

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission



February 4, 2010

Via E-Mail & U.S. Mail:

Marcel Acosta
Executive Director
National Capital Planning Commission
401 9th Street, N.W., Suite 500
Washington, D.C. 20004

Re: Notice of Proposed Rulemaking: Z.C. Case No. 09-16 (Office of Planning: Text Amendment re: Car Sharing)

Dear Mr. Acosta:

Please find attached copies of the proposed rulemaking for the above-referenced case.

The above proposed rulemaking will be published in the *D.C. Register* on February 12, 2010, for a 30-day comment period. The comment period will end on March 14, 2010. Accordingly, this case will be considered for final action at the Zoning Commission's public meeting scheduled for March 22, 2010.

The proposed decision of the Commission to approve the above-mentioned case is referred to the National Capital Planning Commission (NCPC) for review and comment, pursuant to the District of Columbia Home Rule Act of 1973, as amended, 87 Stat. 790, Pub. L. No. 93-198, D.C. Code Section 1-201 et seq.

If you have any questions, contact me at the Office of Zoning on (202) 727-0340.

Sincerely,



Sharon S. Schellin
Secretary to the Zoning Commission

cc: David W. Levy (via e-mail)
Carlton Hart (via e-mail)

ZONING COMMISSION
District of Columbia

CASE NO. 09-16
EXHIBIT NO. 12

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF PROPOSED RULEMAKING**

Z.C. Case No. 09-16

(Text Amendment – 11 DCMR)

**(Text Amendment to Permit Car Sharing Parking Spaces as a Matter of Right Use in the
R, CR, and SP Zone Districts)**

The Zoning Commission for the District of Columbia, pursuant to its authority under §§ 1 and 3 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797, as amended; D.C. Official Code §§ 6-641.01 and 6-641.03), hereby gives notice of its intent to amend §§ 199, 201, 202, 301, 501, 601, and 2116 of the Zoning Regulations (Title 11 DCMR).

The proposed text amendments establish zoning definitions for “car-sharing vehicle” and “car-sharing space” and amend the text of the Zoning Regulations to permit car sharing parking spaces as a new matter of right use in the Residential (R), Mixed Use (CR), and Special Purpose (SP) Zone Districts, subject to certain limitations.

Final rulemaking action shall be taken in not less than thirty (30) days from the date of publication of this notice in the D.C. Register.

The following rulemaking action is proposed:

1. Chapter 1, THE ZONING REGULATIONS, §199 Definitions, is amended by adding the following definitions:

Car-sharing space – a parking space that is designated for the parking of a car-sharing vehicle.

Car-sharing vehicle – any vehicle available to multiple users who are required to join a membership organization in order to reserve and use such a vehicle for which they are charged based on actual use as determined by time and / or mileage.

2. Chapter 2, R-1 RESIDENCE DISTRICT USE REGULATIONS, is amended as follows:

- (A) By amending § 201, USES AS A MATTER OF RIGHT, § 201.1, by adding “Car-sharing spaces on an unimproved lot, with no more than two (2) spaces permitted” to the list of permitted uses, and by renumbering the list so that it remains in alphabetical order, so that the subsection will read as follows:

201.1 The following uses shall be permitted as a matter of right in R-1 Districts:

- (a) Car-sharing spaces on an unimproved lot, with no more than two (2) spaces permitted;
 - (b) Chancery existing on September 22, 1978; provided, that the following requirements shall be met:

- (1) After February 23, 1990, the continued use of the chancery shall be limited to the government that lawfully occupied the chancery on that date;
 - (2) No additional or accessory structure may be constructed on the lot that is occupied by the chancery;
 - (3) There shall be no expansion of the exterior walls, height, bulk, gross floor area, or any portion of any existing building or structure that is used as a chancery;
 - (4) If an existing building or structure that is used as a chancery is destroyed by fire, collapse, explosion, or act of God, the building or structure may be reconstructed;
 - (5) The reconstruction that is authorized by subparagraph (4) of this paragraph shall not be subject to the requirements of chapter 20 of this title; and
 - (6) The reconstruction that is authorized by subparagraph (4) of this paragraph shall be limited to the chancery site as it existed on February 23, 1990;
- (c) Child development center located in a District of Columbia public school or a public recreation center operated by the D.C. Department of Parks and Recreation; provided, that written permission to use the school or the recreation center shall have been granted by the Superintendent of Schools or the Director of the Department of Parks and Recreation, respectively;
- (d) Church or other place of worship, but not including rescue mission or temporary revival tents;
- (e) Community-Based Residential Facility, as limited by the following:
- (1) Youth residential care home, community residence facility, or health care facility for not more than six (6) persons, not including resident supervisors or staff and their families; or for not more than eight (8) persons, including resident supervisors or staff and their families; provided, that the

