

SUPPLEMENTAL REPORT

TO: District of Columbia Zoning Commission
FROM: ^{JLS} Jennifer Steingasser, Deputy Director Development Review & Historic Preservation
DATE: January 4, 2019
SUBJECT: ZC 17-23: Supplemental Report

I. BACKGROUND

The Office of Planning (OP) brought forward a proposed text amendment that would more closely align the treatment of side yards in the zoning regulations with past practice and Office of the Zoning Administrator (OZA) practice. The Zoning Commission set down the case on December 11, 2017, and held a public hearing on April 19, 2018, at which time it took public testimony related to the proposed text amendment.

The Commission requested that OP explore alternate text to address certain concerns raised at the April hearing. OP provided a report to the Commission on July 20, 2018, which included revised draft text that reflected the discussion at the hearing related to terminology, preservation of existing side yards, and relief. On July 30, 2018, the Commission voted to set down the amended text. A further public hearing was scheduled and noticed for October 15, 2018. The Commission was scheduled to take final action on December 3, 2018. At that time, a letter in opposition had been filed from the ANC Commissioner elect for ANC 8A05 (Exhibit 26). ANC 8A also filed a report expressing concerns about the proposed revisions (Exhibit 27).

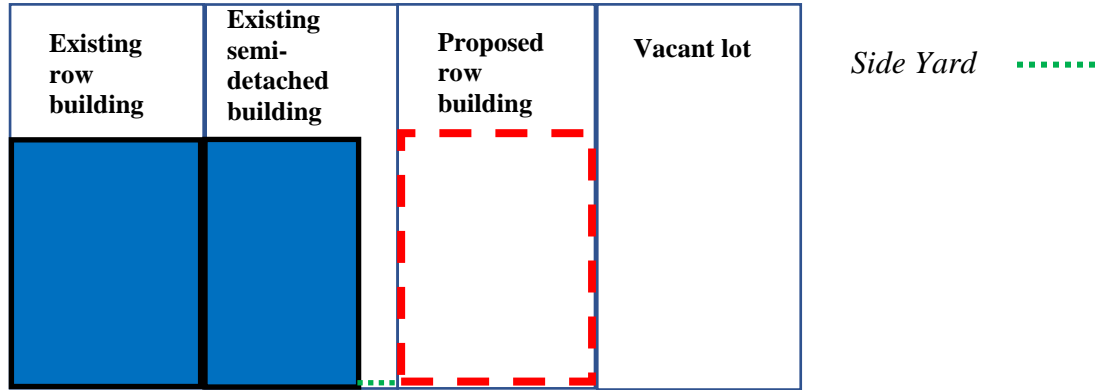
II. ADDITIONAL INFORMATION

At the December 3, 2018, Special Public Meeting, the Commission asked OP to provide a graphical representation of the impact of the proposed changes that compared the 1958 regulations to the 2016 regulations. The requested images are below.

The proposed side yard changes would permit a row building to be built to the lot line, as was the case under the 1958 regulations. As depicted below, in those zones where row buildings are permitted (R-3 and RF zones), the 2016 regulations require a building to provide a side yard where it does not share a common division wall. Therefore, BZA relief from the side yard requirements is necessary in those instances where there is no shared common division wall. The proposed changes would eliminate that necessity and allow row buildings to be constructed as a matter-of-right in those zones where they are a permitted building type.

1958 Regulations – R-3 zone

The proposed row building could be built as a matter of right with no side yards because a row building was defined as a building with no side yards and a row building was allowed as a matter of right in this zone.



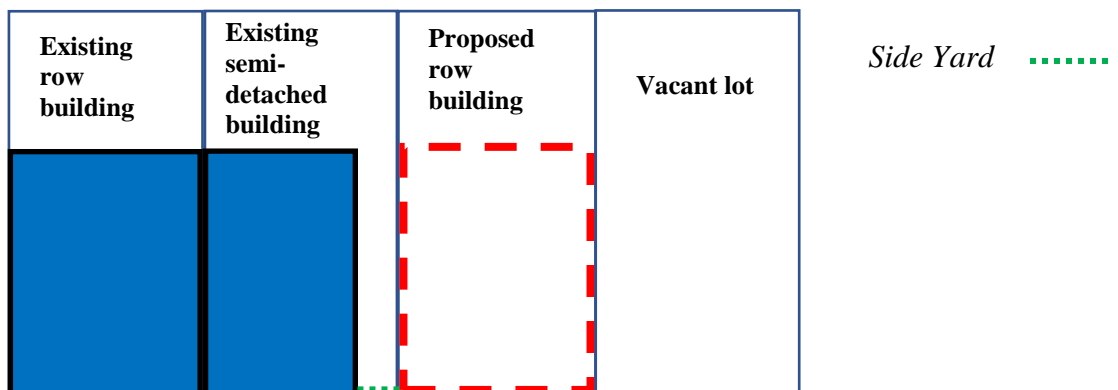
2016 Regulations – R-3 zone

Under the 2016 regulations, the same site may not be built with a row building but must provide side yards because the 2016 zoning regulations define an attached building as sharing walls on both sides. To build a row building like above, the owner must receive variance relief.



ZC Case No. 17-23 – R-3 zone

The proposed language would reinstate the 1958 concept of allowing a row building with no side yards in the R-3 and RF zones as a matter of right – with no variance.



III. ADDITIONAL TECHNICAL CORRECTIONS

The Office of the Zoning Administrator identified the following additional technical corrections that should be included in the side yard provisions for the Residential Apartment (RA) zones. The proposed changes serve to clarify the application of the side yard rules and do not substantially change the intent, meaning, or application of the proposed rules or exceed the scope of the rules as published with the October 25, 2018 Notice of Proposed Rulemaking. This correction has been reviewed by the Office of Attorney General.

Subtitle F, RESIDENTIAL APARTMENT (RA) ZONES, is amended as follows:

Chapter 3, RESIDENTIAL APARTMENT ZONES – RA-1, RA-2, RA-3, RA-4, AND RA-5

306 SIDE YARD

306.1 Side yards for a detached or semi-detached building containing one (1) or two (2) dwelling units shall be a minimum of eight feet (8 ft.). No side yards shall be required for a row building **containing one (1) or two (2) dwelling units.**

306.2 Except as provided in Subtitle F § 306.1, the following side yard rules apply:

- a. In the RA-1 zone, one (1) side yard shall be provided unless the building **is a multiple dwelling that** contains three (3) or more dwelling units per floor, in which case two (2) side yards shall be provided; **in either case such side yards shall have** ~~each with~~ the minimum distance equal to three inches (3 in.) per foot of building height but not less than eight (8 ft.); and

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