

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF VIRTUAL PUBLIC HEARING**

TIME AND PLACE: **Monday, July 13, 2020, @ 4:00 p.m.**
**WebEx or Telephone – Instructions will be provided on
the OZ website by Noon of the Hearing Date¹**

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

**CASE NO. 19-13 (Office of Planning – Proposed Text Amendment to Clarify Regulations
Governing Alley Lots)**

THIS CASE IS OF INTEREST TO ALL ANCS

On June 28, 2019, the Office of Planning (“OP”) filed a setdown and pre-hearing report with the Office of Zoning that served as a petition proposing text amendments to the Zoning Regulations (Title 11 of the DCMR, to which all references are made unless otherwise specified) that would clarify the regulations governing alley lots - including the minimum alley centerline setback, the process for converting alley tax lots to alley record lots, and the ability to hold limited performances or art shows in alley artist studios - and ensure consistent language across different subtitles. The proposed amendment would affect the following provisions:

- Subtitle B (Definitions, Rules of Measurement, and Use Categories) – §§ 100, 307, & 308;
- Subtitle C (General Rules) – §§ 302, 303, & 306;
- Subtitle D (Residential House (R) Zones) – Chapter 51;
- Subtitle E (Residential Flat (RF) Zones) – Chapter 51;
- Subtitle F (Residential Apartment (RA) Zones) – Chapter 51;
- Subtitle G (Mixed-Use (MU) Zones) – Chapter 11;
- Subtitle I (Downtown (D) Zones) – § 210;
- Subtitle J (Production, Distribution, and Repair (PDR) Zones) – Chapter 3; and
- Subtitle U (Use Permissions) – §§ 600 & 601.

The proposed text amendment would apply city-wide.

At its regular public meeting held on July 8, 2019, the Commission voted to grant OP’s request to set down the proposed text amendment for a public hearing.

The complete record in the case, including the OP report and transcript of the public meeting, can be viewed online at the Office of Zoning website, through the Interactive Zoning Information System (IZIS), at <https://app.dcoz.dc.gov/Content/Search/Search.aspx>.

¹ Anyone who wishes to participate in this case but cannot do so via WebEx or telephone, may submit written comments to the record. (See p. 3, *How to participate as a witness – written statements.*)

PROPOSED TEXT AMENDMENT

The proposed amendments to the text of Title 11 DCMR (Zoning Regulations of 2016) are as follows (text to be deleted is marked in ~~bold and strikethrough~~ text; new text is shown in **bold and underline** text).

I. Proposed amendments to Subtitle B, DEFINITIONS, RULES OF MEASUREMENT, AND USE CATEGORIES

Subsection 100.2, of § 100, DEFINITIONS, of Chapter 1, DEFINITIONS, of Subtitle B, DEFINITIONS, RULES OF MEASUREMENT, AND USE CATEGORIES, is proposed to be amended as follows:

...

Alley: A public way, **whether named or unnamed**, designated as an alley in the records of the Surveyor of the District of Columbia. An alley is not a street for the purposes of this title.

...

Lot, Alley: ~~Is either a A lot that is recorded on the records of the Surveyor, District of Columbia, that (i) faces or abuts an alley; (ii) does not face or abut a street at any point, and (iii) is recorded either on the records of the D.C. Surveyor (alley record lot an “Alley Record Lot”) or a lot that is recorded on the records of the D.C Office of Tax and Revenue, on or before November 1, 1957, that faces or abuts an alley that does not face or abut a street at any point (alley tax lot) (an “Alley Tax Lot”).~~

...

Lot Line, Alley: A lot line that abuts an alley.

...

Section 307, RULES OF MEASUREMENT FOR BUILDING HEIGHT: NON-RESIDENTIAL ZONES, of Chapter 3, GENERAL RULES OF MEASUREMENT, of Subtitle B, DEFINITIONS, RULES OF MEASUREMENT, AND USE CATEGORIES, is proposed to be amended by revising § 307.1 and adding a new § 307.8, to read as follows:

307.1 In other than residential zones, as defined in Subtitle A § 101.9, and except **alley lots** as permitted elsewhere in this section and the regulations, the building height measuring point (BHMP) shall be established at the ~~at the~~ level of the curb, opposite the middle of the front of the building, and the building height shall be the vertical distance measured from the BHMP to the highest point of the roof or parapet or **to** a point designated by a specific zone district; **except that Alley Lots shall be regulated by Subtitle B § 307.8.**

...

307.8 **For Alley Lots, the BHMP shall be established at grade at the mid-point of the Alley Lot Line or, where an Alley Lot abuts more than one alley, the mid-point of the Alley Lot Line that would result in the BHMP with the highest elevation. Building height for Alley Lots shall be the vertical distance measured from the BHMP to the highest point of the roof or parapet or to a point designated by the rules provided in the applicable zone district, with any conflict resolved in favor of the lowest maximum height.**

Section 308, RULES OF MEASUREMENT FOR BUILDING HEIGHT: RESIDENTIAL ZONES AS DEFINED IN SUBTITLE A § 101.9, of Chapter 3, GENERAL RULES OF MEASUREMENT, of Subtitle B, DEFINITIONS, RULES OF MEASUREMENT, AND USE CATEGORIES, is proposed to be amended by revising §§ 308.1 and 308.2 and by adding a new § 308.8, to read as follows:

308.1 The height of buildings, not including a penthouse, in residential zones, as defined in Subtitle A § 101.9, shall be measured in accordance with the rules provided in this section; **except that the height of buildings on Alley Lots shall be regulated by Subtitle B § 308.9.** If more than one (1) of these subsections applies to a building, the rule permitting the greater height shall apply.

