

# ZRR: What's Changing?

ZRR Briefing for Advisory Neighborhood Commissions

By

Committee of 100 on the Federal City

[committeeof100.net](http://committeeof100.net)

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# 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

# How ANCs Influence Growth and Change in Neighborhoods through Zoning

- ANCs voice the views of residents at neighborhood level
- ANCs only elected representatives who review neighborhood land use changes and provide neighborhood viewpoint
- ANCs are given great weight
- DC Council is prohibited by Home Rule Act from writing zoning laws and they have no role in regulatory proceedings

# Chances to Voice Opinion on ZRR

- January 30 – ANCs, Wilson Bldg., Room 412, 6PM
- February 8 – Wards 5 & 6, Dunbar HS Auditorium, 101 N St., NW, 9AM
- February 11 – Wards 3 & 4, Wilson HS Auditorium, 3950 Chesapeake St., NW, 6PM
- February 12 – Wards 7 & 8, Dept. of Employment Services, 4058 Minnesota Ave., NE, 6PM
- February 13 – ZC hearing for Wards 1 & 2, DC Housing Finance Authority, 815 Florida Ave., NW, 6 PM
- Register to Testify: Call Donna Hanousek, 202-727-0789 or email [Donna.Hanousek@dc.gov](mailto:Donna.Hanousek@dc.gov). Provide name, phone number and ward.

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

- Online at [dcoz.dc.gov/ZRR/ZRR.shtm](http://dcoz.dc.gov/ZRR/ZRR.shtm)

Click on subtitle for table of contents

- R1 to R3 rules are in Subt. D
  - R4 rules are in Subt. E
  - R5 rules are in Subt. F
  - Commercial zone rules are in Subt. G
  - Overlay rules are in Subt. H
  - Rules regarding lot occupancy, yards, height, parking, non-conformities, and uses are in Subt. C and the zone subtitle, ie., Subt. D for residential
- Transcripts, videos, regulations, written testimony at <http://dcoz.dc.gov/news/2013/news122013.shtm>

# What Are Rule Changes That Will Affect Neighborhoods?

- Accessory Dwelling Units
- Corner Food Stores
- Retail Stores
- Row Houses
- Home Occupations
- Parking
- ANC Review for Special Exceptions

# ACCESSORY DWELLING UNITS

## ADUs inside Home

Existing Regulation - Special Exception

Proposed Regulation - By right

# ADUs in Garage or Accessory Bldg

- Existing Regulation
  - Prohibited
- Proposed Regulation
  - By right
  - By Special Exception *only if*
    1. Accessory structure built after \_\_\_\_ date
    2. Accessory structure was renovated to allow 2-story, 20 ft. ADU



# Issues - ADUs

- Is there a difference between internal and external ADUs?
- Should accessory structures be allowed to increase in size to house an apartment?
- Should an apartment be created in structure on lot line with neighbor?
- Will ADUs create affordable housing and encourage aging in place?
- Should home occupations *and* ADU be allowed on property?

# Proposed ZRR Changes to ANC Review of Accessory Dwelling Units

- Eliminates Special Exception for internal ADU
- Eliminates Variance for external ADU
- Eliminates Special Exception for establishing both an ADU and home occupation
- Eliminates Variance for building 2-story garage or accessory building

# Home Occupations

## Existing Regulation

- Limited list of specific occupations
- Conditions including number of employees, space limits, etc.
- Not allowed in accessory structure
- Not allowed with ADU

## Proposed Regulation

- Same list of occupations, but has new meaning
- Same conditions
- Allowed in accessory structure
- Allowed with internal ADU

# Proposed ZRR Changes to ANC Review of Home Occupations

- Eliminates Special Exception for home occupation if home has an ADU
- Eliminates Variance review for waiver to locate home occupation in garage or accessory bldg

# CORNER FOOD STORES

- Existing Rule - Prohibited unless in existence prior to 1958
- Proposed Rule - By right on corner lots or where first use was commercial
  - can be waived with Special Exception
- Application - Only in current R3 and R4 zones

# Corner Food Store Proposed Conditions

Distance from commercial area - 500 ft.

