

MEMORANDUM

TO: District of Columbia Zoning Commission
FROM: Stephen J. Mordfin, Development Review Specialist
JL for Jennifer Steingasser, Deputy Director, Development Review & Historic Preservation
DATE: September 25, 2020
SUBJECT: ZC Case 20-03: Public Hearing Report for a Proposed Text Amendment to Self-Service Storage Establishments

I. BACKGROUND

At its January 17, 2020 public meeting the Zoning Commission set down for a public hearing Text Amendment Case 20-03, which would define the term “Self-Service Storage Establishment” and require separate ground floor uses apart from the primary self-service storage establishment use of the building. These text amendments are intended to better ensure that this use addresses the intent of the PDR (Production, Distribution and Repair) zones in which they are located by providing space for small-scale production, service and/or retail-related businesses employment. The proposed amendments would also foster design improvements by activating the ground floors of buildings devoted to self-service storage establishments with uses to prevent the blank walls facing the street common in many of these facilities, and to ensure the ground floors of these buildings are constructed to standards to encourage these uses. The proposed regulations are similar to those found in other zones, including NC (Neighborhood Mixed-Use), Downtown, ARTS (Mixed-Use Uptown Arts), SEFC (Southeast Federal Center) and CG (Capital Gateway) zones.

II. RECOMMENDATION

The Office of Planning (OP) recommends that the Zoning Commission **approve** the proposed text amendments, as provided in draft form in Section V of this report. The proposal would not be inconsistent with the Comprehensive Plan.

III. CHANGES TO THE APPLICATION SINCE SET-DOWN

Since set down the pandemic has altered the local economy, particularly with respect to commercial space. In combination with comments received from the Commission at set down, OP modified the proposed language of the text amendment, eliminating the list of preferred uses. Instead, the revised language would permit a wider range of uses on the ground floors of self-service storage establishments, and require a minimum of thirty feet back from the front of the front wall of the building for the provision of these uses. Additional provisions that were included in the setdown report, such as to establish a minimum ceiling height and glazing requirements for the ground floor, were retained. Should applicants be unable to conform to these requirements, they would be able to apply for special exception relief from the Board of Zoning Adjustment, subject to a list of criteria further described below in Section VI.

Responses to comments received by OP from the Commission at set down and the resulting proposed text revisions and are described in detail in sections IV and V below.

IV. COMMISSION COMMENTS FROM SET-DOWN MEETING

The following summarizes Zoning Commission comments and requests for additional information relating to the proposed text amendment from the setdown meeting:

Comment	Response	OP Analysis
<p>1. Will there be any updates to “Ward 5 Works,” the document produced by the Ward 5 Industrial Land Transformation Force in August 2014?</p>	<p>The Ward 5 Planner informed Development Review that OP does not currently have plans to update the document, although changes to the use of PDR lands may support an updated analysis in coming years.</p>	<p>Should an update to the plan be proposed, Development Review would contribute as appropriate.</p>
<p>2. Limit parking on the ground level, but do not preclude it.</p>	<p>OP added a provision that the first 30 feet of space from the front of the building should not be used for parking, but that parking would be permitted within the remainder of the ground floor, underground or on open space on the lot as permitted under zoning. OP also added that special exception relief be available for applicants unable to provide the minimum required 30 feet.</p>	<p>Ground floor parking should be permitted for the operation of self-service storage establishments and other ground floor uses, but should not be located within the front street-facing portion of the building.</p>
<p>3. Will we be encouraging vacant space by requiring retail and medical care? There is not much foot traffic. Maker space would be better.</p>	<p>OP revised the proposal to clarify that a broad range of uses would be permitted. Rather than a list of preferred uses, which included retail and medical care uses as originally recommended, OP instead proposes language to clarify that most uses permitted in the zone, other than self-service storage establishments, would be permitted within this portion of the ground floor.</p>	<p>There can be limited foot traffic in PDR areas. This, in combination with current economic conditions, led OP to propose that most uses permitted in PDR, with the exception of self-service storage establishments and other specified uses not appropriate for this space, be required along the front, such as maker space, arts production, office, and other uses not normally dependent on foot traffic, but which would provide for additional employment, business, and street activation options.</p>

