

**CORRECTED MEMORANDUM**

(Note – subsequent to filing this report, OP found an error in the summary which is corrected below and shown highlighted, so that the summary reflects the proposed draft text amendments as submitted in Exhibit 725, “Comments from DC Office of Planning on Multiple Subtitles”.)

TO: District of Columbia Zoning Commission

FROM:  Jennifer Steingasser, Deputy Director, Development Review and Historic Preservation

DATE: June 16, 2014

SUBJECT: Zoning Regulations Review (ZRR) Proposed Alternate Text

The Zoning Commission (ZC) at its June 9, 2014, public meeting provided direction to the Office of Planning (OP) with respect to alternative text to refine the draft of the Zoning Regulations, which was set down by the ZC for public hearing in September 2013.

The proposed alternative text responds to comments received to date in ZC Case No. 08-06A from the public and the ZC. Although the record in the case remains open through September 15, 2014, OP would like to take this opportunity to address concerns raised about specific proposed provisions during public the public hearing process. The proposed alternatives do not; however, respond to all comments and concerns raised during the public input process. In fact, of course, in many instances, comments were submitted that were in direct contradiction to comments submitted by other individuals or groups.

The following summary provides a summary of OP’s proposed changes. Additional information, including OP’s proposed alternative text for inclusion in the draft text set down for public hearing can be found in the attachments. The alternative text is presented with deletions shown as ~~strike-through~~ and additions shown in **bold** and is presented side-by-side with existing provisions in Title 11, if appropriate.

As discussed with the ZC, OP anticipates bringing forward additional revisions to Title 11 that would be taken up by the Zoning Commission through a process separate from the ZRR. Topics identified to date include Inclusionary Zoning (IZ) and penthouses. Based on concerns expressed during the ZRR public hearing process about pop ups, inappropriate additions, as well as conversions and pressure on residential rowhouse neighborhoods, OP believes it would be appropriate for the ZC to also address these concerns through a separate process. OP will bring forward recommendations regarding height and conversions for ZC consideration as a separate case.

Issue	Subtitle	Proposal
Zone Naming	Throughout	Rename A Zones to RA Zones and M Zones to MU Zones; simplify Downtown zone names; maintain residential zone names; and other changes to reflect reorganization of draft text.
Definitions	B	Comparison provided with additions, deletions, corrections, and rationale.
Bicycle Parking	C	<ul style="list-style-type: none"> • Revise spacing standards and aisle width requirements. • Align residential requirement with District Department of Transportation (DDOT) standard that triggers at 8 units (10 units). • Reduce requirement – after the first 50 spaces, additional spaces at ½ the ratio required. • Increase allowable distance – short term spaces can be within 120 feet (50 feet) of a primary building entrance.
Vehicle Parking	C	<ul style="list-style-type: none"> • Revert to existing standard for private school parking • Revert to existing standard for religious institution parking. • Allow off-site parking to be within 600 feet (400 feet) of the use or structure that the parking serves. Allow off-site parking at greater than 600 feet by special exception. • Clarify that parking in excess of the requirement is not prohibited. • Remove the Priority Bus Corridor from the area where the 50% parking reduction would be permitted by-right. • Add the presence of mature trees as a rationale for relief from required parking. • Increase the mitigation trigger to 2 X (1.5 X) the required amount; add a minimum threshold of 20 required parking spaces; and remove car share spaces as a required mitigation measure (i.e. the provision of car share spaces as a mitigation item is not proposed to be removed). • Remove the requirement for car-share spaces; allow the first and second car-share space provided to count as 3 required parking spaces each; retain car-share spaces as an excess parking mitigation item. • Change mechanized parking to automated parking. • Revise drive aisle widths to correspond to industry standards. • Allow an automobile laundry as an accessory use within a permitted garage. • Require parking in the Downtown within the D-5 zone west of 20th ST NW.

