



Delegated Action of the Executive Director

PROJECT Text Amendment for Use Clarification Language to Subtitle U - DC Office of Planning	NCPC FILE NUMBER ZC 17-02
SUBMITTED BY Zoning Commission of the District of Columbia	NCPC MAP FILE NUMBER 00:00(06.00)44537
	ACTION TAKEN Approve as requested
	REVIEW AUTHORITY Advisory Per 40 U.S.C. § 8724(a) and DC Code § 2- 1006(a)

The Zoning Commission of the District of Columbia has referred for comment a text amendment for use clarification language to the Zoning Regulations of 2016 (ZR16) Subtitle U – Use Permissions. The text represents corrections to the ZR16 that were not included in the final action of the *District of Columbia Comprehensive Zoning Regulations Review, Zoning Case 08-06A*, which was reviewed by NCPC in September 2015.

The zoning code is organized into a series of subtitles consisting of the Zoning Regulations and the Administrative Regulations. These regulations and the zoning maps became effective on September 6, 2016. Subtitle U contains use permissions for Residential (R); Residential Flat (RF); Residential Apartments (RA); Mixed-use (MU); Mixed Use Uptown Arts (ARTS); Downtown (D); and Production, Distribution, and Repair (PDR) zones. Use permissions for all other zones are contained in their respective subtitles. The DC Office of Planning (DCOP) recommends the following separate text amendments to Subtitle U:

1. Reinstate permissions for Driver's License Road Test Facility, including an amendment to the Use Group definition for Local Government.

It was the intention that this use would continue to be permitted as a matter of right in the ZR16 regulations. DCOP filed a memorandum in case 08-06A that listed the uses that had been purposefully changed and this use was not included. Additionally, ZR16 Subtitle B contains the definition of Driver's License Test Facility as being a function of the District of Columbia Department of Motor Vehicles, thus by definition it is a local government use. Therefore OP recommends that the use be placed within the listed examples of a permitted use for the Use Group definition of "Government, Local", the limitation in Subtitle U § 507.1 (a) (8) be deleted, and a limitation be added to MU-Use Group D , Subtitle U § 510.1 (n).

2. Reinstate the permission for "Automobile and Truck Sales" and for "Boat or Marine Sales" in the MU-Use Group E zones consistent with the 1958 regulations.

These uses were permitted as a matter of right in the 1958 Zoning Regulations through §§ 721.3 (d) and (e). The uses were folded into the Use Category of Motor Vehicle-Related uses in the ZR16 (Subtitle B § 200.2 (w)), but the use category was not fully included in the MU-Use Group E and as a result some long existing businesses may be deemed non-conforming when they should be

considered matter of right. Therefore, Subtitle U §512 MATTER-OF-RIGHT USES (MU-USE GROUP E) will be amended to include the uses as a new subsection 512.1 (b) and the subsections will be renumbered accordingly.

3. Correct the references to the R-Use Groups to ensure all the appropriate zones are in the correct use category:
 - Correct the references in U § 201.1 (a) to reflect the appropriate R-Use Groups as fully identified in Subtitle U § 200.2 instead of providing the incomplete list of individual zones.
 - Delete the references to “Home Occupation” in this section because it is already included by reference as an Accessory Use (Subtitle U § 250.1(e)).
 - Delete the reference to “Accessory Apartment” from this section and included it in the list of Accessory Uses in Subtitle U § 250.1.
4. Address missing uses:
 - Add missing uses to the permitted matter of right uses in Subtitle U § 202.1 including “Mass transit facility” as a new subsection (l), and the “Reuse of former DC public schools” as a new subsection (p).
 - Add clarifying language to allow public schools to collocate with other schools and to share recreation facilities and renumber accordingly.
5. Change Title of U § 252
The title of Subtitle U § 252 will be changed from “Uses In Former Public Schools (R)” to “Reuse of Former Public Schools (R).”

Based upon staff’s analysis, the proposed text amendment is not inconsistent with the 2016 Comprehensive Plan for the Federal Capital, nor will it affect any other federal interests.

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Pursuant to delegations of authority adopted by the Commission on August 1, 1999 and per 40 U.S.C. § 8724(a) and DC Code § 2-1006(a), I find the proposed Text Amendment for Use Clarification Language to the Zoning Regulations of 2016 Subtitle U - DC Office of Planning is not inconsistent with the Comprehensive Plan for the National Capital nor would it adversely affect other federal interests.

//Original Signed//	April 27, 2017
_____ Marcel Acosta Executive Director	_____ Date