



# **ANC - generic for all ANCs**

# **ZONING REGULATIONS**

# **REVIEW SUMMARY**

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February, 2014

## **TRANSLATION**

**[Office of Planning in BLACK; Translation in RED]**

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- Current code includes an outdated use list with 600+ uses (Ice Sales, Telegraph Office, Penny Arcade)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

Retail

- 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

(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, Firearms Sales, Marine, Production, Distribution, and Repair, or Sexually-based Business use groups.

## USE PERMISSIONS **TRANSLATION**

**OP SAYS "NOT PROPOSING TO CHANGE USE PERMISSIONS BUT UPDATE THE CODE TO REFLECT CURRENT PRACTICE."**

*Use permissions are changing in that they're becoming more general. The current code distinguishes between neighborhood-serving retail/specialty stores and, say, a Walmart.*

*The new code does not. It's all "retail".*

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

## **ACCESSORY USES TRANSLATION**

**IN RESIDENTIAL AREAS, MANY HOME OCCUPATIONS AND HOME-BASED BUSINESSES ARE ALLOWED. 7AM TO 10 PM. UP TO 8 CLIENTS AN HOUR. NO PARKING FOR CLIENTS REQUIRED.**

*Home Occupation rules are changing. Under the new rules, such occupations or businesses can be located in garages or other outbuildings. Currently they must be inside the residence.*

It is no longer an either-or decision with regard to accessory apartments vs. home occupations. Under the proposed new zoning code, your neighbor can now have both on the same lot as matter of right.

# Preserving Neighborhood Character

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

☐ Minimum Lot Size for New Subdivision

☐ Lot Occupancy

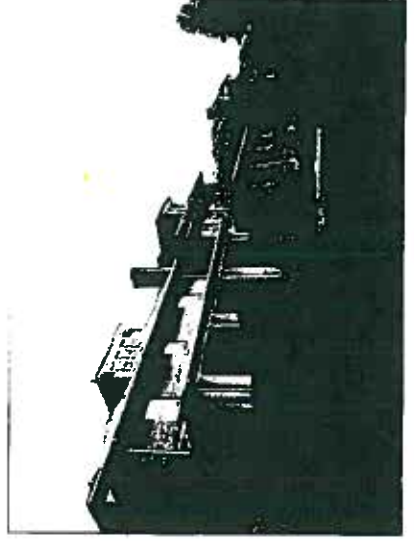
☐ Floor Area Ratio (FAR)(sq.ft.)