Comment	Response	OP Analysis
4. What kind of relief would be required from the design standards? We do not want vacant space. Look at other uses permitted as a matter-of-right.	OP proposes special exception process for relief from the design standards, and from the use related standards. In addition, OP reviewed the range of uses permitted in PDR and proposes to permit most uses, with the exception of those that would not be appropriate.	The broader, clarified range of uses should lessen the chances that space would remain vacant. In addition to adding special exception relief for design standards, OP recommends any use permitted within PDR be permitted as a ground floor use within self-service storage establishments, in an attempt to ensure those spaces do not remain vacant.

V. ANALYSIS

As discussed in the OP setdown report self-service storage establishments are a use permitted as a matter-of-right within the PDR zones. The intent of the PDR zones is outlined in Subtitle J § 100.2, as follows:

100.2 The provisions of the PDR zones are intended to:

- (a) Regulate the use of land and structures and the erection and modification of structures in areas characterized by PDR uses, typically with heavy truck traffic and loading and unloading operations;
- (b) **Encourage the retention of viable land to accommodate production, warehousing, distribution, light and heavy industrial, and research and development activities;**
- (c) **Allow compatible office and retail uses and development;**
- (d) Minimize encroachment by uses that are incompatible with PDR uses, including residential uses, which could impair existing PDR activities;
- (e) **Manage transitions between PDR-zoned areas and surrounding neighborhoods; and**
- (f) Ensure the environmental performance of development.

The zoning text amendments proposed in this case do not change the intent of the zones, but rather would aid in the self-service storage establishment use better addressing these intent statements, particularly the ones noted in **bold** above. Further, Subtitle J § 101.2 notes that the development standards are intended to “(c) Regulate the mix of uses”. The proposed amendments would accomplish this by:

- Encouraging a greater mix of uses to foster business, employment and, if appropriate on the site, neighborhood serving uses as part of a use that would otherwise minimally address these intents; and
- Establishing design standards for the ground floor to encourage and facilitate these other uses, and provide for an improved streetscape character through the restriction of blank walls facing the street, including uses that tend to activate the street to a greater degree.

VI. PROPOSED TEXT AMENDMENTS

Since setdown revisions were made to the proposed text. At the suggestion of the Office of the Attorney General (OAG), adjacent terms used within the same section as the proposed amendments were changed for consistency, with no change in meaning. Text in Subtitle J, PDR Zones inadvertently deleted as part of Zoning Commission Case No. 19-04 has been reinstated.

At the direction of the Commission, OP replaced the list of preferred uses with a proposed provision requiring the first thirty feet back from the front of the building be dedicated to any PDR use, with the exception of self-service storage establishments and other uses not considered appropriate, such as a parking and a waste-related business. At the discretion of the Board, OP added that special exception relief process, subject to a list of criteria.

The proposed text amendments are as follows. Text in **bold underline** is new proposed text; the text in **bold strikethrough** is proposed to be deleted from existing text.

801.1 The following uses shall be permitted in a PDR zone as a matter of right, subject to any applicable conditions:

...

(n) ~~Health-care~~ **Medical Care**;

...

(v) Production, distribution, and repair **(PDR)** uses are permitted as a matter of right, subject to compliance with the Standards of External Effects in Subtitle U § 804, except for **a self-service storage establishment or** the following prohibited uses or activities:

...

(w) Residential uses are limited to ...

(x) Retail uses ...

(y) Self-service storage establishment uses shall be permitted provided they meet the following:

(1) Devote to any use permitted by this section except for (t) Parking, (z) Transportation infrastructure, (aa) Utility, (bb) Waste-related service, or (cc) Wholesale or storage establishment.

