

WARD 8 ZONING REGULATION REVISION PRESENTATION

The Committee of 100 on the Federal City

Committeeof100.net

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How Do You Find Out What's in ZRR's 1,000 Pages?

Online at dcox.dc.gov/ZRR/ZRR.shtm

- Table of contents at beginning of each subtitle
 - R2 and R3 regulations are in Subt. D
 - R4 regulations are in Subt. E
 - R5 regulations are in Subt. F
 - Commercial zone regulations are in Subt. G
 - Industrial zone regulations are in Subt. J

Transcripts, videos, regulations, written testimony at
<http://dcoz/dc/gov/news/2013/news122013.shtm>

One hard copy in every library

When reading the proposed new code, you have to remember that some terms have different meanings. For example, retail in the current code refers to a list of specific businesses. Retail has no meaning by itself. The Office of Planning proposes to eliminate the lists of businesses that are appropriate for neighborhood serving retail areas and replacing them with an allowance for any business that could be described as retail. Any business that fit that description could locate in the neighborhood shopping area or in a residential area where retail is permitted. Another example would be a movie theatre, which is one of only a few entertainment venues that are permitted in your particular shopping areas. Per the category system movie theatre would become entertainment and any entertainment venue would be able to locate in your shopping area. Whereas you might want a movie theatre or some other entertainment venue but not want the full spectrum of entertainment options, the new category system would not allow your community to make those distinctions. Also, names for zones will change under ZRR. Instead of R2 designating areas with detached and semi-detached houses, R2 would become a zone for only detached houses. The current R2 zone would become R3. Commercial zones will become mixed use zones. R5 zones will become apartment zones. In most cases, OP has included the current zone titles in parentheses to help explain where the current zones can be found.

When Can You Be Heard?

- Written testimony: Accepted until April 25 at 3pm. Call Donna Hanousek for information on submitting, 202-727-6311, or email Donna.Hanousek@dc.gov
- Hearing on April 21 in Ward 8. Time and location TBD.

Committee of 100 Policy on Zoning Revision

The Committee of 100 supports a revision of the current zoning regulations that will produce

- A diverse and inclusive city, full of opportunity and choices in lifestyles, housing, transportation, education and employment;
- Local solutions that will preserve our distinctive neighborhoods and protect the environment; and
- Decision making that retains residents' rights to influence growth and change in our neighborhoods

Why Should Ward 8 Care About ZRR?

Changes will bring more density

- Accessory apartments, alley dwellings

Changes will encourage more structures on lots

- Taller garages, structures in side yard

Changes will allow more commercial uses in neighborhoods

- Expanded allowable home occupations, businesses in accessory structures
- Variety of corner stores

Changes will reduce parking requirement for new development

- Apartments, retail, office, service, churches
- Additional reductions for uses near metro station or frequent bus route

Changes will prevent ANCs from reviewing almost all of the above

- Special exception review for some types of stores and to waive conditions; previously variance review

The Office of Planning is not changing the lot occupancy limits but it is changing how you can build on your lot to achieve the maximum lot occupancy and how you can use those structures. For example, Ward 8 has a lot of R2 zoning with detached and semi-detached houses. Now you can build a 450sf garage or accessory building in the rear yard. It can't be more than 15 feet tall and one story. OP is proposing that the 450 sf garage or accessory building in the rear yard could be 20 ft and 2-stories and that you could use it for a home business. If you don't enlarge an existing garage you could use it for an apartment. You could also for the first time build an accessory structure next to your house on the lot line separating your side yard from your neighbor's side yard. That structure could be 100 sf and 10 feet tall. You could put a business in that structure; in fact, you could have businesses in both the garage and a structure in the side yard. Additionally, there may be changes in the code that have not been proposed that you want in order to improve the quality of life in your community. Its important that you tell the ZC how current zoning is affecting your neighborhoods and how it could be improved.