☐ Permitted Building Height

☐ Permitted Number of Stories

☐ Minimum Side Yards

☐ Minimum Rear Yards



## **Preserving Neighborhood Character – Translation**

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

- **Minimum Lot Size for New Subdivision**

**Note that the retention of "minimum lot size" is only for "new subdivisions".**

**In the zoning revisions, for the first time, OP specifically does allow construction of housing on substandard lots.**

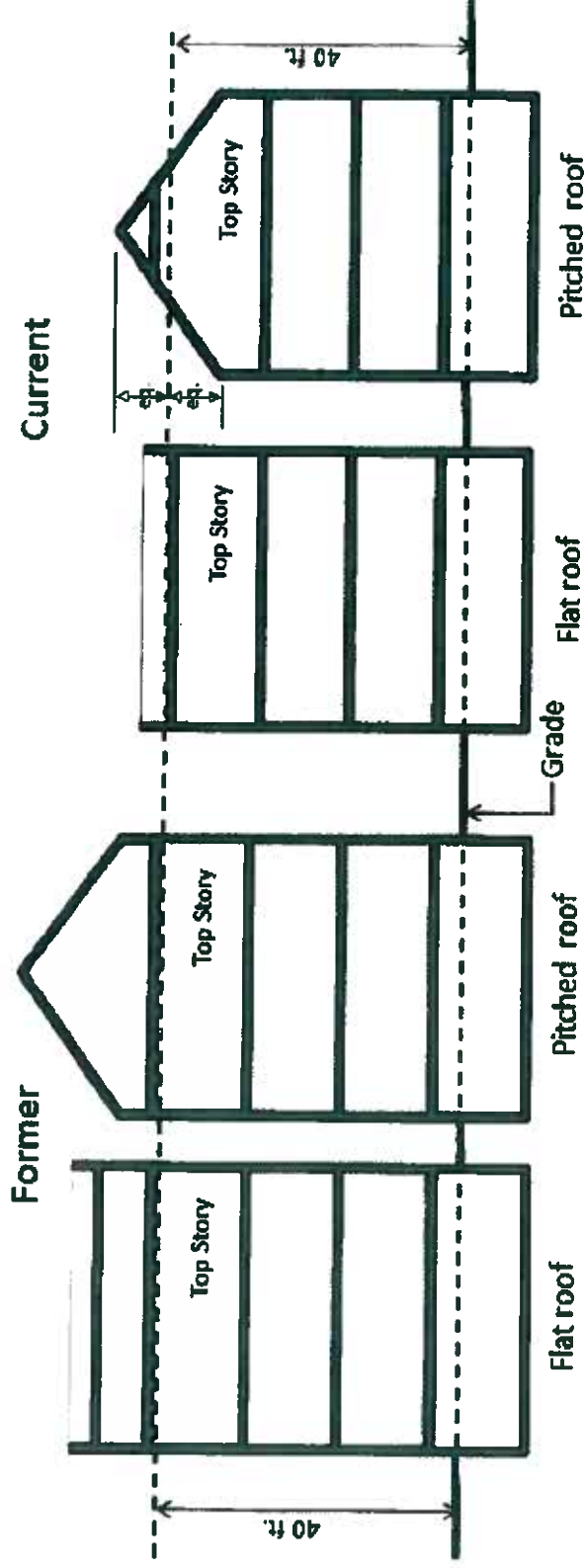
**Thus, if you have such a lot next to you a house may be built on it that could not have been built currently.**

# 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



## **PRESERVING NEIGHBORHOOD CHARACTER – BUILDING HEIGHT - TRANSLATION**

*OP cites a measurement rule that has already been incorporated into the existing zoning code and suggests it "can effectively reduce the overall height of new construction by approximately 5 feet," but neglects to mention that if the ZRR is passed, 10 feet tall roof penthouses or pergolas could be added to single-family homes.*

*It's also worth noting that the ZRR does nothing to prevent pop-ups. Except in Georgetown, nothing is being done to make sure that heights allowed by zoning are more compatible with existing neighborhood scale.*

# 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 (31.3% in ANC 3F); 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



# **SUPPORTING TRANSPORTATION CHOICES TRANSLATION**

**"LESS BIAS TOWARD AUTOMOBILES" WHAT IS BIAS? IS OP APPLYING IDEOLOGY? SINCE THEY DO NOT SEEM TO BE USING DATA TO MAKE DECISIONS. OF THE 600,000 DC RESIDENTS, LESS THAN 2 PERCENT OF COMMUTERS GET TO WORK BY BIKE. THERE ARE MORE VEHICLES REGISTERED IN DC EVERY YEAR. EVEN OP STATES "OVER 80% OF HOUSEHOLDS HAVE ONE OR FEWER CARS" ... WHICH PROVIDES NO INFORMATION REGARDING HOW MANY HAVE ZERO CARS.**

**Not much has changes in the percent of households without cars in DC.**

- **In 1990, 37.4% of households were carless.**
- **In 2000, this declined slightly to 36.9% of DC households were carless or 91,699 households were without cars.**
- **By 2010, that percent dropped to 35% or only 88,390 households were carless in DC.**
- **In 2011, 36.1% were carless.**

**A "STRUCTURED PARKING SPACE" CAN ADD \$15,000 OR MORE TO THE COST OF A HOME. WITH NO REQUIREMENT TO PROVIDE AFFORDABLE HOUSING, ANY SAVINGS FROM PUSHING CARS INTO STREET PARKING, MERELY CAN BE POCKETED AS PROFIT. HOW MUCH WILL THE CONSTRUCTION OF MUNICIPAL PARKING LOTS COST TAXPAYERS?**

# 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:
  - 1/2 mile of Metro, or
  - 1/4 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 TRANSLATION**

**"TRANSIT ZONES: No longer proposed." TRANSLATION: LABEL GOT REMOVED; THE DEFINITION AND ITS CONSEQUENCES ARE STILL INCLUDED. A ROSE BY ANY OTHER NAME... OR NO NAME....**