Distance from other corner stores - 3 within 500 ft of  
each other

Maximum number - None

Size – 1,200 sf on ground floor

Liquor sales - Up to 15% of the store square footage

No cooking on the premises

Hours - 7AM – 9PM

Parking - None required

# Proposed ZRR Changes to ANC Review of Corner Stores

- Eliminates variance review for corner food stores – becomes matter of right
  - Variance only if seeking to waive size, cooking or alcohol conditions
- Replaces variance review for other types of retail, service, food & alcohol, or arts design & creation stores with special exception

# Other ZRR Changes to Residential Zones

- Institutional Uses
  - Organization promoting social welfare of neighborhood and “organized not for profit”
  - Special Exception needed
- Roof Structures
  - Mechanicals or communal recreation activities
  - 10 ft above the roof, including pergolas and penthouses
  - Can be above the height maximum for zone
  - Partially or fully enclosed



# Parking

## Apartment Buildings

### Existing Regulation

- Number of spaces related to the allowable density in that location – high density areas require fewer spaces-per-units; lower density areas require more spaces-per-unit

### Proposed Regulation

- Number of spaces determined by one-size-fits-all formula –  
no spaces for first 4 units, 1 space for every additional 3 units
- No relationship to the zoning density of the area; R5A treated the same as R5D

# Private Schools and Churches

## Existing Regulation

- Formula based on numbers of people likely to attend school or church and numbers of staff

## Proposed Regulation

- Formula based on square footage of the building(s)

# Residential Parking

## Existing Regulation

- One on-site space for every single family home

## Proposed Regulation

- One on-site space for every single family home with alley access for space.
- No more than 2 cars parked on driveway

# Parking Rule Exemptions

## Existing Regulation

- Special Exception
- Historic Districts

## Proposed Regulation

- 50% reduction in requirement for high volume transit or metro station areas
- No rear alley access for residential new construction
- Downtown
- Special Exception

# Parking Penalties

## Existing Regulation

- None

## Proposed Regulation

- When 2 times the minimum number of spaces are built
- Penalties include creating space for bikes, car share, electric car charging station, planting of trees and GAR requirements

# Proposed ZRR Changes to ANC Review on Parking

- Eliminates need for Special Exception by reducing minimum parking requirement and by providing administrative exemptions
- Penalties eliminate input in what would be appropriate maximum number of new parking spaces
- Maintains Special Exception only to further reduce minimum requirement
  - Standard of review requires applicant to meet only one of a long list of reasons for approval

# Rowhouse Zones

## Existing Regulations

- R3 - single family
- R4 - single family and conversions to two-family flats
- R5 - apartments

## Proposed Regulations

- RF4 – 40 ft. , 3 stories, maximum 3 units
- RF5 – 50 ft., 4 stories, maximum 4 units

# Other Changes to Rowhouse Zones

- Corner Stores
  - Food market or grocery store by right
  - Retail, service, food & alcohol, or arts design & creation by Special Exception
- Institutional Office Use
  - Large historic house or contributing house in historic district
  - Special Exception needed
- Institutional General Uses
  - Organization promoting social welfare of neighborhood and “organized not for profit”
  - Special Exception needed
- Roof Structures
  - 10 feet above the roof and setback full height from front
- Pop-Ups
  - No changes proposed
  - ZC could change maximum heights to prevent pop-ups



# Proposed Changes to ANC Review of Rowhouse Zones

- Eliminates need for variance relief for corner food markets – becomes matter of right
- Eliminates need for variance relief for corner retail, office, food & alcohol, and arts design uses and replaces with Special Exception
- Provides greater scrutiny of private clubs by adding current matter of right use to institutional category, which needs special exception

Thank you to ANC commissioners  
for your service and your  
representation of your  
neighborhoods in ZRR.