Changes to Ward 8 Residential Zone R2

Existing Regulations-

Uses

- Apartment inside home by special exception
- Limited number of home occupations inside home

Structures

- Garage/accessory structure in rear yard – 1 story, 15 ft tall
- Side yard structure - prohibited

Proposed Regulations-

Uses

- Apartment inside home or in existing garage or accessory structure by right
- Expanded number of home occupations inside home and in garage/accessory structure

Structures

- Garage/accessory structure in rear yard – 2 stories, 20 ft tall
- Side yard structure – 12 ft long, 10 ft tall

Ward 8 has large areas of R2 zones. Typically, there are detached and semi-detached houses in these neighborhoods. The proposed changes affect how you or your neighbor can use your property and what additional building you could construct on your property. The Office of Planning proposes to change one-family neighborhoods to 2-family neighborhoods by allowing existing garages or accessory structures to be converted to apartments. Alternatively, garages or accessory structures could also be used for home-based businesses. Its very important to understand that the Office of Planning proposes to remove the lists of businesses that are appropriate to locate in certain areas and replace them with broad categories of businesses, like retail, service, and office, and permit any business that falls into that broad category. In the case of home occupations, it appears that would allow many businesses to open in residential areas that currently are only allowed in commercial areas. In addition cottage food businesses and non-profit organizations would be allowed as home occupations. In our view, the Zoning Administrator should be asked by the Zoning Commission to explain how the OP proposal would be interpreted by his office so that there is transparency about what businesses would be allowed to locate in residential neighborhoods. OP is also proposing to allow expanded or new garages and accessory structures to be built to 20 ft and 2-stories. In addition, a structure could be built in the side yard setback, next to your side lot line. These structures could have 100 sf footprints with one wall 12 ft long and building height of 10 ft. These structures could be used for a home occupation, a pool house, a shed or any use the Zoning Administrator would decide is accessory to a residence. A tiny apartment could be put into these side yard structures with a special exception.

Proposed Changes in ANC Review for R2 Zones

Accessory Apartments or ADUs

- Special Exception review for in-home apartment removed
- Variance review for apartment in existing rear yard accessory structure removed

Home Occupations

- Variance review for retail and service businesses authorized for commercial areas removed
- Variance review for locating home occupation in accessory structure removed

Garage Size

- Variance review for larger garage removed

Side Yard Structures

- Variance review for building separate structure in side yard setback removed

The difference between a special exception and a variance is huge. Special exceptions are specifically mentioned in the zoning code. There are minimal standards that the BZA applies to their deliberation. It is often assumed that the special exception will be approved; the only question is whether there will be conditions placed on the approval. A variance, in contrast, should almost never be approved. When a special exception is not mentioned in the zoning code, a request to waive a zoning reg almost always would be a variance; the Zoning Administrator is ultimately authorized to decide what is variance and what is special exception. With a variance, an applicant has to show unique and exceptional circumstances or financial hardship and its very difficult to prove that. In all the cases listed, an ANC currently would get notice and have an opportunity to develop a recommendation, participate in a hearing and have its view given great weight. Under ZRR the only proposed ANC involvement for ADUs, for example, would be if a new structure or an expanded structure were being built for an apartment. As proposed, the requirement for special exception review for a new structure built for apartment use would have a time limit of 5 years from the date of the issuance of a building permit. Once the 5 years elapses there is no longer a required review and converting the new structure to an apartment use would be by right. In the case of home occupations. ANCs would only be involved if an applicant wanted to waive some of the conditions, like the amount of space used, the number of patrons within a time period, the number of cars used, etc. There would be no review for building a larger garage on the rear lot line unless it was to be used for an apartment. There would be no review for the side yard structure.

Proposed Use Changes in Ward 8 Residential Zones R3 and R4

Existing Regulations

- R3 - Apartment in detached home on 4,000 sf lot only by special exception
- R4 - Two apartments in home with 900sf of lot area per apartment
- Home occupations limited and must be in home
- Prohibits retail, service, eating & drinking, arts creation businesses unless in existence before 1958
- Prohibits food stores or markets unless in existence before 1958

Proposed Regulations

- R3 - Apartment in any home or existing garage by right on 4,000 sf lots
 - in new or enlarged accessory structure by special exception
- R4 - Two, three, or four apartments with one permitted in existing garage
 - 750sf of lot area per apartment for houses with 3 or 4 permitted units
- Home occupations expanded and allowed in accessory structures
- Allows retail, service, food & alcohol, arts creation businesses in corner houses by special exception
- Permits food stores or markets
 - R3 can also locate above businesses on block if house was originally built for non-residential purpose