**"STANDARDIZED REQUIREMENT FOR MULTI-FAMILY (1 SPACE FOR EVERY 3 UNITS GREATER THAN 4 UNITS." "BY-RIGHT (OF DEVELOPER) 50% REDUCTION PROPOSED FOR AREAS SERVED BY TRANSIT: 1/2 MILE OF METRO, 1/4 MILE OF PRIORITY BUS CORRIDOR OR STREETCAR." "ADDITIONAL PARKING COULD BE PROVIDED – NO MAXIMUM." THESE PARAMETERS ARE WIDE AND ALL ALONG MOST MAJOR AVENUES THE VERY REDUCED (1 FOR 6) RULE WOULD APPLY.**

**NOTE HOW THE MATH WORKS. WITH THE 50% REDUCTION AT DEVELOPER'S WHIM, ANY NEW OR RENOVATED BUILDING CAN PROVIDE 1 PARKING SPACE FOR EVERY 6 UNITS. UNITS CAN EASILY BE OCCUPIED BY MORE THAN ONE PERSON AND EVEN MORE THAN ONE PERSON WITH A CAR. EVERYONE IN THE OTHER 5 UNITS WILL BE VYING FOR STREET PARKING IN YOUR NEIGHBORHOOD.**

**OP SAYS THAT THESE REDUCTIONS WILL NOT APPLY IN MOST RESIDENTIAL NEIGHBORHOODS (R1 – R4) BUT BY REDUCING THE PARKING REQUIREMENT ON THE MAIN AVENUES WHERE MOST OF THE DEVELOPMENT IS LIKELY TO OCCUR ANYWAY, OP IS PUSHING THE CARS TO USE STREET PARKING IN THE RESIDENTIAL NEIGHBORHOODS NEARBY, PRODUCING A DRAMATIC IMPACT IN THOSE RESIDENTIAL AREAS.**

**OP SAYS THERE IS NO MAXIMUM – MAKING IT SOUND LIKE A RESPONSIBLE DEVELOPER EASILY COULD PROVIDE ADEQUATE PARKING – BUT THERE ARE HEAVY FINANCIAL PENALTIES IF A DEVELOPER DOES PROVIDE MORE PARKING.**

## **PARKING PROPOSALS TRANSLATION (CONT)**

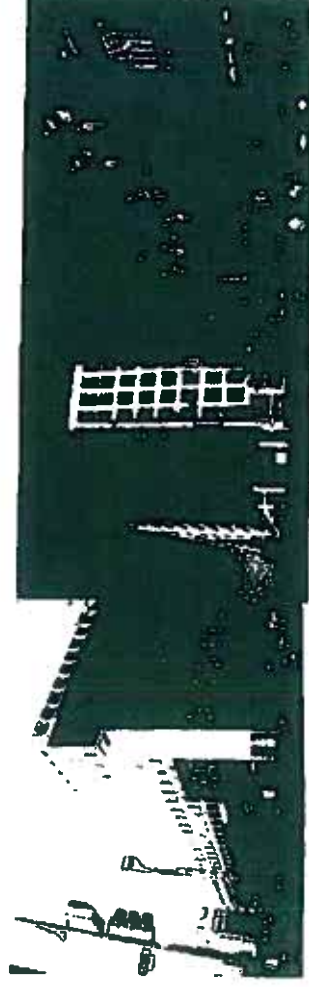
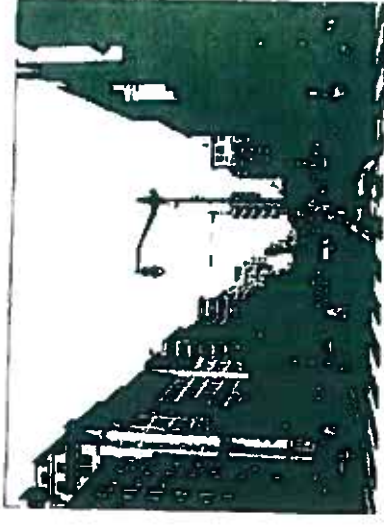
**"NO PARKING REQUIRED FOR SINGLE FAMILY, FLATS OR DOWNTOWN."**

**NOTE THAT "DOWNTOWN" UNDER OP'S VISION STRETCHES FROM EAST OF NORTH CAPITAL, OVER TO THE BASEBALL STADIUM, ALONG THE WATERFRONT, UP TO DUPONT CIRCLE AND TOWARD THE WEST END.**