For additional information contact:

[Committeeof100.net](http://Committeeof100.net)

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Or Nancy MacWood, [nmacwood@gmail.com](mailto:nmacwood@gmail.com)

Slide Three (3) Notes - ANC's are critical to good decision making at BZA and Zoning Commission. When an applicant seeks an exemption from a zoning law or a new land use law is being considered, ANC's are the only elected representatives of the people authorized to participate. Councilmembers have no official role. ANC's are entitled to great weight at the BZA and ZC. It is significant to ANC's influence that they have been given the power to have an important voice in BZA and ZC proceedings. The OP is proposing many changes to the code that remove ANC's from the process. Rather than have a hearing with an ANC serving as a party or being able to comment on behalf of the neighborhood, changes are being proposed to allow practices - that are currently reviewed - to be handled administratively as a matter of right. What requires a hearing now, may become simply a permit matter in the future. We think ANC's need to be fully informed about these changes so you can let the ZC know if you agree or disagree.

Slide Four (4) Notes - ZC wants to hear from ANC's and residents who are only now learning about zoning proposals, or couldn't attend downtown hearings in November, or who prefer to testify in their neighborhoods. ZC knows that proposals will have consequences and they want to know from you what effect of proposals could be in your neighborhood. While a proposal might be favored in one ward it might have a different result in another ward and ZC needs to consider that. Stories about what works or doesn't work in your neighborhood are very helpful. If you want to send written comments to the ZC they will be accepted up to 3PM on March 3.

Slide Five (5) - OP has changed names of zones and many zoning terms. In most cases they have the current classification in parentheses to help orient residents. In addition to getting used to new classification names, you also have to know that many terms have different meanings now. Most definitions are found in Subt. B. - general terms are in the front, new use category definitions are in the back. For example, retail currently is defined with a list of businesses, like department store or lamp store, and each zone lists which retail businesses are allowed in each zone. OP is proposing to eliminate the list and replace it with a general description of retail and any business that meets that definition would be allowed. The same would apply to office uses and service uses. The result would be more uniformity in what is allowed throughout the city. A large dept. store is restricted to certain zones now, but under the new definition it would be allowed wherever retail is allowed.

Slide Seven (7) - We know very little about ADUs now. We don't know how many there are, where they are, if they are safe, if they are affordable, what benefits they are providing to homeowners. We all know about ADUs that aren't legal and the lack of enforcement. This proposal would make legal what many people are already doing. It is intended to encourage residents to get them inspected, insured, and taxed. The thinking is that if the regulatory process were eliminated more residents would follow the rules. That is likely to happen only with enforcement and the threat of penalties. But there are no penalties being proposed if the rules still aren't followed. ANC's would no longer review applications for internal ADUs. Most of the conditions for ADUs would continue, with exception of the size of apt., which could be 30% of the gross floor area rather than 25%.

Slide Eight (8) - This is a controversial proposal because it makes ADUs located in a garage or accessory structure matter of right. ANC's would only be able to review if homeowner wanted to build a new

accessory structure for apt. use or if homeowner wanted to enlarge an existing accessory structure for apt. use. The key trigger is “for apartment use.” We will talk about how much larger these structures could be on a later slide.

This proposal transforms single family neighborhoods into two-family neighborhoods, which currently is only allowed in R4 zones. The garage would have to include plumbing, heating, water – all the necessities found in the principle home. Whereas the principle home must be set back from side and rear lot lines – away from its neighbors – the garage apt. could be on the rear and side lot lines even though the use is no longer for a car but is now a living unit. If a new structure were proposed or enlarging an existing garage were proposed for this purpose the ANC could review. As commissioners know, the SE process primarily considers conditions on the use and not whether the use is appropriate. The assumption is that a SE will be approved; the only question is whether there will be conditions.

Slide Nine (9) - In the first round of hearings, the ZC didn't seem to see a difference between an ADU in the home and one in a garage. We think there are new issues when you create a separate house with its own functions and entrances in a single family area. It is also a very different experience for the neighbors if people are living in a house bordering their property line and next to their back yard as opposed to a living unit inside the house of the neighbor. These units are being promoted by OP and others to provide affordable housing and an opportunity for seniors to age in place. The same could be said for an internal apt. which doesn't have as much likelihood of creating problems for the neighbors. Before we endorse garage apts and create more density in family neighborhoods we urge the focus be on internal ADUs. Lets find out where they are, if they are meeting the goals of affordability and aging in place before we change single family neighborhoods into two-family neighborhoods. We will talk later about home occupations, but wanted to alert you that the current rule that you can't have both an in home ADU and a home occupation would be changed to allow both.