308.2 The building height measuring point (BHMP) shall be established at the adjacent natural or finished grade, whichever is the lower in elevation, at the mid-point of the building façade of the principal building that is closest to a street lot line. For any excavations projecting from the building's façade other than an exception to grade as defined at ~~11-B-DCMR~~ **Subtitle B** § 100.2 the elevation of the midpoint of a building façade shall be the equivalent of the lowest such elevation; excluding existing driveways adjacent to the midpoint(s) directly connecting a garage and public right of way.

...

308.9 **For Alley Lots, the BHMP shall be established at grade at the mid-point of the Alley Lot Line or, where an Alley Lot abuts more than one alley, the mid-point of the alley lot line that would result in the BHMP with the highest elevation. Building height for Alley Lots shall be measured in accordance with Subtitle B §§ 308.2 through 308.4 and the rules provided in the applicable zone district, with any conflict resolved in favor of the lowest maximum height.**

II. Proposed amendments to Subtitle C, GENERAL RULES

Subsection 302.1 of Section 302, SUBDIVISION REGULATIONS, of Chapter 3, SUBDIVISION, of Subtitle C, GENERAL RULES, is proposed to be amended as follows:

302.1 Where a lot is divided, the division shall be effected in a manner that will not violate the provision of this title for yards, courts, other open space, minimum lot width, minimum lot area, floor area ratio, percentage of lot occupancy, parking spaces, or loading berths applicable to that lot or any lot created; **except that:**

(a) a non-Alley Lot recorded as a tax lot with the Office of Tax and Revenue prior to May 12, 1958, which shared an underlying record lot with an Alley Tax Lot that has been converted to an Alley Record Lot under Subtitle C § 306.3, may be converted to a record lot without complying with these development standards; and

(b) a non-Alley Lot recorded as a tax lot with the Office of Tax and Revenue prior to September 6, 2016, which shared an underlying record lot with an Alley Tax Lot that has been converted to an Alley Record Lot under Subtitle C § 306.4, may be converted to a record lot if granted by the Board of Zoning Adjustment as a special exception pursuant to Subtitle X, Chapter 9.

Section 303, LOT FRONTAGE, of Chapter 3, SUBDIVISION, of Subtitle C, GENERAL RULES, is proposed to be amended by revising § 303.1 and by deleting § 303.3 and renumbering current §§ 303.4 and 303.5 as new §§ 303.3 and 303.4, to read as follows:

303.1 ~~Except for alley lots, all~~ **All** new record lots shall have at least one (1) street lot line on a public street or a public access easement approved by the District Department of Transportation, **except that new Alley Record Lots shall instead comply with the rules of Subtitle C § 306.**

303.2 Where a minimum lot width is required ...

~~303.3~~ **New alley record lots shall comply with the following:**

~~(a) Have frontage along a public alley with a minimum alley width of twenty-four feet (24 ft.) and have from the alley access to a street through an alley or alleys not less than twenty-four feet (24 ft.) in width;~~

~~(b) Meet the lot area standards applicable under the title of the respective zone and, if no minimum lot area standard is provided, the alley lot shall be a minimum of eighteen hundred square feet (1,800 sq. ft.) of lot area; and~~

~~(c) Where existing abutting alley record lots or alley tax lots created on or before May 12, 1958 are combined into a larger alley record lot, the subdivision need not comply with paragraphs (a) and (b) of this subsection.~~

~~303.4~~ 303.3 Each new lot being created to be used and occupied by a single dwelling ...

~~303.4~~ 303.5 Each new lot being created to be used and occupied by an apartment house ...

A new Section 306, NEW ALLEY RECORD LOTS, is proposed to be added to Chapter 3, SUBDIVISION, of Subtitle C, GENERAL RULES, as follows:

306 NEW ALLEY RECORD LOTS

306.1 A new Alley Record Lot shall:

- (a) have frontage along a public alley with a minimum alley width of twenty-four feet (24 ft.), with the alley frontage no less than fourteen feet (14 ft);
- (b) have access to a public street through a public alley or alleys with an alley width of not less than twenty-four feet (24 ft.) at any point between the new Alley Record Lot and the street;
- (c) meet the lot area standards applicable for non-Alley Lots in the same zone; if no minimum lot area standard is provided, the Alley Record Lot shall be a minimum of eighteen hundred square feet (1,800 sq. ft.) of lot area; and
- (d) not be created by subdividing an existing record lot unless the subdivision application includes a statement, supported by a plat depicting the proposed Alley Record Lot and its existing record lot, that establishes to the Zoning Administrator's satisfaction that the remainder of that existing record lot and the new Alley Record Lot each comply with Subtitle C § 302 in addition to all other applicable requirements.

306.2 An Alley Record Lot may be combined with an abutting Alley Record Lot to create a larger Alley Record Lot without meeting the requirements of Subtitle C §§ 306.1.

306.3 An Alley Tax Lot recorded with the Office of Tax and Revenue prior to May 12, 1958, may be converted into an Alley Record Lot without meeting the requirements of Subtitle C § 306.1, if the Alley Tax Lot:

- (a) has a minimum square footage of four hundred and fifty square feet (450 sq. ft.), or
- (b) is combined with an abutting Alley Tax Lot created before May 12, 1958, or with an abutting Alley Record Lot, to create a larger Alley Record Lot.