The proposal to allow an apartment to be created in a house or existing garage or accessory building in R3 zones in Ward 8 is the same as the proposal for R2 zones. OP proposes to allow up to 6 persons total to live in an apartment and the main house, with no distinction made for relatives. However the condition related to total number of people living on the lot could be waived by special exception. There are different conditions for apartments in the home and apartments in a garage or accessory structure. For example, a garage apt. cannot have a roof deck or balcony; a house apartment must have at least 2000 sf of gross floor area excluding the basement. But almost all of the conditions and restrictions can be waived by special exception. If more than 2 conditions would be waived the review would be for a variance. But there is no review if you comply with the conditions. The only review for creating an apartment would occur if you want to build a new accessory structure or expand an existing one for an apartment use. But even that has a loophole. You can go ahead and expand the structure or build a new one and then ask for the special exception to use it as an apartment or you can wait 5 years from when you received a building permit to build a new structure and avoid the need for a special exception.

One of the questions you may want to ask yourselves is would these changes promote stability of neighborhood, would they enhance or detract from neighborhood character? Do you want residents to be able to have businesses in garages or accessory structures? Does it matter if these structures are on the lot line with the neighbor's property? Do you want a garage to be used as an apartment? Do you want the ground floor of a house leased to a retail or service business, or a sandwich or coffee shop business?

You may want to ask similar questions about R4 zones. In this zone houses can already be converted to two apartments if there is 900 sf of lot area for each apartment. Should one of those apartments be located in an accessory building or garage? And very important for Ward 8 where you have a lot of R5 zoned land – do you

want rowhouses and other houses to be permitted to be divided up into apartments or do you support the OP proposals to allow them to be divided up into 3 or 4 apartments, but no more? Alternatively, do you want houses in R5 zones rezoned so that they stay single family homes? There are not a lot of R4 zones in Ward 8 currently so you may not have a lot of experience with the conversion of houses into apartments, but in other wards this practice has resulted in developers out bidding families for single family houses in single family neighborhoods. They then divide the house into apartments and they get more lot occupancy as part of the benefit for doing that. Ward 8 has a lot of R5 zoning which allows houses to be converted no matter the lot size into apartments. The Zoning Commission should be very interested to know what type of housing you want, whether you want to preserve what you have or create more density by allowing conversions of houses into apartments and if so, how many apartments you think are appropriate for your neighborhoods. OP thinks it's a good deal to prevent houses from being converted to 5 or more apartments and in exchange having them divided into 3 or 4 units is better. What do you think?

With home occupations, OP is proposing to allow a lot more business types and to permit these businesses to operate out of a garage or accessory building.

OP is also proposing a range of businesses that do not have to be operated by a resident for the ground floor of corner houses and in R3 on the block if certain conditions are met. OP wants food stores to be by right and the other types of stores to be by special exception. OP believes that the conditions they are proposing will protect neighborhoods from being changed adversely but almost all of the conditions can be waived with a special exception.

Proposed Conditions on All Corner Store Uses in Ward 8

Size – 1,200 sf on ground floor

Liquor sales – 15% of the store square footage

No cooking on premises

No consumption of alcohol on premises

No external trash storage or use or storage of dry cleaning
chemicals

These are the conditions that OP proposes could not be waived by the BZA. What could be waived by special exception are the regulations about how far these commercial stores must be from an existing commercial zone and how many of these stores could open in your neighborhood. Those proposed limits are 500 feet from a commercial zone, 500 feet between eating and drinking corner businesses, and no more than 3 other retail, service or arts businesses within 500 feet of each other. There are no conditions on the number of employees who could work at these stores, whether there could be patios, outdoor seating, and outdoor music. There are no parking requirements. And there are no restrictions on changes to windows or the ground floor façade. There is a single sign regulation, but that can also be waived by special exception. The corner store proposal seems to be popular in some wards and not at all welcomed in other wards. Its important that you tell the Zoning Commission what you think because if this proposal is enacted a business could lease space in the house on the corner and open a market with no notice. Look at the conditions that can't be waived and the ones that could be waived – if you want these stores, are the conditions the right ones? Should there be a longer list of conditions that can't be waived? Do you want different conditions or would you prefer not to have these stores?