Slide Ten (10) - This is self-explanatory slide. There is more residential density being proposed and almost none of it would be reviewed by ANC. We suspect that neighbors could be surprised if a neighbor's garage separated from their yard by a fence suddenly becomes an apartment. Under the proposal the neighbor would have no ability to voice an interest and when they turned to the ANC, the ANC would have no authority to intervene. Similarly, a neighbor could decide to redesign a garage to go from less than 15 feet to 20 feet and 2-stories. There could be a home occupation on the second story or in the whole structure. There would be no review of either the larger garage or the location of a home occupation in the garage. The ANC would have no authority to comment or represent the neighbors on the ADU, a larger garage, or a garage-based home occupation. These proposals seem to be part of OP's intent to create more income-earning opportunities in residential zones and to increase the density in single family neighborhoods.

ANCs should be aware that OP is using a little known regulation to argue to the ZC that external ADUs are not something new and unexpected. The regulation is found in Ch. 25, titled Miscellaneous Zoning Requirements. It allows a homeowner with at least a 5,000 or 7,500 sf lot in an R1 zone only to have a second story on the garage for the purpose of housing domestics. The garage cannot be in the required rear yard where most garages are, and it must be setback at least 8 ft from the side lot lines. This

regulation requires having a large property that has room to build a garage with setbacks from the neighboring property, and it only permits a second story if its going to be used for that family's staff. OP has offered no information about how many of these units may be in existence, if any. Their proposal contrasts with the domestic apartment regulation in several respects: garage apts could be created in all R zones rather than R1 only, location could be on lot lines with no setbacks whereas the domestic apartment must be 25 feet from rear lot line and at least 8 feet from side lot lines, garage apt could include entire garage or up to 900 sf rather than the second story only, and garage apt tenants need have no relationship with resident living in the main house. We think external ADUs would be a change for most neighborhoods.

Slide Eleven (11) - This is a tricky one. After a lot of controversy and opposition, OP restored the home occupation terminology and regulation language. But other changes in the proposed code could affect the range of commercial occupations the Zoning Administrator might allow if the ZC doesn't clarify its intention.

Currently, the short list of allowed home occupations includes language that similar occupations in each category are intended to be permitted. The categories in the current code are specific occupations, like tutoring and hair stylist, so its easy to predict what would be similar professions. OP has changed the meaning of categories in the proposed code. OP is proposing that category be defined with the most general term. Instead of authorizing similar professions to tutoring, the authorization would allow all professions within the service category since tutoring in its most general sense is a service business. This could open the door to the establishment of commercial uses currently only allowed in commercial zones to be established in residential zones. OP has not clarified its intent and so far the ZC doesn't seem to be aware that while the HO provisions aren't changing, the meaning of the terms is changing, and thus, the potential impact of home occupations on a neighborhood could be significant.

In addition, HO, like ADUs, currently can only be located in the main house where the practitioner lives. The OP proposal would allow these businesses to be located in the garage or accessory building. OP is also proposing that these structures could be taller (20 ft and 2 stories) so the effect of home occupations on neighbors is potentially greater than the current effect. In addition, OP would allow both an ADU and home occupations on the same property. ANCs and neighbors would have no opportunity to review the establishment of home occupations in garages, just as they would have no opportunity to review ADUs in garages except under certain circumstances. The potential intensity of use of residential property for commercial businesses would increase per the OP proposals and most of these changes would be by right.

Slide Twelve (12) - Any zoning provision can be waived but how difficult it is to get approval depends on the process. The zoning code calls out special exceptions. Its clear which provisions can be waived by special exception process, which includes ANC participation. Variances are harder to determine and the Zoning Administrator is charged with making that call. But if a special exception is not specifically mentioned in the code, more than likely the relief will be through a variance request. The standards for approving variances are established by the courts and there are different criteria for use variances as opposed to waivers for area requirements, like height. Whereas special exceptions are almost always

approved, variances should almost never be approved if the standards are being properly applied. So it's a big change in land use policy when a variance review is changed to a special exception review and an even bigger deal when whatever triggered the variance becomes matter of right with no review. There may be changes in living styles and attitudes, as well as land use policies in the Comp Plan, that motivate these types of changes, but since they are noteworthy changes this is something ANC's should examine carefully because your ability to represent your neighborhood changes with these zoning changes.