306.4 An Alley Tax Lot not meeting the requirements of Subtitle C §§ 306.1 through 306.3 that was recorded with the Office of Tax and Revenue prior to September 6, 2016, may be converted to an Alley Record Lot if approved by the Board of Zoning Adjustment as a special exception under Subtitle X, Chapter 9, and subject to the following requirements:

- (a) The Alley Tax Lot has a minimum square footage of four hundred and fifty square feet (450 sq. ft.);**
- (b) The Alley Lot connects to an improved public street through an improved alley or system of alleys that provides adequate public safety, and infrastructure availability; and**
- (~~b~~) (c) The Office of Zoning shall refer the application to the following agencies for their review and recommendation, if filed to the case record within the forty (40) day period established by Subtitle A § 211:**
 - (1) Department of Transportation (DDOT);**
 - (2) Department of Public Works (DPW);**
 - (3) Metropolitan Police Department (MPD);**
 - (4) Fire and Emergency Medical Services Department (FEMS);**
 - (5) DC Water (WASA); and**
 - (6) If a historic district or historic landmark is involved, the Historic Preservation Office (HPO).**
- (d) The Applicant shall include with the application for relief a statement, supported by a plat depicting the proposed Alley Record Lot and its existing record lot, that states if the remainder of that existing record lot without the proposed Alley Record Lot would comply with Subtitle C § 302 in addition to all other applicable requirements.**

III. Proposed amendments to Subtitle D, RESIDENTIAL HOUSE (R) ZONES

The title of Chapter 51, ALLEY LOT REGULATIONS FOR R ZONES, of Subtitle D, RESIDENTIAL HOUSE (R) ZONES, is proposed to be amended as follows:

CHAPTER 51, ALLEY LOT REGULATIONS (R) FOR R ZONES

Chapter 51, ALLEY LOT REGULATIONS (R), of Subtitle D, RESIDENTIAL HOUSE (R) ZONES, is proposed to be amended by revising § 5100, GENERAL PROVISIONS, of Subtitle D, RESIDENTIAL HOUSE (R) ZONES, and by deleting §§ 5101 through 5107², to read as follows:

5100 GENERAL PROVISIONS

~~5100.1 All alley lots must be recorded in the records of the Office of the Surveyor, District of Columbia as a record lot.~~

~~5100.2 New alley lots may be created as provided in the subdivision regulations in Subtitle C § 303.3.~~

5100.1 The following development standards shall apply to buildings on Alley Record Lots in the R zones:

TABLE D § 5100.1: ALLEY LOT DEVELOPMENT STANDARDS (R)

(a) Maximum Height	<u>20 ft. and 2 stories, including the penthouse</u>
(b) Maximum Lot Occupancy	
<u>Less than 1,800 sq. ft. of lot area</u>	<u>N/A</u>
<u>Between 1,800 and 2,000 sq. ft. of lot area</u>	<u>90%</u>
<u>Over 2,000 sq. ft. of lot area</u>	<u>80%</u>
(c) Minimum Rear Yard	<u>5 ft. from any lot line of all abutting non-Alley Lots</u>
(d) Minimum Side Yard	<u>5 ft. from any lot line of all abutting non-Alley Lots</u>
(e) Minimum Alley Centerline Setback	<u>7.5 ft. from the centerline of all abutting alleys</u>
(f) Minimum Pervious Surface	<u>10%</u>

5100.2 Uses on Alley Lots shall be as permitted in Subtitle U, Chapter 6.

~~5101 DEVELOPMENT STANDARDS~~

~~5101.1 The development standards in Subtitle D §§ 5102 through 5107 shall apply to buildings on alley lots in R zones.~~

~~5102 HEIGHT~~

~~5102.1 The maximum height and stories of buildings on alley lots in R zones shall be twenty feet (20 ft.) and two (2) stories, including the penthouse.~~

~~5103 LOT OCCUPANCY~~

² Current Subsection 5108 of Subtitle D is proposed to be deleted in Z.C. Case No. 19-14, for which a Notice of Proposed Rulemaking was just published.

~~5103.1~~ — ~~A building or structure shall not occupy an alley lot in excess of the maximum lot occupancy as set forth in the following table:~~

~~TABLE D § 5103.1: MAXIMUM LOT DEVELOPMENT STANDARDS (R)~~

Alley Lot Size	Maximum Lot Occupancy
Less than 1,800 sq. ft. of lot area	N/A
Between 1,800 sq. ft. and 2,000 sq. ft.	90%
Larger than 2,000 sq. ft.	80%

~~5104~~ — ~~REAR YARD~~

~~5104.1~~ — ~~A minimum rear yard of five feet (5 ft.) shall be provided along any lot line of all abutting non-alley lots.~~

~~5105~~ — ~~SIDE YARD~~

~~5105.1~~ — ~~A minimum side yard of five feet (5 ft.) shall be provided along any lot line of all abutting non-alley lots.~~

~~5106~~ — ~~ALLEY CENTERLINE SETBACK~~

~~5106.~~ — ~~A required twelve foot (12 ft.) setback from the centerline of all alleys to which the alley lot abuts shall be provided.~~

~~5107~~ — ~~PERVIOUS SURFACE~~

~~5107.1~~ — ~~The minimum percentage of pervious surface requirement of an alley lot in an R zone shall be ten percent (10%).~~

IV. Proposed amendments to Subtitle E, RESIDENTIAL FLAT (RF) ZONES

The title of Chapter 51, ALLEY LOT REGULATIONS, of Subtitle E, RESIDENTIAL FLAT (RF) ZONES, is proposed to be amended as follows:

CHAPTER 51, ALLEY LOT REGULATIONS (RF)

Chapter 51, ALLEY LOT REGULATIONS (RF), of Subtitle E, RESIDENTIAL FLAT (RF) ZONES, of Subtitle E, RESIDENTIAL FLAT (RF) ZONES, is proposed to be amended by revising § 5100, GENERAL PROVISIONS, and by §§ 5101 through 5107³, to read as follows:

5100 GENERAL PROVISIONS

³ Current Subsection 5108 of Subtitle E is proposed to be deleted in Z.C. Case No. 19-14, for which a Notice of Proposed Rulemaking was just published.

