alley lots in ANC 5A?

Very few if any alley lots in ANC 5A, and there do not seem to be any alleys that are at least 24' wide.





# Corner Stores



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

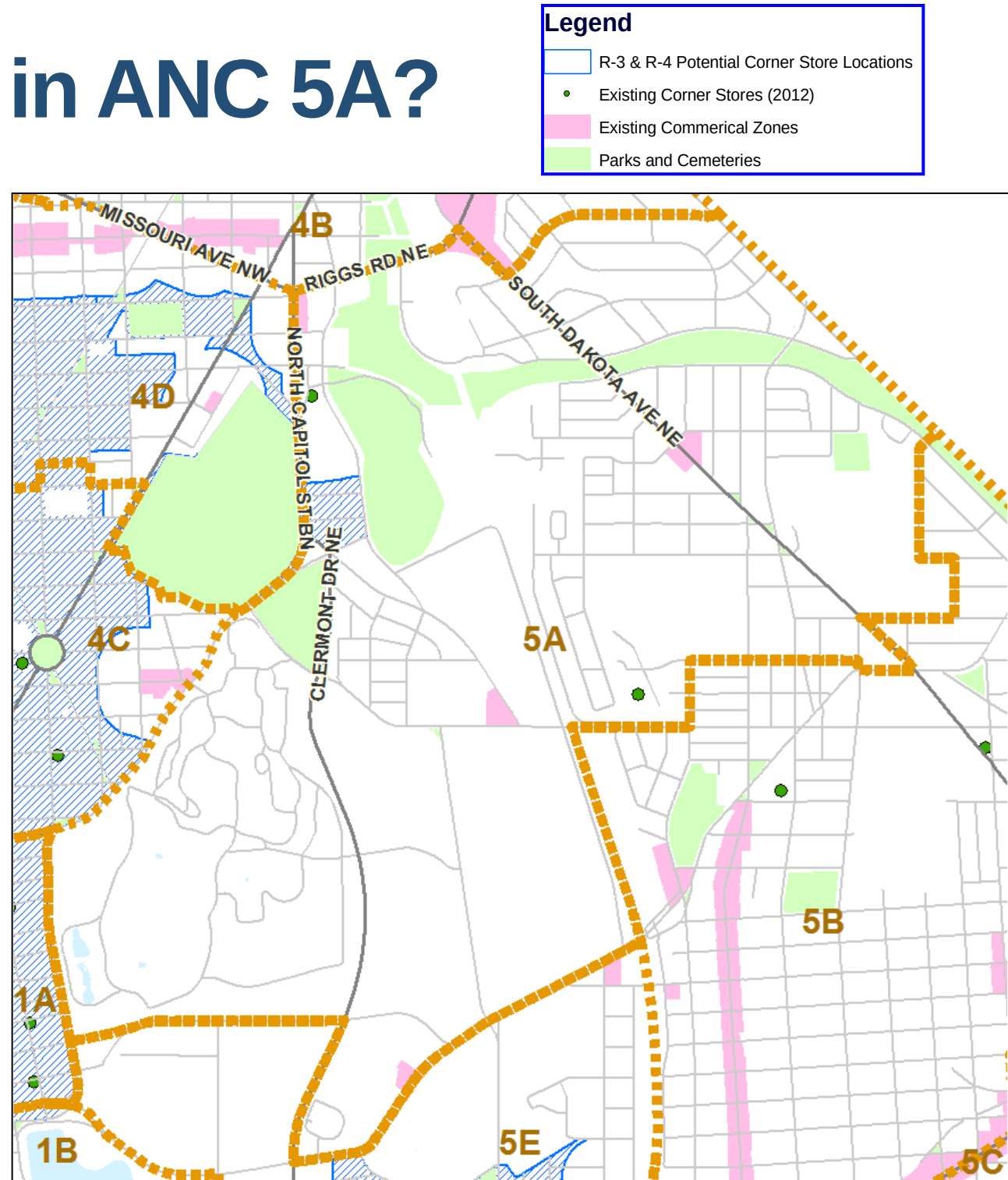
## Proposed Conditions:

- 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 5A?