Slide Thirteen (13) - This proposal is also controversial and it's been greatly streamlined since it was first proposed by OP several years ago. It's been envisioned by OP as extending the cute little stores on Cap Hill and G'town across the city in rowhouse neighborhoods. Interestingly, G'town has asked and gotten stronger conditions determining where corner stores could be located so that there would be fewer new stores possible. One of the G'town conditions would prohibit a corner store on the interior of the lot unless the building was built for non-residential use prior to 1958 and had been used for 3 consecutive years for a non-residential use. In other R3 neighborhoods only the condition regarding the original non-residential purpose would apply, thus, any building even if used for 20 years as residential could have its ground floor converted to non-residential use as long as it was built for a non-residential purpose prior to 1958. The proposal for locating food stores on interior lots in R4 rowhouses is similar to the G'town proposal as we'll see on a future slide. OP is also proposing special exception review to allow waiving the corner and interior lot location conditions, and limits on numbers of corner stores that could be created.

Slide Fourteen (14) - Some of the conditions being proposed, such as, the corner store can be no more than 1200sf and the alcohol and cooking conditions could not be waived except by approval of a variance. The location and concentration conditions can be waived by special exception. The proposed hours of operation, 7AM to 9PM, would apply only to food markets; other corner stores, which would need a special exception and hours and number of employees would be included in the BZA review. Earlier drafts of the corner store provisions included a limit of 4 employees, but the current draft has no limit on employees.

The main issue is do R3 and R4 neighborhoods want these stores? If neighborhoods want them, then the question becomes are the conditions sufficient and the right ones for your neighborhood? Should variance review requirement include more aspects of these stores? Should the concentration limits and location requirements be waived by special exception? Regarding corner food stores, ANC's would have no authority to review their establishment, so it's important that you let the ZC know if you support by right corner food stores and whether the proposed conditions are the right conditions because neighbors and ANC's could not object to the established hours, the sale of alcohol or the number of people patronizing the store or the number of employees for food markets once the ZC approves this proposal.

If a retail or service business that did not involve food sales were proposed for your R3 or R4 neighborhood, the ANC could review the special exception application. But it's important to understand that there is no limit on the number of conditions that could be waived and there are features of a

corner store, like hours, number of employees, music, outdoor seating, and alterations to the building that have no conditions so BZA would consider whatever the applicant wants to propose. Under these circumstances, the ANC and the neighbors would have the practical burden of persuading the BZA why those hours, for example, would create adverse impacts rather than the burden being on the applicant to show why the hours established in the zoning regs were not sufficient. If you want corner stores, you may want to ask the ZC to nail down as many of the conditions as possible so neighborhood does not have to deal with the unpredictable and varied requests from a specific applicant.

Slide Fifteen (15) - The variance test is so strict that an owner would have to convince the BZA that there is no other possible use for residential property but commercial to get an approval. This proposal eliminates that strict test and assumes that corner food stores would be welcome by right on corners in R3 and R4. There may be areas in your neighborhoods where access to markets or grocery stores is missing, but that is not the foundation for this proposal since it would apply citywide to all R3 and R4 neighborhoods. It seems to be an effort to bring more commercial activity to primarily residential areas. Unlike home occupations where practitioner has to be the resident of the house, this proposal would allow homeowner to lease ground floor space to an independent commercial establishment. The ANC and neighbors could comment to the BZA on other types of retail, food & alcohol, service or arts stores but, as ANC commissioners know, special exceptions assume approval with conditions to mitigate impacts. This is a much lesser review standard than commercial uses in residential areas are subjected to now. With these new proposals, R3 and R4 zones could have a variety of commercial uses in corner houses. In our view, there may be neighborhoods that would welcome this change and others that would hate this change. In some of the November testimony, there were witnesses who described biking to nearby grocery stores but said they would enjoy being able to walk next door to pick up beer or chips. Other witnesses testified that convenience stores had brought rats and crime to their neighborhoods. It seems that specific neighborhoods should be able to decide if they want corner stores and under what circumstances; ANCs should surely have the authority to represent their neighborhoods on this issue rather than being left only to deal with problems that may be created.