number of persons being cared for shall not exceed six (6);
and

- (2) Emergency shelter for not more than four (4) persons, not including resident supervisors or staff and their families;
- (f) Community-based residential facility for occupancy by persons with handicaps; provided, that the determination of handicapped facility shall be made according to the reasonable accommodation criteria in 14 DCMR §111, "Procedures for Reasonable Accommodation under the Fair Housing Act." For purposes of this subsection, a "handicap" means, with respect to a person, a physical or mental impairment which substantially limits one or more of such person's major life activities, or a record of having, or being regarded as having, such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance;
- (g) Embassy;
- (h) Farm or truck garden;
- (i) Fire Station;
- (j) Mass transit facility;
- (k) One-family detached dwelling;
- (l) Parsonage, vicarage, rectory, or Sunday school building;
- (m) Police Department Local Facility;
- (n) Private garage, as a principal use, designed to house no more than two (2) motor vehicles and not exceeding four hundred fifty square feet (450 ft.²) in area, subject to the special provisions of chapter 23 of this title;
- (o) Private garage on an alley lot so recorded on the records of the Surveyor, District of Columbia, or recorded on the records of the D.C. Office of Tax and Revenue, on or before November 1, 1957, subject to the special provisions of chapter 23 of this title;
- (p) Public Library;

- (q) Public recreation and community center;
- (r) Public school, subject to the provisions of chapter 21 of this title; public schools may collocate with other permitted schools or uses provided all applicable requirements of this title are met. Public schools may share common on-site recreation space including gymnasiums, playgrounds, and fields, and these shared recreational spaces may count toward the minimum lot area provided that the school is adjacent to the shared recreation space; on-site office use must be ancillary and necessary to the operation of the particular school;
- (s) Temporary building for the construction industry that is incidental to erection of buildings or other structures permitted by this section;
- (t) Temporary use of premises by fairs, circuses, or carnivals, upon compliance with the provisions of chapter 13 of Title 19 of the DCMR (Amusements, Parks and Recreation);
- (u) Transportation right-of-way or underground conduit or pipeline;
- (v) Youth residential care home, community residence facility, or health care facility for seven (7) to eight (8) persons, not including resident supervisors or staff and their families; provided, that there shall be no property containing an existing community-based residential facility for seven (7) or more persons either in the same square, or within a radius of one thousand feet (1,000 ft.) from, any portion of the subject property; and
- (w) The following uses are permitted as a matter of right if located in a building owned by the District of Columbia that formerly served as the location of a public school:
 - (1) Administrative offices of District government agencies not part of the criminal justice system, provided:
 - (A) The use shall not extend outside the building unless accessory and incidental to the principal administrative use; and
 - (B) Any storage shall be fully enclosed;

- (2) Clinic for humans, provided that the use shall not be a substance abuse treatment facility or a community-based residential facility;
 - (3) Community service use or uses, provided:
 - (A) The application for a certificate of occupancy include evidence demonstrating that the established mission of the use will serve the community, neighborhood, or District of Columbia population;
 - (B) There is no outdoor storage of materials; and
 - (C) The use shall not be a community- based residential facility, a part of the criminal justice system, or a substance abuse treatment facility;
 - (4) Child/Elderly development center; and
 - (5) Community college, up to 50,000 sq. ft. of building area, provided:
 - (A) There shall be no external activities after 9:00 PM; and
 - (B) There shall be no use of the college space after midnight.
- (B) By amending § 202, ACCESSORY USES (R-1), § 202.7, is amended to provide for the regulation of car sharing spaces so that the subsection will read as follows:

202.7 One additional parking space for the exclusive use of the occupants or their guests; or up to two (2) car-sharing spaces, neither of which may be a space devoted to required parking.
- 3. Chapter 3, R-2, R-3, R-4 AND R-5 RESIDENCE DISTRICT USE REGULATIONS, § 301 ACCESSORY USES AND BUILDINGS (R-2), § 301.1, is amended to provide for the regulation of car sharing spaces in these zone districts, so that the subsection will read as follows:

301.1 The following accessory uses or accessory buildings incidental to the uses permitted for R-2 Districts in §§ 300 through 319 shall be permitted in R-2 Districts:

- (a) Any accessory use permitted in R-1 Districts under § 202 not regulated in this subsection;
- (b) Car-sharing spaces; provided that any car-sharing space beyond the first two (2) spaces shall be located within or under a principal structure and may not be a required parking space for any use on site; and
- (b) Other accessory uses, buildings, or structures customarily incidental to the uses permitted in R-2 Districts under this chapter.

4. Chapter 5, SPECIAL PURPOSE DISTRICTS, § 501, USES AS A MATTER OF RIGHT (SP), § 501.1, is amended by adding "Car-sharing spaces, none of which may be a required parking space for any use on site" to the list of permitted uses, and by renumbering the list so that it remains in alphabetical order, so that the subsection will read as follows:

501.1 The following uses shall be permitted as a matter of right in an SP District:

- (a) Any use permitted in any R-5 District under §§ 350.4 and 350.5, except a hotel;
- (b) Antenna, subject to the standards and procedure which apply pursuant chapter 27 of this title;
- (c) Art gallery;
- (d) Car-sharing spaces, none of which may be a required parking space for any use on site;
- (e) Child/Elderly development center; or adult day treatment facility;
- (f) Community center building;
- (g) Driver's License Road Test Facility;
- (h) Park, playground, swimming pool, or athletic field operated by a local community organization;
- (i) Police Department General Facility, except as provided in § 504;

- (j) Private school, including kindergarten, elementary, secondary, trade, or any other school;
- (k) Public School, subject to the provisions of chapter 21 of this title;
- (l) Religious reading room; and
- (m) Ticket office.

