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IN REPLY REFER TO:
NCPC File No. ZC 08-06-8

March 5, 2009

Chairman Anthony Hood
Zoning Commission for the District of Columbia
441 4th Street, NW
Suite 210 South
Washington, DC 20001

Ref: Comments on the Proposed Amendments to Zoning Regulations 11 DCMR –
Low/Moderate Density Residential

Dear Mr. Hood:

NCPC staff appreciates the opportunity to comment on the District of Columbia Office of Planning's general recommendations for changes to the zoning regulations in relation to Low/Moderate Density Residential uses.

The following comments are provided by NCPC staff for your consideration. These comments are based on the January 9, 2009 draft of Low/Moderate Density Residential recommendations. NCPC staff's comments reflect both general planning perspectives and specific federal interest issues. These comments have not been approved by official Commission action, and additional comments may be provided in the future, particularly as staff and our Commission have the opportunity to review updates.

If you have any questions, please feel free to call me at 202-482-7211.

Sincerely,

Julia Koster, AICP
Director, Planning Research and Policy Division

Enclosure

cc: Richard Massey
Department of State

Travis Parker
District of Columbia Office of Planning

Low/Moderate Density Residential

NCPC staff notes that DCOP's recommended text and policy changes for low and moderate residential zones within the District of Columbia zoning regulations do not represent a change in zoning and land-use for federally-owned property and that federally-owned property within the District is not subject to local zoning regulations. However, policies within the Federal Elements of the Comprehensive Plan encourage federal agencies to develop sites and buildings consistent with local agencies' zoning and land use policies and development, redevelopment, or conservation objectives, to the maximum extent possible.

Generally, NCPC staff supports DCOP's recommended text and policy changes for low and moderate residential zones within the District's zoning regulations. In particular, a policy within the Federal Workplace Element of the Federal Elements of the Comprehensive Plan notes that the federal government should support local agency efforts to create new housing options and a variety of housing options where federal workplaces are located or are planned to be located or expanded. As such, NCPC staff encourages DCOP to continue to explore opportunities for additional and varied housing units throughout the District (such as carriage houses and other accessory units) where these housing units will provide an affordable option for federal employees. However, NCPC staff also encourages DCOP to consider the impact increased residential densities may have on existing open space and recreational amenities, and the important role existing open space and recreational facilities at historic institutional buildings may currently play in meeting demand for recreation within low and moderate density residential neighborhoods.

NCPC staff's specific concerns in regards to DCOP's recommendations are as follows:

1. Customized Zones—Tools and Templates

Recommendation:

Create a general template to establish area and use requirements, and use performance measures, applicable to all Low Density (i.e. detached & semidetached) zones and another for Moderate Density (i.e. attached) zones.

Approve text for specific optional tools to add protections, such as tree and slope, or incentives for such uses as arts or residential.

After the effective date of the general template provisions, individual neighborhood may petition the Zoning Commission for the creation of a customized zone that would consist of either:

- 1. Customized modifications to the general template; or**
- 2. Adding one or more specific tools to the general template; or**

3. A combination of the two.

Each customized zone would be a residential stand-alone district

NCPC staff response:

The associated issue write-up on this recommendation states that the proposal is a solution to the confusion and complications that result from the use of overlay districts. NCPC staff feels that the information provided is insufficient to determine how a system of customized zones results in less confusion and complications within the zoning regulations. NCPC staff suggests that DCOP provide more detailed discussion and specific examples as to how the recommended customized zones would be developed and how existing bulk, density, and height standards would be transferred into these zones.

2. Height

Recommendation:

Height maximums should continue to be measured in feet, however measurement should be to the top of a flat roof or the mid-point of a sloped roof as shown below [figure omitted]. This would remove the need for a separate measure of stories.

NCPC staff response:

As long as height maximums remain under the height limits established within the Height of Buildings Act (DC ST § 6-601) (Height Act), NCPC staff does not oppose this recommendation. NCPC staff, however, cautions DCOP to avoid creating confusion between the roof elements and measurement points identified within this recommendation and the specific definitions for roof elements and measurement points within the Height Act. NCPC staff also notes that further coordination should occur at the end of the zoning code update process to ensure consistency between DCOP's recommendations for low and moderate density residential zones and the identification of a "residence street" for application of Height Act regulations.

8. Residential Density

Recommendation:

Maintain the existing unit densities for existing zones, but permit flexibility from the standard for new customized Low and Moderate Density residential districts that are not inconsistent with the Comprehensive Plan.

NCPC staff response:

As noted above in our response to Customized Zones—Tools and Templates, NCPC staff feels that as described, the use of many customized zones may result in confusion and complications within the zoning regulations. As DCOP continues to develop this concept, NCPC staff requests that DCOP

provide additional explanation and examples as to how the recommended customization of zones would be developed and administered.

10. Permitted uses

Recommendation:

In shifting to a system of use control by general category rather than use lists, control the establishment of retail, service, institutional, and office uses (including home occupations) through performance measures. Within general limits, performance measures that apply to each category could be customizable to meet the needs of particular neighborhoods (i.e. hours of operation, maximum GFA, etc.)

NCPC staff response:

NCPC staff does not oppose this recommendation and notes that a policy within the Federal Workplace Element of the Federal Elements of the Comprehensive Plan observes that the federal government should permit and encourage telework by federal employees.

NCPC staff also notes that any proposed categories of uses for residential zones should recognize that the criteria and procedures by which foreign missions and chanceries may locate in the District, and in particular within the District's residential areas, are established within the Foreign Missions Act of 1982 (22 U.S.C. 4301. et seq.).

12. Non- Residential Uses of Historic Institutional Buildings

Recommendation:

Allow adaptive reuse of historic institutional buildings. Conditions would be put on the impacts of new uses in these buildings that would allow development as either matter-of-right or special exception.

NCPC staff response:

The surrounding open space and existing recreational amenities at many historic institutional buildings offer opportunities to develop excellent, accessible public spaces for residents to enjoy. While NCPC staff does not oppose the adaptive reuse of historic institutional buildings, DCOP should consider how increases in density, as proposed within some of these recommended text and policy changes for low and moderate residential zones, could negatively affect residential access to open space and recreational amenities.