Slide Sixteen (16) - Institutional Uses in ZRR are not defined as they are now. Institutions are schools and churches in current code. In ZRR schools are education uses and churches are religious uses. Institutional uses would include private clubs, private community centers, private libraries, and social service clubs. These organizations are not currently allowed to occupy a residential house in single family residential zones, except for a very narrow carve out for non-profits occupying historic houses. (A non-profit can seek a special exception to locate in a very large (10,000sf) contributing house in an historic district. We have seen some of these applications in G'town.) In historic districts, the current provision limiting institutional use to very large houses would remain. In non-historic district neighborhoods, any house could be used for an institutional use. Both the current and the proposed broader permission would require special exceptions. We put the condition that organization "not be organized for profit" in quotes to distinguish that condition from the condition in historic districts that organization must be a non-profit. Presumably, the latter means that organization has 501.c.3 status. We assume the difference in non-profit vs. organized not for profit is intended to allow community service centers currently only allowed in R4 zones with a special exception or in public school buildings

in R1 through R3 to occupy houses in R1, R2, and R3 neighborhoods. Examples of community service centers are job training programs, consumer cooperatives, and family counseling centers. There was opposition in the task force to permitting residences to be converted, even with special exceptions, to institutional use.

Regarding roof structures, currently, mechanical equipment, stairwells and elevators may rise above the roof and the maximum height allowed in residential zones for these structures is 18ft 6 inches. The OP proposal would restrict these roof structures to 10 ft. The change OP is proposing is to allow communal recreation activities on roofs in all R zones and to allow both mechanical and recreational structures to be partially rather than fully enclosed.

Slide Seventeen (17) - The parking proposals are very controversial. There were 2 nights of hearings with dozens and dozens of witnesses each night. There are assumptions built into the minimum parking formula. Currently, we assume that smaller apt. bldgs are near single family neighborhoods where cars are likely to be owned, even if they aren't used all the time. In these locations, currently one space for every two units may be required. The ZRR proposal assumes that most people living in apartments will not own cars no matter where the building is located or how small or large it is. For small bldgs the proposal eliminates the 1 space for two units and would require only 2 spaces in a 10-unit building. The question is whether the assumption about car ownership is valid and, if not, where will the renter's or condo owner's car be parked?

Currently, a developer can apply for a SE to reduce the required minimum parking and the ANC and neighbors can review the arguments and advise the BZA about neighborhood parking conditions. Maybe there are a lot of uses that put a high demand on street parking and adding renters' cars would only worsen a bad situation...or maybe there is a lot of unused street parking. This is the type of neighborhood specific information that is helpful in making parking decisions.

It is unlikely that developers would ever need to go to the BZA for parking reductions if the proposals are approved because in many cases fewer spaces would be required and many new apt. bldgs would be built near metro stations or on a major bus line and those areas would have the new requirements reduced by 50%. Significantly, the Comp Plan encouraged a study of which metro stations and bus line areas might be good candidates for reduced parking minimums. The study was to include ANCs and consider multiple factors, with emphasis placed on those areas where a reduced parking requirement might spur needed economic development and fuller use of metro. That study has not been conducted, as you know.

Slide Eighteen (18) - This is a curious proposal. OP proposed it in early stages of ZRR. As task force members, we asked for data to support this change. Why was OP suggesting it? How would it better address the parking problems created by private schools and churches? We found that OP had done no studies and had no data. After more than a year of asking them to do a study, we got a sample of less than a dozen private schools and the data showed that using sf would in most cases significantly reduce the parking requirement. At the same time, OP could not point to any reduced need for these schools to provide parking. No study was done of impact on church parking. We have two suggestions: don't fix



what isn't broken; and don't approve a proposal that doesn't link the solution to the problem. Square footage alone is not a reasonable basis for determining how many people are likely to come to a private school or church by vehicle.

