



MEMORANDUM

TO: District of Columbia Zoning Commission
FROM: JLS
Jennifer Steingasser, Deputy Director Development Review & Historic Preservation
DATE: June 4, 2015
SUBJECT: ZC 14-11: Supplemental Report 3 (Post Proposed Action): Chapter 1, Definitions and Chapter 4, R-4 Zones - Vesting

The Office of Planning filed a supplemental report on Monday June 1, 2015. Since the filing of the OP report over 90 additional public comments have been submitted, many with concerns about vesting and permit applications currently under review by the Department of Consumer and Regulatory Affairs. Ordinarily, construction must comply with the text of the Zoning Regulations in place as of the date the building permit is issued.

OP heard of several cases where the pending permits were for flats (ie 2-units) or modifications and additions to existing apartment houses consistent with the 900 square feet of land area per unit. Additionally, some of the flats are within a historic district and had to first receive conceptual approval from the Historic Preservation Review Board and are only now eligible to proceed to building permit. These projects are consistent with the intent of preserving the R-4 and do not involve conversions.

Based on additional information, OP recommends that the vesting language as proposed in the June 1, 2015 report be supplemented to distinguish between conversions and other matter of right residential uses with the following language. The vesting concept is not dissimilar to the approach taken for Green Area Ratio in case ZC No 12-11.

Single Family, Flats, and Existing Apartment Buildings:

The construction of a residential building in the R-4 District may be carried to completion pursuant to the provisions of the R-4 regulations in place as of July 17, 2014 provided

- (a) A building permit application or a foundation-to-grade permit application was legally filed with, and accepted as complete by the Department of Consumer and Regulatory Affairs before February 1, 2015, and
- (b) The building permit application is for
 - a. A single dwelling unit or a flat, or
 - b. The building permit application or foundation-to-grade permit application is for the modification of or addition to an existing apartment building

Additionally, the construction of a residential building in the R-4 District may be carried to completion pursuant to the provisions of the R-4 regulations in place as of July 17, 2014, if

- (a) The project has an unexpired approval of a variance, special exception, design or concept design by the Historic Preservation Review Board or Commission of Fine Arts; provided the vote to approve occurred prior to February 1, 2015,

- (b) An unexpired approval of a variance, special exception, design or concept design by the Historic Preservation Review Board or Commission of Fine Arts, granted on or after February 1, 2015, provided the public hearing was held prior thereto

Conversions to More Than Two Units

For those projects that are conversions to more than two units, OP recommends the vesting provisions as submitted in the June 1, 2015 report.

The construction of a residential building in the R-4 District may be carried to completion pursuant to the provisions of the R-4 regulations in place as of date of setdown (July 17, 2014) if the approved building permit applications was accepted as complete and legally filed by the Department of Consumer and Regulatory Affairs on or before July 17, 2014

OP will work with the Office of Attorney General on the exact language should the Commission approve the vesting options