


## MEMORANDUM

**TO:** District of Columbia Zoning Commission

**FROM:**  Joel Lawson, Associate Director, Development Review  
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**DATE:** June 30, 2025

**SUBJECT:** **ZC Case 25-++: Setdown Report for an “Omnibus” Zoning Text Petition, to modify and clarify the text of various provisions of the Zoning Regulations**

### I. RECOMMENDATION

The Office of Planning (OP) recommends that the Zoning Commission **set down for a public hearing** this Office of Planning petition for various amendments to the Zoning Regulation text to address issues raised by members of the Zoning Commission, the Board of Zoning Adjustment and the public as part of the review of BZA and Zoning Commission cases; to facilitate the removal of impediments to housing and to clarify and simplify regulations and administrative reviews.

The proposed changes are not inconsistent with Comprehensive Plan policy direction, and with direction from the Zoning Commission to address and rectify issues in the zoning regulations, including ones arising from the ZR-16 Zoning Regulations.

This report also serves as the prehearing report required by Subtitle Z § 501.

If set down for a public hearing, OP requests flexibility to work with the Office of Zoning Legal Division on the draft language for the public hearing notice.

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## **II. BACKGROUND**

As part of the adoption of a new DC Zoning Regulations in 2016 (“ZR-16”), the Zoning Commission requested that the Office of Planning (OP) continue to monitor the regulations and bring forward amendments as necessary to provide clarity to the regulations and to ensure that the wording of the regulations is consistent with both District policy and the intent of the Zoning Regulations. Accordingly, since that time, OP has brought forward several text amendment proposals, including technical corrections, re-ordering, renaming of zones, and more substantive amendments which have been approved by the Zoning Commission or are currently under review.

As part of the OP monitoring of the regulations and review of Board of Zoning Adjustment (BZA) cases, and in response to comments and concerns raised by Zoning Commission and BZA members,

designers, other agencies, and members of the public, several provisions have been identified as in need of clarification or modification. To facilitate the Zoning Commission review and approval processes, OP has consolidated a number of proposed amendments to a broad range of zoning provisions into this “Omnibus” text amendment.

OP has worked closely with the Zoning Administrator and staff, and has discussed relevant provisions with DDOT, and DOEE, and DPR staff. OP presented and discussed this proposal with ANC members at two open house meetings held in late June, 2025 and has adjusted some of the proposals based on this feedback, as discussed further in this report

The proposed amendments vary in scope and intent, but in general are intended to:

- Add clarity to zoning regulations and administrative processes;
- Remove barriers to the provision of housing, including new affordable units;
- Ease administrative burdens for homeowners, the BZA, ANCs, & staff; and
- Update 2016 Zoning Regulations to current policy and standards.

In particular, OP has identified aspects of the text which are not consistent with current planning priorities, ones which unnecessarily limit the provision of new housing opportunities, and ones which have generated significant numbers of BZA cases for which there was typically little to no opposition. Many of these changes have been proposed by and eagerly anticipated by members of the Commission, the BZA, and the public.

While OP is presenting these in one omnibus case, to facilitate review by the Zoning Commission, ANCs, and members of the public, the amendments should not be viewed as minor or inconsequential. Although they do not significantly impact permitted uses or building bulk beyond what is currently anticipated in the zones, each is intended to address in a meaningful way a specific issue with the current regulations. They range from technical corrections and clarifications, to changes to ease the administrative review process, to more substantive changes intended to provide additional flexibility consistent with the intent of the zone. They should not, however, be considered as “all or nothing” – each proposal is a discreet one, and can be considered separately from the rest of the proposals.

For many of the proposals, OP has provided analysis of BZA cases for which relief from the relevant provision was requested. This research is based on cases filed and decided under the ZR-16 regulations, so includes cases between 2016 to early April 2025, when the research was conducted. Many of the amendments proposed would reduce the number of expensive and time-consuming BZA applications, providing benefit to homeowners and developers while reducing the burden on ANCs and the BZA. All the proposed amendments are ones that have been, in the past, rarely contentious and were typically supported by ANCs, OP, DDOT, and the BZA.

### **III. PROPOSED TEXT AMENDMENTS**

The Office of Planning is proposing a series of discreet amendments to various provisions of the Zoning Regulations. The OP proposals are based on input from the Zoning Commission, members of the BZA, and Advisory Neighborhood Commissions (ANCs) and the public through direct comments to OP and through BZA and Zoning Commission cases. Data from past BZA cases is provided where relevant

Below is a summary, rationale, and draft text for each of the proposed areas of text amendments. They are loosely placed in the order of the zoning regulations that would be amended. Additional

OP analysis, including Comprehensive Plan analysis through a Racial Equity Lens, is also included later in this report.

Throughout this section, where text is proposed to be changed, added text is shown as **bold underlined text**; and deleted text is shown as ~~bold strike-through text~~. A consolidated version of text amendment – with all of the proposed amendments in order, is attached as Attachment 1.

## **1. ZONE BOUNDARY LINE FOR A SPLIT ZONED LOT**

### **SUBTITLE A § 207**

**OP is proposing to clarify and amend the regulations pertaining to zoning on split zoned lots, to provide more clarity and consistency in the interpretation and application.**

Typically, zone boundary lines run down the centerline of streets or alleys, or along property lines. Although it is current practice to try to avoid the creation of new split zoned properties, some properties have historically been split zoned while other lots in different zones have, over time, been consolidated, thus creating a new split zoned lot. Split zoned properties are not especially common, but can be found in many parts of the District.

Subtitle A § 207 is intended to address lots that were split zoned as of the adoption of the 1958 zoning regulations. This provision was generally carried forward to the current regulations from the previous ZR-58 regulations.

In some instances, the building can be constructed to be consistent with portions of the building conforming to the zone upon which they are located, particularly where both zones on the property allow similar uses. However, this is not always possible or easily determined.

This zoning regulation provision establishes how to determine permitted building bulk, density, or range of uses on the property, and specifically the portion of the site which is “more restrictive” – i.e. has a lower permitted density or more restricted range of uses.

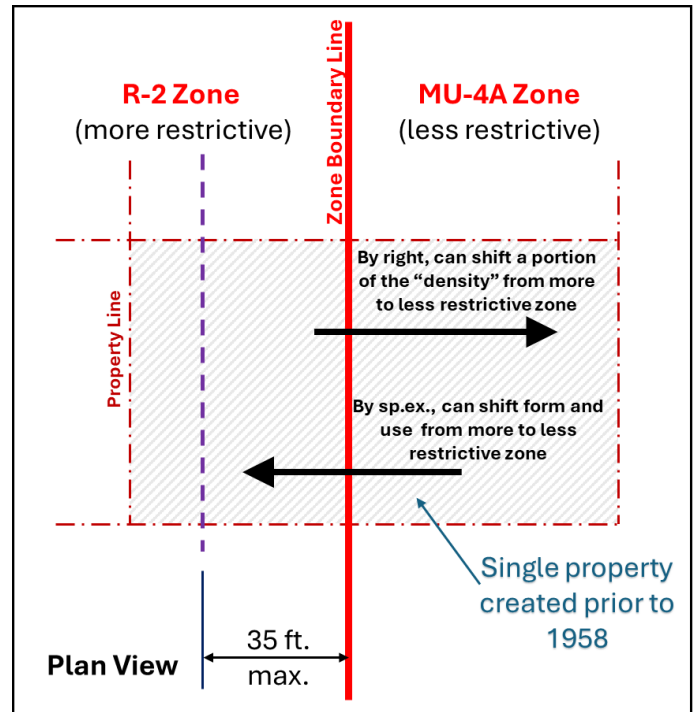
Based on conversations, over time, about the interpretation of this provision with owners of split zoned lots and with the Department of Buildings (DoB), it was determined that some additional clarity in the provision was needed. In particular, how to apply the zoning regulations to a lot split zoned where one of the zones is a low-density residential zone, such as R-1, R-2, R-3 or RF, is particularly difficult. These zones have very different use provisions, and establish density in terms of number of units, while other zones establish density with Floor Area Ratio (FAR). Split zoned properties with the more restrictive zone being one of the R or RF zones, and the more permissive zone being an RA or MU zone require more instruction in zoning for how to allocate density and use. This is provided in Subtitle A § 207.

It may be easiest to explain the provision, and the issues with the provision, by using an example.

In this example, a property is split zoned R-2 and MU-4. MU-4 is the less restrictive (more permissive) zone and R-2 is the more restrictive zone – R-2 allows “less” in terms of range of uses and building bulk permitted. (see Subtitle A § 207.3, below, for a listing of zones from more restrictive to more permissive).

Subtitle A § 207.1 establishes a by-right process for allowing the transfer of density from the more restrictive zone (R-2) to the less restrictive zone (MU-4). The density generated and transferred from the R-2 zoned portion to the MU-4 portion is limited to 0.4 FAR generated from the first 35 feet of the R-2 portion only. The “bulk” allowed under the MU-4 portion cannot be extended onto the R-2 portion. Rather, the R-2 portion may only be used for required setbacks, open space, or parking for the building.

Subtitle A § 207.2 provides a special exception process that provides more flexibility to the owner, but is a bit unclear. It allows the use and density of the less restrictive zone (MU-4) on a portion of the lot with the more restrictive zone (R-2). However, the provision also appears to set a maximum density on the R-2 portion of 0.4 FAR (consistent with A § 207.1(d)), although this is not entirely clear and does not always seem to have been interpreted this way.



To allow the less restrictive use or bulk (MU-4) over more than 35 feet of the more restrictively zoned portion of the lot (R-2) requires an area variance.

OP reviewed past BZA cases which requested relief using this provision, and identified 10 cases since the adoption of ZR-16. Five were special exception cases for moving the zone boundary line less than 35 feet, consistent with A § 207.2. Five cases also included area variance relief to apply the provision to a lot not in single ownership in 1958; to move the line more than 35 feet; and/or to allow additional density on the more restrictive portion of the zone. All 10 cases were approved by the BZA, with OP support and none with ANC opposition.

OP is proposing to amend the regulations mainly to provide additional clarity. OP is also proposing to add additional flexibility in terms of the amount of density generated on the more restrictive portion of the lot for use on the less restrictive portion of the lot, through the deletion of the restriction that the determination of density available on the less restrictive portion of the lot is limited to the first 35 feet. This would continue to have to be provided within the height and bulk provisions for the less restrictive zone, so would not result in buildings larger or denser than anticipated by that zone.

OP is further proposing to move this provision to a new chapter in Subtitle C, a more logical place for a provision which establishes general rules of applicability including a special exception process – something that is not intended to be permitted by the more administrative provisions in Subtitle A.

Finally, as is the case for many of the proposed text amendments brought forward in this report, OP is proposing various technical corrections to the zoning regulations – in this case:

- Remove a redundant statement of external impact from the special exception process, as this is already included in the standard special exception review criteria of Subtitle X § 901 in new Subtitle C § 1601.2.

- Add MU-15 (a zone that did not previously exist) to the groups of decreasingly restrictive uses in new Subtitle C § 1601.3.

## **Draft Text Amendment:**

### SUBTITLE A AUTHORITY AND APPLICABILITY

### CHAPTER 2 ADMINISTRATIVE AND ZONING REGULATIONS

#### 206 ZONE BOUNDARY LINES

...

#### **206.8 For rules determining bulk and use provisions for a split zoned lot, refer to Subtitle C GENERAL RULES Chapter 16 ZONE BOUNDARY LINE CROSSING A LOT**

#### ~~207 ZONE BOUNDARY LINE CROSSING A LOT~~

#### **Move in its entirety to Subtitle C new Chapter 16 ZONE BOUNDARY LINE CROSSING A LOT**

### SUBTITLE C GENERAL RULES

### **CHAPTER 16 ZONE BUNDARY LINE CROSSING A LOT**

#### **207-1601** ZONE BOUNDARY LINE CROSSING A LOT

~~207-1601.1~~ **1601.1** When a zone boundary line divides a lot that was in single ownership on May 12, 1958, the permitted use and ~~density~~ **bulk** of a structure located on that lot may be determined as follows:

- (a) The allowable ~~bulk~~ **density** for the portion of the lot located in a lesser restrictive use zone may be increased by the ~~bulk~~ **density** permitted on the portion of the lot located in a more restrictive use zone; provided, that no portion of any structure permitted on the lesser restricted portion of the lot shall be extended to the more ~~restricted~~ **restrictive** portion of the lot;
- ~~(b) The calculation for determining additional bulk shall include only that portion of the lot in the more restrictive use zone that is located within thirty-five feet (35 ft.) of the zone boundary line;~~
- ~~(b)~~ **e** The additional ~~bulk~~ **density** authorized in this section shall not exceed the maximum ~~bulk~~ **density** permitted on the portion of the lot located in the lesser restrictive use zone;
- ~~(c)~~ **d** For computation **of the maximum permitted density for the purposes of this section:**

**(1)** Any portion of the lot located in an R-1 or R-2 zone shall be deemed to ~~have a density be limited to a floor area ratio (FAR)~~ of 0.4 **FAR**;

**(2)** Any portion of the lot located in an R-3 zone shall be deemed to ~~have a density be limited to an FAR~~ of 0.6 **FAR**;

**(3)** Any portion of the lot located in an ~~RF-1, RF-2, or RF-3~~ zone shall be deemed to ~~have a density be limited to an FAR~~ of 0.9 **FAR**; and

**(4)** ~~Any portion of the lot located in any other zone shall be deemed to have a density as permitted in that zone; and~~

**(d e)** Except for accessory open parking facilities permitted elsewhere in this title, the portion of the lot located in a more restrictive use zone shall be devoted only to required setbacks or courts or other open spaces.

~~207.2~~ **1601.2** For a lot subject to Subtitle C ~~§ 1601.1 A § 207.1~~, if approved by the Board of Zoning Adjustment as a special exception pursuant to Subtitle X, Chapter 9 the regulations applicable to that portion of a lot located in a lesser restrictive ~~use~~ zone that control the use, height, and bulk of structures and the use of land may be extended to that portion of the lot in a more restrictive use zone; provided:

(a) The extension shall be limited to that portion of the lot in the more restrictive use zone but not exceeding thirty-five feet (35 ft.);

(b) In authorizing an extension, the Board of Zoning Adjustment shall require compliance with Subtitle ~~A § 207.1(d)~~ **C § 1601.1(c)**;

~~(c) The extension shall have no adverse effect upon the present character and future development of the neighborhood; and~~

**(c d)** The Board of Zoning Adjustment may impose requirements pertaining to design, appearance, screening, location of structures, lighting, or any other requirements it deems necessary to protect adjacent or nearby property.

~~207.3~~ **1601.3** For the purpose of interpreting this section, the zones established in this title are listed in the following groups of decreasing use restrictions:

(a) R and MU-11 zones;

(b) RF, RA, MU-1, MU-2, and D-2 zones;

(c) MU-3 through MU-9, MU-15, D-1, D-3 through D-7, NMU zones, and ARTS-1 through ARTS-3 zones;

(d) MU-10, MU-12, MU-13, MU-14, **MU-15**, and ARTS-4 zones; and

(e) PDR zones.

## **2. ZONING ADMINISTRATOR FLEXIBILITY**

### **SUBTITLES A § 304 AND Y § 702**

**OP is proposing to amend and clarify Zoning Administrator flexibility for the review of permit plans for developments subject to a BZA Order.**

The Office of the Zoning Administrator raised concerns about existing language regarding the Zoning Administrator review of building permit applications, particularly ones subject to a BZA Order.

ZR-58 included regulations pertaining to ZA ability to approve flexibility from the Zoning Regulations themselves (Sections 407 and 2522). These are generally carried forward into ZR-16 (Subtitle A § 304.2). However, the ZR-58 regulations did not include specific rules regarding ZA flexibility for minor deviations from an approved BZA set of plans. The ZR-16 regulations include more specific guidance for Zoning Administrator flexibility for the review of permit plans for a site subject to a Zoning Commission Order (Subtitle A § 304.5), and for a site subject to a BZA Order (Subtitle A § 304.10). In particular, the provisions related to BZA cases have resulted in administrative problems and delays in permitting.

Typically, the plans prepared for a BZA case are not final construction drawings. These can be expensive and time-consuming to produce so most applicants wait until they receive BZA approval before undertaking this expense. In addition, alterations to conforming aspects of the plans – unrelated to the requested relief – are common as the more detailed building and site plans are prepared. This can also result in additional, unnecessary delays and expense to homeowners and businesses if they have to have the plans amended or, in a worst-case scenario, return to the BZA or ZC for approval of the amendments.

This proposal would add some additional certainty and clarity to the provisions and provide a small amount of additional flexibility where needed. While ZA flexibility would remain very limited, the intent of the amendments is to clarify the flexibility and, in some cases, provide more meaningful provisions. OP is also proposing to include “front setback” as an area for which the standard Zoning Administrator flexibility would apply.

### **Draft Text Amendment:**

#### **SUBTITLE A AUTHORITY AND APPLICABILITY**

#### **CHAPTER 3 ADMINISTRATION AND ENFORCEMENT**

#### **304 DEVIATIONS AND MODIFICATIONS PERMITTED BY ZONING ADMINISTRATOR**

...

- 304.2 The Zoning Administrator is authorized to permit the following deviations from the Zoning Regulations for building permits that are not otherwise authorized by an approved order of the Zoning Commission or the Board of Zoning Adjustment, if the Zoning Administrator, pursuant to Subtitle A § 304.3, determines that the deviation or deviations will not impair the purpose of the otherwise applicable regulations:



- (a) Deviations not to exceed two percent (2%) of the area requirements governing minimum lot area, maximum percentage of lot occupancy, and area standards of courts;
- (b) Deviations not to exceed the lesser of two percent (2%) or twelve inches (12 in.) of the linear requirements governing minimum lot width;
- (c) Deviations not to exceed the lesser of ten percent (10%) or twelve inches (12 in.) of the linear requirements governing minimum rear yard, minimum side yard, and minimum court width; ~~and~~
- (d) Deviations not to exceed two percent (2%) of the linear frontage limitation for eating/drinking establishments in Subtitle K § 811.9(a); ~~and~~
- (e) Deviations not to exceed twelve inches (12 in.) of the linear requirements governing front setback.**

...

304.10 For building permits that are authorized by an order of the Board of Zoning Adjustment (the Order), the Zoning Administrator, following receipt of a request made pursuant to Subtitle A § 304.11, is authorized to permit modifications to approved plans in addition to those modifications specifically authorized pursuant to flexibility granted by the Order if the Zoning Administrator determines that the proposed modifications are consistent with the intent of the Board of Zoning Adjustment **Order**, and the modifications would not:

- (a) Violate any condition of approval included in the Order;
- (b) Increase, expand, or extend any area of relief granted by the Order;
- (c) Create any need for new relief;
- (d) Change a **principal** use from that approved in the Order, **provided**:
  - (1) The use may change to another use permitted as a matter of right in the zone; and**
  - (2) Notwithstanding paragraph (1) of this subsection, residential uses subject to the Inclusionary Zoning provisions where the approved plans utilize bonus density or zoning modifications pursuant to Subtitle C, Section 1002 must maintain the Inclusionary Zoning set-aside;**
- (e) Increase the number of stories;
- (f) Increase by more than two percent (2%) the building gross floor area, the percentage of lot occupancy, building height, or penthouse or rooftop structure height; ~~provided that the permitted increase of two percent (2%) or less must be the direct result of structural or building code requirements;~~

- (g) **Notwithstanding subsection (d), Increase increase** by more than two percent (2%) **or one (1) unit, whichever is greater,** the number of dwelling units **or** hotel rooms, ~~**or institutional rooms,**~~ within the approved square footage; or
- (h) Increase or decrease by more than two percent (2%) **or one space, whichever is greater,** the number of parking or loading spaces depicted on the approved plans.