Slide Nineteen (19) - This proposal makes no sense to us. Residential parking is a hot issue in DC. In many parts of the city residents are complaining about restricted residential parking program and the visitor parking program. The underlying problem is that we have limited amount of on street parking spaces and no possibility of creating more of these spaces, yet, there is a lot of demand in some areas. This proposal seems to be based on not wanting to create curb cuts, which do remove parking spaces. But, a driveway can accommodate a lot more than 2 cars usually. A visitor or a repair person can often park off the street if there is a driveway. In contrast, parking spaces carved out of an alley usually provide only enough room for one car. The ROW is limited in alleys and it is a huge inconvenience when trucks or visitors park in alleys and obstruct traffic flow. Wouldn't it be better to continue to require houses to have driveways and to allow as many vehicles as can fit to park? It should not be assumed that a driveway will motivate a homeowner to have multiple cars and thus, if we eliminate driveways we will reduce the number of cars. The current regulation is a practical requirement that works for everyone in the neighborhood.

Slide Twenty (20) - We already discussed the alley vs. driveway exemption. Also, proposed is no parking for any use – commercial or residential – in downtown. What is interesting here is that OP is proposing to expand downtown three-fold so that areas that currently require parking would now be exempt. One of the bits of information that came out the Height Act study was that developers of downtown office buildings insist on building parking garages so at least in downtown some developers may decide the office or residential market demands off street parking so they may not take advantage of this proposal, but we will see on next slide that OP wants zoning to control how much parking they could provide.

The 50% proposal affects our neighborhoods because ½ mile around metro station or ¼ mile from a high frequency bus route would have reduced parking requirement for all uses. OP argues that this won't apply to single family or rowhouse neighborhoods, but it could impact these neighborhoods if they are adjacent to apartment or commercial zones. A new residential building a few blocks from metro that is zoned R5D, which allows a 90 foot building and that hypothetically has 100 units would only be required to offer 17 on site parking spaces. It wouldn't matter what is going on in the neighborhood – if residents tend to work far from home and use cars or if there is a lot of demand for limited amount of street parking. The only factor being considered is if there is metro or frequent bus line going anywhere there should be very limited new on site parking even when potential new demand for parking is being created.

Slide Twenty-One (21) - OP is proposing to allow developers to respond to market forces and neighborhood conditions up to a point when it comes to parking. Using the example of a new 100-unit residential building in an R5D zone, the new minimum requirement for parking would require 33 spaces – this does not factor in the potential 50% reduction. If the developer decided to create more than 66 spaces, or twice the minimum, he would have to comply with the penalty. The degree of penalty depends on the amount of extra spaces provided. The penalties were never presented to the task force.

Originally, OP wanted to propose maximum parking requirements and eliminate minimums. That met with strong opposition. OP dropped the maximum proposals but smart growth advocates pressed them to reinstate the maximums. The penalty provisions are a response to that pressure. They don't forbid developers from exceeding the proposed lower minimums but they penalize developers who produce more parking than OP wants created.

Slide Twenty-Two (22) - When a developer believes that current minimum parking regs would result in more parking spaces than he will create demand for spaces, he can make his case to the BZA. The ANC can evaluate his arguments and provide the BZA with context about what parking situation is in the neighborhood. The ANCs position, whether in support or opposition, is given great weight by the BZA. The new proposal would lower the minimum parking requirements in most instances by right and then would further lower them if development was ½ mile from metro or ¼ mile from high volume bus line. There would be no opportunity for ANCs to explain the parking situation in the neighborhood. This proposal assumes that every neighborhood can handle more density – meaning more residents and more commercial establishments – with very limited new on-site parking spaces. The conclusion by OP is that ANCs don't need to explain their neighborhood needs or concerns. It is more important to discourage the use of cars by making parking difficult for anyone who uses a car. In our view, this just isn't practical. DC residents have demonstrated that we are responsible transit users, but some residents need cars, some use cars infrequently, some like the convenience of cars – bottom line is DC residents own cars and until the public transportation system becomes more reliable, cost effective, and gets us where we need to go efficiently, there will be cars. On the other hand, no one wants investment in parking spaces if they are unnecessary. Isn't it sensible to continue to rely on ANCs to help determine when that is the case?