## Only one small area:

- A few blocks zoned R-3 east of North Capitol Street to Ft Totten Dr. NE
- Any new corner store would have to conform to the conditions, including that it must be located on a lot at the corner of two streets.
- Existing permits for businesses in residential areas are shown as green dots on the map

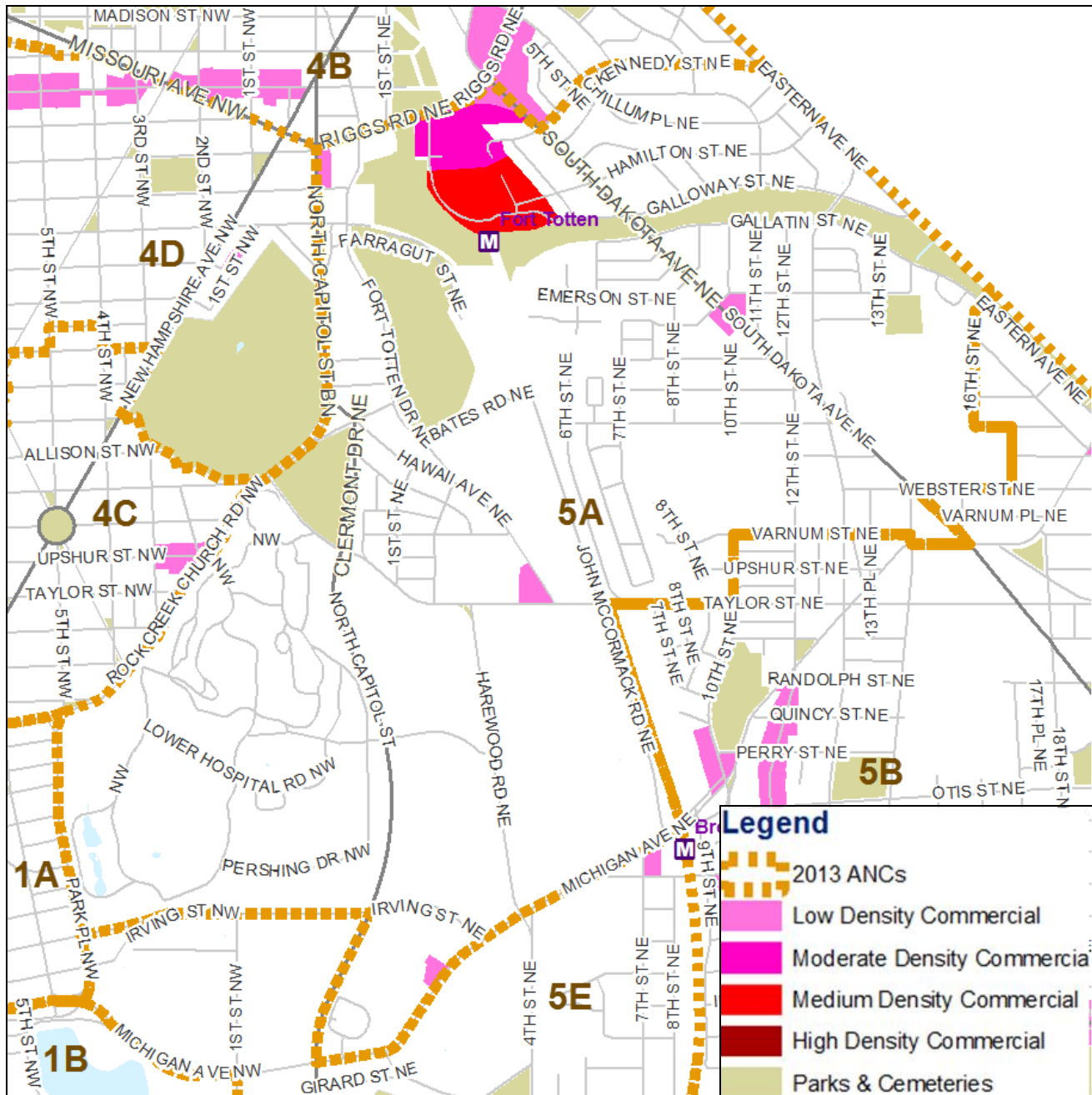


# Commercial Zones and Overlays

- 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)



# Commercial Zoning in ANC 5A?



| Existing Zone Name/Location | Proposed Zone Name/Location |
|-----------------------------|-----------------------------|