(A) Not less than fifty percent (50%) of the ground floor area;

(B) One hundred percent (100%) of the building's street frontage along the front of the building facing an improved public street to a minimum depth of thirty feet (30 ft.) from the front facade, with the exception of space devoted to building entrances or required for fire control, office associated with the self-service storage establishment use, or required by the District of Columbia Building or Fire Codes (Title 12A of the DCMR); and

(2) Design the ground floor with:

- (A) A minimum clear floor-to-ceiling height of fourteen feet (14 ft.), measured from the finished grade; and**
- (B) Not less than seventy-five percent (75%) of the surface area of the street wall associated with the preferred uses required by Subtitle U § 801.1(v)(1)(ii) at the ground floor to windows, which shall include:**

 - (i) Clear/low emissivity glass allowing transparency to a depth of twenty feet (20 ft.) into the preferred ground level space, with bottom sills no more than four feet (4 ft.) above the adjacent sidewalk grade; and**
 - (ii) Views from within the building to the street and from the street into the building;**
- (y) Service uses are permitted as a matter of right ...
- (z) Transportation infrastructure;
- (aa) Utility (basic) uses are permitted as a matter-of-right ...
- (bb) ~~Waste incineration~~ **Waste-related service uses**, including for conversion to energy subject to the Standards of External Effects in Subtitle U § 804, and the use shall not be permitted on any lot located in whole or in part within one hundred feet (100 ft.) of a residential zone; and
- (cc) Wholesale or storage establishment ...

Subsection 802.1 of § 802, SPECIAL EXCEPTION USES (PDR), of Chapter 8, USE PERMISSIONS PRODUCTION, DISTRIBUTION, AND REPAIR (PDR) ZONES, of Subtitle U, USE PERMISSIONS, is proposed to be amended by revising paragraphs (f) and (h), by adding a new paragraph (i) for Self-Service Storage Establishments, by adding a new paragraph (j) that was inadvertently deleted in Z.C. Case No. 19-04, and by modifying and renumbering current paragraphs (i) and (j) as new paragraphs (k) and (l), to read as follows:

802.1 The following uses shall be permitted in a PDR zone if approved by the Board of Zoning Adjustment as a special exception under Subtitle X, Chapter 9, subject to the applicable conditions of each paragraph below:

...

- (i) Self-service storage establishment uses not meeting the requirements of Subtitle U § 801.1, subject to the applicant demonstrating with documentation the following:**

 - (1) The uses, buildings, or features at the size, intensity, and locations proposed, will substantially advance the intent of the zone and the purposes of creating an active streetscape;**

- (2) The use will not adversely affect neighboring property or be detrimental to the health, safety, convenience, or general welfare of persons living, working, or visiting in the area;**
- (3) The architectural design of the project will enhance the urban design features of the immediate vicinity in which it is located; and**
- (4) Vehicular access and egress are located and designed so as to minimize conflict with pedestrian access to the building, to function efficiently, and to create no dangerous or otherwise objectionable traffic conditions;**
- (5) Inability to meet one or more of the requirements of Subtitle U § 801.1 for a self-service storage establishment use as a result of the property's size, shape, or topography, or the configuration of an existing building on the site proposed to be converted to a self-service storage establishment;**
- (6) The reduced depth of the space that could be provided is not practical for the operation of a self-service storage establishment; and**

VII. PLANNING CONTEXT

a. COMPREHENSIVE PLAN

As fully discussed in the OP setdown report of January 17, 2020 (Exhibit 2), the proposed text amendment would further several Comprehensive Plan policy objectives, specifically Land Use, Economic Development and Arts and Culture Citywide Elements.

b. OTHER PLANS

As described in the OP Setdown referenced above, the proposed text amendments would further the guidance provided by “Ward 5 Works, The District of Columbia Ward 5 Industrial Land Transformation Study.”