

MEMORANDUM

TO: District of Columbia Zoning Commission

FROM: Philip Bradford, AICP, Case Manager, Development Review
JLS
Jennifer Steingasser, Deputy Director, Development Review & Historic Preservation

DATE: December 9, 2024

SUBJECT: **ZC Case 24-++: Setdown Report for Clarifications to Rear Yard Measurements in the R, RF, and RA zones**

I. RECOMMENDATION

The Office of Planning (OP) recommends that the Zoning Commission set down for a public hearing amendment to the Zoning Regulations to:

- Subtitle B, Chapter 1 Definitions; Chapter 3 General Rules of Measurement: Section 317 Rear Yards, Section 318 Rules of Measurement for Rear Yards
- Subtitle D, Chapter 50 Accessory Building Regulations for Residential House (R) Zones; Section 5003 Maximum Building Area, Section 5004 Rear Yard
- Subtitle E, Chapter 50 Accessory Building Regulations for Residential Flat (RF) Zones; Section 5003 Building Area, Section 5004 Rear Yard
- Subtitle F, Chapter 50 Accessory Building Regulations for Residential Apartment (RA) Zones; Section 5003 Rear Yard
- Subtitle I, Chapter 2 General Development Standards for Downtown (D) Zones; Section 205 Rear Yard to update applicable reference numbers.

This report also serves as the prehearing report required by Subtitle Z § 501.

If set down for a public hearing, OP requests flexibility to work with the Office of Zoning Legal Division on the draft language for the public hearing notice.

II. BACKGROUND

During the adoption of ZR 16, the Zoning Commission directed staff to continue reviewing the newly adopted code for potential issues with the development review process and administration. Several inconsistencies regarding rear yards have been identified within the current zoning regulations that contribute to challenges when interpreting and applying the regulations to projects seeking approval.

The Office of Planning and the Office of the Zoning Administrator at the Department of Buildings have worked together to clarify and add consistency to the definitions, rules of

measurement, and accessory building rear yard sections of the code. The proposed changes represent a correction more than new text. They revert to the previously existing regulation that allowed accessory buildings to occupy no more than 30% of the rear yard, and make it clear that special exception relief for encroachments should be taken from the accessory building rear yard section and not the rear yard section as only accessory buildings exceeding 30% of the required rear yard area will now require special exception relief .

These simple changes will reduce excess special exception relief cases before the Board of Zoning Adjustment (BZA), and will bring the code in line with current interpretations.

III. PROPOSED TEXT AMENDMENT

The Office of Planning requests the Zoning Commission set down for public hearing text amendments to the following sections of the Zoning Regulations (text to be deleted is marked with ~~strikethrough~~ and new text is shown in **bold and underlined**:

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

Section 100, DEFINITIONS, of Chapter 1, DEFINITIONS is proposed to be amended to read as follows:

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

...

Yard, Rear: A yard between the rear line of a building or other structure and the rear lot line, except as provided elsewhere in this title. The rear yard shall be for the full width of the lot and shall be unoccupied, except as specifically authorized in this title.

~~**Yard, rear, depth of: The mean horizontal distance between the rear line of a building and the rear lot line, except as provided elsewhere in this title.**~~

Yard, Side: A yard between any portion of a building or other structure and the adjacent side lot line, extending for the full depth of the building or structure.

...