| C-1<br>Chap. 7              | M-3<br>Subtitle G           |
| C-2-A<br>Chap. 7            | M-4<br>Subtitle G           |
| FT/C-3-A<br>Chap. 7, 15     | M-35<br>Subtitle G          |
| FT/CR<br>Chap. 6, 15        | M-36<br>Subtitle G          |

## Yes:

- A few small pockets of low density commercial zoning, and
- A larger area of moderate to medium density zoning close to the Ft Totten Metro Station
- Existing provisions of the Ft Totten Overlay carried forward into new zones.



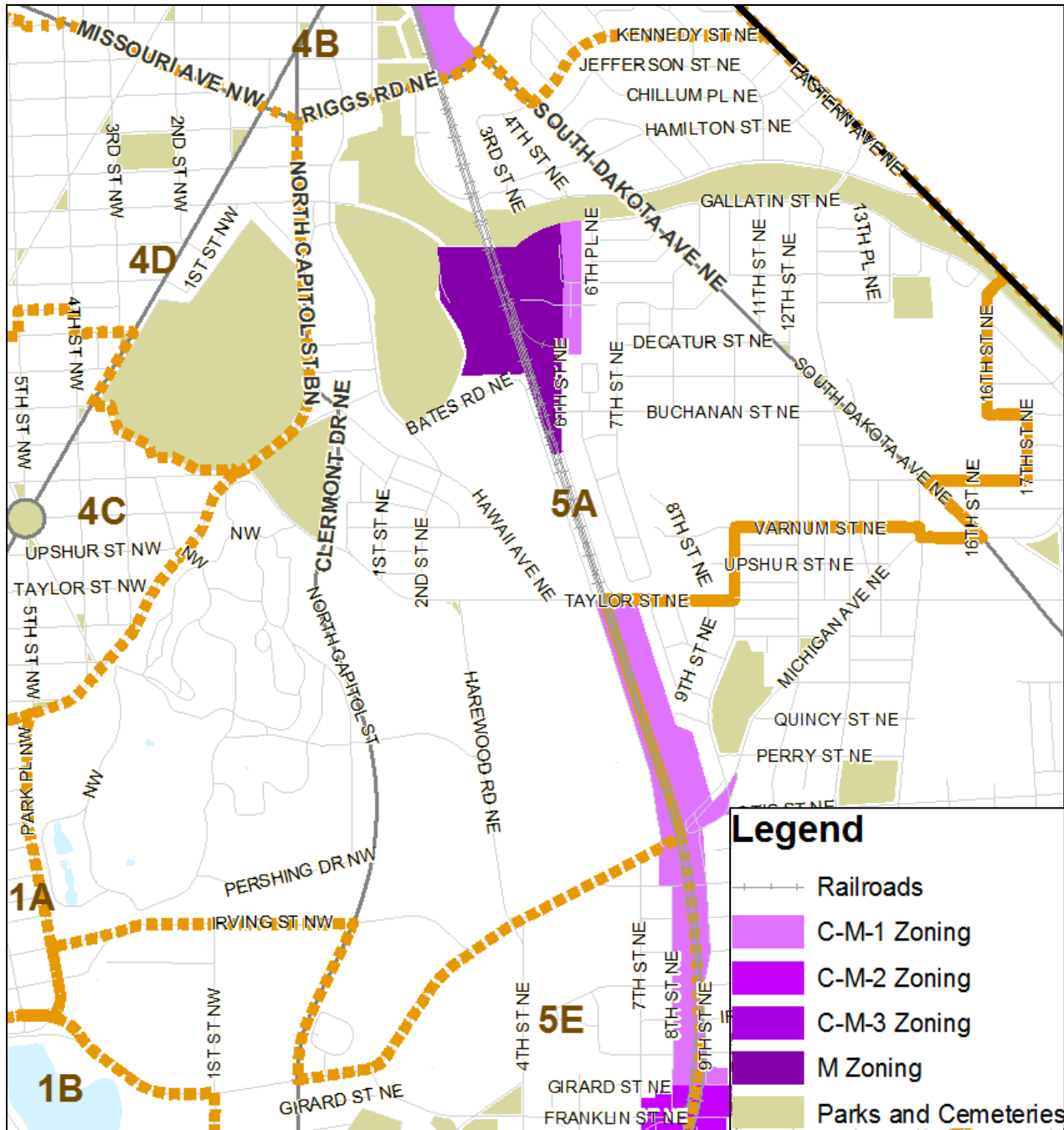
# Industrial Zones (PDR):