...

## SUBTITLE Y AUTHORITY AND APPLICABILITY

### CHAPTER 7 APPROVALS AND ORDERS

#### 702 VALIDITY OF APPROVALS AND IMPLEMENTATION

...

- 702.8 The Zoning Administrator shall not approve a permit application for zoning compliance unless the plans conform to the plans approved by the Board as those plans may have been modified by any guidelines, conditions, or standards that the Board may have applied, subject to the minor deviations permitted by Subtitle Y § 703 **or as provided in Subtitle A, § 304.10.**
- 702.9 The Zoning Administrator also shall not approve an application for a certificate of occupancy unless the requested use is identical to the use approved by the Board, ~~**or**~~ **is for a use permitted as a matter of right, or as otherwise provided in Subtitle A, § 304.10.**

### **3. LIGHT POLE FOR DISTRICT RECREATION FACILITIES** **SUBTITLE B § 100; SUBTITLES D, E, & F §§ 203, 4904**

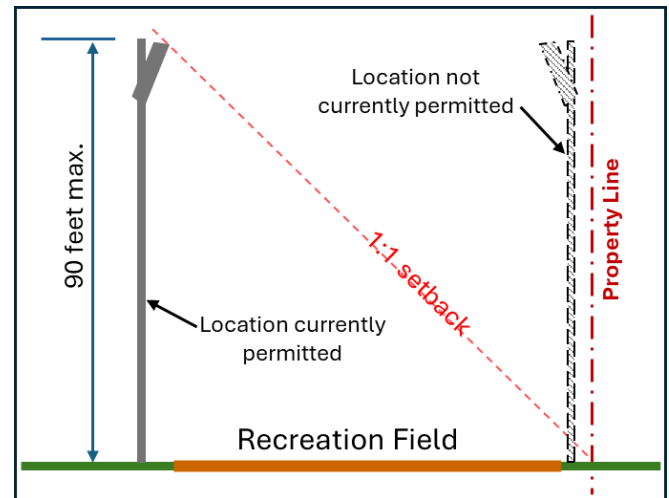
**OP is proposing to amend the definition of structure to more clearly address and facilitate light poles for public outdoor athletic fields.**

Currently, light poles or standards are not specifically regulated in the zoning regulations. This has led to some confusion regarding the ability of the District to provide lights for public recreation and play fields for evening use of these desired resources for the growing population of DC families.

This proposal would specifically regulate and allow light standards for athletic, recreation, and play fields on District owned properties – public schools and recreation centers. While it establishes a maximum permitted height for these structures, this is a height that is permitted under the existing zoning regulations in these zones when a 1:1 setback is provided from the property line. In the case of lighting for recreation fields, providing this setback can be practically difficult without diminishing the utilization of these important amenity spaces to families in DC. Rather, light poles could be place in sub-optimal locations.

The DC Department of Parks and Recreation (DPR) currently has guidelines for the design, placement, height and orientation of such light poles, generally intended to ensure adequate illumination of the play fields for safety of the players, but also to minimize light spill onto any adjacent neighborhood. These standards would remain in effect.

Light poles for recreation fields are also often provided for private school or university recreation or athletic fields. These uses would continue to require a BZA or Zoning Commission public review process, and therefore public review, pursuant to the Campus Plan review requirements. OP is not proposing amendments to the provisions for these uses.



## Draft Text Amendment:

### SUBTITLE B DEFINITIONS, RULES OF MEASUREMENT, AND USE CATEGORIES

#### CHAPTER 1 DEFINITIONS

##### 200 DEFINITIONS

...

Structure: Anything constructed, including a building, the use of which requires permanent location on the ground, or anything attached to something having a permanent location on the ground and including, among other things, radio or television towers, reviewing stands, platforms, flag poles, tanks, bins, gas holders, chimneys, bridges, and retaining walls. The term structure shall not include **light poles** mechanical equipment, but shall include the supports for mechanical equipment. Any combination of commercial occupancies separated in their entirety, erected, or maintained in a single ownership shall be considered as one (1) structure.

...

### SUBTITLE D RESIDENTIAL HOUSE (R) ZONES

#### CHAPTER 2 GENERAL RULES OF DEVELOPMENT FOR RESIDENTIAL HOUSE (R) ZONES

##### 203 HEIGHT

...

**203.7 Light poles for public school recreation fields and facilities may be erected to a height not exceeding ninety (90 ft.) with no required setback from lot lines.**

...

## CHAPTER 49 PUBLIC SCHOOLS

### 4904 HEIGHT

...

**4904.2 Light poles for public school recreation fields and facilities may be erected to a height not exceeding ninety (90 ft.) with no required setback from lot lines.**

## SUBTITLE E RESIDENTIAL RF (RF ZONES)

### CHAPTER 2 DEVELOPMENT STANDARDS FOR RESIDENTIAL FLAT (RF) ZONES

#### 203 HEIGHT

...

**203.9 Light poles for public school recreation fields and facilities may be erected to a height not exceeding ninety (90 ft.) with no required setback from lot lines.**

...

## CHAPTER 49 PUBLIC SCHOOLS

### 4904 HEIGHT

...

**4904.2 Light poles for public school recreation fields and facilities may be erected to a height not exceeding ninety (90 ft.) with no required setback from lot lines**

## SUBTITLE F RESIDENTIAL APARTMENT (RA) ZONES

### CHAPTER 2 DEVELOPMENT STANDARDS FOR RESIDENTIAL APARTMENT (RA) ZONES

#### 203 HEIGHT

...

**203.8 Light poles for public school recreation fields and facilities may be erected to a height not exceeding ninety (90 ft.) with no required setback from lot lines.**

...

## CHAPTER 49 PUBLIC SCHOOLS

### 4904 HEIGHT

...

#### **4904.3 Light poles for public school recreation fields and facilities may be erected to a height not exceeding ninety (90 ft.) with no required setback from lot lines.**

### **4. BALCONIES AND GROSS FLOOR AREA (GFA) SUBTITLE B § 304**

**OP is proposing to amend and clarify Gross Floor Area provisions, which determine permitted FAR, to exempt balconies that are inset into the building external façade.**

The Rules of Measurement for Gross Floor Area (GFA) of a building (Subtitle B § 304.8) state that balconies projecting out from the building (to a maximum of six feet) do not count towards GFA.

**External Balconies:** Based on feedback received at one of the ANC open house meetings regarding this zoning initiative, the proposal is to amend the exemption for external balconies from six feet to eight feet, to add flexibility and potentially provide a more usable space for building occupants. These balconies would continue to have to meet setback requirements.

**Inset Balconies:** The current regulations do not specifically address open balconies that are inset in from the external façade of the building - enclosed on three sides but open on at least one side. The Zoning Administrator (ZA) published an official Interpretation stating that:

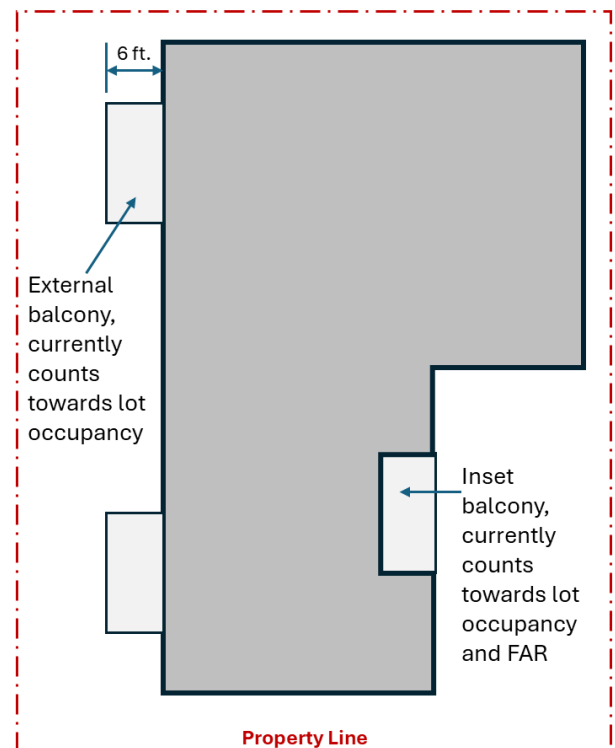
Inset balconies count in the measurement of GFA for the portions of the balcony that are under a roof.

Inset balconies that are not covered by a roof do not count in the measurement of GFA.

Since it would be most typical for an inset balcony to have a roof, even if the roof is the floor of the inset balcony above, this interpretation would render most inset balconies as counting towards GFA and therefore FAR.

OP has received requests from architects, developers and members of the Zoning Commission to provide additional flexibility in the regulations, and to not disincentivize or dissuade the inclusion of all forms of balconies in new building designs. As such, OP is also proposing to exempt inset balconies from GFA, to a depth of eight feet.

Balconies can provide valued amenity space for residents and occupants and can help to provide façade articulation for buildings. Inset balconies can provide this in cases where there is limited



opportunity to provide balconies that extend out from the façade of the building – which could include the conversion of a non-residential building to a residential use.

OP is also proposing to reorganize this provision from a single paragraph to a numbered list of GFA exemptions, also for clarity.

### **Draft text amendment:**

## **SUBTITLE B DEFINITIONS, RULES OF MEASUREMENT, AND USE CATGORIES**

### **CHAPTER 3 GENERAL RULES OF MEASUREMENT**

#### **304 RULES OF MEASUREMENT FOR GROSS FLOOR AREA (GFA)**

...

304.8 GFA shall not include: ~~cellars, exterior balconies that do not exceed a projection of six feet (6 ft.) beyond the exterior walls of the building, all projections beyond the lot line that may be allowed by other Municipal codes, vent shafts, and pipe chase shafts above the ground floor, atriums above the ground floor, ramps on the ground floor leading down to areas of parking on a lower level; and in residential zones, the first floor or basement area designed and used for parking or recreation spaces provided that not more than fifty percent (50%) of the perimeter of that space may be comprised of columns, piers, walls, or windows, or similarly enclosed.~~

**(a)** Cellars,

**(b)** Exterior balconies that do not exceed a projection of ~~six~~ **eight** feet (**8** ft.) beyond the exterior walls of the building;

**(c)** Inset balconies, open and unenclosed on at least one side, to a maximum depth of eight feet (8 ft.) in from the adjacent exterior façade of the building;

**(d)** All projections beyond the lot line that may be allowed by other Municipal codes;

**(e)** All projections beyond the lot line that may be allowed by other Municipal codes;

**(f)** Vent shafts, and pipe chase shafts above the ground floor;

**(g)** Atriums above the ground floor;

**(h)** Ramps on the ground floor leading down to areas of parking on a lower level; and

**(i)** In residential zones, the first floor or basement area designed and used for parking or recreation spaces provided that not more than fifty percent (50%) of

the perimeter of that space may be comprised of columns, piers, walls, or windows, or similarly enclosed.

## **5. BALCONIES AND LOT OCCUPANCY**

### **SUBTITLE B § 312**

**OP is proposing to exempt open balconies of a maximum depth of eight feet from lot occupancy.**

Open balconies – ones which fully or partially extend out from the exterior wall of the building and are unenclosed on at least two sides – are currently included in Building Area calculations, meaning that they count towards lot occupancy. This was the situation under ZR-58 as well.

In numerous cases, particularly before the Zoning Commission, Staff, Commission members, and some ANCs and members of the public have advocated for applicants to provide more balconies, as an amenity for future occupants, to add articulation to new buildings, and to provide greater oversight and activation of the public space below. However, under the lot occupancy rules, the provisions of balconies count towards the maximum lot occupancy permitted for the building, so their inclusion would reduce the potential building, and therefore could reduce the potential square footage of the enclosed building. This serves as a disincentive to the provision of balconies, and for residential buildings, could reduce the number of housing units or result in smaller units.

The proposal is to exempt balconies from the lot occupancy provision, using language similar to the exclusion of balconies from GFA in Subtitle C § 304.8. This is intended to remove an unnecessary impediment to their provision, and to potentially further Comprehensive Plan policies to encourage more housing opportunities.

OP had originally discussed an exemption of balconies of six feet or less, but based on comments at the ANC meeting, this was increased to eight feet to provide for a more usable balcony space for residents. Balconies would continue to have to be within setback requirements for the lot; any balcony extending out into public space would have to meet public space encroachment requirements and would require Public Space Committee review.

### **Draft text amendment:**

#### **SUBTITLE B DEFINITIONS, RULES OF MEASUREMENT, AND USE CATEGORIES**

#### **CHAPTER 3 GENERAL RULES OF MEASUREMENT**

#### **312 RULES OF MEASUREMENT FOR LOT OCCUPANCY**

...

##### **312.4 Building area shall not include:**

...

- (i) Exterior balconies that do not exceed a projection of eight feet (8 ft.) beyond the exterior walls of the building.**

## 6. GROUND LEVEL DECKS AND LOT OCCUPANCY

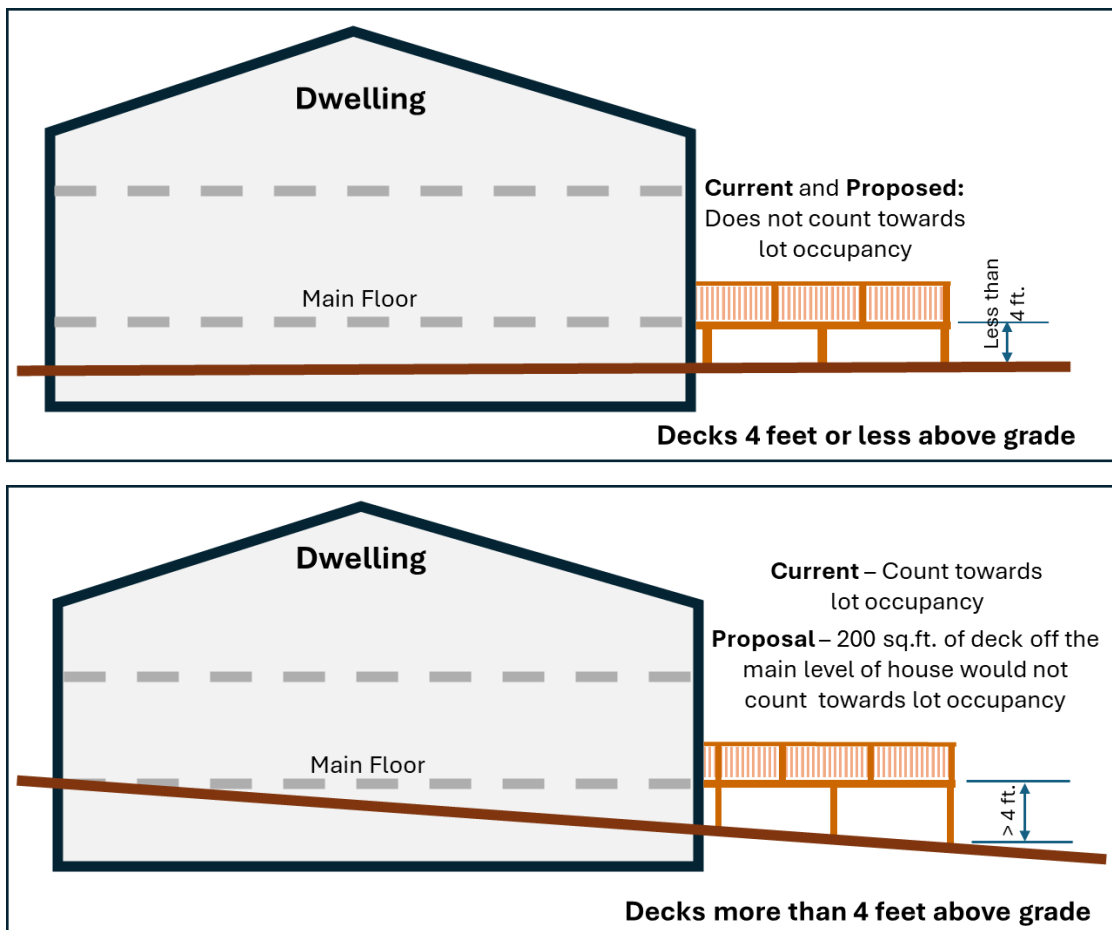
### SUBTITLE B § 312

**OP is proposing to add flexibility for the provision of uncovered decks off the main level of a house.**

Lot occupancy is the amount of the property covered with buildings and structures. Generally, building elements that count towards Building Area count towards lot occupancy, although the regulations include a list of exemptions.

Under the previous ZR-58 regulations, Building Area (and therefore lot occupancy) excluded “portions of a building that do not extend above the level of the main floor of the main building, if placed so as not to obstruct light and ventilation of the main building or of buildings on adjoining property”.

In ZR-16, the regulations regarding what counts towards lot occupancy are provided in Subtitle B Chapter 3 Section 312, General Rules of Measurement for Lot Occupancy, with the exemptions including uncovered stairs, landings, and wheelchair ramps that serve the main floor (B § 312.4(e)), and uncovered porches and decks that are no more than four feet above the ground level at any point (B § 312.4(f)).



Decks more than four feet above grade, even ones accessed from the main (or ground) floor of the building, count towards lot occupancy in the ZR-16 regulations.



This is a frequent issue, including on mildly sloping lots, which are common in DC. Requests for BZA lot occupancy relief for decks are very common. OP reviewed the BZA record for lot occupancy relief cases in the R and RF zones since the adoption of the current 2016 zoning regulations. As of March, 2025, OP identified 105 BZA lot occupancy cases for a deck (typically at the rear of the lot) that had gone to decision, including 23 cases requiring area variance relief. Specifically, analysis indicates that:

- Most of the deck lot occupancy cases were for sub-standard sized lots. 84 of the 105 lots were substandard to current lot area, with an average lot size of about 83% of the now required lot size. For variance cases, the average lot size was about 73% of the now required lot size.
- Most of the cases – 85% - were in the rowhouse (R-3 and RF) zones, which reflects the smaller lot sizes typical in these zones.
- Most deck cases were for relatively modestly size decks. The average amount of deck space gained through the relief was about 150 sq.ft.
- Most of the BZA cases were for decks off the main floor of the house; some cases also included upper-level balconies which also required relief and which tended to raise more privacy and light impact concerns than a deck off the main floor.
- Most cases were approved, and almost all were recommended for approval by both the ANC and OP. Of the 105 cases, OP recommended approval of 103 and denial of two. At that time, the BZA granted 104 of the cases, and denied one area variance request.

Zoning Commission members have asked for an amendment to the regulations to remove or ease this burden on homeowners for this desirable and common feature of houses in the District. Recently, the BZA denied a variance case for a rear deck, with a BZA member specifically reiterating that OP should bring forward amendments to the lot occupancy provisions for decks, if the provision of usable open space on a property was to be considered something the regulations should accommodate. OP believes that this should be the case.