Slide Twenty-Three (23) - The current purpose of R4 zones is to stabilize rowhouses as single family dwellings. This zone is not intended to be an apt. zone. The problem is that many rowhouse neighborhoods are zoned R5, which is an apartment zone, and don't have the protections of R4. In response to effective lobbying from C100 member Ann Hargrove, OP is proposing to create new rowhouse zones. Larger rowhouses that are zoned R5 and are in neighborhoods with apt. bldgs would be rezoned into new rowhouse zones. Rowhouses of no more than 3 stories would be permitted to have 3 units. Four story rowhouses would be permitted to have 4 units. There must be at least 750sf of lot size to create each unit; this is in contrast to the 900sf that is required to create flats in R4. Some witnesses testified at the ZC hearings that the creation of these rowhouse apt. units should be 900 sf as is required to create flats in R4 zone. What is critical to understand is that, as proposed, these rowhouses could not be converted to apt. bldgs., as they can be currently.

Slide Twenty-Four (24) - There is a difference where corner stores can locate in residential zones and residential flat (RF) zones. As discussed earlier corner stores can be on corner or on a lot on a block if the structure was built prior to 1958 for a non-residential use. In G'town, there would be an additional requirement that the building on interior of the block have been used for non-residential use for 3 sequential years. OP is proposing that the Gtown proposal be modified and applied in all RF zones to prevent rowhouses on the interior of a lot from being converted from residential to a corner store. The proposal is that building must have been used within past 3 years for non-residential use and had a CoO.

This is a grandfathering proposal rather than a license to create more corner stores on interior lots in rowhouse zones. As we said earlier, there is no corresponding limit on replacing a ground floor residential use with a commercial use on interior lots in R3 zones, with exception of G'town. It is curious that rowhouses in R4 are being treated differently than rowhouses in R3 zones.

There is no number of employees limit for food market or for other types of corner stores requiring a SE in RF zones. OP is anticipating that corner stores might have amplified music or sound outside the building, outdoor seating, different hours than required for food market, and these features would be reviewed by the BZA. There could also be alterations to the property to accommodate a ground floor corner store, including tree removal, and the addition of retaining walls, patios, or pervious surfaces, and changes to window and door openings. These are the same SE options mentioned for corner stores in R3 zones, but these potential changes to the character and structures of rowhouse neighborhoods have not been emphasized.

We have called out the institutional uses although its not clear how much change is represented in the proposals. As we have mentioned, community service organizations appear to be similar to the type of organization proposed to be permitted in R4 zones as institutional uses. The office institutional use permission appears to be a narrower permission in R4 than what is currently allowed where large historic houses can be used for any non-profit use. There is no proposal in ZRR to allow non-profits to occupy any house in R4 non-historic district neighborhoods with a special exception, as is being proposed in R1 through R3 zones.

Roof structures per the OP proposal could be no more than 10 ft. (currently 18' 6" is allowed) in a single structure and setback equivalent to the full height from front, half the height from sides, with no setback in rear or side if building abuts a taller building. Roof structures could continue to exceed the maximum height of the building – so a 40 ft rowhouse could have a 10 ft. roof structure. There are no permitted recreational activities in roof structures mentioned in RF zones, which is in contrast to what OP is proposing in R zones.

Pop-Ups have been a big issue in rowhouse neighborhoods, yet it is not addressed in ZRR. The Comp Plan calls for zoning heights to reflect the actual heights in neighborhoods. OP is proposing to change the max height in G'town from 40 ft to 35 ft., but nowhere else. If max heights were changed in rowhouse neighborhoods, pop-ups would not be possible without review, most likely a variance. When CM Graham testified at the ZC asking them to do something about pop-ups the Office of Planning acknowledged they didn't address this problem and commented that they sell.