The C100 has urged the Zoning Commission to reject the OP proposal and instead wait for communities to ask for corner stores and to recommend the conditions and details that would work for that community.

Proposed Changes in ANC Review for R3 and R4 Zones

Accessory apartments in R3

- Special Exception review for in-home apartment removed
- Variance review for apartment in existing accessory structure removed

Garage apartment in R4

- Variance review removed

Home Occupation

- Special Exception review for retail and service businesses authorized for commercial areas removed
- Variance review for locating home occupation in accessory structure removed

Corner Stores

- Variance review for food stores removed and downgraded to special exception for other types of stores

Larger garages or accessory structures would also be allowed in R3 and R4 zones. They would only be reviewed if an addition or new structure would be used for an apartment. Structures in the side yard setback would also be allowed. Currently, both of these changes would require a variance. As you can see there would be a lot more your neighbor could do with his property with no notice to you or the ANC. In some cases, like with a retail store, the neighbor would have to give you notice and there would be a BZA hearing but as ANC commissioners know most special exceptions are approved and the only question is whether there will be conditions. Among the conditions OP anticipates are details about hours, changes to windows and facades, outdoor seating, numbers of employees, etc. Since food stores would be by right, Ward 8 residents have to let the Zoning Commission know if you want these stores and if you do if you want it to be easy for the conditions to be waived.

Alley Lots in Ward 8

Existing Regulation

- artist studio, if have 450sf of lot for each artist and apprentice
- one family dwelling, if on 30 ft alley and have minimum lot area (R4 rowhouse = 1800 sf)
- Height = alley width

Proposed Regulation

- one family dwelling in R3 and R4 zones, or multiple dwellings in A zones, if on 24 ft alley and have 450sf of lot for each unit
- height = 20 ft and 2-stories
- 6 unrelated persons per alley dwelling or apartment

Special Exception Relief

- alley less than 24 ft in RF or A zones
- less than 450 sf in A zones

Ward 8 has the fewest alley lots in the city. There are approximately 40 in Ward 8. We are mentioning it because OP is proposing changes to encourage the use of existing alley lots as residences. The requirement that alley be 30 ft wide would be reduced to 24 ft wide. The required lot size would be reduced to 450 sf. If your alley lots are in R5 zones, the alley structure could be converted to apartments as long as there was 450 sf of lot area for each apt. So just to compare how OP is proposing to increase residential density in R4 zones— you can create 2 apt. in R4 house with 900 sf of lot area for each unit; in the proposed new R4 zones only 750 sf of lot area would be required for each unit; and for alley dwellings only 450 sf would be required. The idea is to get more density in smaller spaces.

In terms of ANC review, an ANC would be noticed currently if someone wanted to create an alley dwelling on a 24 ft wide alley or if they had less than the minimum lot size required for the zone. That review would be removed and only reinstated if the alley was less than 24 ft and the lot area was less than 450 sf.

Alley lots could also be used for public parking or for industrial use. They could not be used for corner stores.

Rooming or Boarding House in Ward 8 R4 and R5 Zones

Existing Regulation – no limit on number of boarders

Proposed Regulation – limits number of persons living in a boarding house in RF zones, or in a rooming house or boarding house in A zones, to 8 persons

This is a welcome limit on numbers of boarders allowed in a house converted for that purpose. Many people have also asked how many people could live in an accessory apartment in the R2 and R3 zones and in R4 apartments. Their proposal is a little confusing. There would be no limit on the number of related people living in a house in any residential zone or an R4 or R5 apartment. If an accessory apartment has been created in R2 or R3 zones OP is suggesting a total limit of 6 people living on the lot with no distinction for relatives. So if you had an apartment in the home or in the garage the total number of people living in the apartment plus the house could be no more than 6, although the BZA could waive that limit and allow more people to live on the lot. In R4 and R5 zones the 6 person limit also applies to unrelated persons. So if a group of 6 friends wants to rent a house or an apartment in R4 or R5 zone they could do it. If a house is converted to a rooming or boarding house there could be 8 people living in the house. What you should remember is that any zoning provision can be waived, zoning laws are not like civil or criminal laws. If you violate one of those you get fined or you go to jail. With zoning laws, you go to the BZA and ask them not to apply a law to you. If the Zoning Commission has written the law to allow a special exception for that provision, chances are good the BZA will approve your request; if there is no provision for a special exception it means that the Zoning Commission thinks there should be really unusual and exceptional circumstances before it is waived and that is what the variance process requires.