Based on the analysis above, input from Commission and BZA members, and from members of the public, OP is proposing that decks accessed from the main floor of the house not be included in building area, so would not count towards lot occupancy, to a maximum of 200 sq.ft.

This would mean that:

- Deck space of 200 sq.ft. maximum off the main level of the house would be permitted by right, even if the house is at the maximum or is currently non-conforming for lot occupancy;
- Deck space of greater than 200 sq.ft would be permitted by right, provided that the amount of deck over 200 sq.ft. did not raise the total lot occupancy to more than the amount permitted in the zone by-right;
- Deck space of greater than 200 sq.ft. would be permitted by special exception, provided that the amount of deck over 200 sq.ft. did not raise the total lot occupancy to more than the amount permitted in the zone by special exception; and
- Deck space of greater than 200 sq.ft. would only be permitted by area variance if the amount of deck over 200 sq.ft. raised the total lot occupancy to more than the amount permitted in the zone by special exception. Based on a review of past cases, this would be a relatively rare occurrence.

This would facilitate a use which is clearly desired by many homeowners, while significantly reducing cases requiring BZA relief for lot occupancy for a deck – OP estimates that about 80% of the deck area cases (special exception and variance) filed with the BZA would, under this proposal not require any relief from lot occupancy and could be done by-right, providing cost and procedural benefits to homeowners. Other decks could require special exception relief, although based on the analysis of past BZA cases, many would be close enough to a conforming deck size that they would likely be designed to be made a bit smaller and conforming, to avoid the BZA process. Some of the decks would continue to require rear yard or side yard relief, where the deck would encroach into those area requirements, but would typically require special exception rather than area variance relief.

From the review of past cases, it is also clear that the construction of rear decks without the required permits is also common – providing more flexible zoning regulations may help to limit this practice.

As part of this amendment, OP is also proposing an additional modification to address accessibility, by adding “outdoor lifts” to the list of items not included in building area, and therefore lot occupancy. Access ramps are already excluded from the calculation.

Pervious surface requirements would continue to apply to decks designed to not meet the criteria of Subtitle C Chapter 5 Pervious Surfaces, i.e. not designed to be “*Decks or porches constructed above the surface of the lot that are erected on pier foundations, and that maintain a permeable surface underneath that can facilitate the infiltration of water into the soil.*” (Subtitle C §502.1(c)). This provision is also proposed to be amended for clarity, as it could be interpreted to not permit a deck over an existing impervious surface, such as a parking pad which would already be counted as impervious surface.

### **Draft text amendment:**

## **SUBTITLE B DEFINITIONS, RULES OF MEASUREMENT, AND USE CATEGORIES**

### **CHAPTER 3 GENERAL RULES OF MEASUREMENT**

#### **312 RULES OF MEASUREMENT FOR LOT OCCUPANCY**

...

##### **312.4 For the purposes of calculating Lot Occupancy, Building area shall not include:**

- (a) Building components or appurtenances dedicated to the environmental sustainability of the building;
- (b) Cornices and eaves;
- (c) Sills, leaders, belt courses, and similar ornamental or structural features;
- (d) Awnings, serving a window, porch, deck, or door;
- (e) Uncovered stairs, landings, and wheelchair ramps or lifts that serve the main floor;
- (f) Chimneys, smokestacks, or flues; **and**

- (g) Uncovered porches and decks that are no more than four feet (4 ft) in height above the ground level at any point; **and**
- (h) **Uncovered porches and decks that are more than four feet (4 ft) in height above the ground level at any point but level with or below the main floor of the building, to a maximum cumulative area of 200 sq.ft.; provided that this section shall not be used to exclude any portion of uncovered porches or decks from yard requirements.**

## SUBTITLE C GENERAL RULES

### CHAPTER 5 PERVIOUS SURFACE

#### 502 RULES OF MEASUREMENT FOR PERVIOUS SURFACES

502.1 Only the following shall be considered pervious surfaces for the purposes of calculating the pervious surface area:

- (a) Grass, mulched groundcover, all areas of a vegetated roof planted with a growing medium, and other planted areas;
- (b) Permeable or pervious pavers or paving that facilitate the infiltration of water into the soil; and
- (c) Decks or porches constructed above the surface of the lot that are erected on pier foundations, and that maintain a permeable surface underneath that can facilitate the infiltration of water into the soil, **or are located directly above a surface defined in Subtitle C § 502.2.**

## 7. 30-FOOT LOT FRONTAGE FOR SUBDIVISIONS FOR APARTMENT BUILDINGS SUBTITLE C § 303

**OP is proposing to clarify a regulation which requires a 30-foot frontage for any subdivision for an apartment building.**

Lot frontage – the amount of property a lot has directly along a street – is often different from the defined lot width, which is “*The distance between the side lot lines, measured along the building line; except that, in the case of an irregularly shaped lot, the width of the lot shall be the average distance between the side lot lines...*”. For a square or rectangular lot, lot width and lot frontage would be the same. But for an irregular lot, such as one where the side yards are not parallel, these two measurements would be different. This provision was carried forward with similar language from ZR-58.



The BZA record contains cases seeking relief from minimum lot width – either by area variance or for IZ opt-in cases by special exception. In most of these cases, it appeared that the lot provided the minimum lot frontage requirement. There were relatively few cases for relief from the minimum lot frontage provision – OP found only four cases since the adoption of ZR-16, one in an R zone, two in an RF zone (including one very recent case), and one in an RA zone. Three of the cases were approved, and one (in the R zone) was denied.

Any subdivision – including a lot consolidation or a conversion of a tax lot to a record lot would trigger this requirement. As such, it may be that there were other instances for which lot frontage relief may have been required but was not identified.

The proposal is to retain this requirement, but clarify where it is appropriate to be applied in the RF and RA zones, so that it would not be applied to the conversion of a long-standing tax lot (one created prior to the adoption of ZR-58) to a record lot, or to a lot where the existing building is being converted to a multi-family building in the RF zones, as permitted by special exception.

OP is not proposing to change the minimum lot frontage requirement in the R zones for a one family dwelling, currently 40% of required lot width but no less than 14 feet. OP is also not proposing to amend the minimum requirements for lot width in any zone.

### **Draft text amendment:**

#### **SUBTITLE C GENERAL RULES**

#### **CHAPTER 3 SUBDIVISION**

#### **303 LOT FRONTAGE**

- 303.1 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, the length of at least one (1) street lot line shall be at least seventy-five percent (75%) of the required lot width.
- 303.3 Each new lot being created to be used and occupied by a single dwelling unit or flat building, shall have a street frontage measured along the street lot line a distance equal to at least forty percent (40%) of the required minimum width of lot and in no case less than fourteen feet (14 ft.).
- 303.4 **In the RF and RA zones, each** ~~Each~~ new **record** lot being created to be used and occupied by an apartment house shall have a street frontage measured along the street line a distance of not less than thirty feet (30 ft.), **subject to the following provisions:**

**(a) The requirement shall not apply where:**

- (1) An existing building is being converted into an apartment house pursuant to Subtitle U, §§ 301.2, 320.2, or 320.3;**

[illegible]

2. Amend the list of Certified Landscape Experts for the submission of a landscape plan and calculations for determining conformance with the GAR provisions.

**Draft text amendment:**

SUBTITLE C GENERAL RULES

CHAPTER 6 GREEN AREA RATIO

601 APPLICABILITY OF GREEN AREA RATIO STANDARDS

...

601.3 The GAR standards set forth in this chapter shall apply to all new buildings and to all existing buildings where any additions, **and** interior renovations, ~~or both~~ within any twelve (12) month period exceed one hundred percent (100%) of the assessed value of the building as set forth in the records of the Office of Tax and Revenue as of the date of the building permit application, except **that GAR standards shall not apply to a development which meets any of the following conditions:**

- (a) **New buildings or alterations to existing** buildings that do not require certificates of occupancy;
- (b) Municipal wastewater treatment facilities operated by the District of Columbia Water and Sewer Authority;
- (c) **The interior renovation of an existing building that meets all of the following:**
  - (1) **The project does not include the construction of new enclosed space on the exterior of the building which counts towards gross floor area;**
  - (2) **Alterations to the building facade include only minor improvements including, but not limited to, replacement of doors or windows, addition of solar panels or wind generation devices, or replacement of mechanical equipment; and**
  - (3) **Site work does not include any regrading of the site, the addition of impervious surface materials or the removal of existing trees or vegetation;**
- ~~(e)~~ (d) **Within the Central Employment Area, the** interior renovation of an existing building that meets all of the following:
  - ~~(1) — Is located in the Central Employment Area;~~
  - (2) Has an existing one hundred percent (100%) lot occupancy prior to the filing of the building permit;

- (3) Has an existing roof that cannot support a dead load of four inches (4 in.) of growth medium on the roof; and
- (4) The work proposed by the building permit application will not result in a roof capable of supporting a dead load of four inches (4 in.) of growth medium on the roof; or

~~(d)~~ (e) A historic resource and any additions thereto subject to the provisions of Subtitle C § 601.7.

...

**601.9 Minimum required GAR score for a split zoned lot shall be calculated based on the weighted average of the score for each portion of the lot in each zone.**

...

#### 604 SUBMITTAL REQUIREMENTS FOR GREEN AREA RATIO

...

604.2 For the purposes of this section, the term “Certified Landscape Expert” means a person who ~~is a~~ **holds one of the following licenses or certifications that is current, valid, and in good standing:**

- (a) Landscape Architect licensed by the District of Columbia ~~or, until September 1, 2021, by either the Commonwealth of Virginia or the State of Maryland;~~
- (b) International Society of Arboriculture Certified Arborist;
- (c) Maryland Certified Professional Horticulturist; ~~or~~
- (d) Landscape Contractors Association MD-DC-VA Landscape Industry Certified Technician; or
- (e) Certified Chesapeake Bay Landscape Professional Level 2; or**

## **9. PRE-ZR-16 APPROVED VEHICLE PARKING REQUIREMENTS SUBTITLES C § 701**

**OP is proposing to remove a provision that vehicle parking spaces required for buildings constructed under the ZR-58 regulations be retained for the life of the building.**

In the ZR-16 regulations, the parking requirements for many zones and types of uses are less restrictive than what was required under the ZR-58 regulations. These reductions were the result of extensive study by OP and DDOT, discussions with the ZR Task Force, and testimony from the public at the ZC public hearing. To address public concerns about the potential for rapid loss of

vehicle parking spaces for existing buildings subject to the higher ZR-58 parking regulations, the Commission adopted the following zoning text:

*The number of required parking spaces shall not be reduced below the minimum required as long as the use that generated that requirement remains in existence (701.10) and*

*Required parking spaces shall be provided and maintained so long as the structure that the parking spaces are designed to serve exists. (701.14)*

Parking required pursuant to the ZR-58 regulations was required to be retained, despite the reduced demand for such parking, changes to the area, or potentially even a change in use. This provision is somewhat unique in that typically, when the zoning regulations change, a building constructed under old regulations is considered “vested” under the former regulations, but is not required to be brought into conformity with the new regulations, or restricted from becoming consistent with the current regulations. These unique provisions require conformity to the former regulations, and restricted from being consistent with the current ones.

As such, the proposal is to delete these provision and allow existing buildings and uses to become consistent with the ZR16 parking standards. Although many multi-family and non-residential buildings provide more parking spaces than the current requirement, this zoning requirement could be unnecessarily restrictive and limit options for repurposing or updating existing buildings, or for converting the building from a use with a lower parking requirement to one which may have a higher parking requirement. This can limit options for the conversion of under-utilized parking for other uses, or for removing surface parking in favor of additional landscaping and outdoor recreation.

### **Draft text amendment:**

#### **SUBTITLE C GENERAL RULES**

#### **CHAPTER 7 VEHICLE PARKING**

#### **701 MINIMUM VEHICLE PARKING REQUIREMENTS**

...

**~~701.10~~ — The number of required parking spaces shall not be reduced below the minimum required as long as the use that generated that requirement remains in existence**

**~~701.11~~ 10** Dedicated car-share parking spaces may be counted toward fulfillment of a minimum parking requirement.

**~~701.12~~ 11** Uses governed by a campus plan are subject to the minimum parking requirement approved by the Zoning Commission and are not subject to the parking requirements otherwise applicable.

**~~701.13~~ 12** Parking spaces provided in an amount which exceeds that required by this section shall be subject to the provisions of Subtitle C § 707.



~~701.14 Required parking spaces shall be provided and maintained so long as the structure that the parking spaces are designed to serve exists.~~

## 10. PRIORITY CORRIDOR METROBUS ROUTE UPDATE

### SUBTITLE C § 702

**OP is proposing to amend the Priority Corridor Network Metrobus Routes provisions of the zoning regulations for clarity and consistency with current WMATA and DDOT planning for High Frequency Bus Corridors.**

As part of the ZR-16 zoning amendments, OP and DDOT recommended areas where the provision of frequent transit service supports a reduced parking requirement in zoning. The Commission approved these reductions, found in Subtitle C § 702.1, specifically for sites:

- Within one-half mile of a metro station;
- Within one-quarter mile of a streetcar line; or
- Within one-quarter mile of a Priority Corridor Network MetroBus Route.

The MetroBus Priority Corridor Network was a WMATA initiative to identify routes with frequent bus service and high daily ridership, and a focus on improvements to Metrobus customer service, reliability, quality, and performance; building transit markets; and influencing development patterns.

At the time, it was noted that the Network would evolve over time, and that the corridors and routes listed in the regulations would need to be updated.

While there have been updates and changes to bus service since then, WMATA is now implementing a new bus network, which includes routes with frequent daytime rush hour bus service and evening and weekend service along heavily used bus corridors. Many of these routes, although renamed, generally correspond to the existing Priority Corridor Network named in the Zoning Regulations. However, some additional corridors have been added, and some existing routes have been changed. These new routes are shown in WMATA [maps](#) and described in detailed [route profiles](#) on the WMATA Website.

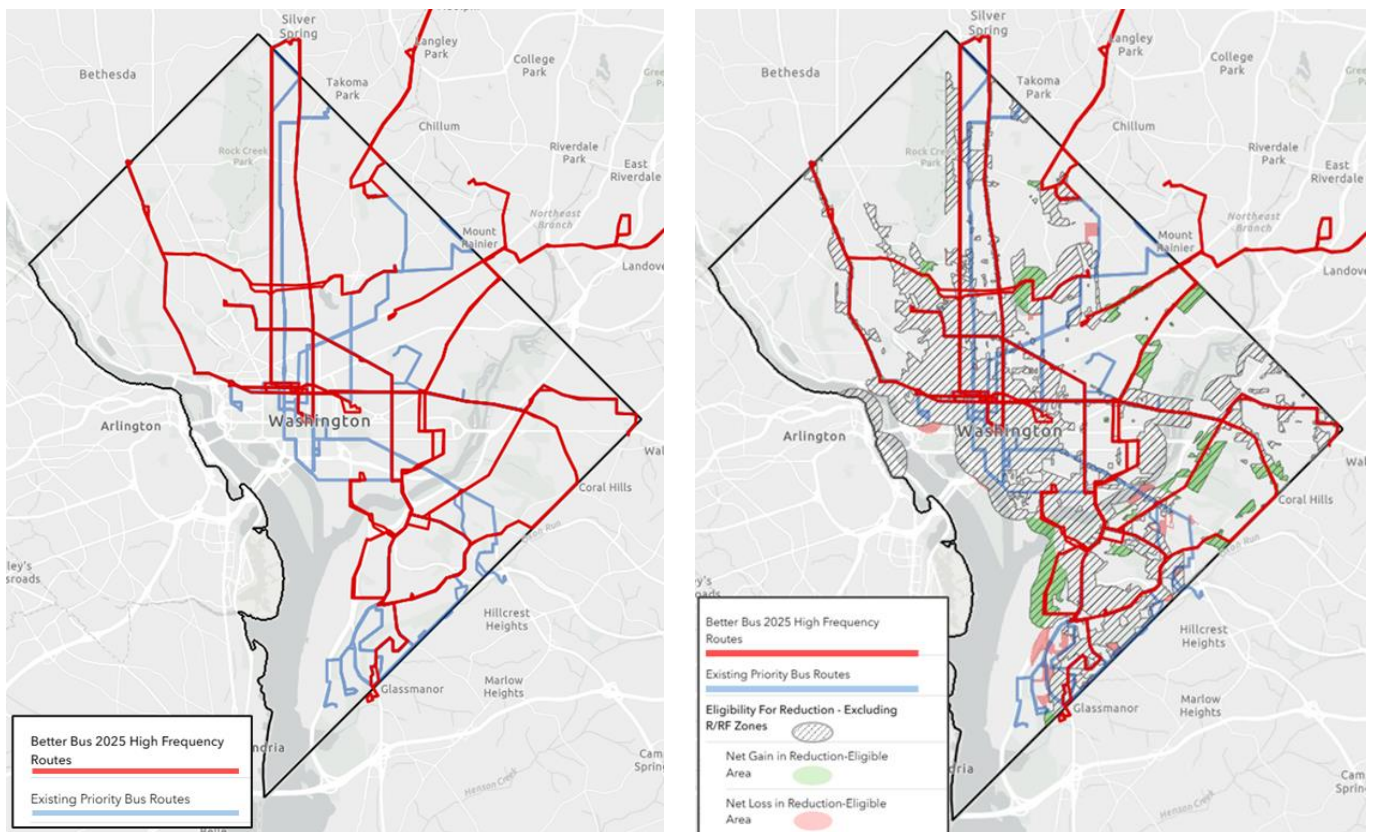


These new routes will be in effect on **June 29, 2025**, which will be prior to a Zoning Commission decision on this text amendment proposal. All of these new routes provide bus service with headways of 12 minutes or less during peak daytime hours, and offer weekend and nighttime service, as well as connections to Metro stations, major employment and commercial areas, and downtown. This makes them a viable alternative to private automobile ownership, consistent with the existing parking reduction provisions in the zoning regulations.

Given this new Metrobus direction, an update to the current zoning regulation provision is needed and is proposed. OP is proposing to replace the Priority Bus Corridors with the new High Frequency Bus Corridors, and also proposing to add more definitive descriptions of the bus corridors themselves, rather than bus route names, which can change over time.

OP is not proposing to change the actual parking required along these corridors – that would remain a 50% reduction of the otherwise required amount, which varies by use. OP is proposing to delete a clause related to the parking reduction along bus corridors and street eligible for Residential Parking Permits as this can be administratively difficult and there are very few areas where this would apply. As is currently the case, a developer could choose to provide more parking spaces than required if they felt that the demand for the parking existed.

Below are maps showing both the current Priority Bus corridors and the pending High Frequency Bus Corridors, as well as the area (hatched) where the parking reduction would apply. These maps, prepared by DDOT, are also included in larger scale in Attachment 3 to this report.



OP has worked closely with DDOT on this proposal, and has reviewed it with DoB staff.

