

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF PUBLIC HEARING**

TIME AND PLACE: **Thursday, October 17, 2019, @ 6:30 p.m.**
 Jerrily R. Kress Memorial Hearing Room
 441 4th Street, N.W., Suite 220-South
 Washington, D.C. 20001

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

CASE NO. 19-15 (Text Amendment to Subtitles B, H, K, & U to Authorize Short-Term Rentals)

THIS CASE IS OF INTEREST TO ALL ANCs

On July 29, 2019, the Office of Zoning (“OZ”) received a letter that served as a petition from the Council of the District of Columbia (the “Council”) proposing text amendments to Subtitle B §§ 100.2 and 200.2 of Title 11 DCMR (the “Zoning Regulations,” to which all references herein refer except if otherwise specified) to authorize short-term rentals in residential zones as permitted under D.C. Law 22-307.

At its publicly-noticed public meeting held on July 29, 2019, the Zoning Commission for the District of Columbia (the “Commission”) voted to set down the petition for a public hearing, with authority for the Council to revise the proposed text in consultation with the Office of Planning and the Office of the Attorney General. Based on that consultation, the proposed text amendments were revised to authorize short-term rentals as accessory uses in zones where residential uses are permitted with proposed revisions to:

- Subtitle B, §§ 100.2 and 200.2
- Subtitle H, § 1103.1
- Subtitle K, §§ 414.3, 616.2, 712.6, and 911
- Subtitle U, §§ 250.1, 505.2, and 600.1

The proposed text amendment would apply city-wide.

PROPOSED TEXT AMENDMENT

The proposed amendments to Title 11 DCMR are as follows (text to be deleted is shown in **bold** and ~~struck through~~ text and new text is shown in **bold and underlined** text):

I. Amendments to Subtitle B, DEFINITIONS, RULES OF MEASUREMENT, AND USE CATEGORIES

Subsection 100.2 of § 100, DEFINITIONS, of Chapter 1, DEFINITIONS, is proposed to be amended by adding a definition of “Short-Term Rental” and revising the definition of “Accessory Use” to read as follows:

100.2 When used in this title, the following terms and phrases shall have the meanings ascribed:

 ...¹

 Sexually-Oriented Business Establishment: ...

¹ The uses of this and other ellipses indicate that other provisions exist in the subsection being amended and that the omission of the provisions does not signify an intent to repeal.

Short-Term Rental: A use as defined by the Short-Term Rental Regulation Act of 2018 (D.C. Law 22-308), that has a valid Basic Business License from the Department of Consumer and Regulatory Affairs with a “Short-Term Rental” or “Short-Term Rental: Vacation Rental” endorsement.

Specified Anatomical Areas: ...

...

Use, Accessory: A use customarily incidental and subordinate to the principal use, and located on the same lot with the principal use. **Except for a Short-Term Rental and unless** ~~Unless~~ otherwise specifically permitted, an accessory use ~~in a residential dwelling in a residential zone~~ shall be limited to twenty percent (20%) of the gross floor area.

Subsection 200.2 of § 200, INTRODUCTION, of Chapter 2, USE CATEGORIES, is proposed to be amended by revising paragraphs (u) and (bb) to exclude Short Term Rentals from the “Lodging” and “Residential” use categories to read as follows:

200.2 When used in this title, the following use categories shall have the following meanings:

(a) Agriculture, ...

...

(u) Lodging:

(1) A use providing ...

(2) Examples include ...

(3) Exceptions: This use category does not include uses which more typically would fall within the emergency shelter or residential use categories **or Short-Term Rental;**

...

(bb) Residential:

(1) A use offering ...

...

(4) Exceptions: This use category does not include uses which more typically would fall within the lodging, education, or community-based institutional facility use categories **or Short-Term Rental;**

...

II. Amendments to Subtitle H, NEIGHBORHOOD MIXED-USE (NC) ZONES

Subsection 1103.1 of § 1103, MATTER-OF-RIGHT USES (NC-USE GROUPS A, B, AND C), of Chapter 11, USE PERMISSIONS FOR NC ZONES, is proposed to be amended by adding a new paragraph (r) and reordering alphabetically to read as follows:

- 1103.1 The following uses in this section shall be permitted as a matter of right subject to any applicable conditions:
- (a) NC zone designated uses;
 - ...
 - (q) Daytime care; ~~and~~
 - (r) Community solar facility ...
 - (1) Roof-mounted solar array of any size, or
 - (2) Ground-mounted solar array ...
 - (A) Measures no greater than ...
 - ...
 - (D) Where the panels are sited ... or RA-1 zone; **and**
 - (s) Short-Term Rental as an accessory use.**

III. Amendments to Subtitle K, SPECIAL PURPOSE ZONES

Section 414, ACCESSORY USES (HE), of Chapter 4, HILL EAST ZONES – HE-1 THROUGH HE-4, is proposed to be amended by adding a new § 414.3 to read as follows:

414.3 **Short-Term Rental shall be permitted as an accessory use.**

Section 616, ACCESSORY USES (STE), of Chapter 6, SAINT ELIZABETHS EAST CAMPUS ZONES – STE-1 THROUGH STE-19, is proposed to be amended by adding a new § 616.2 to read as follows:

616.2 **Short-Term Rental shall be permitted as an accessory use.**

Section 712, MATTER-OF-RIGHT USES (RC), of Chapter 7, REED-COOKE ZONES – RC-1 THROUGH RC-3, is proposed to be amended by adding a new § 712.6 to read as follows:

712.6 **Short-Term Rental shall be permitted as an accessory use.**

Section 911, USE PERMISSIONS (WR), of Chapter 9, WALTER REED ZONES – WR-1 THROUGH WR-8, is proposed to be amended by adding a new paragraph in alphabetical order to §§ 911.1, 911.2, 911.3, and 911.5 to read as follows:

911.1 The uses in this section shall be permitted as a matter of right in the WR-1 zone, subject to any applicable conditions:

(a) Agriculture ...

...

(m) Transportation infrastructure; **and**

(n) Community solar facility ...

(3) Roof-mounted solar array of any size, or

(4) Ground-mounted solar array ...

(B) Measures no greater than ...

...

(E) Where the panels are sited ... or RA-1 zone; **and**

(o) Short-Term Rental as an accessory use.

911.2 The uses in this section shall be permitted as a matter of right in the WR-2, WR-3, WR-4, and WR-5 zones, subject to any applicable conditions:

(a) Agriculture ...

...

(x) Service, general subject to the conditions of Subtitle K § 912.11; **and**

(y) Short-Term Rental as an accessory use; and

~~(z)~~ **(z)** Transportation infrastructure.

911.4 The uses in this section shall be permitted as a matter of right in the WR-7 zone, subject to any applicable conditions:

(a) Agriculture ...

...

(h) Retail; **and**

(i) Short-Term Rental as an accessory use; and

~~(j)~~ **(j)** Transportation infrastructure.

...

911.5 The uses in this section shall be permitted as a matter of right in the WR-8 zone, subject to any applicable conditions:

- (a) Agriculture ...
- ...
- (n) Retail subject to the conditions of Subtitle K § 912.10; ~~and~~
- (o) Short-Term Rental as an accessory use; and**
- ~~(p)~~**(p)** Transportation infrastructure.

III. Amendments to Subtitle U, USE PERMISSIONS

Subsection 250.1 of § 250, ACCESSORY USES (R), of Chapter 2, USE PERMISSIONS RESIDENTIAL (R) ZONES, is proposed to be amended by adding a new paragraph (f) and reordering alphabetically to read as follows:

250.1 The following accessory uses shall be permitted as a matter of right in all R zones subject to the associated conditions:

- ~~(a)~~**(f)** An accessory apartment subject to the conditions of Subtitle U §253;
- ~~(a)~~**(b)** Two (2) boarders within the principal dwelling;
- ~~(b)~~**(c)** No more than two (2) car-sharing ...
- ~~(e)~~**(d)** Child development home ...
- ~~(d)~~**(e)** Home Occupation ...
- (f) Short-Term Rental; and**
- ~~(f)~~**(g)** Other accessory uses, buildings or structures customarily incidental to the uses permitted in R zones under the provisions of this section shall be permitted; including one (1) sale in the nature of a yard sale, garage sale, or home sales party may be held at a dwelling unit during a twelve (12) month period.

Subsection 505.2 of § 505, MATTER-OF-RIGHT USES (MU-USE GROUP B), of Chapter 5, USE PERMISSIONS MIXED USE (MU) ZONES, is proposed to be amended by adding a new paragraph (h) and reordering alphabetically to read as follows:

- 505.2 The following marine uses shall be permitted as a matter of right:
- (a) Boat construction on an occasional basis by a local community organization;
 - (b) Community garden operated by a local community organization or District government agency;

- ~~(c)(f)~~ Floating homes within a permitted marina or yacht club, provided that the maximum density of floating home berths shall not exceed fifty percent (50%) of the total number of berths in the marina or yacht club; **and**
- ~~(d)(g)~~ A home occupation within a floating home;
- (e) Seasonal or occasional market for produce, arts, and crafts, with non-permanent structures;
- ~~(f)(e)~~ Publicly accessible park or open space, playground, or athletic field, including pedestrian and bicycle trails, necessary support facilities, and fitness circuits;
- ~~(g)(d)~~ Public nature education or interpretive center including a boat dock; **and**
- (h) Short-Term Rental as an accessory use.**

Subsection 600.1 of Section 200, MATTER-OF-RIGHT USES ON ALLEY LOTS (R, RF, AND RA), of Chapter 6, USE PERMISSIONS FOR ALLEY LOTS, is proposed to be amended by adding a new paragraph (g) to read as follows:

- 600.1 The following uses in this section shall be permitted as a matter of right subject to any applicable conditions:
- (a) Agricultural, both ...
 - ...
 - (f) Residential dwelling ...
 - (1) The alley lot ...
 - ...
 - (5) If the Zoning Administrator ... shall be referred to the Board of Zoning Adjustment; **and**
 - (g) Short-Term Rental as an accessory use.**

Proposed amendments to the Zoning Regulations of the District of Columbia are authorized pursuant to the Zoning Act of June 20, 1938, (52 Stat. 797), as amended, D.C. Official Code § 6-641.01, *et seq.*

This public hearing will be conducted in accordance with the rulemaking case provisions of Subtitle Z, Chapter 5.