Section 317, REAR YARDS, of Chapter 3, GENERAL RULES OF MEASUREMENT, is proposed to be amended to read as follows:

317 REAR YARDS

317.1 Rear yards regulate the distance between a building and a rear lot line.

317.2 **Required rear yards regulate a minimum distance within the rear yard.**

317.23 A lot may have more than one (1) rear lot line.

317.34 No rear yard is required for through lots.

Section 318, RULES OF MEASUREMENT FOR REAR YARDS, of Chapter 3, GENERAL RULES OF MEASUREMENT, is proposed to be amended to read as follows:

318 RULES OF MEASUREMENT FOR REAR YARDS

318.1 ~~In the case of a lot that is triangular or irregularly shaped, the furthestmost point or line from the street lot line shall be deemed the point or line from which the required rear yard shall be measured.~~

318.21 The depth of a **required** rear yard shall be measured as the mean horizontal distance between the rear line of a building and the rear lot line, except as provided elsewhere in this title. **For purposes of measuring the rear yard, the rear line of a building shall be a mean horizontal distance starting at the point where the principal building area, as defined in Subtitle B, § 312, extends furthest from the front lot line.**

318.2 **Within a rear yard, the minimum required rear yard depth shall be measured as the mean horizontal distance between the rear line of a building and the rear lot line, except as provided in Subtitle B, §§ 318.4 through 318.8 and elsewhere in this title;**

318.3 **The required rear yard shall be unoccupied for the full width of the lot, except as specifically authorized in this title;**

318.4 **In the R, RF, and RA zones, the depth of a required rear yard shall be measured as the mean horizontal distance from the rear line of a building toward the rear lot line for the full width of the lot, except as provided in Subtitle B, §§ 318.5 through 318.8.**

318.45 **In the case of a lot that is triangular or irregularly shaped, the furthestmost point or line from the street lot line shall be deemed the point or line from which the required rear yard shall be measured.**

318.36 Where the rear lot line is not parallel to the street lot line, or where there are more than one (1) rear lot lines that intersect at a point at an angle greater than ninety degrees (90°), the required rear yard shall be measured as a vertical plane along a line measured in from the rear lot line at a point equidistant from the side lot lines;

318.47 Where a lot does not have a rear lot line, such as when the side yards converge at a point, or where the rear lot lines intersect at an angle less than ninety degrees (90°), a **required** rear yard shall be measured as an arc from the point opposite the front lot line(s); ~~and~~

318.58 Where there is more than one (1) rear lot line generally parallel to the front lot line but separated by a lot line generally perpendicular to the rear lot lines, then the **required** rear yard ~~setback~~ shall be measured from the rear lot line more

distant from the front lot line, and measured across the full width of the property to where it intersects both side lot lines.

318.69 In the case of a corner lot in any D zone other than the D-1-R zone, a court complying with the width requirements for a closed court as specified in Subtitle I § 207.1 and Subtitle B § 324 may be provided in lieu of a rear yard. For the purposes of this section, the required court shall be provided above a horizontal plane twenty-five (25) feet above the mean elevation of the rear lot line.

318.710 In the case of a corner lot in the MU-1, MU-2, MU-8, MU-9, MU-15, NMU-8B/H-H, and CG-3 zones, a court complying with the width requirements for a closed court as applicable for each zone may be provided in lieu of a rear yard. For the purposes of this section, the required court shall be provided above a horizontal plan beginning not more than twenty feet (20 ft.) above the curb grade opposite the center of the front of the building and the width of the court shall be computed for the entire height of court.

318.811 In the case of a through or corner lot abutting three (3) or more streets, the depth of rear yard may be measured from the center line of the street abutting the lot at the rear of the structure.

Amendments to Subtitle D, RESIDENTIAL HOUSE (R) ZONES

Section 5003, **MAXIMUM BUILDING AREA, of Chapter 50, ACCESSORY BUILDING REGULATIONS FOR RESIDENTIAL HOUSE (R) ZONES** is proposed to be amended to read as follows:

5003 MAXIMUM BUILDING AREA

5003.1 The maximum building area for an accessory building in an R zone shall be an area equal to the greater of thirty percent (30%) of the required rear yard or four hundred and fifty square feet (450 sq. ft.).