|        | Current                                                                                                                                                                                                                                  | Proposed                                                                                                                                                                                                                                                                                                     |
|--------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Height | Ranges from 50 – 90'<br>•Fort Totten: 65' w/o sp. ex.                                                                                                                                                                                    | No Change                                                                                                                                                                                                                                                                                                    |
| FAR    | 3.0 to 6.0                                                                                                                                                                                                                               | Limit the floor area that can be used for non-industrial uses                                                                                                                                                                                                                                                |
| GAR    | None                                                                                                                                                                                                                                     | Already adopted by the ZC <ul style="list-style-type: none"> <li>• .3 min. overall requirement for the zone, or</li> <li>• .1 for every story of building</li> </ul>                                                                                                                                         |
| Buffer | <ul style="list-style-type: none"> <li>• Recycling Facility</li> <li>• Waste Handling Facility</li> <li>• No minimum for other uses</li> </ul>                                                                                           | <ul style="list-style-type: none"> <li>• No Change</li> <li>• No Change</li> <li>• 25' buffer for All Industrial zones from Residential Zones               <ul style="list-style-type: none"> <li>-Evergreen planting and 8' solid screen.</li> </ul> </li> </ul>                                           |
| Uses   | <ul style="list-style-type: none"> <li>• Permits all forms of uses except residential               <ul style="list-style-type: none"> <li>• Nightclub permitted;</li> <li>• Waste-related service permitted in M</li> </ul> </li> </ul> | New limitations on non-industrial uses: <ul style="list-style-type: none"> <li>• Nightclub by sp. ex. only;</li> <li>• Emergency shelter by sp. ex. only;</li> <li>• Waste-related service (trash transfer) by sp. ex. only;</li> <li>• Industrial uses subject to conditions to minimize impacts</li> </ul> |



# PDR in ANC 5A?



| Existing Zone Name/Location | Proposed Zone Name/Location |
|-----------------------------|-----------------------------|
| CM-1<br>Chap. 8             | P-1<br>Subtitle J           |
| FT/CM-1<br>Chap. 8, 15      | P-6<br>Subtitle J           |
| FT/M<br>Chap. 8, 15         | P-7<br>Subtitle J           |

## Yes:

- Along the rail line in the Ft. Totten area
- New buffer and use provisions would apply in these areas
- Existing provisions of the Ft. Totten Overlay carried forward to new zoning
- Current Ward 5 Industrial Land Transformation Study may result in additional recommendations

# 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 5A?

- No – no portion of ANC 5A 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:

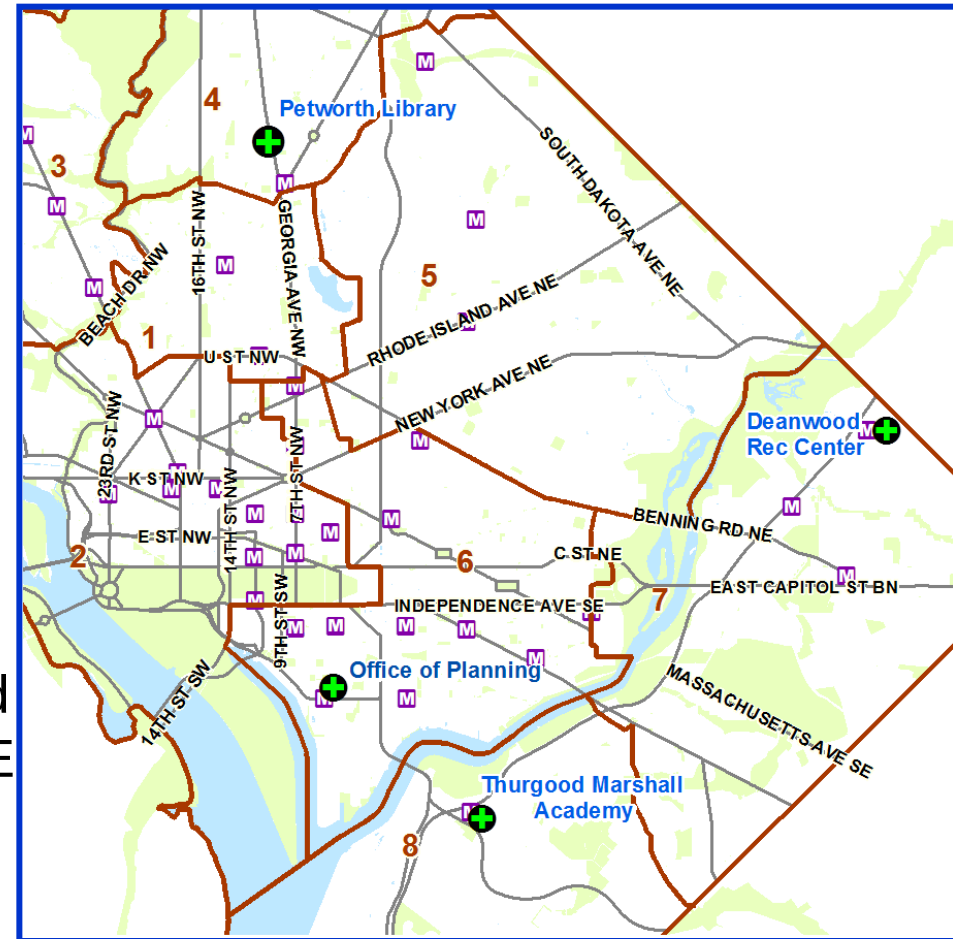
- Zoning Commission Round Tables June 21 and July 12, 2007
- Focused Work Group Meetings 2007 – 2011: **81**
- Task Force Meetings 2007 – 2013: **41**
- Zoning Commission Meetings and Hearings:
  - Specific Topics & Process: **44**
  - Proposed Text: **13** (to date)
  - DCOZ notice to each ANC for each 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](http://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](http://www.dcoz.dc.gov).**



# Where to go for more information?

- [www.planning.dc.gov](http://www.planning.dc.gov) (OP website)
- [www.dcoz.dc.gov](http://www.dcoz.dc.gov) (Office of Zoning website)
- [www.DCZoningUpdate.org](http://www.DCZoningUpdate.org) (ZRR website)
- [www.ZoningDC.org](http://www.ZoningDC.org) (ZRR blogsite)
- [zoningupdate@dc.gov](mailto: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