~~5100.1 All alley lots must be recorded in the records of the Office of the Surveyor, District of Columbia as a record lot.~~

~~5100.2 New alley lots may be created as provided in the subdivision regulations in Subtitle C § 303.3.~~

5100.1 The following development standards shall apply to buildings on Alley Record Lots in the RF zones:

TABLE E § 5100.1: ALLEY LOT DEVELOPMENT STANDARDS (RF)

<u>(a) Maximum Height</u>	<u>20 ft. and 2 stories, including the penthouse</u>
<u>(b) Maximum Lot Occupancy</u>	
<u>Less than 1,800 sq. ft. of lot area</u>	<u>N/A</u>
<u>Between 1,800 and 2,000 sq. ft. of lot area</u>	<u>90%</u>
<u>Over 2,000 sq. ft. of lot area</u>	<u>80%</u>
<u>(c) Minimum Rear Yard</u>	<u>5 ft. from any lot line of all abutting non-Alley Lots</u>
<u>(d) Minimum Side Yard</u>	<u>5 ft. from any lot line of all abutting non-Alley Lots</u>
<u>(e) Minimum Alley Centerline Setback</u>	<u>7.5 ft. from the centerline of all abutting alleys</u>
<u>(f) Minimum Pervious Surface</u>	<u>10%</u>

5100.2 Uses on Alley Lots shall be as permitted in Subtitle U, Chapter 6.

~~5101 DEVELOPMENT STANDARDS~~

~~5101.1 The bulk of accessory buildings in the RF zones shall be controlled through the development standards in Subtitle E §§ 5102 through 5108.~~

~~5102 HEIGHT~~

~~5102.1 The maximum height and stories of buildings on alley lots in RF zones shall be twenty feet (20 ft.) and two (2) stories, including the penthouse.~~

~~5103 LOT OCCUPANCY~~

~~5103.1 A building or structure shall not occupy an alley lot in excess of the maximum lot occupancy as set forth in the following table:~~

TABLE E § 5103.1: MAXIMUM LOT DEVELOPMENT STANDARDS (RF)

Alley Lot Size	Maximum Lot Occupancy
Less than 1,800 sq. ft. of lot area	N/A
Between 1,800 sq. ft. and 2,000 sq. ft.	90%
Larger than 2,000 sq. ft.	80%

5104 REAR YARD

5104.1 A minimum rear yard of five feet (5 ft.) shall be provided along any lot line of all abutting non-alley lots.

5105 SIDE YARD

5105.1 A minimum side yard of five feet (5 ft.) shall be provided along any lot line of all abutting non-alley lots.

5106 ALLEY CENTERLINE SETBACK

5106. A required twelve foot (12 ft.) setback from the centerline of all alleys to which the alley lot abuts shall be provided.

5107 PERVIOUS SURFACE

5107.1 The minimum percentage of pervious surface requirement shall be ten percent (10%).

V. Proposed amendments to Subtitle F, RESIDENTIAL APARTMENT (RA) ZONES

The title of Chapter 51, ALLEY LOT REGULATIONS, of Subtitle F, RESIDENTIAL APARTMENT (RA) ZONES, is proposed to be amended as follows:

CHAPTER 51, ALLEY LOT REGULATIONS (RA)

Chapter 51, ALLEY LOT REGULATIONS (RA), of Subtitle F, RESIDENTIAL APARTMENT (RA) ZONES, is proposed to be amended by revising § 5100, GENERAL PROVISIONS, and by deleting §§ 5101 through 5106⁴, to read as follows:

5100 GENERAL PROVISIONS

5100.1 ~~All alley lots must be recorded in the records of the Office of the Surveyor, District of Columbia as a record lot.~~

⁴ Current Subsection 5107 of Subtitle F is proposed to be deleted in Z.C. Case No. 19-14, for which a Notice of Proposed Rulemaking was just published.

~~5100.2~~ ~~New alley lots may be created as provided in the subdivision regulations in Subtitle C § 303.3.~~

~~5100.1~~ ~~The following development standards shall apply to buildings on Alley Record Lots in RA zones:~~

TABLE F § 5100.1: ALLEY LOT DEVELOPMENT STANDARDS (RA)

<u>(a) Maximum Height</u>	<u>20 ft. and 2 stories, including the penthouse</u>
<u>(b) Minimum Rear Yard</u>	<u>5 ft. from any lot line of all abutting non-Alley Lots</u>
<u>(c) Minimum Side Yard</u>	<u>5 ft. from any lot line of all abutting non-Alley Lots</u>
<u>(d) Minimum Alley Centerline Setback</u>	<u>7.5 ft. from the centerline of all abutting alleys</u>
<u>(e) Minimum Pervious Surface</u>	<u>10%</u>

~~5100.2~~ ~~Uses on Alley Lots shall be as permitted in Subtitle U, Chapter 6.~~

