



Commission Members

Presidential Appointees

Thomas M. Gallias
Elizabeth A. White

Mayoral Appointees

Arrington Dixon
Linda Argo

Ex Officio Members

Acting Secretary of Defense
The Honorable Richard V. Spencer

Acting Secretary of the Interior
The Honorable David Bernhardt

General Services Administrator
The Honorable Emily Murphy

Chairman
Committee on Homeland Security
and Governmental Affairs
United States Senate
The Honorable Ron Johnson

Chairman
Committee on Oversight and Reform
U.S. House of Representatives

Mayor
District of Columbia
The Honorable Muriel Bowser

Chairman
Council of the District of Columbia
The Honorable Phil Mendelson

Executive Director
Marcel Acosta

IN REPLY REFER TO:
NCPC File No. ZC 19-15

December 5, 2019

Zoning Commission of the
District of Columbia
441 4th Street, NW
2nd Floor, Suite 210
Washington, DC 20001

Members of the Zoning Commission:

Pursuant to delegations of authority adopted by the Commission on August 6, 1999, I found that the proposed text and map to amend the DC Zoning Regulations allowing short term rentals in Washington, DC would not be inconsistent with the Federal Elements of the Comprehensive Plan for the National Capital nor would it adversely affect any other identified federal interests. A copy of the Delegated Action of the Executive Director is enclosed.

Sincerely,

Marcel C. Acosta
Executive Director

Enclosure

cc: Andrew Trueblood, Director, District of Columbia Office of Planning
Anthony Hood, Chairman, Zoning Commission



Delegated Action of the Executive Director

PROJECT Text Amendment Regarding Short-Term Rentals Citywide Washington, DC	NCPC FILE NUMBER ZC 19-15
	NCPC MAP FILE NUMBER 21.00(06.00)45025
REFERRED BY Zoning Commission of the District of Columbia	DETERMINATION Approval of report to the Zoning Commission of the District of Columbia
	REVIEW AUTHORITY Advisory per 40 U.S.C. § 8724(a) and DC Code § 2-1006(a)

The Zoning Commission of the District of Columbia has referred a text amendment regarding short-term rentals to the Zoning Regulations to the Commission for comment. As background, the Council of the District of Columbia (Council) voted on November 13, 2018 to approve Act 22-563 known as the, Short-Term Rental Regulation Act of 2018, (Act) effective April 25, 2019 under D.C. Law 22-307. This new law requires the Department of Consumer and Regulatory Affairs to license the operation of short-term rentals (STR) and requires STRs to comply with applicable Zoning Regulations. STRs are currently prohibited, by the Zoning Regulations of 2016, in zones that permit residential uses.

The Zoning Regulations do not currently regulate or address STRs. To address this, the proposed text would create a new definition, Short-Term Rental, reflecting the definition contained in D.C. Law 22-307. The definition states that a STR operator must have a valid basic business license from DCRA. The proposed text would amend the use permission regulations in various zones to permit STRs as an accessory use in zones where residential is permitted. The Accessory Use definition is proposed to be amended to exempt STRs from being limited to 20 percent of the gross floor area of a principal use.

No other substantive changes are proposed to the zoning regulations, as this amendment is only proposed to permit STRs as an accessory use. All regulations and licensing requirements of STRs would be administered by DCRA in accordance with D.C. Law 22-307, which is separate and apart from zoning. Given this, should D.C. Law 22-307 be amended in the future, the proposed zoning text would not necessarily need to be amended.

On July 29, 2019, the Council Chairman on behalf of the Council filed a petition with the Office of Zoning proposing zoning text amendments consistent with the Council approved Act.

At its July 29, 2019 public meeting, the Zoning Commission voted to set down for a public hearing the proposed text amendment. The public hearing included the following draft text prepared by the Office of Attorney General under authority granted by the Commission:

1. Revisions to Definitions (Subtitle B, Chapter 1) to create a new STR definition and to revise the Accessory Use definition.
2. Revisions to Use Categories (Subtitle B, Chapter 2) to revise both the lodging and residential use categories.
3. Revisions to Use Permissions (Subtitle H, Chapter 11) to permit an STR as an accessory use in Neighborhood Mixed-Use (NC) zones.
4. Revisions to Use Permissions (Subtitle K, Chapters 4, 6, 7, and 9) to permit an STR as an accessory use in specific Special Purpose zones.
5. Revisions to Use Permissions (Subtitle U, Chapter 2, 5, and 6) to permit an STR as an accessory use in zones which permit a residential use include R, RF, RA, MU, and D zones, the MU-11 zone, and on alley lots.

After reviewing the proposed text amendment, staff understands that the designation of “short term rental” is a land use designation and it does not affect federal property. Since it will not affect federal property, this text amendment is not inconsistent with the policies contained within the Federal Elements of the Comprehensive Plan for the National Capital.

* * *

Pursuant to delegations of authority adopted by the Commission on August 6, 1999 and per 40 U.S.C. § 8724(a) and DC Code § 2-1006(a), I find that the proposed text amendment to amend the DC Zoning Regulations allowing short term rentals in Washington, DC is not inconsistent with the Federal Elements of the Comprehensive Plan and will not affect any other federal interest.

for: Marcel Acosta

Marcel Acosta
Executive Director

11/27/17
Date