Pop-Ups in RF and A Zones in Ward 8

Existing Regulation

- Allow vertical additions on row houses up to zone height limit so long as FAR, limitation on number of units, and other development standards are met

Proposed Regulation

- No change

Pop-up is the term used to describe adding height to an existing house so that you can create more housing units. This is only done typically in the zones where you can create apartments. Converting houses into apartments can only happen now in R4 and R5 neighborhoods. In other parts of the city that are “hot” areas, developers have taken advantage of the fact that houses haven’t been built to the maximum heights allowed in these zones by building units on top of the existing house. The result is often quite ugly. The Office of Planning did not propose any changes to stop this practice, but after a lot of testimony complaining about pop-ups, the ZC asked OP to give them a proposal. This type of practice could happen in Ward 8, and perhaps already has, so you might want to think about what you would like in Ward 8. Would you want maximum heights to come down as G’town requested, for example? Would you want to allow pop-ups or prevent them?

Roof Structures in Ward 8

Existing regulation

- 18 ft 6 in above the roof and setback from all sides distance equal to height

Proposed regulation in residential zones

- 10 ft above the roof and setback only from the front a distance equal to height, 50 % of height from sides that don't adjoin another building and no rear setback

Apartment zones

- 18 ft 6 in above the roof and setback only from front distance equal to height, 50% of height from non-adjoining sides and no rear setback

Increasingly developers want to convert roof structures into communal recreation spaces. In R2 and R3 neighborhoods the Zoning Administrator allows roof decks and that would continue but OP is proposing to allow roof structures in those neighborhoods to also be used for communal rec space. There is no similar proposal for R4 neighborhoods. The practice is already allowed in R5 neighborhoods. One consideration for Ward 8 is do you want a 10 ft structure built above the height limit set by zoning to be used for recreation in residential zones? Should they continue to be restricted to mechanical uses and stairwells per current law? Do you want the setback to be reduced on the sides and eliminated in the rear?

Institutional Uses in R4 and R5 Zones in Ward 8

Existing Regulation

- Special Exception
- Organization created to improve social and economic well-being of neighborhood residents
- Not organized for profit
- No structural changes allowed

Proposed Regulation

- Special Exception
- Organized for social welfare of neighborhood residents
- Not organized for profit
- Can charge a fee for service
- Less than 50% of square can be filled with institutional, churches, and schools
- Private Clubs become institutional and no longer by right

Apartment Zones

- Same as Proposed with exception of concentration limits

These not for profit, social welfare organizations are currently called community service organizations and examples are job training programs, family counseling programs, and consumer cooperatives. The new code would call them institutional uses, which is a big tent that includes private clubs and libraries, social welfare groups and non-profits. The intention of this proposal seems to be to continue the community service organization use in R4 neighborhoods but to somewhat limit how many could be grouped in proximity to churches and schools. One of the big changes would be allowing structural changes to a house and permitting fees to be charged.

Community service organizations in apartment zones would be subject to the same proposed regulations, with the exception of the limitation on concentrating this use with churches and schools. That limit would not apply in apartment zones.

Proposed Changes Community Based Residential Facilities or Institutional Facilities & Emergency Shelters in Ward 8 Residential Zones

Existing Regulations

- CBRFs
 - substance abuser home, youth residential care homes, health care facilities
 - number and location regulated
- Emergency Shelters
 - 4 persons by right
 - 5-15 persons with special exception
 - number of persons served and proximity to other shelters can be waived

Proposed Regulations

- CBRFs
 - permitted as a residential use in all zones
 - based on court decision
- CBIFs
 - new term for facilities that can still be regulated
 - court ordered monitored care, rehabilitation or correctional facilities
 - Requires special exception
 - Up to 15 persons with proximity to other CBIFs restrictions
- Emergency Shelters
 - 4 persons by right
 - 5-15 persons with special exception
 - Numbers and proximity to other shelters can be waived