5. Chapter 6, MIXED USE (COMMERCIAL RESIDENTIAL) DISTRICTS, § 601, USES AS A MATTER OF RIGHT (CR), § 601.1, is amended by adding “Car-sharing spaces, none of which may be a required parking space for any use on site” to the list of permitted uses, and by renumbering the list so that it remains in alphabetical order, so that the subsection will read as follows:

601.1 The following uses shall be permitted as a matter of right in a CR District:

- (a) Antenna, subject to the standards and procedures which apply to the particular class of antenna pursuant to chapter 27 of this title;
- (b) Artist's studio;
- (c) Boat club or marina;
- (d) Car-sharing spaces, none of which may be a required parking space for any use on site;
- (e) Church or other place of worship;
- (f) Community center;
- (g) Driver's License Road Test Facility;
- (h) Electronic Equipment Facility (EEF) use under either or both of the following circumstances:
 - (1) The EEF use occupies no more than twenty-five percent (25%) of the above ground constructed gross floor area of the building, provided that no EEF use is located on the ground floor; or
 - (2) The EEF use is located below ground floor;

- (i) Embassy, chancery, or international organization;
- (j) Fire Department Administrative Facility;
- (k) Fire Department Support Facility;
- (l) Fire Station;
- (m) Hotel or inn;
- (n) Library (other than public library);
- (o) Museum;
- (p) Office;
- (q) One-Family dwelling, flat, or multiple dwelling;
- (r) Park or open space;
- (s) Private club, restaurant, prepared food shop fast food establishment, or food delivery service; provided, that a fast food establishment or food delivery service shall not include a drive-through;
- (t) Private or public theater;
- (u) Private school or trade school;
- (v) Police Department General Facility, except as provided in § 607;
- (w) Police Department Local Facility;
- (x) Public library;
- (y) Public recreation and community center;
- (z) Public School, subject to the provisions of chapter 21 of this title;
- (aa) Recreational building or use;
- (bb) Retail sales or services not specified in §§ 602, 606, and 608 through 618;
- (cc) Rooming or boarding house;

- (dd) Swimming pool; and
- (ee) Notwithstanding § 602.1, temporary surface parking lot accessory to the Ballpark shall be permitted on Squares 603, 605, 657, 660, 661, 662, 662E, 664, 665, 700, 701, 882; and on Square 658, Lot 7; Square 767, Lots 44-47; Square 768, Lots 19-22; and Square 769, Lot 19 and those portions of Lots 18 and 20 within the CR District; in accordance with § 2110. In the event that the cumulative parking limit established in § 2110.1 (a) is met, additional temporary surface parking spaces accessory to the Ballpark on Squares 603, 605, 657, 658, 660, 661, 662, 662E, 664, 665, 700, 701, 882; and on Square 767, Lots 44-47; Square 768, Lots 19-22; and Square 658, Lot 7; Square 769, Lot 19 and those portions of Lots 18 and 20 within the CR District, shall be permitted as a special exception if approved by the Board of Zoning Adjustment pursuant to § 2110.2.

6. Chapter 21, OFF-STREET PARKING REQUIREMENTS, § 2116 LOCATION OF PARKING SPACES, is amended as follows:

- (A) By amending § 2116.1 by adding references to the new §§ 201.1(a), 501.1(d), and 601.1(d) added through these text amendments, so that the subsection will read as follows:

2116.1 Except as provided in §§ 201.1(a), 214, 501.1(d), 510, 601.1(d), 708, 730, 743.2(d), 753.1(c), 761.2, 803.1, 926, 2116.5, 2116.10, and 2117.9(c), all parking spaces shall be located on the same lot with the buildings or structures they are intended to serve.

- (B) By amending § 2116.2 to insert the phrase “including car-sharing spaces” so that the subsection will read as follows:

2116.2 Parking spaces, including car-sharing spaces, shall be located in one (1) of the following ways:

- (a) Within a permitted garage or carport, subject to the special provisions of Chapter 23; or
- (b) On an open area of the lot as follows:
 - (1) Within a rear yard;
 - (2) Within a side yard; or

- (3) Except in an SP District, elsewhere on the lot if accessory to a commercial or industrial use.

All persons desiring to comment on the subject matter of this proposed rulemaking action should file comments in writing no later than thirty (30) days after the date of publication of this notice in the D.C. Register. Comments should be filed with Sharon Schellin, Secretary to the Zoning Commission, Office of Zoning, 441 4th Street, N.W., Suite 200/210-S, Washington, D.C. 20001. Copies of this proposed rulemaking action may be obtained at cost by writing to the above address.