~~5101~~ ~~DEVELOPMENT STANDARDS~~

~~5101.1~~ ~~The development standards of this chapter shall apply to buildings on alley lot in RA zones.~~

~~5102~~ ~~HEIGHT~~

~~5102.1~~ ~~The maximum height and stories of buildings on alley lots in RA zones shall be twenty feet (20 ft.) and two (2) stories, including the penthouse.~~

~~5103~~ ~~REAR YARD~~

~~5103.1~~ ~~A required rear yard shall be provided with a minimum depth of five feet (5 ft.) along any lot line of all abutting non-alley lots.~~

~~5104~~ ~~SIDE YARD~~

~~5104.1~~ ~~A required side yard shall be provided with a minimum depth of five feet (5 ft.) along any lot line of all abutting non-alley lots.~~

~~5105~~ ~~ALLEY CENTERLINE SETBACK~~

~~5105.1~~ ~~A required twelve foot (12 ft.) setback from the centerline of all alleys to which the alley lot abuts shall be provided.~~

~~5106~~ ~~PERVIOUS SURFACE~~

~~5106.1 The minimum required pervious surface shall be not less than ten percent (10%).~~

VI. Proposed amendments to Subtitle G, MIXED-USE (MU) ZONES

The title of Chapter 11, ALLEY LOT REGULATIONS FOR MU ZONES, of Subtitle G, MIXED-USE (MU) ZONES, is proposed to be amended as follows:

CHAPTER 11 ALLEY LOT REGULATIONS FOR MU ZONES (MU)

Chapter 11, ALLEY LOT REGULATIONS (MU), of Subtitle G, MIXED-USE (MU) ZONES, is proposed to be amended by revising § 1100, GENERAL PROVISIONS, and by deleting §§ 1101 through 1106, to read as follows:

1100 GENERAL PROVISIONS

~~1100.1 All alley lots must be recorded in the records of the Office of the Surveyor, District of Columbia as a record lot.~~

~~1100.2 New alley lots may be created as provided in the subdivision regulations in Subtitle C § 303.3.~~

1100.1 The following development standards shall apply to buildings on Alley Record Lots in MU zones:

TABLE G § 1100.1: ALLEY LOT DEVELOPMENT STANDARDS (MU)

<u>(a) Maximum Height</u>	
<u>MU-6, MU-8, MU-9, MU-10, MU-19, MU-20, MU-22, MU-29, and MU-30 zones</u>	<u>30 ft. and 3 stories, including the penthouse</u>
<u>All other MU zones</u>	<u>20 ft. and 2 stories, including the penthouse</u>
<u>(b) Minimum Rear Yard</u>	<u>5 ft. from any lot line of all abutting non-Alley Lots</u>
<u>(c) Minimum Side Yard</u>	<u>5 ft. from any lot line of all abutting non-Alley Lots</u>
<u>(d) Minimum Alley Centerline Setback</u>	<u>7.5 ft. from the centerline of all abutting alleys</u>
<u>(e) Minimum Green Area Ratio (GAR)</u>	<u>As required by zone</u>

1100.2 Uses on Alley Lots shall be as permitted in Subtitle U, Chapter 6.

1101 DEVELOPMENT STANDARDS

~~1101.1 The development standards in Subtitle G §§ 1101 through 1106 shall apply to buildings on alley lot in MU zones.~~

~~1102~~ — ~~HEIGHT~~

~~1102.1~~ — ~~The maximum height and stories of the building in MU-6, MU-8, MU-10, MU-19, MU-20, MU-21, MU-22, and MU-29 zones shall be thirty feet (30 ft.) and three (3) stories, including the penthouse.~~

~~1102.2~~ — ~~The maximum height and stories of the building in all other MU zones shall be twenty feet (20 ft.) and two (2) stories, including the penthouse.~~

~~1103~~ — ~~REAR YARD~~

~~1103.1~~ — ~~A minimum rear yard of five feet (5 ft.) shall be provided from any lot line of all abutting non-alley lots.~~

~~1103~~ — ~~SIDE YARD~~

~~1103.1~~ — ~~A minimum side yard of five feet (5 ft.) shall be provided from any lot line of all abutting non-alley lots.~~

~~1105~~ — ~~ALLEY CENTERLINE SETBACK~~

~~1105.1~~ — ~~A required twelve foot (12 ft.) setback from the centerline of all alleys to which the alley lot abuts shall be provided.~~

~~1106~~ — ~~GREEN AREA RATIO~~

~~1106.1~~ — ~~The minimum required GAR shall be as required by the zone.~~

VII. Proposed amendments to Subtitle I, DOWNTOWN (D) ZONES

Subsection 210.3 of Section 210, ALLEY LOTS, of Chapter 2, GENERAL DEVELOPMENT STANDARDS FOR DOWNTOWN (D) ZONES, of Subtitle I, DOWNTOWN (D) ZONES, is proposed to be amended as follows:

210.3 Residential use is permitted, subject to the following conditions:

- (a) A building may not be constructed or converted to a single or multiple dwelling unit unless **the lot is an Alley Record Lot and** there is a minimum of four hundred and fifty square feet (450 sq. ft.) of lot area per unit; and
- (b) The ~~alley lot~~ **Alley Lot** has access to an improved public street as follows:

- (1) Through an improved **public** alley or alleys **with an alley width of not less than** twenty-four feet (24 ft.) ~~or more in width at any point between the Alley Lot and the street;~~ or
- (2) ~~On~~ **The public street is within three hundred (300) linear feet of the Alley Lot as measured along** an improved **public** alley ~~no or alleys with an alley width of not~~ less than fifteen feet (15 ft.) ~~in width at any point and within three hundred (300) linear feet of a public street, as measured along the aforementioned fifteen-foot (15 ft.) wide alley.~~