## Draft text amendment:

### SUBTITLE C GENERAL RULES

### CHAPTER 7 VEHICLE PARKING

#### 702 EXEMPTIONS FROM MINIMUM VEHICLE PARKING REQUIREMENTS

702.1 Except as provided in Subtitle C § 702.2, within any zone other than an R or RF zone, the minimum vehicle parking requirement identified in the table of Subtitle C § 701.5 shall be reduced by fifty percent (50%) for any site which is located:

- (a) Within one-half mile (0.5 mi.) of a Metrorail station that is currently in operation or is one for which a construction contract has been awarded; ~~or~~

- (b) Within one-quarter mile (0.25 mi.) of a streetcar line ~~that is currently in operation or for which a construction contract has been awarded~~; or
- (c) Within one-quarter mile (.25 mi.) of one (1) of the following **Priority Corridor Network** Metrobus corridors served by high-frequency routes ~~Routes~~ located entirely or partially within the District of Columbia, ~~provided that the property is on a street on which participation in a District Residential Parking Permit program is not permitted, or is otherwise exempted from a District Residential Parking Permit program:~~
  - (1) Georgia Avenue/7th Street NW (Routes 70, 79 Archives Metrorail Station to Eastern Avenue NW);
  - (2) Wisconsin Avenue NW / M Street NW / Pennsylvania Avenue NW (Routes 31, 32, 34, 36, 37, 39 Western Avenue NW to Union Station Metrorail Station);
  - (3) Sixteenth Street NW (Routes S1, S2, S4, S9 Eastern Avenue NW to Archives Metrorail Station);
  - (4) H Street/Benning Road (Routes X1, X2, X3, X9 17<sup>th</sup> Street NW to Minnesota Ave. SE);
  - (5) Calvert Street NW / 18th Street NW / U Street NW / Garfield Florida Avenue/ 8th Street NE / 11th Street NE / Marion Barry Avenue SE / Alabama Avenue SE (Routes 90, 92, 93 Woodley Park Metrorail Station to Congress Heights Metrorail Station);
  - (6) Anacostia/Congress Heights Martin Luther King Junior Avenue SE / Alabama Avenue SE / Wheeler Road SE / Barnaby Road SE / 8<sup>th</sup> Street SE / Condon Terrace SE / 4<sup>th</sup> Street SE/ 3<sup>rd</sup> Street SE / Livingston Road SE / Southern Avenue SE / 6<sup>th</sup> Street SE (Routes A2, A4, A5, A6, A7, A8, A9, A 42, A46, A48 Anacostia Metrorail Station to Southern Avenue);
  - (7) Fourteenth Street NW (Routes 52, 53, 54) Michigan Avenue/ Kenyon Street NW / Irving Street NW/ Porter Street NW (Brookland Metrorail Station to Tenleytown-AU Metrorail Station);
  - (8) Riggs Road NW / North Capitol Street / New Hampshire Avenue NW (Route 80 Fort Totten Metrorail Station to Eastern Avenue NW); and
  - (9) Rhode Island Avenue NE (Route G8 Rhode Island Ave-Brentwood Metrorail Station to Eastern Avenue);
  - (10) Martin Luther King Jr Avenue SE/ 11th Street SE/ Potomac Avenue SE/ 19th Street SE/ East Capitol Street/ 15th Street SE/ Bladensburg Road NE (Anacostia Metrorail Station to Eastern Avenue);

**(11) Firth Sterling Avenue SE/ South Capitol Street/ Malcolm X Avenue SE/ Alabama Avenue SE/ Pennsylvania Avenue SE/ Southern Avenue/ Benning Road/ Minnesota Avenue NE (Anacostia Metrorail Station to Minnesota Avenue Metrorail Station); and**

**12) South Capitol Street/ Martin Luther King Jr Avenue SE/ Marion Barry Avenue SE/ Minnesota Avenue/ Nannie Helen Burroughs Avenue NE 58th Street NE/ Dix Street NE (Navy Yard-Ballpark Metrorail Station to Capitol Heights Metrorail Station).**

## **11. GARAGE DOOR HEIGHT AND SETBACK**

### **SUBTITLE C § 711**

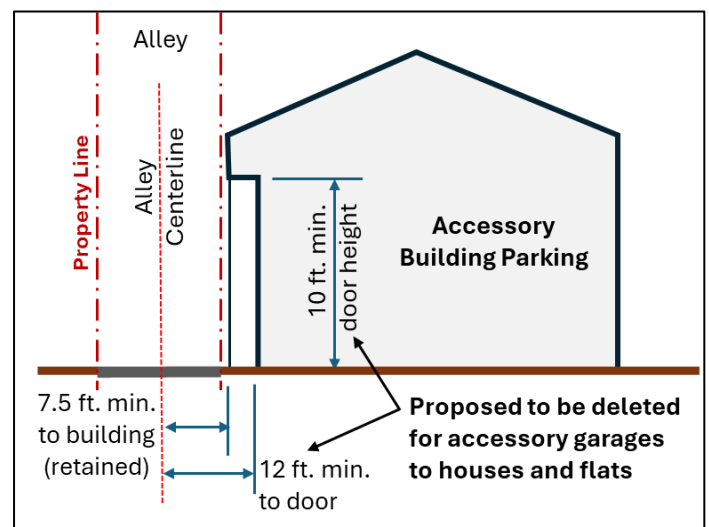
**OP is proposing amendments to clarify that garage door size and setback requirements do not apply to a garage serving a house or flat.**

Subtitle C Chapter 7 Section 711.7 requires that, for parking spaces provided within a building or structure, the entrance must be set back at least 12 feet from the centerline of the adjacent alley<sup>1</sup>, and the garage entrance must have a minimum height of 10 feet. This is intended to ensure safety and ease of use of garages serving multiple vehicles.

In ZR-58, these requirements applied only to a “Parking Garage” which was defined as being over 900 square feet in area, i.e. a garage serving multiple vehicles. As such, it did not apply to parking garages serving a low-density residential building – parking structures for those types of uses were defined as a “private garage”.

In ZR-16, the provisions were moved and inadvertently applied to all parking structures, including an accessory garage for a single-family dwelling or flat. OP is proposing to re-include language to make it clear that these requirements would not apply to a low density residential private garage.

It is not clear how widely these provisions have, over time, been applied, but they have led to BZA cases requesting relief from either or both provisions. A cursory review of past cases indicates that, as of March 2025, there have been 7 BZA cases which include relief from these provisions, and all have been approved. OP did not identify any BZA case where the sole relief was from this provision.



<sup>1</sup> This is in addition to a requirement that the building be set back 7.5 feet from the centerline of the alley.

## Draft text amendment:

### SUBTITLE C GENERAL RULES

### CHAPTER 7 VEHICLE PARKING

### 711 ACCESS REQUIREMENTS

...

711.7 ~~Except for Alley Lots or as provided in Subtitle C § 711.11<sup>2</sup>, when~~ **When** parking spaces are provided within a building or structure, all vehicular entrances or exits shall be a minimum height of ten feet (10 ft.) and shall be setback at least twelve feet (12 ft.) from the center line of any adjacent alley; **except these requirements shall not apply to:**

**(a) Alley Lots; or**

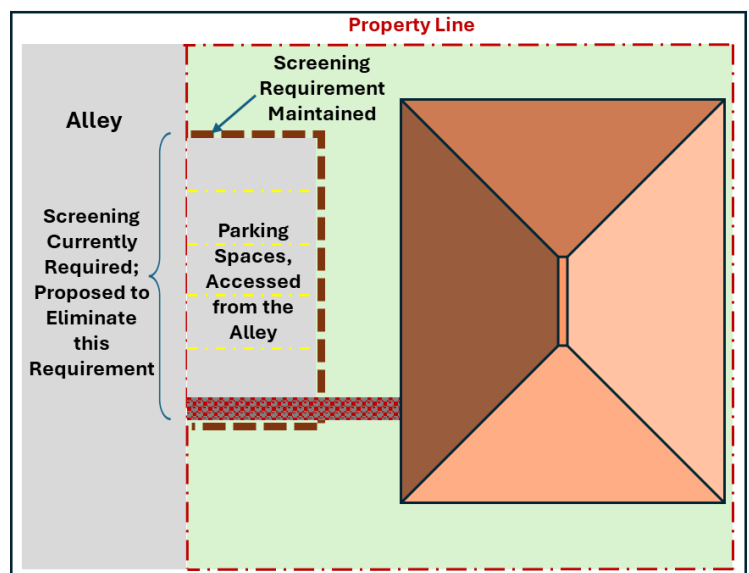
**(b) A building or structure serving a single household, flat, or conversion pursuant to Subtitle U §§ 320.2, 320.3, or 320.4.**

## 12. SURFACE PARKING SCREENING ALONG ALLEY SUBTITLE C § 714

**OP is proposing to amend surface parking screening requirements to clarify that screening from the alley is not required for a parking space accessed directly from the alley.**

Screening requirements for surface parking lots were generally carried forward from ZR-58 regulations, although in ZR-58, most of the screening requirements were for commercial parking lots, not parking areas accessory to another residential or commercial use. In ZR-16, the screening requirement was expanded to apply to any surface parking area.

While OP continues to believe that the broadening of the screening requirement is appropriate, the provision did not specifically address surface vehicle parking spaces individually accessed directly from the alley – where each parking space only has access directly from an alley. This is typically for smaller buildings with a small number of vehicle parking spaces, and is an efficient way to provide the required on-site vehicle parking while minimizing on-site driveway pavement and disturbance.



<sup>2</sup> C § 711.11 permits special exception relief from this provisions and specified others



OP’s cursory review of BZA cases identified nine cases that requested relief from this screening situation. All were approved by the BZA, were recommended for approval by OP and had no ANC opposition.

### **Draft text amendment:**

#### SUBTITLE C GENERAL RULES

#### CHAPTER 7 VEHICLE PARKING

#### 714 SCREENING REQUIREMENTS FOR SURFACE PARKING

...

714.2 Screening of external surface parking shall be provided in accordance with the following provisions:

- (a) Screening shall be provided around the entire perimeter of the surface parking area, **except where the abutting public space is the access point to individual parking spaces, or the driveway access point to the parking spaces;**
- (b) All parking spaces that abut public space, such as sidewalks, streets, or alleys, shall have physical structures, such as wheel bumper guards, curbs, and/or guard rails, installed to separate and protect the abutting public space from vehicular encroachment, **except if where** the abutting public space is the access point or driveway to the parking space;

...

### **13. PENTHOUSE HABITABLE SPACE AFFORDABLE HOUSING CONTRIBUTION**

#### **SUBTITLE C § 1507**

**OP is proposing to clarify when stairwells and elevator over-rides to the roof level count towards habitable square footage included in the affordable housing calculation.**

The Zoning Commission first amended the penthouse and rooftop structure provisions in ZC Case 14-13 (2015). This was in response to Federal amendments to the 1910 Height Act to permit habitable space within a penthouse, and Council direction to implement this change in zoning. The Commission determined that this valuable habitable rooftop penthouse space, whether residential or not, should, as “bonus” space not previously permitted, include requirements for a contribution towards the provision of affordable housing in the District. This consists of either the provision of affordable housing units consistent with the IZ program within the building, or, particularly for non-residential buildings, a contribution to the DC Housing Production Trust Fund. The ZC exempted amenity space for residential buildings as they did not want to disincentivize the provisions of rooftop amenity space for use by all residents of a multi-family building.

Over time, the regulation, including the affordable housing contribution, has been amended – most notably as part of the adoption of the ZR-16 zoning regulations, and in the modifications of Case 14-13E in 2021. 14-13E included significant amendments to the affordable housing production requirement provisions of Subtitle C § 1507, including a clarification of the methodology for

determining the required amount for a HPTF contribution. This clarification included specific language for how to calculate “land area”, “land value”, and “total gross floor area” of the habitable space, all needed to complete the calculations for the required contribution.

However, some of the language is unclear and difficult to administer, in particular whether and how to include space that is non-revenue generating penthouse space, such as stairwells and elevator over-rides. While this has not led to BZA or ZC requests for relief from the requirements, it can lead to delays and complications in permitting processes.

OP is proposing to provide clarification of the method for calculation to better ensure consistent understanding and application, specifically that service spaces, as listed in the regulations, would count towards total gross floor area of habitable space in residential buildings with penthouse dwelling units, and would count in non-residential building with habitable penthouse space, except for stairs and elevator shafts. The proposal is consistent with the overall Zoning Commission intent, based on a review of documents and transcripts at the time of the original adoption and major amendments to the provisions.

### **Draft Text Amendment:**

#### SUBTITLE C GENERAL RULES

#### CHAPTER 15 PENTHOUSES AND ROOFTOP STRUCTURES

#### 1507 AFFORDABLE HOUSING PRODUCTION REQUIREMENT GENERATED BY CONSTRUCTION ~~ON A NONRESIDENTIAL BUILDING~~ OF PENTHOUSE HABITABLE SPACE

...

1507.2 The construction of penthouse habitable space on a building that is partially or entirely devoted to residential use is subject to the Inclusionary Zoning set-aside provisions of Subtitle C, Chapter 10, Inclusionary Zoning, at 50% MFI in accordance with Subtitle C §§ 1003.7, ~~and~~ 1507.5, and 1507.8 (d), except for:

...

1507.8 For the purposes of the calculation of Subtitle C § 1507.7:

...

- (d) The total gross floor area of the penthouse habitable space shall be determined as follows:
  - (1) For entirely non-residential or lodging buildings, all forms of habitable space shall be included in the total gross floor area of the penthouse habitable space;
  - (2) For buildings that are partially or entirely devoted to residential use, all forms of habitable space, except space and service spaces devoted exclusively to communal rooftop recreation or amenity space for the

primary use of residents of the building, shall be included in the total gross floor area of the penthouse habitable space; and

- (3) For purposes of ~~(i) and (ii)~~ **(1) and (2)**, total gross floor area of the penthouse habitable space includes **service spaces such as** enclosed hallways, vestibules, washrooms, **stairwells and elevators** and other service space serving any habitable or non-habitable space; **provided that stairwells and elevators shall not count toward the total gross floor area of penthouse habitable space for entirely non-residential or lodging buildings**

...

#### **14. IZ OPT-IN PROVISIONS FOR R-2, R-3, AND RF ZONES** **SUBTITLE C § 1001; D § 201, E § 201**

**OP is proposing to remove a current requirement for special exception review for opting into IZ in the R-2, R-3, and RF zones.**

The Inclusionary zoning, or IZ, regulations include a requirement for the provision of IZ units subject to triggers, the main one being that the project would provide 10 or more new dwelling units. The intent was to not disincentivize the construction of smaller infill or renovation projects where the provision of an IZ unit could be difficult.

In return for the IZ unit(s), the zoning grants FAR, height, and/or lot occupancy bonuses. In the R-2, R-3 and RF zones, a mandatory IZ development allows a reduced building area by-right, and a reduced lot width by special exception. OP is proposing to eliminate the special exception requirement for reduce lot width in these zones thereby allowing it as a matter of right. While it has rarely been requested, this is an unnecessary impediment to the production of new housing and affordable housing opportunities, particularly in a format which is often “for sale”.

In addition, there is also a voluntary IZ “opt-in” provision for projects which seek the bonus provided by IZ (density, height and/or lot occupancy) but do not meet the threshold for the application of mandatory IZ. This “opt-in” process is by-right in most zones, but is currently allowed only by special exception in the lower density residential zones<sup>3</sup>, R-2, R-3, and RF<sup>4</sup>. Opting into IZ in these zones allows a smaller lot area and width in accordance with the tables of Subtitle D § 202.4 and E § 202.4.

OP is proposing to also eliminate the special exception requirement for opting into IZ in the R-2, R-3 and RF zones, and allowing the reduced lot area and lot width permitted under the IZ program as a matter of right for either a mandatory or a voluntary IZ project. This would allow an applicant to opt into the IZ program voluntarily and achieve the relevant bonuses as a matter of right, as is currently the case in most zones.

OP identified 5 cases for special exception relief to opt into IZ in the R-2 and R-3 zones and 1 case in the RF zone. These cases resulted in a total of approximately 26 dwelling units, of which at least 6 (or almost ¼ of the total) would be IZ units. All were approved, with OP and ANC support.

---

<sup>3</sup> IZ is currently not applicable in the R-1 zones.

<sup>4</sup> As part of a separate case filed by OP, ZC Case 25-08 which focusses on the RA-1 regulations, the removal of this special exception review process to opt into IZ is recommended. At the June 12, 2025 ZC public meeting, that case was set down for a public hearing.



Removal of this special exception relief requirement would facilitate the provision on IZ housing by removing this procedural impediment to a landowner consideration of this option.

## **Draft Text Amendment:**

### SUBTITLE C GENERAL RULES

#### CHAPTER 10 INCLUSIONARY ZONING

##### 1001 APPLICABILITY

...

1001.2 Except as provided in Subtitle C § 1001.5, the requirements of this chapter shall apply to, and the modifications to certain development standards and bonus density of this chapter shall be available to, developments in zones in which this chapter is identified as applicable as specified in the individual subtitles of this title; provided the development falls into one of the following categories:

...

- (b) A “Voluntary Inclusionary Development” – any single household dwelling, flat, or multiple dwelling development not described in Subtitle C § 1001.2(a) if the owner voluntarily agrees to comply with the requirements of Subtitle C, Chapter 10, provided:
    - (1) The square footage set aside achieves a minimum of one (1) Inclusionary Unit; **and**
    - (2) Modifications to development standards shall only be allowed as specified in the development standards of the individual zones pursuant to Subtitle C § 1002.; **and**
    - ~~(3) Any use of the modifications of development standards and bonus density authorized by Subtitle C § 1002 and in the development standards of the R-2, R-3, RF-1, RF-4, RF-5, or RA-1 zones shall require special exception approval pursuant to Subtitle X, Chapter 9~~
- ;

### SUBTITLE D RESIDENTIAL HOUSE (R) ZONES

#### CHAPTER 2 GENERAL RULES OF DEVELOPMENT FOR RESIDENTIAL HOUSE (R) ZONES

##### 202 LOT DIMENSIONS

...

202.2 Except as provided in Subtitle D § 202.3, the minimum dimensions of lots for Mandatory **or Voluntary** Inclusionary Developments in any of the R-2 and R-3

zones, shall be as set forth in the following table, which incorporates the IZ modifications authorized by Subtitle C § 1002.2:

TABLE D § 202.2: MINIMUM LOT WIDTH AND LOT AREA FOR <del>MANDATORY</del> INCLUSIONARY DEVELOPMENTS			
Zones	Type of Structure	Minimum Lot Width (ft.)	Minimum Lot Area (sq. ft.)
R-2	Semi-detached	<del>30</del> <u>25</u>	2,500
	Detached	<del>40</del> <u>32</u>	3,200
R-3	All Structures	<del>20</del> <u>16</u>	1,600

~~202.3 The minimum lot width and lot area for Mandatory Inclusionary Developments in any of the R-2 and R-3 zones may be reduced to not less than as set forth in the following table if granted by the Board of Zoning Adjustment as a special exception pursuant to Subtitle X, Chapter 9:~~

TABLE D § 202.3: MINIMUM LOT WIDTH BY SPECIAL EXCEPTION FOR MANDATORY INCLUSIONARY DEVELOPMENTS		
Zones	Type of Structure	Minimum Lot Width (ft.)
R-2	Semi-detached	<u>25</u>
	Detached	<u>32</u>
R-3	All Structures	<u>16</u>

~~202.4 The minimum lot width and lot area for Voluntary Inclusionary Developments in any of the R-2 and R-3 zones may be reduced to not less than as set forth in the following table if granted by the Board of Zoning Adjustment as a special exception pursuant to Subtitle X, Chapter 9::~~

TABLE D § 202.4: MINIMUM LOT WIDTH AND LOT AREA BY SPECIAL EXCEPTION FOR VOLUNTARY INCLUSIONARY DEVELOPMENTS			
Zones	Type of Structure	Minimum Lot Width (ft.)	Minimum Lot Area (sq. ft.)
R-2	Semi-detached	<u>25</u>	<u>2,500</u>
	Detached	<u>32</u>	<u>3,200</u>
R-3	All Structures	<u>16</u>	<u>1,600</u>

## SUBTITLE E RESIDENTIAL RF (RF ZONES)

### CHAPTER 2 DEVELOPMENT STANDARDS FOR RESIDENTIAL FLAT (RF) ZONES

#### 202 LOT DIMENSIONS

...