The federal courts have ruled that local jurisdictions cannot regulate residential facilities. They can however continue to regulate rehabilitation or correctional facilities. As a result these two types of facilities have been split and the term CBIF created for the uses that can be regulated. CBRF would be more limited than that term currently is and would only refer to the unregulated residential facilities. CBIFs would be regulated in the same way that CBRFs are currently regulated. However, it appears that the number of people served and the proximity to similar uses **could not be waived in the residential zones** as they currently can be, but those limits could still be waived in the apartment zones, like R5A and B. If you are concerned about the concentration of these uses it would be wise to mention to the Zoning Commission that you want to be sure that the proliferation of these uses is not possible through special exception waivers. Also, you may want to consider that the concentration limit counts only how many shelters, for example, there are within an area, and not how many shelters and CBIFs there are in that area.

With regard to emergency shelters, the number of persons served and the location restrictions could be waived by special exception.

Office Uses in R4 and R5 in Ward 8

Existing Regulation for R4 and R5 Zones

- Special exception
- Non-profit office use
- 10,000 sf house in historic district or landmarked
- Additions reviewed/approved by HPRB & BZA

Proposed Regulation

- No changes, for RF zones
- May no longer be allowed in R5 zones

This slide may only have relevance for the Anacostia Historic District, but its important that you be aware of the reasons for the proposed change. In some DC historic districts non-profit organizations were taking advantage of a zoning provision that allowed non-profits to convert large houses or apartment buildings that were landmarked or were built in the period of significance for the historic district into office buildings. A special exception is required but they have been readily approved. This practice has been used a lot in Dupont Circle and has resulted in the loss of significant amounts of housing. The proposal would continue to allow this practice in R4 zones but it appears that OP proposes to stop it in R5, apartment zones. There is some confusion since the use tables do not agree with the use text, but if you are concerned about historic properties being converted from residential to office, you may want to look at which residential buildings in Ward 8 might be eligible for conversion to office and decide if you want to support that option. If you don't want historic housing to be converted to office you should mention to the Zoning Commission that you want to prevent this practice.

Proposed Commercial Zone Changes Affecting Ward 8 Development Standards

Existing Regulations

C-1

- 40 ft, 3 stories
- 1.0 FAR
- Rear yard – 20 ft.
 - Alley exception applied at 20 ft of building height
- Side yard – 8ft for houses; 6 ft for other
- Lot occupancy – 60% for residential

C-2-A

- 50 ft
- 2.5 FAR, only 1.5 for non-residential
- Rear yard – 15 ft.
- Lot occupancy – 60%

Proposed Regulations

C-1

- No change for height and FAR
- Rear yard alley exception applied at 25 ft of building height
- Side yard – 5 ft for other

C-2-A

- No change for height
- 2.0 for non-residential if on 10,000sf lot
- Lot occupancy - none

In Ward 8 your commercial zones are neighborhood serving C-1 or multiple neighborhood serving C2A. OP is proposing to change the name of these zones to M3 for C1 and M4 for C2A to designate a change in commercial as the descriptor to mixed use as the descriptor. For simplicity, I am using the current terms. The C-1 and C2A alley exception allows the rear setback to be applied only to a building taller than 20 ft. If you have such a building you measure the setback from the center line of the alley and the building must be setback a distance of 20 ft from that point, but only if the building is more than 20 ft tall. So if you have a 30 ft wide alley the building would have to be setback 5 ft from the rear lot line, but only for that portion of the building above 20 ft. In C2A there would be no setback if the alley is 30 ft wide since the rear yard requirement is only 15 ft. OP proposes to allow 5 more feet of height to a building before applying the rear setback, so at 25 ft the setback would be applied if building lot is on an alley. Side yards for any structure that isn't a detached or semi-detached house in C1 and C2A would be reduced from 6 ft to 5 ft. Lot occupancy limit on residential portion of building in C2A would be eliminated, so a developer could build to cover the entire lot including no rear setback up to 25 ft. In addition, OP proposes to allow commercial uses to occupy ground and first floor of buildings in C2A zones. In some C2A zones buildings have split second floors with partial residential and partial commercial, like small offices. This proposal would allow developer to remove the residential and establish all commercial on the second floor.