VIII. Proposed amendments to Subtitle J, PRODUCTION, DISTRIBUTION, AND REPAIR (PDR) ZONES

The title of Chapter 3, ALLEY LOT REGULATIONS, of Subtitle J, PRODUCTION, DISTRIBUTION, AND REPAIR (PDR) ZONES, is proposed to be amended as follows:

CHAPTER 3, ALLEY LOT REGULATIONS (PDR)

Chapter 3, ALLEY LOT REGULATIONS (PDR), of Subtitle J, PRODUCTION, DISTRIBUTION, AND REPAIR (PDR) ZONES, is proposed to be amended by revising § 300, GENERAL PROVISIONS, and by § 301, DEVELOPMENT REGULATIONS FOR BUILDINGS ON ALLEY LOTS, to read as follows:

~~300.1 All alley lots must be recorded in the records of the Office of the Surveyor, District of Columbia, as a record lot.~~

~~300.2 New alley lots may be created as provided in the subdivision regulations in Subtitle C § 303.3.~~

300.1 The following development standards shall apply to buildings on Alley Record Lots in PDR zones:

TABLE J § 300.1: ALLEY LOT DEVELOPMENT STANDARDS (PDR)

<u>(a) Maximum Height</u>	
<u>If the alley lot is located in a square with R or RF zoned properties</u>	<u>20 ft., including the penthouse</u>
<u>All other alley lots</u>	<u>30 ft., including the penthouse</u>
<u>(b) Minimum Rear Yard</u>	<u>5 ft. from any lot line of all abutting non-Alley Lots</u>
<u>(c) Minimum Side Yard</u>	<u>5 ft. from any lot line of all abutting non-Alley Lots</u>
<u>(d) Minimum Alley Centerline Setback</u>	<u>7.5 ft. from the centerline of all abutting alleys</u>

~~301 DEVELOPMENT REGULATIONS FOR BUILDINGS ON ALLEY LOTS~~

~~301.1 The bulk of buildings on alley lots in a PDR zone shall be controlled through the specified development standards of this chapter.~~

~~301.2 The following development standards shall apply to buildings on alley lots in PDR zones:~~

TABLE J § 301.2: ALLEY LOT DEVELOPMENT STANDARDS

<u>Maximum Lot Occupancy</u>	<u>GAR</u>	<u>Rear Yard Min.</u>	<u>Side Yard Min.</u>	<u>Alley Centerline Yard Min.</u>
<u>N/A</u>	<u>As required by applicable zone</u>	<u>5 ft. from any lot line of all non-alley lots</u>		<u>12 ft. from the centerline of all alleys to which the alley lot abuts</u>

~~301.3 The maximum height of a building on an alley lot shall be determined as follows:~~

- ~~(a) If the alley lot is located in a square that contains R or RF zone properties, the height shall be limited to twenty feet (20 ft.), including the penthouse;~~
- ~~(b) If the alley lot is located in a square that does not contain R or RF zoned properties, the height shall be limited to thirty feet (30 ft.), including the penthouse.~~

IX. Proposed amendments to Subtitle U, USE PERMISSIONS

The title of Chapter 6, USE PERMISSIONS FOR ALLEY LOT, of Subtitle U, USE PERMISSIONS, is proposed to be amended as follows:

CHAPTER 6, USE PERMISSIONS FOR ALLEY LOTS

Subsection 600.1 of Section 600, MATTER-OF-RIGHT USES ON ALLEY LOTS (R, RF, AND RA), of Chapter 6, USE PERMISSIONS FOR ALLEY LOTS, of Subtitle U, USE PERMISSIONS, is proposed to be amended by revising paragraphs (b), (e), and (f), to read as follows:

600.1 The following uses shall be permitted as a matter-of-right on an ~~alley lot~~ Alley Lot in the R, RF, and RA zones subject to any applicable conditions:

- (a) Agricultural, both residential and large;
- (b) Artist studio inside a building, subject to the following conditions:

(1) An artist may teach one (1) or more apprentices;

~~(2)~~ **(2) Occupancy Regular occupancy** of the building shall be limited to one (1) artist and one (1) apprentice for each four hundred and fifty square feet (450 sq. ft.) of gross floor area ~~of a building on an alley lot;~~

~~(3)~~ **(3)** All operations and storage of materials shall occur inside the building;

~~(4)~~ **(4)** Incidental sales of ~~art-work~~ **artwork** produced by the occupants of the studio shall be permitted within the studio; ~~and~~

~~(5)~~ ~~The artist may teach one (1) or more apprentices.~~

(5) Noise volume shall be governed by the regulations of Title 20 DCMR (Environment);

(6) Rehearsals for performing arts may be undertaken in the artist studio; and

(7) A maximum of five (5) art shows or performances open to the public are permitted per calendar year, and occupancy for the art show or performance shall be governed by the regulations of Title 12-H (Fire Code).

(c) Camping by the owner ...

(d) Community solar facility ...