202.2 Except as provided in Subtitle E § 202.3, the minimum dimensions of lots for Mandatory or Voluntary Inclusionary Developments in the RF zones shall be as set forth in the following table, which incorporates the IZ modifications authorized by Subtitle C § 1002.2:

TABLE E § 202.2: MINIMUM LOT WIDTH AND LOT AREA FOR <del>MANDATORY</del> INCLUSIONARY DEVELOPMENTS			
Zones	Type of Structure	Minimum Lot Width (ft.)	Minimum Lot Area (sq. ft.)
RF	All Structures	<del>48</del> <u>16</u>	1,500

~~202.3 The minimum lot width for Mandatory Inclusionary Developments may be reduced to no less than sixteen feet (16 ft.) if granted by the Board of Zoning Adjustment as a special exception pursuant to Subtitle X, Chapter 9.~~

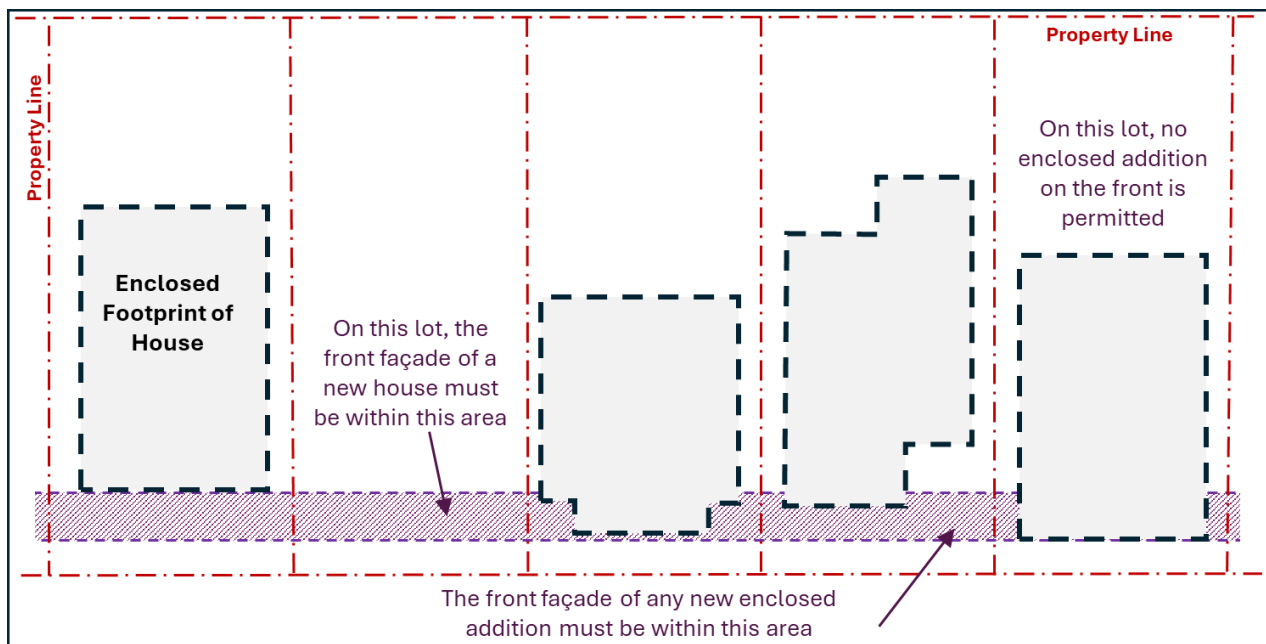
~~202.4 The minimum lot width and lot area of Voluntary Inclusionary Developments may be reduced to not less than as set forth in the following table if granted by the Board of Zoning Adjustment as a special exception pursuant to Subtitle X, Chapter 9:~~

TABLE E § 202.4: MINIMUM LOT WIDTH AND LOT AREA FOR VOLUNTARY INCLUSIONARY DEVELOPMENTS			
Zones	Type of Structure	Minimum Lot Width (ft.)	Minimum Lot Area (sq. ft.)
RF	All Structures	16	1,500

## 15. RELIEF FROM FRONT SETBACK REQUIREMENT SUBTITLES D § 5201 & E § 5201

OP is proposing to amend the Subtitle D (R zones) and E (RF zones) special exception provision to include “front setback”.

The zoning regulations define a front setback as “*A distance required between a building and a street lot line, and measured from the street lot line inward to the lot*”. This is a relatively new addition to zoning regulations, applying in the R and RF zones only. The provision was added to address streetscape character issues raised by community members as part of the ZR-16 process, that new development should generally reflect existing streetscape patterns by maintaining a relatively consistent “streetwall” for new houses. OP is not proposing any changes to the requirement itself.



However, unlike other provisions regulating the siting of the principal building on a lot, such as rear yard and side yard, this provision was established as a “front setback”. Unlike rear and side yards, there is not a definitive requirement (such as “20 feet minimum”), but rather a requirement that any

new construction be set back from the front lot line by a distance “*within the range of existing front setbacks of all residential buildings on the same side of the street in the block where the building is proposed*” (Subtitle D § 206.2).

Originally, it was interpreted that a front setback was equivalent to a “yard” so special exception relief pursuant to Section 5201 was permitted, as it is for rear yard and side yard relief. OP’s review of past BZA cases found 4 which received special exception approval. Subsequently, it was determined that front setback relief was not specifically called out in Section 5201, so had to be reviewed as an area variance and not as a special exception.

OP is proposing to clarify that special exception relief from the front setback provision would be permitted, for an addition to an existing building or for a new dwelling on a substandard lot. This would be consistent with the intent of the provision, to ensure that new construction reflects existing block characteristics, as this is part of the special exception review.

OP’s review of past BZA cases identified 17 cases since the adoption of the provision in the ZR-16 regulations, 6 in the RF zones and 11 in the R zones. These have included ones for front additions as well as for new dwellings. Two area variance cases were denied; both of which OP recommended denial. Most cases received ANC support, although there was ANC and community opposition to a few cases. With the proposed text amendment, all of these cases would continue to require BZA relief, by special exception, permitting ANC, community and BZA review.

### **Draft Text Amendment:**

#### **SUBTITLE D RESIDENTIAL HOUSE (R) ZONES**

#### **CHAPTER 52 RELIEF FROM REQUIRED DEVELOPMENT STANDARDS FOR R ZONES**

#### **5201 SPECIAL EXCEPTION RELIEF FROM CERTAIN REQUIRED DEVELOPMENT STANDARDS**

5201.1 For an addition to a principal residential building with one (1) principal dwelling unit on a non-alley lot or for a new principal residential building on a substandard non-alley record lot as described by Subtitle C § 301.1, the Board of Zoning Adjustment may grant relief from the following development standards of this subtitle as a special exception, subject to the provisions of this section and the general special exception criteria at Subtitle X, Chapter 9:

...

(b) Yards, including **front setback and** alley centerline setback; and

...

## SUBTITLE E RESIDENTIAL FLAT (RF) ZONES

### CHAPTER 2 GENERAL RULES OF DEVELOPMENT FOR RESIDENTIAL HOUSE (R) ZONES

#### 5201 SPECIAL EXCEPTION RELIEF FROM CERTAIN REQUIRED DEVELOPMENT STANDARDS

5201.1 For an addition to a principal residential building on a non-alley lot or for a new principal residential building on a substandard non-alley record lot as described by Subtitle C § 301.1, the Board of Zoning Adjustment may grant relief from the following development standards of this subtitle as a special exception, subject to the provisions of this section and the general special exception criteria at Subtitle X, Chapter 9:

...

(~~b-c~~) Yards, including front setback and alley centerline setback; and

...

## 16. ACCESSORY BUILDING SIZE IN R AND RF ZONES SUBTITLES D § 5003, E § 5003

**OP is proposing to increase the maximum footprint permitted for an accessory building, in the R and RF zones.**

In both the R (low density residential) and RF (residential flat) zones, the regulations establish a maximum building area for an accessory building of 450 square feet or an area equal to thirty (30%) of the required rear yard area, whichever is greater. On many lots, the 450 sq.ft. is the greater figure. This limit is generally carried forward from the ZR-58 regulations, although an accessory dwelling unit in an accessory building, as permitted in the current regulations, was not permitted under ZR-58.

Many homeowners wish to provide a dwelling unit in an accessory building on their property. Staff have received multiple comments from property owners and designers that the current 450 sq.ft. footprint limitation can make it difficult to provide a reasonable dwelling unit, along with required parking and vertical circulation needed within a two-story accessory building.

OP identified 33 cases requesting relief from the accessory building footprint area since the adoption of ZR-16. All were approved, with OP and ANC support. The average footprint was about 708 sq.ft. in the R zones (which tend to have larger lots) and 603 sq.ft. in the RF zones. 25 of the cases, or about 3/4 of the total, include an accessory dwelling unit.

The proposal is to increase the permitted size for an accessory building in all of the R1 and R-2 zones from 450 sq.ft. to 600 sq.ft. , and from 450 sq.ft. to 550 sq.ft. in all of the R-3 and RF zones, which tend to have smaller lots. While the OP proposal would not have made all of the BZA cases for an accessory building with an accessory unit conforming – some of the proposals approved by the BZA were for larger accessory buildings - it would have made most of these cases conforming, and would provide a more reasonable size that could encourage more homeowners and designers to conform to the by-right provision. It would also provide additional flexibility for the provision of

on-site parking and storage space customary in an accessory building. However, the proposal would also ensure the accessory building remains secondary in size to the principal dwelling.

This proposal attempts to balance an allowance for additional accessory building size with other requirements of zoning, such as lot occupancy and rear yard requirements. OP is not proposing changes to these other provisions. As is the case now, any application conforming to the building footprint size but not conforming to other zoning requirements would continue to be required to seek BZA relief from those other provisions.

### **Draft Text Amendment:**

#### SUBTITLE D RESIDENTIAL HOUSE (R) ZONES

#### CHAPTER 11 GEORGETOWN RESIDENTIAL HOUSE ZONES – R 1B/GT AND R 3/GT

##### 1105 ACCESSORY BUILDINGS

...

1105.3 In the R-1B/GT zone, an accessory building within five feet (5 ft.) of a public or private vehicular alley may have a maximum height of twenty-two feet (22 ft.), a maximum building area of ~~four~~ six hundred ~~and fifty~~ square feet (~~450~~ 600 sq. ft.) and a maximum number of two (2) stories.

1105.4 In the R-3/GT zone, an accessory building within five feet (5 ft.) of a public or private vehicular alley may have a maximum height of twenty-two feet (22 ft.), a maximum building area of ~~four~~ five hundred and fifty square feet (~~450~~ 550 sq. ft.) and a maximum number of two (2) stories.

...

#### CHAPTER 50 ACCESSORY BUILDING REGULATIONS FOR RESIDENTIAL HOUSE (R) ZONES

##### 5003 MAXIMUM BUILDING AREA

5003.1 The maximum building area for an accessory building in an R-1 or R-2 zone shall be an area equal to the greater of thirty (30%) of the required rear yard area or six hundred ~~four hundred and fifty~~ square feet (600 ~~450~~ sq.ft.).

**5003.2 The maximum building area for an accessory building in an R-3 zone shall be an area equal to the greater of thirty (30%) of the required rear yard area or five hundred and fifty (550 sq.ft.).**

## SUBTITLE E RESIDENTIAL FLAT (RF) ZONES

### CHAPTER 50 ACCESSORY BUILDING REGULATIONS FOR RESIDENTIAL FLAT (RF) ZONES

#### 5003 MAXIMUM BUILDING AREA

5003.1 The maximum building area for an accessory building in an RF zone shall be an area equal to the greater of thirty percent (30%) of the required rear yard or ~~four-~~ **hundred five hundred** and fifty square feet (**450 550** sq. ft.).

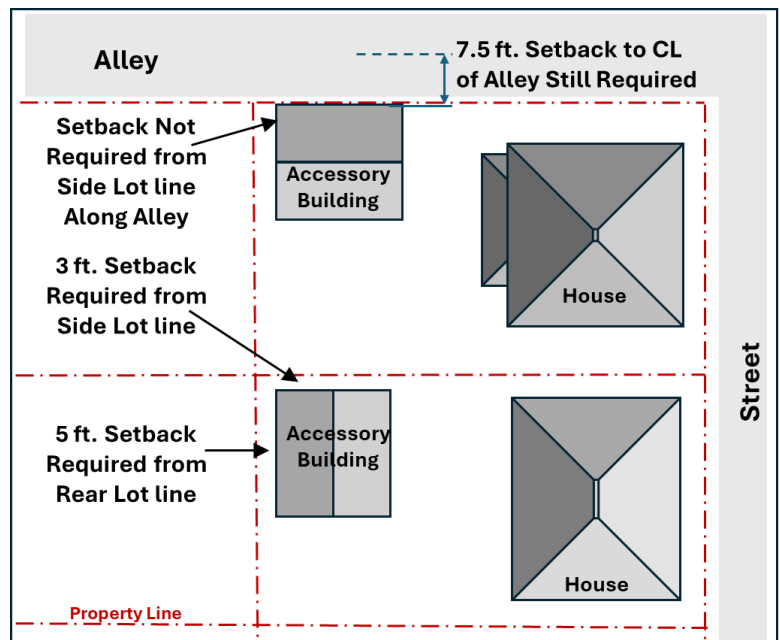
## 17. ACCESSORY BUILDING SIDE AND REAR SETBACKS, R ZONES SUBTITLES D §§ 5004, 5201

**OP is proposing to establish a minimum side and rear setback requirement for accessory buildings in the R zones.**

The zoning regulations currently establish a minimum setback from the centerline of an alley of 7.5 feet (Subtitle D § 5004.1 (b))<sup>5</sup>. However, there is otherwise no restriction on placing an accessory building directly on a side or rear lot line in most zones. Although the R-2 through R-3 zones allow the principal building to be placed on at least one side lot line, the ability to place an accessory building, including one with an accessory unit, on a common lot line has created some concerns, expressed by neighbors and BZA members, in recent BZA cases for accessory buildings. Concerns include maintenance, privacy, and general lack of separation. OP is proposing setbacks for new accessory buildings, to help maintain privacy and light to adjacent lots, and to provide space for building maintenance.

In the R zones, OP is proposing required setbacks of three feet from a side lot line, and five feet from the rear lot line where the side or rear lot line is shared with an adjacent property. A setback would not be required, under this proposal, from a side or rear lot line along an alley or a street.

This will make some accessory buildings non-conforming to these provisions, and may make the placement of an accessory building on a very narrow or shallow lot more challenging. To help address this, OP is also proposing to make clear that special exception relief, pursuant to the standard § 5201 provisions, would be permitted from these setback requirements for a new or expanded accessory building.



<sup>5</sup> In accordance with the recently approved revisions to the rear yard measurement zoning regulations in ZC Case 24-14, a maximum percentage of the accessory building that may be within the required rear yard is also reinstated (30%).

Some existing R zones already establish a minimum side or rear yard or setback requirement for an accessory building, specifically the Tree and Slope zones of Subtitle D Chapters 4 and 5, which require a minimum side yard of 8 feet and a combined side yard of 24 feet; and the GT Zones of Chapter 11 which establish a 5-foot maximum setback from the rear lot line. OP is not proposing that these be altered, but OP is proposing that the proposed accessory building side setback would be applied to the GT zones.

OP had originally proposed also requiring a rear setback in the RF (flat) zones. ANC members at the OP open houses for this Omnibus case expressed concerns about applying a rear setback requirement on these narrower lots; OP agreed and has removed this proposal. However, while preparing the amendment, OP also noticed an error in the Subtitle E § 5201 special exception provision which establishes when special exception relief is permitted – it fails to note “Accessory Building Area” for an accessory building in the RF zones. This appears to be a transcribing error, as it was intended that special exception relief from accessory building area be permitted, and it is permitted in the R zones. OP is proposing to correct this error as part of this text amendment.

### **Draft Text Amendment:**

#### **SUBTITLE D RESIDENTIAL HOUSE (R) ZONES**

#### **CHAPTER 11 GEORGETOWN RESIDENTIAL HOUSE ZONES – R 1B/GT AND R 3/GT**

##### **1105 ACCESSORY BUILDINGS**

...

1105.2 In the R-1B/GT and R-3/GT zones, except for a shed, an accessory building shall be located facing an alley or private alley to which the owner has access by an easement recorded with the Recorder of Deeds, and shall be set back a maximum of five feet (5 ft.) from the rear property line or a line perpendicular to the façade of the principal building, **and shall be set back a minimum of three feet (3 ft.) from a side lot line, other than where the side lot line of the property abuts an alley or street.**

...

#### **CHAPTER 50 ACCESSORY BUILDING REGULATIONS FOR RESIDENTIAL HOUSE (R) ZONES**

##### **5004 REAR YARD**

5004.1 An accessory building other than a shed may be located within a rear yard in an R zone provided that the accessory building is:

- (a) Not in a required rear yard; **and**
- (b) Set back at least seven and one-half feet (7.5 ft.) from the centerline of any alley; **and**
- (c) **Set back a minimum of five feet (5 ft.) from a rear lot line, other than where the rear lot line of the property abuts an alley or street.**



...

5005 SIDE YARD

...

5004.3 **An accessory building other than a shed shall be set back a minimum of three feet (3 ft.) from a side lot line, other than where the side lot line of the property abuts an alley or street.**

CHAPTER 5201 RELIEF FROM REQUIRED DEVELOPMENT STANDARDS FOR R ZONES

5201 SPECIAL EXCEPTION RELIEF FROM CERTAIN REQUIRED DEVELOPMENT STANDARDS

...

5201.2 For a new or enlarged accessory structure to a residential building with only one (1) principal dwelling unit on a non-alley lot, the Board of Zoning Adjustment may grant relief from the following development standards as a special exception, subject to the provisions of this section and the general special exception criteria at Subtitle X, Chapter 9:

- (a) Lot occupancy as limited in Table D § 5201.1(a);
- (b) Maximum building area of an accessory building;
- (c) Yards, **or setback from a rear or side lot line,** including alley centerline setback; and
- (d) Pervious surface.

...

SUBTITLE E RESIDENTIAL FLAT (RF) ZONES

CHAPTER 52 RELIEF FROM REQUIRED DEVELOPMENT STANDARDS FOR RESIDENTIAL FLAT (RA) ZONES

5201 SPECIAL EXCEPTION RELIEF FROM CERTAIN REQUIRED DEVELOPMENT STANDARDS

...

