

PRESERVATION CAFÉ: IMPLEMENTING THE RF REGULATIONS

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Department of Consumer and Regulatory Affairs
November 10, 2016



Disclaimer: This presentation is intended to provide information and assistance to the public and is not a substitute or replacement for applicable District laws and regulations. Any final decision on a development application would be made at the time of a building permit application and plan review by DCRA.

Today's Presentation

- Background
- Rule Changes Summary
- Additional Application Materials Required
- Summary of Case No. 14-11B
- Zoning Enforcement
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Background

- **June 24, 2014:** The D.C. Office of Planning submitted a petition requesting amendments to the regulations to “address the issue of uncharacteristic and incompatible additions in the R-4 Zone District for habitable space.” (ZC Order 14-11).
- **July 17, 2014:** The Zoning Commission (“Commission) set down the OP proposal.
- **June 8, 2015:** The Commission took final action in approving new regulations in the R-4 zone. (ZC Order 14-11).
- **June 26, 2015:** The new rules of Order 14-11 went into effect.
- **July 22, 2016:** Emergency Rulemaking text amendment (ZC Order 14-11C).
- **August 26, 2016:** Minor modification published, adding a “pop-back” condition to residential conversions. (ZC Order 14-11A).
- **September 6, 2016:** ZR16 Rules incorporated most of Order 14-11, and R-4 was re-named as RF (RF-1, RF-2, RF-3, RF-4, and RF-5).
- **November 17, 2016:** Hearing scheduled on proposed RF and R-3 text amendments, including additional “pop-back” (RF and R-3), and preservation and solar conditions, among others (RF only). Case No. 14-11B.

Rule Changes Summary

4 Key Changes: Height, Conversions, Definition, and Design

1) Height

Old R-4 Max. Height (feet)	New R-4/RF-1 Max. Height (feet)
40 feet, 3 stories	35 feet, 3 stories (*Except where 3 or more immediately adjoining residential row dwellings building concurrently on separate record lots – then 40 foot max)

- Height maximum applies to all new buildings and additions, subject to limited exceptions.
- Applicants may seek special exception relief from the Board of Zoning Adjustment (BZA) for proposed heights between 35-40 feet.

New Rule Changes continued

2) Conversion Rules for Pre-1958 Buildings

- They generally come in 3 types:
 - (i) Non-residential building (such as a school) converted to an apartment house; or
 - (ii) Single family dwelling or flat converted to an apartment house; or
 - (iii) Existing apartment house (previously converted) expanded structurally or by adding dwelling units.

Changes – continued

- (i) Conversion of pre-1958 non-residential building (such as a school) to an apartment house.

Old R-4 Rules	New RF Rules
<p>Permitted <u>matter of right</u> if a minimum of 900 square feet of land area per unit</p> <ul style="list-style-type: none"> ◦ (For example, a lot would need to be at least 2,700 square feet in size to add a 3rd unit) <p>Relief from minimum size required an <u>area variance</u> from the BZA</p>	<p>Permitted <u>matter of right</u>, subject to conditions:</p> <ul style="list-style-type: none"> • Must be an existing non-residential building • Max. building height of 35 feet • Minimum of 900 square feet of land area per dwelling unit • An addition shall not extend further than 10 feet past the furthest rear wall of any adjacent principal residential dwelling • No blocking of neighboring chimneys or external vents • No interference with neighboring solar energy systems • No removal or significant alteration of original roof top architectural elements <p>If any above condition is not met, then a <u>special exception</u> from the BZA is required</p> <p>Note: <u>Inclusionary Zoning</u> rules apply if 10+ units</p>

New Rule Changes continued

(ii) Conversion of a pre-1958 single family or flat to an apartment house.

Old R-4 Rules

Permitted matter of right if a minimum of 900 square feet of land area per unit

- (For example, a lot would need to be at least 2,700 square feet in size to add a 3rd unit)

Relief from minimum size required an area variance from the BZA

New RF Rules

Permitted only by special exception from the BZA, subject to conditions:

- Must be an existing building
- Max. building height of 35 feet, subject to additional special exception analysis if exceeded
- 4th dwelling unit and every additional even numbered unit thereafter subject to Inclusionary Zoning
- Minimum of 900 square feet of land area per dwelling unit
- An addition shall not extend further than 10 feet past the furthest rear wall of any adjacent principal residential dwelling*
- No blocking of neighboring chimneys or external vents*
- No interference with neighboring solar energy systems*
- No removal or significant alteration of original roof top architectural elements*
- No adverse impact on neighboring dwellings or property
- BZA may waive no more than 3 of the starred (*) requirements, so long as no adverse impact

Deviations from the conditions require area variances from the BZA

New Rule Changes continued

- (iii) Expansion of an existing apartment house (previously converted) either structurally or with additional units.