How to participate as a witness.

Interested persons or representatives of organizations may be heard at the public hearing. The Commission also requests that all witnesses prepare their testimony in writing, submit the written testimony prior to giving statements, and limit oral presentations to summaries of the most important points. The applicable time limits for oral testimony are described below. Written statements, in lieu of personal appearances or oral presentation, may be submitted for inclusion in the record.

All individuals, organizations, or associations wishing to testify in this case are encouraged to inform the Office of Zoning their intent to testify prior to the hearing date. This can be done by mail sent to the address stated below, e-mail (donna.hanousek@dc.gov), or by calling (202) 727-0789.

The following maximum time limits for oral testimony shall be adhered to and no time may be ceded:

- | | | |
|----|---------------|----------------|
| 1. | Organizations | 5 minutes each |
| 2. | Individuals | 3 minutes each |

The Commission may increase or decrease the time allowed above, in which case, the presiding officer shall ensure reasonable balance in the allocation of time between proponents and opponents.

Written statements, in lieu of oral testimony, may be submitted for inclusion in the record. The public is encouraged to submit written testimony through the Interactive Zoning Information System (IZIS) at <http://app.dcoz.dc.gov/Login.aspx>; however, written statements may also be submitted by mail to 441 4th Street, N.W., Suite 200-S, Washington, DC 20001; by e-mail to zcsubmissions@dc.gov; or by fax to (202) 727-6072. Please include the case number on your submission. **FOR FURTHER INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311.**

ANTHONY J. HOOD, ROBERT E. MILLER, PETER A. SHAPIRO, PETER G. MAY, AND MICHAEL G. TURNBULL ----- ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA, BY SARA A. BARDIN, DIRECTOR, AND BY SHARON S. SCHELLIN, SECRETARY TO THE ZONING COMMISSION

Do you need assistance to participate? If you need special accommodations or need language assistance services (translation or interpretation), please contact Zee Hill at (202) 727-0312 or Zelalem.Hill@dc.gov five days in advance of the meeting. These services will be provided free of charge.

¿Necesita ayuda para participar? Si tiene necesidades especiales o si necesita servicios de ayuda en su idioma (de traducción o interpretación), por favor comuníquese con Zee Hill llamando al (202) 727-0312 o escribiendo a Zelalem.Hill@dc.gov cinco días antes de la sesión. Estos servicios serán proporcionados sin costo alguno.

Avez-vous besoin d'assistance pour pouvoir participer? Si vous avez besoin d'aménagements spéciaux ou d'une aide linguistique (traduction ou interprétation), veuillez contacter Zee Hill au (202) 727-0312 ou à Zelalem.Hill@dc.gov cinq jours avant la réunion. Ces services vous seront fournis gratuitement.

참여하시는데 도움이 필요하세요? 특별한 편의를 제공해 드려야 하거나, 언어 지원 서비스(번역 또는 통역)가 필요하시면, 회의 5일 전에 Zee Hill 씨께 (202) 727-0312 로 전화 하시거나 Zelalem.Hill@dc.gov 로 이메일을 주시기 바랍니다. 이와 같은 서비스는 무료로 제공됩니다.

您需要有人帮助参加活动吗? 如果您需要特殊便利设施或语言协助服务(翻译或口译)·请在见面之前提前五天与 Zee Hill 联系·电话号码 (202) 727-0312, 电子邮件 Zelalem.Hill@dc.gov 这些是免费提供的服务。

Quý vị có cần trợ giúp gì để tham gia không? Nếu quý vị cần thu xếp đặc biệt hoặc trợ giúp về ngôn ngữ (biên dịch hoặc thông dịch) xin vui lòng liên hệ với Zee Hill tại (202) 727-0312 hoặc Zelalem.Hill@dc.gov trước năm ngày. Các dịch vụ này hoàn toàn miễn phí.

ለሰውነት ሰርዳታ ያስፈልግዎታል? የተለየ እርዳታ ከስፈለገዎት ወይም የቋንቋ እርዳታ አገልግሎቶች (ትርጉም ወይም ማስተርጎም) ከስፈለገዎት እባክዎን ከስብሰባው አምስት ቀናት በፊት ዚ ሂሊን በስልክ ቁጥር (202) 727-0312 ወይም በኢሜል Zelalem.Hill@dc.gov ይገናኙ። እንኛህ አገልግሎቶች የሚሰጡት በነጻ ነው።