(e) Parking, subject to the following conditions:

(1) Surface parking spaces for use by residents of the square;

(2) Not more than two (2) car-sharing spaces **shall be permitted on any one Alley Lot;** and

(3) Parking garage on an **Alley Lot** ~~lot~~ not containing another use shall meet the following conditions:

(A) No more than two (2) motor vehicles may be housed on the **lot Alley Lot;**

(B) The building may not exceed four hundred fifty square feet (450 sq. ft.); and

- (C) The **building garage door** shall open directly onto an alley; and
- (f) Residential **dwelling use**, ~~provided that the use shall be limited to one (1) dwelling unit on an alley lot,~~ subject to the following **limitations conditions**:
- (1) The ~~alley lot~~ **Alley Lot** is **not wholly or partially within the R-1-A, R-1-B, R-2, R-6 through R-12, R-14 through R-16, or R-19 through R-21 zones an R-3, R-13, or R-17; zone, an RF zone, or an RA zone;**
 - (2) A **residential dwelling building** may not be constructed ~~as~~ or **other building** converted ~~for~~ **to** a dwelling unit unless the lot is an Alley Record Lot and there is a minimum of four hundred and fifty square feet (450 sq. ft.) of lot area;
 - ~~(3)~~ **The use shall be limited to one (1) dwelling unit per lot; accessory apartments are not permitted;**
 - ~~(3)~~ **(4)** The ~~alley lot~~ **Alley Lot** has access to an improved public street as follows:
 - (A) Through an improved **public** alley or alleys **with an alley width of not less than** twenty-four feet (24 ft.) ~~or more in width at any point between the lot and the public street;~~ or
 - (B) ~~On~~ **The public street is within three hundred (300) linear feet of the Alley Lot as measured along an improved public alley no or alleys with an alley width of not less than fifteen feet (15 ft.) in width at any point and within three hundred (300) linear feet of a public street, as measured along the aforementioned fifteen-foot (15 ft.) wide alley; and**
 - ~~(4)~~ **The residential dwelling shall meet all building code requirements for a permanent residential structure; and**
 - ~~(5)~~ **If the Zoning Administrator or other authorized building official determines that the access from a proposed dwelling on an alley lot is insufficient to provide the intended public safety, hygiene, or other building code requirement, the application for the residential dwelling shall be referred to the Board of Zoning Adjustment.**

(5) The dwelling unit may also contain a parking garage for use by residents of the dwelling.

Subsection 601.1 of Section 601, SPECIAL EXCEPTION USES ON ALLEY LOTS (R, RF, AND RA), of Chapter 6, USE PERMISSIONS FOR ALLEY LOTS, of Subtitle U, USE PERMISSIONS, is proposed to be amended by adding a new paragraph (a) and renumbering current paragraphs (a) to (e) as new paragraphs (b) to (f), and by revising new paraphs (d), (e), and (f), to read as follows:

601.1 The following uses shall be permitted on an ~~alley lot~~ **Alley Lot** in the R, RF, and RA zones, as a special exception if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9, subject to any specific provisions of each section:

(a) [RESERVED]

(b) Artist studio not meeting the criteria of Subtitle U § 600.1(b), subject to the following conditions:

(1) Any use authorized in this section shall not be likely to become objectionable because of noise, traffic, or number of employees or visitors; and

(2) The hours of active operation shall be arranged so as not to prove disturbing or otherwise objectionable to other properties in the square;

~~(a)~~ **(c)** No camp or any temporary place ...

~~(b)~~ **(d)** Community solar facility ...

~~(e)~~ **(e)** Parking uses not meeting the ~~matter-of-right standards, provided that a publicly operating parking area use shall be~~ **criteria of Subtitle U § 600.1(e)**, subject to the following conditions:

(1) Any use authorized in this section shall not be likely to become objectionable because of noise, traffic, or number of employees or visitors; and

(2) The hours of active operation shall be arranged so as not to prove disturbing or otherwise objectionable to persons residing around the perimeter of the square in which the use is located;

~~(d)~~ **(f)** Residential use **dwelling** not meeting the ~~matter-of-right requirements~~ **criteria** of Subtitle U § 600.1(f), ~~provided that the use shall be limited to one~~ **(1) dwelling unit on an alley lot**, subject to the following conditions:

(1) The ~~alley lot~~ **Alley Lot** is not wholly or partially within the R-1-A, R-1-B, or R-2 zones;

(2) A building may not be constructed or converted for a dwelling unit unless the lot is an Alley Record Lot and there is a minimum of four hundred and fifty ~~(450)~~ square feet **(450 sq. ft.)** of lot area;

~~(3)~~ **The use shall be limited to one (1) dwelling unit per lot; accessory apartments are not permitted;**

~~(3)~~ **(4)** The ~~alley lot~~ **Alley Lot** connects to an improved public street through an improved alley or system of alleys that provides adequate public safety; and infrastructure availability; and

~~(4)~~ **The Board of Zoning Adjustment shall consider relevant agency comments concerning:**

~~(A)~~ **Public safety, including any comments from the Fire and Emergency Medical Services Department and Metropolitan Police Department;**

~~(B)~~ **Water and sewer services, including any comments from the Water and Sewer Authority, especially the Department of Permit Operations);**

~~(C)~~ **Waste management, including any comments from the Department of Public Works; and**

~~(D)~~ **Traffic and parking, including any comments from the District Department of Transportation; and**

~~(4)~~ **(5) The Office of Zoning shall refer to the following agencies for their review and recommendation, if filed to the case record within the forty (40) day period established by Subtitle A § 211:**

(A) Department of Transportation (DDOT);

(B) Department of Public Works (DPW);

(C) Metropolitan Police Department (MPD);

(D) Fire and Emergency Medical Services Department (FEMS);

(E) DC Water (WASA); and

(F) If a historic district or historic landmark is involved, the Historic Preservation Office (HPO).