5202.1 For a new or enlarged accessory structure to a residential building on a non-alley lot, the Board of Zoning Adjustment may grant relief from the following development standards as a special exception, subject to the provisions of this section and the general special exception criteria at Subtitle X, Chapter 9:

- (a) Lot occupancy under Subtitle E § 5003 up to a maximum of seventy percent (70%) for all new and existing structures on the lot;

**(b) Maximum building area of an accessory building;**

- ~~(b)~~ (c) Yards, including alley centerline setback;

- ~~(e)~~ (d) Courts; and

- ~~(d)~~ (e) Green Area Ratio.

...

**18. ACCESSORY APARTMENTS IN RF, RA, & MU ZONES  
SUBTITLES F § 201, G § 201, U §§ 201, 210, 410, 501**

**OP is proposing to clarify that an accessory apartment is not a permitted use in the RF, RA, and MU zones.**

The original intent of the accessory apartment provisions, as adopted into the zoning regulations as part of ZR-16, was to provide flexibility to owners of properties in the low-density residential zones (R-1 through R-3), where only one principal unit is permitted on a lot by-right, to have a second accessory dwelling unit on the property. This was to increase housing options in DC, but also to support aging in place and provide mortgage-helper opportunities for homeowners, or potential home-owners. An accessory apartment is permitted in either the principal building or an accessory building, by-right, in most of the R zones, but it cannot be sold (it must be rented) and the owner of the property must live on the property, either in the principal unit or the accessory dwelling unit.

Conversely, in the RF, RA, and MU zones, a flat (2 units) or an apartment building (3 units or more) is permitted by right. Each unit can be separately owned, and the units can be rented – the zoning does not require that the owner of the property live on site.

As part of ZR-16, it was determined that, for clarity, an accessory apartment would not, then, be a permitted use in these zones – there was concern about an accessory apartment being added to each unit in a flat or apartment building, for example. OP remains strongly supportive of accessory apartments and has proposed changes as part of this Omnibus text amendment to facilitate them in the R zones. However, expanding their use to these other zones that already allow 2 or more units is both unnecessary and contrary to the intent of the provision as adopted. This is already clearly stated in Subtitle E § 201.6 – “*Accessory apartments shall not be permitted in any RF Zone.*” However, this is not sufficiently clear in the regulations in the RF, RA, and MU zones, which has led to administrative uncertainty and confusion from some property owners.

OP has confirmed with DoB staff that there is essentially no building permitting or occupancy differences between a second principal unit and an accessory unit on a property. As such, the proposal is to add language, consistent with that of the existing Subtitle E § 201.6, to the other zones allowing apartment houses, and to the use provisions of the RF, RA, and MU zones.

OP is also proposing to correct a cross-referencing error in Subtitle U § 410.1 (RA zones) which refer to the R zones rather than the RF zones as intended, and as existing in the companion Subtitle E § 401.1

## **Draft Text Amendment:**

### SUBTITLE F RESIDENTIAL APARTMENT (RA) ZONES

#### CHAPTER 2 DEVELOPMENT STANDARDS FOR RESIDENTIAL APARTMENT (RA) ZONES

##### 201 DENSITY

...

##### **201.5 Accessory apartments shall not be permitted in any RA Zone.**

### SUBTITLE G MIXED USE (MU) ZONES

#### CHAPTER 2 DEVELOPMENT STANDARDS FOR MIXED-USE (MU) ZONES – MU 1 THROUGH MU-15

##### 201 DENSITY

...

##### **201.10 Accessory apartments shall not be permitted in any MU Zone.**

### SUBTITLE U USE PERMISSIONS

#### CHAPTER 3 USE PERMISSIONS FOR RESIDENTIAL FLAT (RF) ZONES

##### 301 MATTER OF RIGHT USES (RF)

301.1 The following uses shall be permitted as a matter of right in an RF zone subject to any applicable conditions:

- (a) Any use permitted in the R zones under Subtitle U §§ 201 and 202, **except that an accessory apartment shall not be permitted in any RF Zone;**

...

##### 310 ACCESSORY USES

310.1 The following accessory uses in this section shall be permitted as a matter of right in an RF zone subject to any applicable conditions:

- (a) Any accessory use permitted in the R zones under Subtitle U § 250, **except that accessory apartments are not permitted in any RF Zone.**

...

## CHAPTER 4 USE PERMISSIONS FOR RESIDENTIAL APARTMENT (RA) ZONES

### 401 MATTER OF RIGHT USES (RA)

401.1 The following uses shall be permitted as a matter of right subject to any applicable conditions:

- (a) Any use permitted in the RF zones under Subtitle U § 301, except corner stores **and accessory apartments are not permitted in any RA zone;**

...

### 410 ACCESSORY USES (RA)

410.1 The following accessory uses shall be permitted as a matter of right subject to the associated conditions:

- (a) Any accessory use permitted in the RF zones under Subtitle U § ~~250~~**310, except that accessory apartments are not permitted in any RA zone;**

...

## CHAPTER 5 USE PERMISSIONS FOR MIXED USE (MU) ZONES

### 501 MATTER OF RIGHT USES (MU)

501.1 The uses in this section shall be permitted as a matter of right in any MU zone except the MU-11 zone, subject to any applicable conditions.

501.2 Any use permitted as a matter of right in any R, RF, or RA zone shall be permitted as a matter of right in the MU, except the MU-11 zone, **except that accessory apartments are not permitted in any MU zone.**

501.3 Other accessory uses that are customarily incidental and subordinate to the principal uses permitted in this chapter shall be permitted, **except that accessory apartments are not permitted in any MU zone.**

## **19. ALIGN ZONE DESCRIPTIONS WITH COMP PLAN CLASSIFICATIONS** **SUBTITLE G § 101**

**OP is proposing to amend the description of the MU-4, MU-5, and MU-7 zones to be consistent with the land use descriptions of the Comprehensive Plan.**

The Comprehensive Plan, in the Framework Element, includes a description of each of the Future Land Use Map (FLUM) designations, including a typical Floor Area Ratio (FAR) and examples of specific zones for which the FLUM designation is characteristic, although the Comprehensive Plan also makes it clear that this is not an exhaustive list and that other zones may also apply. While most zones include a description generally consistent with that of the Comprehensive Plan, a few zone descriptions are not consistent with Comp Plan direction.

Since the Comprehensive Plan serves as the policy document which guides zoning, this has, at times, created confusion regarding whether a zone is consistent with a FLUM designation or not, particularly in the case of a proposed Planned Unit Development or zoning map amendment application.

A summary of the Comp Plan direction for the zones in question is below – the full language of the relevant Comp Plan statements is provided as part of Attachment 2:

FLUM Designation	FLUM Description	FLUM FAR Range
Low Density Commercial (227.10)	MU-3, MU-4, Other zones may apply	2.5 plus IZ
Moderate Density Commercial (227.11)	MU-5, MU-7, Other zones may apply	2.5 to 4.0 plus IZ
Medium Density Commercial (227.12)	MU-8, MU-10, Other zones may apply	4.0 to 6.0 plus IZ

A comparison with the Zoning Regulation description and the proposed change is below:

Zone and Section	Zoning Description	Comp Plan Description	Proposed Change
Subtitle G § 101.9 MU-4	Moderate Density mixed use development; located in “low- and moderate-density residential areas ... and moderate bulk mixed-use centers” allows 2.5 FAR + IZ	MU-4 is listed in the “low density commercial” designation (227.10); however, the FAR is also consistent with the moderate density designation.	Change zone description to from “moderate density” “low to moderate density”
Subtitle G § 101.10 MU-5	Medium density mixed use development allows 3.5 FAR + IZ	MU-5 is listed as a “moderate density” zone (G § 227.11)	Change zone description from “medium density” to “moderate density”
Subtitle G § 101.12 MU-7	Medium density mixed use development allows 4.0 FAR + IZ	MU-7 is listed as a “moderate density” zone (G § 227.11); however, the FAR is also consistent with the medium density designation.	Change zone description from “medium density” to “moderate to medium density”

In each instance, the proposed zone description is more consistent with the Comp Plan language, including the anticipated FAR range.

## Draft Text Amendment:

### SUBTITLE G MIXED USE ZONES

### CHAPTER 1 INTRODUCTION TO MIXED USE (MU) ZONES

#### 101 PURPOSE AND INTENT

101.9 The MU-4 zone is intended to:

- (a) Permit **low to** moderate-density mixed-use development;

...

- (c) Be located in low- and moderate-density residential areas with access to main roadways or rapid transit stops, and include office employment centers, shopping centers, and moderate bulk mixed-use centers.

...

101.10 The MU-5 zones are intended to:

- (a) Permit ~~medium~~moderate-density, compact mixed-use development with an emphasis on residential use;

...

101.12 The MU-7 zones are intended to:

- (a) Permit moderate to medium-density mixed-use development; and

...

## **20. PENTHOUSE HEIGHT LIMIT IN MU/CAP ZONES**

### **SUBTITLE G § 403**

**OP is proposing to amend the penthouse height limit for this zone to be consistent with the provisions of other low/moderate density mixed use zones.**

A lower penthouse height than is typical for mixed use zones is currently permitted in the Capitol Interest and Capitol Hill Commercial Mixed-Use Zones (Subtitle G Chapter 4). These include the MU-3/CAP (low density mixed use), MU-4/CAP (low to moderate density mixed use), and MU-2/CAP (medium density mixed use). All these zones are limited to a building height of 40 feet, pursuant to Subtitle G § 402, and a penthouse height of ten feet. pursuant to Subtitle G § 403.

While a height of 15 feet minimum is typically permitted for these zones for mechanical equipment including an elevator override, in these zones the height is limited to only 10 feet. OP has been advised by designers and property owners that this is less than what is needed for a typical elevator override, so is overly restrictive. This restriction could also limit the ability to provide penthouse mechanical equipment, solar panels, or even habitable space (which would generate affordable housing requirements consistent with IZ provisions).

As such, the proposal is to make the penthouse height provisions match that of other zones allowing a building height of 40 feet. The 1:1 setback would remain required, so any taller penthouse would be required to be set back further from the edge of the building roof below. Referral to the Architect of the Capitol of any request for BZA relief would also continue to be required (G § 404).

## Draft Text Amendment:

### SUBTITLE G MIXED USE (MU) ZONES

#### CHAPTER 4 CHAPTER 4 CAPITOL INTEREST AND CAPITOL HILL COMMERCIAL MIXED-USE ZONES - MU-2/CAP, MU-4/CAP, MU-4/CHC, AND MU-4/CAP/CHC

#### 403 PENTHOUSE AND ROOFTOP STRUCTURE

403.1 In the MU-2/CAP, MU-4/CAP, and MU-4/CAP/CHC zones, the maximum permitted height of a penthouse or rooftop structure, except as limited by Subtitle C § 1501 on the roof of a single household dwelling or flat, shall be ~~ten feet (10 ft.)~~ **twelve feet (12 ft.), except fifteen feet (15 ft.) for penthouse mechanical space,** and the maximum number of stories within the penthouse or rooftop structure shall be one (1) **with a second story permitted for penthouse mechanical space.**

## 21. WINDOW SEPARATION CRITERIA IN MU AND D ZONES SUBTITLES G § 207.14 AND I § 205.5

**OP is proposing to amend the conditions for special exception review to remove duplication of review criteria.**

The zoning regulations establish rear yard requirements in both the MU Zones (Subtitle G § 207) and the I (Downtown) zones (Subtitle I § 205). Both zones also establish a special exception process to obtain relief from the rear yard provisions - Subtitle G § 207.14 and Subtitle I § 205.5 respectively. These include complicated and overly specific review criteria related to window placement and proximity with other facing buildings which rarely apply but require extensive review and documentation. They can be difficult to interpret and measure, and are not consistent with the requirements of other zones. The provisions are generally carried forward from the ZR-58 regulations (Sections 534 and 774).

The special exception criteria of Subtitle X § 901 also apply to these cases, and they already include an assessment of potential impacts on privacy and access to light and air, so the specific window placement provisions of Subtitles G § 207.14 and I § 205.5 are both overly-specific and redundant.

OP conducted a cursory review of BZA cases since the adoption of ZR-16, and identified about 37 cases in the MU zones, and 6 in the D zones which included rear yard relief, all of which were approved by the BZA. It was generally determined that the specific window separation review criteria either did not apply, or were met by the proposal.

All MU zone cases were also reviewed under the Subtitle X § 901 criteria, which include a review of potential impacts on privacy and access to light and air, where it was determined that the proposal did not result in an undue impact. The wording of the special exception provision for the D zones is less clear, although most cases included a review under the Subtitle X § 901 criteria. OP is proposing clarification language, consistent with special exception language for other provisions, to make it clear that this review is required for rear yard relief in the Downtown zones.

## Draft Text Amendment:

### SUBTITLE G MIXED USE (MU) ZONES

#### CHAPTER 2 DEVELOPMENT STANDARDS FOR MIXED USE (MU) ZONES

##### 207 REAR YARD

...

207.14 Relief from the rear yard requirements of Subtitle G § 207 may be permitted if approved by the Board of Zoning Adjustment as a special exception pursuant to Subtitle X, Chapter 9, and subject to the following conditions and the general special exception criteria at Subtitle X, Chapter 9:

- ~~(a) No apartment window shall be located within forty feet (40 ft.) directly in front of another building;~~
- ~~(b) No office window shall be located within thirty feet (30 ft.) directly in front of another office window, nor eighteen feet (18 ft.) in front of a blank wall;~~
- ~~(c) In buildings that are not parallel to the adjacent buildings, the angle of sight lines and the distance of penetration of sight lines into habitable rooms shall be considered in determining distances between windows and appropriate yards;~~
- ~~(a d)~~ Provision shall be included for service functions, including parking and loading access and adequate loading areas; and
- ~~(b e)~~ Upon receiving an application for relief from rear yard requirements of this section, ...

### SUBTITLE I DOWNTOWN ZONES

#### CHAPTER 2 DEVELOPMENT STANDARDS FOR DOWNTOWN (D) ZONES

##### 205 REAR YARD

...

205.5 The Board of Zoning Adjustment may waive the rear yard requirements as a special exception pursuant to Subtitle X, Chapter 9 and subject to the following conditions:

- ~~(a) No window to a residence use shall be located within forty feet (40 ft.) of another facing building;~~
- ~~(b) No window to an office use shall be located within thirty feet (30 ft.) of another facing office window, nor eighteen feet (18 ft.) in front of a facing blank wall;~~



~~(c) A greater distance may be required between windows in a facing building than the minimum prescribed in (a) or (b) if necessary to provide adequate light and privacy to habitable rooms as determined by the angle of sight lines and the distance of penetration of sight lines into such habitable rooms; and~~

~~(a d)~~ The building shall provide for adequate off-street service functions, including parking and loading areas and access points.

## **22. DESIGNATED USES IN NEIGHBORHOOD MIXED USE ZONES**

### **SUBTITLE H § 6001**

**OP is proposing to add “daytime care” use as a “designated use” in the Neighborhood Mixed Use (NMU) Zones.**

The Neighborhood Mixed Use (NMU) zones exist in many parts of the city, including Macomb-Wisconsin, Cleveland Park, Woodley Park, and Chevy Chase (pending Order issuance) in Ward 3; Georgia Avenue in Ward 4, Takoma in Ward 5, Eighth Street and H Street NE in Ward 6, and Pennsylvania Avenue SE in Ward 7 (pending Order issuance). Each one has unique provisions, but there are also provisions that apply to all NMU zones, including ones related to “designated uses” – uses that are required to be provided along specified street frontages.

These designated uses are generally intended to provide for an activated retail / mixed use streetscape to serve the surrounding neighborhood, to further the general Purpose and Intent Statements of Subtitle H Chapter 1, including the following relevant statements:

- (a) Provide for a varied mix of residential, employment, retail, service, and other related uses in the area;
- (c) Preserve and enhance neighborhood shopping areas, by providing the scale of development and range of uses that are appropriate for neighborhood shopping and services;
- (e) Encourage retention and establishment of a variety of retail, entertainment, and personal service establishments, predominantly in a continuous pattern at ground level, to meet the needs of the surrounding area's residents, workers, and visitors;
- (h) Identify designated use areas within NMU zones within which use restriction shall apply to the ground floor. (Subtitle H § 101.2)

The current list of Designated Uses, which apply to all NMU zones, include animal sales, care, and boarding; arts, design, and creation; eating and drinking establishments; entertainment, assembly, and performing arts; Financial and general services; and retail (Subtitle H § 6001.2). Each building within the designated use area must devote at least 50% of its gross floor area of the ground floor to one or more of these designated uses.

“Daytime Care” is already a permitted use in the zones, but OP recently received a suggestion from an ANC member to add “Daytime Care” as a preferred use, allowing this use to be included as meeting the designated use requirement. This would address intent statements to provide a variety of street activating uses, and would serve the local neighborhood – attracting residents to the neighborhood commercial area. As such, this amendment is being proposed.

## **Draft Text Amendment:**

### SUBTITLE H NEIGHBORHOOD MIXED USE (NMU) ZONES

#### CHAPTER 60 USE PERMISSIONS FOR NEIGHBORHOOD MIXED-USE (NMU) ZONES

##### 6001 DESIGNATED AND RESTRICTED USES

...

6001.2 The NMU zone designated uses, for the purposes of this subtitle, are those permitted in the following use categories subject to any conditions of this section:

(a) Animal sales, care, and boarding;

(b) Arts, design, and creation;

**(c) Daytime Care;**

**(e d)** Eating and drinking establishments;

**(d e)** Entertainment, assembly, and performing arts;

**(e f)** Financial and general services; and

**(f g)** Retail.

...

## **23. REDUNDANT BUILDING FORM LANGUAGE**

### **SUBTITLE U § 201**

**OP is proposing to remove the redundant and misplaced building type descriptions in the Use provisions of U § 201.1(a).**

Subtitle U (Uses) Section 201.1 establishes the by-right uses allowed in R (residential low density) zones. In specific, U § 201.1(a) allows a “principal dwelling unit”, but then adds building type (detached, semi-detached, and attached) for the various zones.

In ZR-58, the Use provisions for the R zones were in Chapters 2 and 3, while the dimensional provisions were in Chapter 4. As translated into ZR-16, dimensional requirements were placed in Subtitle D for the low-density residential zones, and the Use provisions made part of Subtitle U, and the building type provisions for the R zones were included in the “purpose and intent” statements of Subtitle D § 300, and then repeated in the Use provisions of Subtitle U § 201.1(a), as well.

As part of the Zoning Regulations Reorganization, Case 19-27 approved by the Commission in 2023, the building type provisions were retained in the Purpose and Intent Statements of Subtitle D Chapter 1, but were also added to the Subtitle D § 200 Development Standards:

### **200 DEVELOPMENT STANDARDS**

...

- 200.3 *A principal building on a lot in any of the R-1 zones shall be a detached building.*
- 200.4 *A principal building on a lot in any of the R-2 zones shall be a detached building or a semi-detached building.*
- 200.5 *A principal building on a lot in any of the R-3 zones shall be a detached building, a semi-detached building, or a row building.*

Building type provisions are not a “use”, and the building type-related provisions in Subtitle U § 201.1 are now a repeat of the R zone Development Standards of Subtitle D §§ 200.3 (R-1 zones); 200.4 (R-2 zones) and 200.5 (R-3 zones); as well as the purpose statements for the R Zones found in Subtitle D § 101. As such, they can be removed from Subtitle U to delete an inappropriate redundancy without resulting in any change to permitted use or building form in these zones.