Old R-4 Rules	New RF Rules
<p>Permitted <u>matter of right</u> if a minimum of 900 square feet of land area per unit</p> <ul style="list-style-type: none"> ◦ (For example, a lot would need to be at least 2,700 square feet in size to add a 3rd unit) <p>Relief from minimum size required an <u>area variance</u> from the BZA</p>	<p>Expansion of previously converted non-residential buildings or residential buildings to apartment houses – either structurally or through increasing the number of units – requires <u>special exception</u> from the BZA</p> <ul style="list-style-type: none"> • However, relief from the 900 square feet of land area per unit minimum requires an <u>area variance</u> from the BZA

Rule Changes - continued

3) Definition

- “Mezzanine” – Space now counts as a separate story in RF zones for determining the maximum number of stories (3) within a principal structure.
 - Defined as “floor space within a story between its floor and the floor or roof next above it and having an area of not more than one-third (1/3) of the area of the floor immediately below.”

4) Design

- All new construction (including matter of right) in RF must comply with the following:
 - No blocking of neighboring chimneys or external vents.
 - No interference with neighboring solar energy systems.
 - No removal or significant alteration of original roof top architectural elements.
- Relief from requirements require a special exception from the BZA.

Additional Application Materials Required

- As a result of new design requirements – rooftop architectural elements, chimneys, solar, rear addition depth – applicants may be required to provide the following evidence during the building permit review:
 - Surveys showing neighboring building footprints and relative depth dimensions.
 - Diagrams showing neighboring chimneys/vents and solar energy systems.
 - Research showing whether any neighbors have permitted, but uninstalled, solar energy systems.
 - Shadow or other studies showing degree of interference with neighboring solar energy systems.
 - Other evidence as needed, such as photographs.

Summary of Case No. 14-11B

- As earlier referenced, there is a Zoning Commission hearing scheduled for November 17, 2016 (Case No. 14-11B). Principal proposed changes by the Office of Planning include:
 - Expansion of “pop-back” limitations (RF and R-3 zones)
 - New 10 foot rear addition limitation would apply to all attached and semi-detached buildings, irrespective of whether the project involves a conversion (RF zones)
 - More than 10 feet permitted by special exception.
 - Amendments to RF sections, including:
 - Solar Energy System: Changes to interference with neighboring solar energy systems standard to better align it with DCRA code review criteria.
 - Architectural Elements: Inclusion of original “cornices” and “porch roofs” as architectural elements that must be preserved. Exclusion of elements at the back of buildings (facing the rear lot line) for “interior lots”.

Zoning Enforcement

- The Office of the Zoning Administrator (OZA) enforces the zoning regulations. Enforcement action is primarily complaint driven.
- Due to the intricacies of the new regulations DCRA zoning enforcement staff has seen an increase in the number of Zoning Violation Complaints (ZVC) received from neighbors of RF projects.

Zoning Enforcement - continued

- Where a project is determined by zoning enforcement staff to be non-compliant with the zoning regulations or approved plans, the project may be subject to zoning and other DCRA enforcement actions including, but not limited to, the following:
 - Inspections or Investigations
 - Stop Work Orders
 - Submittal of revised plans for permit review
 - Fines and Fees
- As a result, it is especially important for applicants to understand the new rules and, in the event that a complaint is received, to work cooperatively with zoning enforcement staff to ensure a swift and compliant outcome.

Reminder

- In addition to the new standards highlighted in this presentation, projects must still satisfy all other applicable zoning regulations, including lot occupancy, setbacks, parking, and pervious surface, among others.
- Consult the Zoning Regulations for additional detail and requirements: <http://www.dcoz.dc.gov/resources/regulations.shtm>

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Source: Google Street View

Q & A