**IN THIS VAST AREA OF THE CITY LABELED "DOWNTOWN", DEVELOPERS CAN BY RIGHT PROVIDE ZERO PARKING.**

# 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)



## **TRANSLATION FOR “ITEMS NOT MENTIONED”**

### **DOWNTOWN**

- 1. IN THE OP DOCUMENT BEING TRANSLATED HERE, OP DID NOT TELL RESIDENTS THAT THE HEIGHTS DOWNTOWN WERE BEING RAISED BY 40 FEET – A HUGE FACT FROM MOST PEOPLE’S PERSPECTIVE.**
- 2. OP DID NOT MENTION THAT THEY WERE ALLOWING MUCH DENSER DEVELOPMENT BY ELIMINATING RESTRICTIONS ON FLOOR AREA RATIO (FAR), which is total square feet of a building divided by the total square feet of the lot where the building is located.**
- 3. OP ALSO CREATES A MARKET IN DENSITY CREDITS BUT IT IS CONTROLLED BY THE DEVELOPERS SO THEY CAN TRADE WITH EACH OTHER WITHOUT PUBLIC INPUT.**
- 4. OP ELIMINATES THE PLANNED UNIT DEVELOPMENT (PUD) PROCESS DOWNTOWN IN FAVOR OF MATTER OF RIGHT DEVELOPMENT. PUDs are an enhancement of the bargaining process between the developer, municipalities, and civic groups. The PUD process enables government officials and civic groups to negotiate for amenities in exchange for any increased height or density. By eliminating the PUD process, OP is giving away to developers the height or density they desire or creating a trading system where developers trade with each other. This leaves citizens without tools or a forum to negotiate for better more efficient land use, perhaps resulting in multiple land uses, and better amenities.**

# 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 | 2     | 1 by right in existing accessory building subject to conditions OR<br>1 by s.e. in new or expanded accessory building | 1     |
| <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                               | 1     | 1 by right in existing accessory building subject to conditions OR<br>1 by s.e. in new or expanded accessory building | 1     |
| <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                               | 1     | 1 by right in existing accessory building subject to conditions OR<br>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 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 TRANSLATION** (AKA ACCESSORY DWELLING UNITS OR ADUs)

**NEIGHBORS WOULD HAVE FAR LESS SAY IN WHAT HAPPENS IN THEIR NEIGHBORHOOD. ACCESSORY APARTMENTS WOULD BE ALLOWED AS A MATTER OF RIGHT IN RESIDENTIAL AREAS IN THE HOUSE AND IN ANY EXISTING SEPARATE OUT BUILDING (GARAGE) IN THE YARD ON THE LOT LINE.**

**IF A NEW BUILDING WERE BUILT IN THE YARD FOR FAMILY USE AND LATER CONVERTED TO A RENTAL, THERE WOULD BE SPECIAL ALLOWANCES REQUIRED BUT THE BUILDING WOULD EXIST SO ANY POSSIBLE CHALLENGES OR OBJECTIONS WOULD BE MINIMIZED.**

**ALTHOUGH AT THE BEGINNING OF OP'S DOCUMENT IT SAYS THEY ARE ALLOWING THESE EXTRA DWELLERS TO INHABIT RESIDENTIAL NEIGHBORHOODS SO "THE ELDERLY" CAN STAY, THE "ELDERLY" DO NOT SEEM TO BE CLAMORING FOR THIS CHANGE.**

**IT IS MUCH MORE LIKELY THAT THIS WILL RESULT IN MANY "NON-ELDERLY" LIVING IN BACKYARDS.**

**A HOMEOWNER WILL HAVE THE RIGHT TO CREATE A RENTAL UNIT ON THEIR PROPERTY. "BY RIGHT" MEANS THEIR NEIGHBORS HAVE NO SAY.**

## **COMMENT ON THE "SIMPLIFICATION OF THE ZONING CODE"**

*To describe the new proposed code as user-friendliness or streamlined is a huge stretch. The new code at almost 1000 pages is 300 pages longer than the old code. It is harder to us. There is no clear structure, lots of repetition, flipping back and forth. Our zoning will have gone from 35 zones to 142 zones. Overlays have been dismembered and scattered across multiple sections, purposes/standards have changed.*

*It is ridiculous to expect residents or the Zoning Commission to make thumbs up/thumbs down decision on 980 pages of text that's so badly written and whose provisions aren't fully known or understood.*

*Speak up. Only those who have not already testified can testify at the next hearing but anyone can submit more comments before the record closes.*

## **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).
- **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