Issue	Subtitle	Proposal
GAR	C	<ul style="list-style-type: none"> • Revise calculation for vegetated walls – height x width of area to be covered by vegetation (ground coverage area). • Revise credit system to credit new trees based on mature canopy spread.
Lighting	C	New chapter with requirements to minimize light pollution that builds on existing parking lot and other lighting requirements contained in the existing code.
Accessory Apartments	D	<ul style="list-style-type: none"> • Eliminate the minimum lot size requirement. • Amend the minimum house size – previous proposal of 2,000 sq. ft. GFA for all zones, amended to 2,000 GSF for current R-1-A and R-1-B zones, and 1,200 sq. ft. for R-2 and R-3 zones. • Make any accessory apartment in an accessory building permitted by special exception in all cases. • Add specific review criteria for accessory apartments in accessory buildings, including review by FEMS and DC Water.
Corners Stores	D, E	<ul style="list-style-type: none"> • Clarify that residential use is permitted above a corner store. • Better define “grocery” aspect of corner store provisions. For by right grocery store use, require that a minimum of 40% of customer-accessible sales and display area be dedicated to the sale of a general line of food products intended for home preparation and consumption; and a minimum of 20% of retail space be dedicated to the sale of perishable goods that include dairy, fresh produce, fresh meats, poultry, fish and frozen foods. • Make beer and wine sales (capped at 15% of gross floor area) in corner grocery store by special exception, not by-right. Beer and wine sales also by special exception for non-grocery corner stores. • Clarify that corner store use is not permitted in Squares 1327 or 1350 to 1353 inclusive.
Camping in Alleys	D, E	Propose that camping on alley lots be permitted only by special exception in Rowhouse zones.
Theater Space	D, E	Propose use of institutional theater or assembly space by outside organizations by special exception.
Production, Distribution and Repair	J	<ul style="list-style-type: none"> • Require special exception for auto repair. • Propose new language regarding Standards of External Effects.
Large Format Retail	G, J, K	Require special exception for all new large format retail establishments with single tenant space of

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		50,000 gross square feet or greater in Subtitles G, J, and K.
Downtown	I	<ul style="list-style-type: none"> • Retain existing upper-story setback provisions that protect the light and air available to residential buildings adjacent to TDR receiving zones. • Ensure the amount of required retail in NoMa is consistent with requirements for other primary streets. • Eliminate the proposed 3-year time limit on the conversion of credits. • Ensure continued validity of purchased and assigned credits. • Establish parking in West End (Subtitle C).
Overlays	K	Propose reorganizing and combining those overlays that cross Land Use Subtitles and that have Development Standard and Use Permission implications. The Reed-Cooke and Arts overlays have been consolidated and moved to Subtitle K.
Private Schools	X	<ul style="list-style-type: none"> • Clarifying FAR calculation not to include private streets and alleys. • Ensuring that existing review standards are applied for small private schools. • Revert to existing parking standards (Subtitle C).
Party Status	Z	Propose a system for reviewing party status requests prior to hearing at the request of the applicant.

The alternative text is provided for ZC consideration and possible setdown as a companion to the September 2013 draft. OP will continue to refine the setdown text to improve organization, eliminate redundancies and make corrections. Should the ZC wish to explore additional alternative text for any provision in the current proposal, OP is prepared to draft text for the Commission's consideration. The Zoning Commission will hold the record open and the public may continue to submit comments in ZC Case No. 08-06A until September 15, 2014.

ATTACHED:

- A. Zone Naming - Zone Name Conversion Table
- B. Definitions Comparison
- C. Bicycle Parking Summary
- D. Vehicle Parking Summary and Maps
- E. Green Area Ratio Summary
- F. Lighting Summary
- G. Accessory Apartment Summary
- H. Corner Store Summary
- I. Camping in Alleys Summary
- J. Theater Space Summary
- K. Production Distribution and Repair Summary
- L. Large Format Retail Summary
- M. Downtown Summary
- N. Overlays – Zone Name Conversion Table
- O. Private Schools Summary
- P. Party Status Summary