Proposed Commercial Zone Changes Affecting Ward 8 Use Standards/ C-1 and C-2-A Zones

Existing Regulations

- Youth residence, community residence if less than 7 persons served in C-1 or less than 15 persons in C-2-A
 - Condition: 500 ft concentration limit or no others in same square
 - Special Exception for up to 15 persons in C-1, 25 persons in C-2-A
- Health care if less than 7-8 persons
 - Condition: concentration limit
 - Special Exception for 9-300 persons
- Emergency Shelter if 4 or less persons
 - Special Exception for 5-15 persons in C-1, 5-25 persons in C-2-A
- Child development or elderly day care home
 - Home occupations

Proposed Regulation

- Residential and Health care permitted
- CBIFs
 - Special Exception for 1-20 persons
- Emergency Shelter if 4 or less persons
 - C-1: Special exception for up to 15 persons
 - Concentration limit, but can be waived
 - C-2-A : Special Exception for up to 25 persons
- Daytime care if no more than 5 persons in C-1 and 6 persons in C-2-A
 - Special exception for up to 15 persons

The big change here is allowing residence facilities by right. As I mentioned earlier, as a result of a federal court decision residential homes, including substance abuser homes, must be treated as residential and as such there are no limits on them. OP is proposing to treat health care facilities similarly in the C-1 and C-2-A zones, which removes the special exception requirement. Community Based Institutional Facilities would be allowed only by special exception for up to 20 persons in both zones; this is how youth and adult rehabilitation homes are treated now. There are no concentration limits proposed. OP proposes a concentration limit for emergency shelters that serve more than 4 persons that would space these facilities 500 ft from one another or not allow more than one per square but they also propose to let the BZA decide that they don't need to impose the concentration limit. There would be no concentration limit applied to emergency shelters in C-2-A. Daytime care, which currently could only be a home occupation and presumably only in a house, would be permitted in a commercial building with numbers of persons served restrictions and the option of a special exception, but no concentration limits.

In terms of changes affecting ANC review, there is no way around the permission for residential care facilities since it is based on court decision. The introduction of daytime care into a commercial building would currently require a variance and OP is proposing to permit it for 5 persons in C1 and 6 persons in C2A and by special exception for up to 15 persons. So that removes the review for a small number of persons served and downgrades the review for more persons served from a variance to a special exception.

Changes to W8 Industrial Zone CM-1

Existing Regulations

- Low density commercial and light manufacturing
- 3 stories, 40 ft
- FAR 3.0

Proposed Regulation

- Moderate density production, distribution, and repair
- No story limit, 50 ft
- FAR 3.5

Ward 8 has large areas to the south at Blue Plains zoned CM-1 and below the Naval Research Laboratory that is zoned CM-3. There is also land on Sterling Firth Rd. that is zoned industrial. OP is encouraging the location of basic utilities, large scale gov't operations, PDR, and waste-related services in these areas by offering the extra FAR, or more bulk, for buildings with those uses. Many other types of uses from night clubs to retail would be allowed in this zone with a reduced FAR of 2.5. What that means is the pure industrial use could be housed in a building 3 ½ times the size of the lot up to the height limit. The other uses could be housed in a building 2 ½ times the lot area up to the height limit. OP is proposing an increase in height from 40 to 50 ft with no story limit. Any of the development standards, like height maximum or FAR maximum, can be waived by special exception. If you think the Ward 8 industrial areas could get redeveloped, you will want to consider whether you support the proposed changes.