~~(e)~~ **(g)** Storage of wares or goods ...

Proposed amendments to the Zoning Regulations of the District of Columbia are authorized pursuant to the Zoning Act of June 20, 1938 (52 Stat. 797), as amended (D.C. Official Code § 6-641.01, *et seq.* (2018 Repl.)).

This virtual public hearing will be conducted in accordance with the contested case provisions Subtitle Z, Chapter 5 of the Zoning Regulations (Title 11, Zoning Regulations of 2016, of the District of Columbia Municipal Regulations), which includes the text provided in the Notice of Emergency and Proposed Rulemaking adopted by the Zoning Commission on May 11, 2020, in Z.C. Case No. 20-11.

How to participate as a witness – oral presentation

Interested persons or representatives of organizations may be heard at the virtual public hearing. All individuals, organizations, or associations wishing to testify in this case are **strongly encouraged to sign up to testify at least 24 hours prior to the start of the hearing** on OZ’s website at <https://dcoz.dc.gov/> or by calling Donna Hanousek at (202) 727-0789 in order to ensure the success of the new virtual public hearing procedures.

The Commission also requests that all witnesses prepare their testimony in writing, submit the written testimony prior to giving statements, and limit oral presentations to summaries of the most important points. The Commission must base its decision on the record before them. Therefore, it is **highly recommended that all written comments and/or testimony be submitted to the record at least 24 hours prior to the start of the hearing**. The following maximum time limits for oral testimony shall be adhered to and no time may be ceded:

- | | | |
|----|---------------|----------------|
| 1. | Organizations | 5 minutes each |
| 2. | Individuals | 3 minutes each |

How to participate as a witness – written statements

Written statements, in lieu of personal appearances or oral presentation, may be submitted for inclusion in the record. The public is encouraged to submit written testimony through the Interactive Zoning Information System (IZIS) at <https://app.dcoz.dc.gov/Login.aspx>; however, written statements may also be submitted by e-mail to zcsubmissions@dc.gov. Please include the case number on your submission. If you are unable to use either of these means of submission, please contact Donna Hanousek at (202) 727-0789 for further assistance.

“Great weight” to written report of ANC

Subtitle Z § 406.2 provides that the written report of an affected ANC shall be given great weight if received at any time prior to the date of a Commission meeting to consider final action, including any continuation thereof on the application, and sets forth the information that the report must contain. Pursuant to Subtitle Z § 406.3, an ANC that wishes to participate in the hearing must file a written report at least seven days in advance of the public hearing and provide the name of the person who is authorized by the ANC to represent it at the hearing.

FOR FURTHER INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311.

ANTHONY J. HOOD, ROBERT E. MILLER, PETER G. MAY, PETER A. SHAPIRO, AND MICHAEL G. TURNBULL ----- ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA, BY SARA A. BARDIN, DIRECTOR, AND BY SHARON S. SCHELLIN, SECRETARY TO THE ZONING COMMISSION.

Do you need assistance to participate? If you need special accommodations or need language assistance services (translation or interpretation), please contact Zee Hill at (202) 727-0312 or Zelalem.Hill@dc.gov five days in advance of the meeting. These services will be provided free of charge.

¿Necesita ayuda para participar? Si tiene necesidades especiales o si necesita servicios de ayuda en su idioma (de traducción o interpretación), por favor comuníquese con Zee Hill llamando al (202) 727-0312 o escribiendo a Zelalem.Hill@dc.gov cinco días antes de la sesión. Estos servicios serán proporcionados sin costo alguno.

Avez-vous besoin d’assistance pour pouvoir participer ? Si vous avez besoin d’aménagements spéciaux ou d’une aide linguistique (traduction ou interprétation), veuillez contacter Zee Hill au (202) 727-0312 ou à Zelalem.Hill@dc.gov cinq jours avant la réunion. Ces services vous seront fournis gratuitement.

참여하시는데 도움이 필요하세요? 특별한 편의를 제공해 드려야 하거나, 언어 지원 서비스(번역 또는 통역)가 필요하시면, 회의 5일 전에 Zee Hill 씨께 (202) 727-0312 로 전화 하시거나 Zelalem.Hill@dc.gov 로 이메일을 주시기 바랍니다. 이와 같은 서비스는 무료로 제공됩니다.

您需要有人帮助参加活动吗? 如果您需要特殊便利设施或语言协助服务 (翻译或口译) · 请在见面之前提前五天与 Zee Hill 联系 · 电话号码 (202) 727-0312, 电子邮件 Zelalem.Hill@dc.gov 这些是免费提供的服务。

Quý vị có cần trợ giúp gì để tham gia không? Nếu quý vị cần thu xếp đặc biệt hoặc trợ giúp về ngôn ngữ (biên dịch hoặc thông dịch) xin vui lòng liên hệ với Zee Hill tại (202) 727-0312 hoặc Zelalem.Hill@dc.gov trước năm ngày. Các dịch vụ này hoàn toàn miễn phí.

ለሚሳተፍ ዕርዳታ ያስፈልግዎታል? የተለየ እርዳታ ከስፈለገዎት ወይም የቋንቋ እርዳታ አገልግሎቶች (ትርጉም ወይም ማስተርጎም) ከስፈለገዎት እባክዎን ከስብሰባው አምስት ቀናት በፊት ዚ ሂልን በስልክ ቁጥር (202) 727-0312 ወይም በኢሜል Zelalem.Hill@dc.gov ይገናኙ። እነኚህ አገልግሎቶች የሚሰጡት በነጻ ነው።