Section 5004, **REAR YARD, of Chapter 50, ACCESSORY BUILDING REGULATIONS FOR RESIDENTIAL HOUSE (R) ZONES** is proposed to be amended to read as follows:

5004 REAR YARD

5004.1 An accessory building other than a shed may be located within a rear yard in an R zone provided that the accessory building is:

~~(a) — Not in a required rear yard; and~~

~~(b)~~(a) Set back at least seven and one-half feet (7.5 ft.) from the centerline of any alley-; and

- (b) Not occupying, in combination with all accessory buildings on a lot, more than thirty percent (30%) of the area of a required rear yard.**

5004.2 A shed may be located within a required rear yard of a principal building.

Amendments to Subtitle E, RESIDENTIAL FLATS (RF) Zones

Section 5003, **BUILDING AREA**, of Chapter 50, **ACCESSORY BUILDING REGULATIONS FOR RESIDENTIAL FLAT (RF) ZONES** is proposed to be amended to read as follows:

5003 BUILDING AREA

5003.1 The maximum building area for an accessory building in an RF zone shall be **an area equal to** the greater of thirty percent (30%) of the required rear yard or four-hundred and fifty square feet (450 sq. ft.).

Section 5004, **REAR YARD**, of Chapter 50, **ACCESSORY BUILDING REGULATIONS FOR RESIDENTIAL FLAT (RF) ZONES** is proposed to be amended to read as follows:

5004 REAR YARD

5004.1 An accessory building other than a shed may be located within a rear yard in an RF zone provided that the accessory building is:

~~(a) — Not in a required rear yard; and~~

~~(b)~~**(a)** Set back at least seven and one-half feet (7.5 ft.) from the centerline of any alley-; **and**

(b) Not occupying, in combination with all accessory buildings on a lot, more than thirty percent (30%) of the area of a required rear yard.

5004.2 A shed may be located within a required rear yard of a principal building.

a.

Amendments to to Subtitle F, RESIDENTIAL APARTMENT (RA) ZONES

Section 5003 **REAR YARD**, of Chapter 50, **ACCESSORY BUILDINGS REGULATIONS FOR RESIDENTIAL APARTMENT (RA) ZONES** is proposed to be amended to read as follows:

5003 REAR YARD

5003.1 An accessory building other than a shed may be located within a rear yard in an RA zone provided that ~~it~~ **the accessory building** is:

~~(a) — Not in a required rear yard; and~~

~~(b)(a)~~ Set back at least seven and one-half feet (7.5 ft.) from the centerline of any alley; and

(b) Not occupying, in combination with all accessory buildings on a lot, more than thirty percent (30%) of the area of a required rear yard.

5003.2 A shed may be located in a required rear yard of a principal building.

Amendments to Subtitle I, DOWNTOWN ZONES

Section 205 **REAR YARD, of Chapter 2 GENERAL DEVELOPMENT STANDARDS FOR DOWNTOWN (D) ZONES** is proposed to be amended as follows:

205 **REAR YARD**

205.1 Except as provided Subtitle B §§ 317 and 318.~~69~~ and in Subtitle I § 205.2, a rear yard shall be provided for each structure located in a D zone, the minimum depth of which yard shall be two and one-half inches (2.5 in.) per one foot (1 ft.) of vertical distance from the mean finished grade at the middle of the rear of the structure to the highest point of the main roof or parapet, but not less than twelve feet (12 ft.).

...

205.3 The required rear yard shall be measured according to the regulations in Subtitle B § 31~~98~~, with the following exception: if the lot abuts an alley, the rear yard may be measured to the center line of an alley-abutting a rear-lot line, rather than to the rear lot-line, in which case, for this subsection, the term “center line of an alley abutting a rear lot line,” shall have the same meaning as the term “rear lot line”.

...

IV. COMPREHENSIVE PLAN CONTEXT

A. EQUITY ANALYSIS

The Zoning Commission’s Racial Equity Tool requires that every zoning action be considered through a racial equity lens. In this case, the proposed zoning action would amend text in Subtitle B to clarify how to measure rear yards, and amend text in Subtitles D, E and F to clarify allowances into the rear yard by accessory buildings. It would have District-wide impact so it should not impact racial equity in the District.