Proposed Parking Changes in Ward 8

Existing Regulation

- One family/ one on site parking space
- R4 apartments/ one space for 2 flats
- Apartment buildings/ R5A one space for each unit; R5B one space per 2 units
- Church/ one space for every 10 seats
- Office/ in excess of 2000 sf, one space per additional 600 sf
- Medical or dental office/ same as office, but 2X if occupy more than 25% of building
- Retail or Service/ in excess of 3000sf, one space per additional 300 sf

Proposed Regulation

- One family/none unless abut alley, then one space
- R4 apartments/ one space for every 2 flats
- Apartments buildings/ in excess of 4 units, one space for every 3 units
- Church/ in excess of 5000 sf, 1.66 spaces per additional 1000 sf
- Office/ in excess of 3000 sf, 0.5 spaces per additional 600 sf
- Medical or dental office/ same as office
- Retail or Service/ in excess of 3000 sf, 1.33 spaces per 1000 sf

This is a crowded slide, but I wanted you to see a side by side comparison. The changes in minimum parking requirements, which have gotten a lot of attention, are focused on apt and commercial buildings primarily. For apartment buildings our current sliding scale that reduces the parking requirement as the number of units in a building goes up would be replaced with a one size fits all formula. In an R5A zone, which you have in abundance in Ward 8, the current requirement for a 20 unit building would be 20 spaces and per the new formula that would drop to 5 spaces. In an R5B zone, which you have in Congress Heights and other areas, a 20-unit building currently is required to have 10 spaces and under the proposal that building would have 5 spaces. But in the R5 apartment zones the number of spaces would be reduced by 50% if the building was within ¼ mile of frequent bus route or ½ mile from a metro station. The 20 unit building would go from 10-20 spaces currently to 5 spaces per the OP proposal and the potential for only 3 spaces if the apartment bldg is near a metro station or high volume bus line. There would be no consideration for how much on street parking there is or how much demand there is for that parking. The same formula would apply to apartment buildings of any size without regard to local circumstances.

Parking for offices would also go down. A 40,000sf office bldg would be required to provide 93 spaces now, 46 spaces per the new formula and 23 spaces if near metro or major bus line. Medical and dental offices would be treated the same as office per the proposal whereas now if that use is more than an incidental share of the building the parking requirement goes up. For a 20,000sf retail space the parking requirement goes from 57 spaces currently to 23 spaces per the new formula and potentially only 12 spaces if near metro or a high volume bus line.

C100 has recommended retention of the current special exception process for reducing parking requirements for non-residential uses, like offices and stores, and the introduction of the same process to reduce residential

parking requirements. It makes no sense to us to have a cookie cutter formula that is not based on neighborhood needs and concerns. There may be a high demand for street parking and adding renters' cars or shoppers' cars may make a bad situation worse. Or conversely, maybe there is an abundance of street parking and the minimum requirement should be reduced. The council in its wisdom said in the Comprehensive Plan that parking reductions near metro should be studied with the participation of ANCs and community groups, but that the most likely candidates for reductions would be metro station areas where the metro is underutilized and where economic development is needed. Instead what has been proposed is not the result of a study and it applies reductions across the board, including areas where metro is well used and residents tend to own cars. We also do not support imposing penalties on developers who would choose to provide more than twice the new minimum required parking for new developments.

Recap of Ward 8 Proposed Zoning Changes

- By right apartments in home or garage
- By right expansion of home occupation businesses and use of garage or accessory structure for home occupations
- By right construction of 100sf accessory building in side yard – use not restricted
- By right enlargement or new construction of garage in rear yard to 20 ft/2 stories
- By right use of roof structure for communal recreation activities in R2 and R3 zones (not a change in R5 zones)
- By right use of alley lot on 24 ft wide alley for residence with 450 sf of lot (R3 and R4) or 450 sf of lot per unit in R5 zones
- By right conversion of ground floor of residence to corner food market (R3 and R4)
- By right reduction in parking requirement for apartment and commercial uses
- Conversion of ground floor of residence to corner commercial store with special exception (R3 and R4)
- Limit of 6 occupants per dwelling unit, 6 persons on lot with an accessory apartment, and 8 boarders or roomers
- No concentration limits for CBIFs in commercial zones and easily waived concentration limits for emergency shelters

The regulations permitting corner stores in R3 zones extend to other houses on a block if the house was originally constructed for a non-residential use. In R4 only the house on interior of the block has to have been used for a non-residential use for the past 3 years.

This concludes the power point. I hope it has been helpful and informative. I want to thank Commissioner Mohammed again for organizing this presentation and asking us to talk about the zoning proposals. Alma Gates and our panel will now answer any questions you might have.