## **Draft Text Amendment:**

### SUBTITLE U USE PERMISSIONS

#### CHAPTER 2 USE PERMISSIONS RESIDENTIAL HOUSE (R) ZONES

##### 201 MATTER OF RIGHT USES (R)

201.1 The following uses in this section shall be permitted as a matter of right subject to any applicable conditions:

- (a) A principal dwelling unit; ~~shall be permitted as follows:~~

- ~~(1) In the R-Use Groups A and D, the principal dwelling unit shall be in a detached building;~~
- ~~(2) In the R-Use Group B, the principal dwelling unit may be in either a detached or semi-detached building and~~
- ~~(3) In the R-Use Group C, the principal dwelling unit may be in either a detached, semi-detached, or row building;~~

## **24. NEW DWELLING IN AN ACCESSORY BUILDING IN RF ZONES**

### **SUBTITLE U § 301**

**OP is proposing to remove the existing requirements that an accessory building must be in existence for five year before a dwelling unit is permitted within it, and expansion of an accessory building for a residence be permitted only by special exception.**

The RF zones permit two units by right on the property. As part of ZR-16, this permission was expanded by allowing one of the two units to be within an accessory building on the property. This was not uncommon, even prior to ZR-16, as alley “carriage houses” with a unit on the second floor were a feature in older neighborhoods. The zoning allows this to be a unit to be rented by the owner of the property or to be a second principal unit on the property.

However, due to concerns raised by some members of the community at the time, restrictive provisions were added to the RF regulations which:

- allow a second unit within an accessory building only if the accessory building was in existence prior to January 1, 2013, and
- require special exception review of any expansion of any accessory building – even if conforming to all other regulations - for the addition of a second unit (an expansion of an accessory building not involving a second unit would not trigger this requirement).

These limitations serve specifically to limit the impact of this provision and to limit the flexibility of homeowners wishing to provide a second unit on their property. This is inconsistent with housing policy, and inconsistent with the intent of the zone, to allow 2 units on a lot.

A cursory review of past BZA cases identified 25 requests for relief from this section, related to the provision of a second unit within an accessory building. While most included other forms of relief as well (there were 5 cases for which this was the only relief requested), all of the cases were approved, OP supported all and none were opposed by the ANC.

In a related further amendment, the current provisions include requirements for accessibility to the accessory building with a dwelling unit - either through the subject lot or from an alley which the lot abuts. OP is also proposing to amend the alley access requirements for a unit within an accessory building in the RF Zones, to correspond to the requirements for access to a dwelling unit within an alley lot building. At present, the regulations are the same, but OP has, in Zoning Commission Case 25-06, proposed that the access requirements be amended. This was set down by the Commission on May 29, 2025 for a public hearing. Should the Commission not adopt that change for alley lots, OP would also retract it for a dwelling unit in an accessory building on an RF-1 zoned street fronting lot.

Finally, OP is proposing some re-ordering of the sections for clarity and consistency.

## **Draft Text Amendment:**

### **SUBTITLE U USE PERMISSIONS**

### **CHAPTER 3 USE PERMISSIONS RESIDENTIAL FLATS (RF) ZONES**

#### **301 MATTER OF RIGHT USES (RF)**

301.1 The following uses shall be permitted as a matter of right in an RF zone subject to any applicable conditions:

...

- (c) A permitted principal dwelling unit within an accessory building subject to the following conditions of:

**~~(1) The accessory building was in existence on January 1, 2013;~~**

**~~(2) No expansion or addition may be made to the accessory building to accommodate an apartment except as a special exception;~~**

- (1 3) There shall be permanent access to the accessory building dwelling from a dedicated and improved right of way; and
- (2 4) Permanent access shall be provided by one (1) of the following:
  - (A) An easement for a permanent passage, open to the sky, no narrower than eight feet (8 ft.) in width, and extending from the accessory building to a public street through a side setback recorded in the land records of the District of Columbia; or
  - (B) Through an improved public alley or alleys with an minimum alley width of not less than twenty-four feet (24 ft.) fifteen feet (15 ft.) at any point between the lot and a that connects to a public street; ~~or~~
  - (C) ~~On an improved alley no less than fifteen feet (15 ft.) in width and within a distance of three hundred (300) linear feet of a public street;~~
- (3 d) An accessory building that houses a principal dwelling unit shall not have a roof deck;
- ~~(e) — An accessory building constructed as a matter of right after January 1, 2013, and that is located within a required setback shall not be used as, or converted to, a dwelling unit for a period of five (5) years after the approval of the building permit for the accessory building, unless approved as a special exception;~~
- (4 f) An accessory building that houses a principal dwelling unit shall not be used simultaneously for any accessory use other than as a private vehicle garage for a dwelling unit on the lot, storage, or as an artist studio; and
- (5 g) Any proposed ~~expansion of an~~ use of an accessory building for a dwelling unit residential purposes not meeting the provisions of Subtitle U §§ 301.1 (c) through (e) shall be permitted only as a special exception approval pursuant to Subtitle X; ~~and shall be evaluated against the standards of this section.~~

...

## IV. PLANNING CONTEXT

### A. COMPREHENSIVE PLAN

Any proposed change to the Zoning Regulations required analysis and determination that the changes would be not inconsistent with the Comprehensive Plan, including when viewed through a racial equity lens. This case, which involves 24 separate, targeted text amendments, is intended to add clarity to the regulations, remove unnecessary barriers to the provision of housing, and lessen administrative burdens for all DC residents, through easing select provisions and regulatory processes. It would not result in any rezoning of property, or a substantial change in the permitted

height, density, or use mix for any property. Although individual proposed amendments relate to specific zones, areas, or uses, they would be generally city-wide in scope.

While they would have positive impacts on achieving policy objectives, particularly related to adding clarity and certainty to regulations and regulatory processes, eliminating unnecessary burdens on homeowners, and removing barriers to the production of housings, they would not generally be considered “major moves”. Any one of proposed amendments, however, could be of significant benefit to an individual property owner or applicant. They could also be seen to advance equity by eliminating restrictions or processes applicable to some zones or parts of the city and not others. As such, collectively or individually the proposed text amendments should not substantively impact racial equity in the District, but, rather, would be of benefit to all residents.

## **B. ANALYSIS USING THE ZC RACIAL EQUITY TOOL**

The Zoning Commission’s Racial Equity Tool requires that every zoning action be considered through a racial equity lens. In this case, the proposed zoning action would amend the text in most Zoning Regulation chapters. It would have District-wide impact so it should not substantively impact racial equity in the District.

The Implementation Element of the Comprehensive Plan calls for “*the Zoning Commission to evaluate all actions through a racial equity lens as part of its Comprehensive Plan consistency analysis*”2501.8. Equity is conveyed throughout the Comprehensive Plan, particularly in the context of zoning, where avoiding displacement of existing residents, the provision of affordable housing and creating access to opportunity is a priority.

### **Part One: Comprehensive Plan Analysis, Including Through a Racial Equity Lens**

As was noted earlier, the zoning text amendments proposed in this report vary in scope and intent but in general are intended to:

- Add clarity to zoning regulations;
- Remove barriers to the provision of housing, including new affordable units;
- Ease administrative burdens for homeowners, the BZA, ANCs, and staff; and
- Update 2016 Zoning Regulations to current policy and standards.

These themes are reflected in a number of policy statements and action items throughout the Comprehensive Plan Citywide Elements. Other policy statements would more directly address individual proposed amendments. The full language of these policy and action item statements is provided in Attachment 2.

## **2. FRAMEWORK ELEMENT**

- Definitions of Land Use Categories
- Guidelines for Using the Generalized Policy map and the Future Land Use Map

## **3. LAND USE ELEMENT**

- Policy LU-1.4.2: Development Around Metrorail Stations
- Policy LU-1.4.3: Housing Around Metrorail Stations
- Policy LU-1.4.6: Development Along Corridors
- Policy LU-1.4.7: Parking Near Metro Stations

- Action LU-1.4.B: Zoning Around Transit
- Policy LU-1.5.1: Infill Development
- Policy LU-2.1.4: Rehabilitation Before Demolition
- Policy LU-2.1.5: Support Low-Density Neighborhoods
- Policy LU-2.1.7: Row House Neighborhood Character
- Policy: LU-2.1.8 Explore Approaches to Additional Density in Low and Moderate-Density Neighborhoods
- Policy LU-2.4.1: Promotion of Commercial Centers

#### **4. TRANSPORTATION ELEMENT**

- Policy T-1.1.7: Equitable Transportation Access
- Policy T-1.1.8: Minimize Off-Street Parking
- Action T-1.1.E Update Zoning Regulations Regarding Mass Transit
- Policy T-3.2.3: Repurposing Parking
- Action T-3.2.E: Manage Off-Street Parking Supply

#### **5. HOUSING ELEMENT**

- H-1.1 Expanding Housing Supply 503
- Policy H-1.1.3: Balanced Growth
- Policy H-1.1.8: Production of Housing in High-Cost Areas
- Action H-1.1.C: Research New Ways to Expand Housing
- Policy H-1.2.1: Low- and Moderate-Income Housing Production as a Civic Priority
- Policy H-1.2.5: Moderate-Income Housing
- Policy H-1.2.7: Density Bonuses for Affordable Housing
- Action H-1.2.E: Leveraging Inclusionary Zoning
- Policy H-1.3.2: Tenure Diversity
- Policy H-1.3.1: Housing for Larger Households
- H-1.5 Reducing Barriers to Production
- Policy H-1.5.1: Land and Building Regulations
- Policy H-1.5.2: Permitting Procedures
- Action H-1.5.D: Support of Accessory Dwelling Units
- Action H-1.5.E: Remove Regulatory Obstacles
- Policy H-3.1.1: Increasing Homeownership

#### **7. ECONOMIC DEVELOPMENT ELEMENT**

- Policy ED-2.1.5: Infill and Renovation
- Policy ED-2.2.4: Support Local Entrepreneurs
- Policy ED-3.1.1: Neighborhood Commercial Vitality
- Policy ED-4.2.6: Entry-Level Opportunities
- Policy ED-4.2.14: Alternative Work Arrangements

#### **8. PARKS, RECREATION AND OPEN SPACE ELEMENT**

- Policy PROS-1.1.3: Park Diversity

- Action PROS-1.1.D: Quality of Existing Park Spaces
- Policy PROS-1.3.7: Health and Wellness
- Policy PROS-2.1.1: Recreational Facility Development
- Action PROS-2.1.E: Improvement of Outdoor Recreational Facilities
- Policy PROS-2.2.1: Maintenance and Renovation
- Policy PROS-2.2.2: Park Safety and Security
- Action PROS-2.2.G: Design Standards
- Policy PROS-2.2.5: Youth Recreational Services
- Policy PROS-4.1.3: Greener, More Accessible Schoolyards

#### **11. COMMUNITY SERVICES AND FACILITIES ELEMENT**

- Policy CSF-1.1.2: Adequate Facilities

#### **12. EDUCATIONAL FACILITIES ELEMENT**

- Policy EDU-2.1.3: Community Use
- Policy EDU-2.1.4: Out-of-School Time Opportunities
- Policy EDU-2.1.5: Shared-Use of Public Parks and Recreation Space for Public Schools

#### **25. IMPLEMENTATION ELEMENT**

- Policy IM-1.1.1: Development Impacts
- Policy IM-1.1.9: Monitor Development Requirements, Benefits, Amenities, and Other Commitments
- Policy IM-1.3.1: Updating Land Use Controls
- Action IM-1.3.A: Monitor and Review New Zoning Regulations
- IM-2.2 Recommended Changes to Zoning Regulations

OP did not identify any Comprehensive Plan policy statements that would be significantly negatively impacted by these proposed text amendments.

### **Part Two: Community Outreach and Engagement**

The genesis of each of the text amendments varied, including issues first raised by members of the Zoning Commission and BZA, staff of OP, DDOT, DoB, DOEE, and DPR, organizations such as DC Building Industry Association, building designers, land use attorneys, property owners, Advisory Neighborhood Commissioners, and members of the public. OP also reviewed past BZA cases for many of the proposed amendments to identify levels of relief requested as well as ANC recommendations and BZA decisions.

On June 24 and June 26, 2025, OP held two virtual open house meetings for ANC members. The meetings were intended to provide advance awareness of the text amendments, to solicit early feedback, and answer questions about the proposed zoning. ANC Commissioners did not provide initial comments regarding many of the proposed amendments, but did provide feedback on some of the them, including ones that led to changes in this OP proposal regarding:

- the size of balconies to be exempted from lot occupancy / FAR; and
- setbacks originally proposed for accessory buildings in the RF zones.



There was support expressed by individual Commissioners regarding the accessory building setback in the R zones.

Other issues raised at the open house meetings will require additional detailed study and possible clarification prior to a hearing, such as the relationship between landings and decks off the main floor; establishing a maximum “depth” for main floor decks; and how to treat setbacks for accessory buildings located at the corner of two intersecting alleys.

Individual Commissioners expressed concerns about some of the proposals, notably:

- the main floor deck 200 square foot lot occupancy exemption;
- consolidation of lots in the RF zones for conversion to small apartment buildings, in relation to the 30-foot frontage proposed changes; and
- the proposal to not continue to require that pre-ZR-16 buildings retain ZR-58 approved parking.

A Commissioner also raised additional issues in need of being addressed in the zoning regulations, specifically:

- Rooftop element retention regulations; and
- BZA relief requests for “bad faith developers” seeking retroactive approval for non-conforming construction completed without necessary permits.

### **Criteria to Evaluate a Zoning Action through a Racial Equity Lens**

When considering the following themes/questions based on Comprehensive Plan policies related to racial equity, what are the anticipated positive and negative impacts and/or outcomes of the zoning action? Note: Additional themes may also apply.

Many of the amendments proposed as part of this case would either clarify existing regulations, or remove unnecessary regulatory or procedural impediments to reasonable and desired additions to buildings. They would reduce the number of BZA cases requiring expensive and time-consuming applications, providing benefit to homeowners and developers, while reducing the burden on ANC's and the BZA. All of the proposed amendments are ones that have been, in the past, rarely contentious and were typically supported by ANC's, OP, DDOT, and the BZA itself.

Factor	Question	OP Response
<b>Direct Displacement</b>	Will the zoning action result in displacement of tenants or residents?	While it can be difficult to anticipate the impacts of text amendments such as the variety of the ones proposed in this case, OP does not anticipate displacement of either residents or commercial tenants as part of these proposals. Overall, they would not significantly change current permitted uses or the intensity or use or development permitted in any zone.
<b>Indirect Displacement</b>	What examples of indirect displacement might result from the zoning action?	OP does not anticipate indirect displacement of either residents or commercial tenants as part of these proposals. Overall, they would not permit or disallow current uses, and would not substantively amend intensity of use.

Factor	Question	OP Response
<b>Housing</b>	Will the action result in changes to: <ul style="list-style-type: none"> <li>▪ Market Rate Housing</li> <li>▪ Affordable Housing</li> <li>▪ Replacement Housing</li> </ul>	While some of the proposals are intended to remove unnecessary barriers to the reasonable provision of new housing opportunities, including ones to incentivize IZ units and accessory apartments, the proposals would not likely have a significant impact on the overall housing market.
<b>Physical</b>	Will the action result in changes to the physical environment such as: <ul style="list-style-type: none"> <li>▪ Public Space Improvements</li> <li>▪ Urban Design Improvements</li> </ul>	The proposal would not likely result in significant changes to public space, but because of the varied nature of the proposals, many would potentially impact urban design. For example, amendments providing additional flexibility for balconies could result in greater building articulation.
<b>Access to Opportunity</b>	Is there a change in access to opportunity? <ul style="list-style-type: none"> <li>▪ Job Training/Creation</li> <li>▪ Healthcare</li> <li>▪ Addition of Retail / Access to New Services</li> </ul>	<p>This proposal includes text amendments proposed to clarify the regulations, as well as ones that would remove unnecessary barriers or impediments to such things as home improvements, office space conversion, IZ developments, childcare centers, District owned play fields, and new multi-family construction. This could result in additional job creation, at least as part of small and larger scale construction projects.</p> <p>There are no amendments proposed that would specifically target healthcare or new retail spaces.</p>

## V. CONCLUSION

OP recommends that the Zoning Commission set this proposal down for a public hearing, as being not inconsistent with Comprehensive Plan policies. OP will continue to work with District Agencies to refine the proposed text, and anticipates additional community and ANC outreach prior to a public hearing.

## ATTACHMENTS

**Attachment 1 – Proposed Text Amendments Consolidated**

**Attachment 2 – Comprehensive Plan Action and Policy Statements**

**Attachment 3 – High Frequency Metrobus Network Maps**

## ATTACHMENT 1: PROPOSED ZONING TEXT AMENDMENTS, CONSOLIDATED

Consolidated version of proposed amendments to the Zoning Regulations - text to be deleted is marked with ~~strikethrough~~ and new text is shown in **bold and underlined**:

### SUBTITLE A AUTHORITY AND APPLICABILITY

#### CHAPTER 2 ADMINISTRATIVE AND ZONING REGULATIONS

##### 206 ZONE BOUNDARY LINES

...

**206.8 For rules determining bulk and use provisions for a split zoned lot, refer to Subtitle C GENERAL RULES Chapter 16 ZONE BOUNDARY LINE CROSSING A LOT**

##### ~~207 ZONE BOUNDARY LINE CROSSING A LOT~~

**Move in its entirety to Subtitle C new Chapter 16 ZONE BOUNDARY LINE CROSSING A LOT**

#### CHAPTER 3 ADMINISTRATION AND ENFORCEMENT

##### 304 DEVIATIONS AND MODIFICATIONS PERMITTED BY ZONING ADMINISTRATOR

...

304.2 The Zoning Administrator is authorized to permit the following deviations from the Zoning Regulations for building permits that are not otherwise authorized by an approved order of the Zoning Commission or the Board of Zoning Adjustment, if the Zoning Administrator, pursuant to Subtitle A § 304.3, determines that the deviation or deviations will not impair the purpose of the otherwise applicable regulations:

- (a) Deviations not to exceed two percent (2%) of the area requirements governing minimum lot area, maximum percentage of lot occupancy, and area standards of courts;
- (b) Deviations not to exceed the lesser of two percent (2%) or twelve inches (12 in.) of the linear requirements governing minimum lot width;
- (c) Deviations not to exceed the lesser of ten percent (10%) or twelve inches (12 in.) of the linear requirements governing minimum rear yard, minimum side yard, and minimum court width; ~~and~~

- (d) Deviations not to exceed two percent (2%) of the linear frontage limitation for eating/drinking establishments in Subtitle K § 811.9(a)-; **and**

- (e) **Deviations not to exceed twelve inches (12 in.) of the linear requirements governing front setback.**

...