The Implementation Element of the Comprehensive Plan calls for “*the Zoning Commission to evaluate all actions through a racial equity lens as part of its Comprehensive Plan consistency*”

analysis”2501.8. Equity is conveyed throughout the Comprehensive Plan, particularly in the context of zoning, where avoiding displacement of existing residents, the provision of affordable housing and creating access to opportunity is a priority. One of the key ways the Comprehensive Plan seeks to address equity is by supporting additional housing development. The Comprehensive Plan recognizes that without increased housing, the imbalance between supply and demand will drive up housing prices in a way that creates challenges for many residents, particularly low-income residents.

The proposed text amendment should not result in the displacement of any tenants or residents but would facilitate the opportunity for additional building area for residents as a matter of right. The proposal would not result in changes to the physical environment as the aim is to become a part of the surrounding community in which they are located. On balance, the proposed text amendments would not be inconsistent with the Comprehensive Plan.

B. COMPREHENSIVE PLAN WRITTEN ELEMENTS

Citywide Elements:

Land Use Element

Policy LU-2.1.5: Support Low-Density Neighborhoods

Support and maintain the District’s established low-density neighborhoods and related low-density zoning. Carefully manage the development of vacant land and alterations to existing structures to be compatible with the general design character and scale of the existing neighborhood and preserve civic and open space. 310.12

The proposed text amendment would allow the District’s lower density zones (R, RF, RA) to have additional flexibility and use their land more efficiently by allowing 30% of the rear yard area to be occupied by accessory structures such as detached garages, accessory apartments, and sheds.

Housing Element

Policy H-1.5.1: Land and Building Regulations

Ensure the District’s land regulations, including its housing and building codes, zoning regulations, construction standards, and permitting fees, enable the production of housing for all income groups. Avoid regulations that make it prohibitively expensive or difficult to construct housing. 507.2

Policy H-1.5.2: Permitting Procedures

Minimize the cost and time associated with development processing while still addressing community and environmental concerns. Explore measures to improve the permitting process, provided that such measures are consistent with other provisions of the Comprehensive Plan. 507.3

The text amendment would meet these policy objectives by removing barriers to development and improving the permitting process. The adoption of the amendment would allow more accessory buildings to be approved as a matter of right, avoiding the special exception process with the Board of Zoning Adjustment, which has a several month approval timeline and a cost associated with filing an application that may be a barrier to new development.

Implementation Element

Policy IM-1.1.9: Monitor Development Requirements, Benefits, Amenities, and Other Commitments

Monitor and ensure commitments made through the development review process are implemented, including development requirements, benefits, amenities, or actions offered for incentives. 2502.14

Policy IM-1.3.1: Updating Land Use Controls

Regularly review and update the District’s land use controls and building codes to eliminate obsolete regulations and develop new regulations that address emerging issues, land uses, building types, and technologies. 2504.3

The proposed text amendment accomplishes these Comprehensive Plan policy goals by monitoring the District’s development requirements, and updating the land use controls by eliminating obsolete regulations and addressing issues that arose with administrating the ZR 16 updates as they related to accessory buildings in rear yards. The proposed changes would make the current zoning regulations more user friendly and streamline the approval process by reducing the need for special exception relief.

C. SUMMARY OF PLANNING CONTEXT ANALYSIS

The proposal would clarify rear yards within the definitions and rules of measurement, would add consistent clarity across the residential, residential flat, and residential apartment zoning districts, and would minor changes to code references in the Downtown zoning district. On balance, the proposed text amendment is not inconsistent with the Comprehensive Plan when viewed through a racial equity lens and meets numerous goals on updating land use regulations and streamlining permitting procedures. Therefore, OP recommends that the Zoning Commission set this application down for a public hearing.

V. ATTACHMENTS