304.10 For building permits that are authorized by an order of the Board of Zoning Adjustment (the Order), the Zoning Administrator, following receipt of a request made pursuant to Subtitle A § 304.11, is authorized to permit modifications to approved plans in addition to those modifications specifically authorized pursuant to flexibility granted by the Order if the Zoning Administrator determines that the proposed modifications are consistent with the intent of the Board of Zoning Adjustment **Order**, and the modifications would not:

- (a) Violate any condition of approval included in the Order;
- (b) Increase, expand, or extend any area of relief granted by the Order;
- (c) Create any need for new relief;
- (d) Change a **principal** use from that approved in the Order, **provided:**
  - (3) **The use may change to another use permitted as a matter of right in the zone; and**
  - (4) **Notwithstanding paragraph (1) of this subsection, residential uses subject to the Inclusionary Zoning provisions where the approved plans utilize bonus density or zoning modifications pursuant to Subtitle C, Section 1002 must maintain the Inclusionary Zoning set-aside;**
- (e) Increase the number of stories;
- (f) Increase by more than two percent (2%) the building gross floor area, the percentage of lot occupancy, building height, or penthouse or rooftop structure height; ~~provided that the permitted increase of two percent (2%) or less must be the direct result of structural or building code requirements;~~
- (g) **Notwithstanding subsection (d), Increase increase** by more than two percent (2%) **or one (1) unit, whichever is greater,** the number of dwelling units **or** hotel rooms, ~~or institutional rooms;~~ within the approved square footage; or
- (h) Increase or decrease by more than two percent (2%) **or one space, whichever is greater,** the number of parking or loading spaces depicted on the approved plans.

...

## SUBTITLE B DEFINITIONS, RULES OF MEASUREMENT, AND USE CATEGORIES

### CHAPTER 1 DEFINITIONS

#### 200 DEFINITIONS

...

Structure: Anything constructed, including a building, the use of which requires permanent location on the ground, or anything attached to something having a permanent location on the ground and including, among other things, radio or television towers, reviewing stands, platforms, flag poles, tanks, bins, gas holders, chimneys, bridges, and retaining walls. The term structure shall not include **light poles** mechanical equipment, but shall include the supports for mechanical equipment. Any combination of commercial occupancies separated in their entirety, erected, or maintained in a single ownership shall be considered as one (1) structure.

...

### CHAPTER 3 GENERAL RULES OF MEASUREMENT

#### 303 LOT FRONTAGE

- 303.1 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, the length of at least one (1) street lot line shall be at least seventy-five percent (75%) of the required lot width.
- 303.3 Each new lot being created to be used and occupied by a single dwelling unit or flat building, shall have a street frontage measured along the street lot line a distance equal to at least forty percent (40%) of the required minimum width of lot and in no case less than fourteen feet (14 ft.).
- 303.4 **In the RF and RA zones, each** ~~Each~~ new **record** lot being created to be used and occupied by an apartment house shall have a street frontage measured along the street line a distance of not less than thirty feet (30 ft.), **subject to the following provisions:**

**(a) The requirement shall not apply where:**

- (1) An existing building is being converted into an apartment house pursuant to Subtitle U, §§ 301.2, 320.2, or 320.3;**
- (2) An existing apartment house is being renovated or expanded, either structurally or through changing the number of units; or**

**(3) In the case of a Tax Lot recorded with the Office of Tax and Revenue prior to May 12, 1958, the Tax Lot may be converted into a Record Lot so long as the street frontage measured along the street line is a distance of not less than eighteen feet (18 feet).**

**(b) Relief from Subtitle C § 303.4(a) may be approved by the Board of Zoning Adjustment as a special exception under Subtitle X, Chapter 9.**

### 304 RULES OF MEASUREMENT FOR GROSS FLOOR AREA (GFA)

...

304.8 GFA shall not include: ~~cellars, exterior balconies that do not exceed a projection of six feet (6 ft.) beyond the exterior walls of the building, all projections beyond the lot line that may be allowed by other Municipal codes, vent shafts, and pipe chase shafts above the ground floor, atriums above the ground floor, ramps on the ground floor leading down to areas of parking on a lower level; and in residential zones, the first floor or basement area designed and used for parking or recreation spaces provided that not more than fifty percent (50%) of the perimeter of that space may be comprised of columns, piers, walls, or windows, or similarly enclosed.~~

**(a)** Cellars,

**(b)** Exterior balconies that do not exceed a projection of ~~six~~ **eight** feet (~~6~~ **8** ft.) beyond the exterior walls of the building;

**(c)** Inset balconies open and unenclosed on at least one side, to a maximum depth of eight feet (8 ft.) in from the adjacent exterior façade of the building;

**(d)** All projections beyond the lot line that may be allowed by other Municipal codes;

**(e)** All projections beyond the lot line that may be allowed by other Municipal codes;

**(f)** Vent shafts, and pipe chase shafts above the ground floor;

**(g)** Atriums above the ground floor;

**(h)** Ramps on the ground floor leading down to areas of parking on a lower level; and

**(i)** In residential zones, the first floor or basement area designed and used for parking or recreation spaces provided that not more than fifty percent (50%) of the perimeter of that space may be comprised of columns, piers, walls, or windows, or similarly enclosed.

## 312 RULES OF MEASUREMENT FOR LOT OCCUPANCY

...

### 312.4 **For the purposes of calculating Lot Occupancy, B**building area shall not include:

- (a) Building components or appurtenances dedicated to the environmental sustainability of the building;
- (b) Cornices and eaves;
- (c) Sills, leaders, belt courses, and similar ornamental or structural features;
- (d) Awnings, serving a window, porch, deck, or door;
- (e) Uncovered stairs, landings, and wheelchair ramps **or lifts** that serve the main floor;
- (f) Chimneys, smokestacks, or flues; **and**
- (g) Uncovered porches and decks that are no more than four feet (4 ft) in height above the ground level at any point; **and**
- (h) **Uncovered porches and decks that are more than four feet (4 ft) in height above the ground level at any point but level with or below the main floor of the building, to a maximum cumulative area of 200 sq.ft.; provided that this section shall not be used to exclude any portion of uncovered porches or decks from yard requirements.**
- (ii) **Exterior balconies that do not exceed a projection of eight feet (8 ft.) beyond the exterior walls of the building.**

## SUBTITLE C GENERAL RULES

### CHAPTER 5 PERVIOUS SURFACE

## 502 RULES OF MEASUREMENT FOR PERVIOUS SURFACES

502.1 Only the following shall be considered pervious surfaces for the purposes of calculating the pervious surface area:

- (a) Grass, mulched groundcover, all areas of a vegetated roof planted with a growing medium, and other planted areas;
- (b) Permeable or pervious pavers or paving that facilitate the infiltration of water into the soil; and

- (c) Decks or porches constructed above the surface of the lot that are erected on pier foundations, and that maintain a permeable surface underneath that can facilitate the infiltration of water into the soil, **or are located directly above a surface defined in Subtitle C § 502.2.**

## CHAPTER 6 GREEN AREA RATIO

### 601 APPLICABILITY OF GREEN AREA RATIO STANDARDS

...

601.3 The GAR standards set forth in this chapter shall apply to all new buildings and to all existing buildings where any additions, **and** interior renovations, ~~or both~~ within any twelve (12) month period exceed one hundred percent (100%) of the assessed value of the building as set forth in the records of the Office of Tax and Revenue as of the date of the building permit application, except **that GAR standards shall not apply to a development which meets any of the following conditions:**

- (a) **New buildings or alterations to existing** buildings that do not require certificates of occupancy;
- (b) Municipal wastewater treatment facilities operated by the District of Columbia Water and Sewer Authority;
- (c) **The interior renovation of an existing building that meets all of the following:**
  - (1) **The project does not include the construction of new enclosed space on the exterior of the building which counts towards gross floor area;**
  - (2) **Alterations to the building facade include only minor improvements including, but not limited to, replacement of doors or windows, addition of solar panels or wind generation devices, or replacement of mechanical equipment; and**
  - (3) **Site work does not include any regrading of the site, the addition of impervious surface materials or the removal of existing trees or vegetation;**
- ~~(e)~~ (d) **Within the Central Employment Area, the** interior renovation of an existing building that meets all of the following:
  - ~~(1) — Is located in the Central Employment Area;~~
  - (2) Has an existing one hundred percent (100%) lot occupancy prior to the filing of the building permit;



- (3) Has an existing roof that cannot support a dead load of four inches (4 in.) of growth medium on the roof; and
- (4) The work proposed by the building permit application will not result in a roof capable of supporting a dead load of four inches (4 in.) of growth medium on the roof; or

~~(d)~~ (e) A historic resource and any additions thereto subject to the provisions of Subtitle C § 601.7.

...

**601.9 Minimum required GAR score for a split zoned lot shall be calculated based on the weighted average of the score for each portion of the lot in each zone.**

...

#### 604 SUBMITTAL REQUIREMENTS FOR GREEN AREA RATIO

...

604.2 For the purposes of this section, the term “Certified Landscape Expert” means a person who ~~is a~~ **holds one of the following licenses or certifications that is current, valid, and in good standing:**

- (a) Landscape Architect licensed by the District of Columbia ~~or, until September 1, 2021, by either the Commonwealth of Virginia or the State of Maryland;~~
- (b) International Society of Arboriculture Certified Arborist;
- (c) Maryland Certified Professional Horticulturist; ~~or~~
- (d) Landscape Contractors Association MD-DC-VA Landscape Industry Certified Technician; **or**
- (e) Certified Chesapeake Bay Landscape Professional Level 2; or**

### CHAPTER 7 VEHICLE PARKING

#### 701 MINIMUM VEHICLE PARKING REQUIREMENTS

...

**701.10 The number of required parking spaces shall not be reduced below the minimum required as long as the use that generated that requirement remains in existence**

701.~~11~~ **10** Dedicated car-share parking spaces may be counted toward fulfillment of a minimum parking requirement.

701.~~12~~ **11** Uses governed by a campus plan are subject to the minimum parking requirement approved by the Zoning Commission and are not subject to the parking requirements otherwise applicable.

701.~~13~~ **12** Parking spaces provided in an amount which exceeds that required by this section shall be subject to the provisions of Subtitle C § 707.

**~~701.14 Required parking spaces shall be provided and maintained so long as the structure that the parking spaces are designed to serve exists.~~**

## 702 EXEMPTIONS FROM MINIMUM VEHICLE PARKING REQUIREMENTS

702.1 Except as provided in Subtitle C § 702.2, within any zone other than an R or RF zone, the minimum vehicle parking requirement identified in the table of Subtitle C § 701.5 shall be reduced by fifty percent (50%) for any site which is located:

- (a) Within one-half mile (0.5 mi.) of a Metrorail station that is currently in operation or is one for which a construction contract has been awarded; ~~or~~
- (b) Within one-quarter mile (0.25 mi.) of a streetcar line ~~that is currently in operation or for which a construction contract has been awarded~~; or
- (c) Within one-quarter mile (.25 mi.) of one (1) of the following **Priority Corridor Network** Metrobus corridors served by high-frequency routes ~~Routes~~ located entirely or partially within the District of Columbia, ~~provided that the property is on a street on which participation in a District Residential Parking Permit program is not permitted, or is otherwise exempted from a District Residential Parking Permit program:~~
  - (1) Georgia Avenue/7th Street NW (Routes 70, 79 Archives Metrorail Station to Eastern Avenue NW);
  - (2) Wisconsin Avenue NW / M Street NW / Pennsylvania Avenue NW (Routes 31, 32, 34, 36, 37, 39 Western Avenue NW to Union Station Metrorail Station);
  - (3) Sixteenth Street NW (Routes S1, S2, S4, S9 Eastern Avenue NW to Archives Metrorail Station);
  - (4) H Street/Benning Road ~~(Routes X1, X2, X3, X9~~ 17<sup>th</sup> Street NW to Minnesota Ave. SE);
  - (5) Calvert Street NW / 18th Street NW / U Street NW / Garfield Florida Avenue/ 8th Street NE / 11th Street NE / Marion Barry Avenue SE /

**Alabama Avenue SE (Routes 90, 92, 93) Woodley Park Metrorail Station to Congress Heights Metrorail Station;**

- (6) **Anacostia/Congress Heights Martin Luther King Junior Avenue SE / Alabama Avenue SE / Wheeler Road SE / Barnaby Road SE / 8<sup>th</sup> Street SE / Condon Terrace SE / 4<sup>th</sup> Street SE/ 3<sup>rd</sup> Street SE / Livingston Road SE / Southern Avenue SE / 6<sup>th</sup> Street SE (Routes A2, A4, A5, A6, A7, A8, A9, A 42, A46, A48) Anacostia Metrorail Station to Southern Avenue);**
- (7) **Fourteenth Street NW (Routes 52, 53, 54) Michigan Avenue/ Kenyon Street NW / Irving Street NW/ Porter Street NW (Brookland Metrorail Station to Tenleytown-AU Metrorail Station);**
- (8) **Riggs Road NW / North Capitol Street / New Hampshire Avenue NW (Route 80 Fort Totten Metrorail Station to Eastern Avenue NW); and**
- (9) **Rhode Island Avenue NE (Route G8 Rhode Island Ave-Brentwood Metrorail Station to Eastern Avenue);**
- (10) **Martin Luther King Jr Avenue SE/ 11th Street SE/ Potomac Avenue SE/ 19th Street SE/ East Capitol Street/ 15th Street SE/ Bladensburg Road NE (Anacostia Metrorail Station to Eastern Avenue);**
- (11) **Firth Sterling Avenue SE/ South Capitol Street/ Malcolm X Avenue SE/ Alabama Avenue SE/ Pennsylvania Avenue SE/ Southern Avenue/ Benning Road/ Minnesota Avenue NE (Anacostia Metrorail Station to Minnesota Avenue Metrorail Station); and**
- (12) **South Capitol Street/ Martin Luther King Jr Avenue SE/ Marion Barry Avenue SE/ Minnesota Avenue/ Nannie Helen Burroughs Avenue NE 58th Street NE/ Dix Street NE (Navy Yard-Ballpark Metrorail Station to Capitol Heights Metrorail Station).**

711 ACCESS REQUIREMENTS

...

711.7 ~~Except for Alley Lots or as provided in Subtitle C § 711.11<sup>6</sup>, when~~ **When** parking spaces are provided within a building or structure, all vehicular entrances or exits shall be a minimum height of ten feet (10 ft.) and shall be setback at least twelve feet (12 ft.) from the center line of any adjacent alley; **except these requirements shall not apply to:**

- (a) Alley Lots; or**

<sup>6</sup> C § 711.11 permits special exception relief from this provisions and specified others

**(b) A building or structure serving a single household, flat, or conversion pursuant to Subtitle U §§ 320.2, 320.3, or 320.4.**

714 SCREENING REQUIREMENTS FOR SURFACE PARKING

...

714.2 Screening of external surface parking shall be provided in accordance with the following provisions:

- (a) Screening shall be provided around the entire perimeter of the surface parking area, **except where the abutting public space is the access point to individual parking spaces, or the driveway access point to the parking spaces;**
- (b) All parking spaces that abut public space, such as sidewalks, streets, or alleys, shall have physical structures, such as wheel bumper guards, curbs, and/or guard rails, installed to separate and protect the abutting public space from vehicular encroachment, except **if where** the abutting public space is the access point or driveway to the parking space;
- (c) Except as required by (b) of this section, gaps in the screening are allowed only to provide driveways and pedestrian exits or entrances that open directly onto a street, sidewalk or alley. No individual gap may exceed twenty feet (20 ft.) in width; and
- (c) d** Except as required by paragraph (b) of this section, the screening shall be either:

CHAPTER 10 INCLUSIONARY ZONING

1001 APPLICABILITY

1001.2 Except as provided in Subtitle C § 1001.5, the requirements of this chapter shall apply to, and the modifications to certain development standards and bonus density of this chapter shall be available to, developments in zones in which this chapter is identified as applicable as specified in the individual subtitles of this title; provided the development falls into one of the following categories:

...

- (b) A “Voluntary Inclusionary Development” – any single household dwelling, flat, or multiple dwelling development not described in Subtitle C § 1001.2(a) if the owner voluntarily agrees to comply with the requirements of Subtitle C, Chapter 10, provided:

- (1) The square footage set aside achieves a minimum of one (1) Inclusionary Unit; **and**
- (2) Modifications to development standards shall only be allowed as specified in the development standards of the individual zones pursuant to Subtitle C § 1002.; ~~and~~
- ~~(3) Any use of the modifications of development standards and bonus density authorized by Subtitle C § 1002 and in the development standards of the R-2, R-3, RF-1, RF-4, RF-5, or RA-1 zones shall require special exception approval pursuant to Subtitle X, Chapter 9~~

•

## CHAPTER 15 PENTHOUSES AND ROOFTOP STRUCTURES

### 1507 AFFORDABLE HOUSING PRODUCTION REQUIREMENT GENERATED BY CONSTRUCTION ~~ON A NONRESIDENTIAL BUILDING~~ OF PENTHOUSE HABITABLE SPACE

...

1507.2 The construction of penthouse habitable space on a building that is partially or entirely devoted to residential use is subject to the Inclusionary Zoning set-aside provisions of Subtitle C, Chapter 10, Inclusionary Zoning, at 50% MFI in accordance with Subtitle C §§ 1003.7, ~~and~~ 1507.5, **and 1507.8 (d)**, except for:

...

1507.8 For the purposes of the calculation of Subtitle C § 1507.7:

...

- (d) The total gross floor area of the penthouse habitable space shall be determined as follows:
  - (1) For entirely non-residential or lodging buildings, all forms of habitable space shall be included in the total gross floor area of the penthouse habitable space;
  - (2) For buildings that are partially or entirely devoted to residential use, all forms of habitable space, except space **and service spaces** devoted exclusively to communal rooftop recreation or amenity space for the primary use of residents of the building, shall be included in the total gross floor area of the penthouse habitable space; and
  - (3) For purposes of ~~(i) and (ii)~~ **(1) and (2)**, total gross floor area of the penthouse habitable space includes **service spaces such as** enclosed hallways, vestibules, washrooms, **stairwells and elevators** and other

service space serving any habitable or non-habitable space; **provided that stairwells and elevators shall not count toward the total gross floor area of penthouse habitable space for entirely non-residential or lodging buildings**

## **CHAPTER 16 ZONE BUNDARY LINE CROSSING A LOT**

### **207-1601** ZONE BOUNDARY LINE CROSSING A LOT

**207-1601.1** When a zone boundary line divides a lot that was in single ownership on May 12, 1958, the permitted use and ~~density~~ **bulk** of a structure located on that lot may be determined as follows:

- (a) The allowable ~~bulk~~ **density** for the portion of the lot located in a lesser restrictive use zone may be increased by the ~~bulk~~ **density** permitted on the portion of the lot located in a more restrictive use zone; provided, that no portion of any structure permitted on the lesser restricted portion of the lot shall be extended to the more ~~restricted~~ **restrictive** portion of the lot;
- ~~(b) The calculation for determining additional bulk shall include only that portion of the lot in the more restrictive use zone that is located within thirty-five feet (35 ft.) of the zone boundary line;~~
- ~~(b)~~ (e) The additional ~~bulk~~ **density** authorized in this section shall not exceed the maximum ~~bulk~~ **density** permitted on the portion of the lot located in the lesser restrictive use zone;
- ~~(c)~~ (d) For computation **of the maximum permitted density for the** purposes **of this section:**
  - ~~(1)~~ (1) Any portion of the lot located in an R-1 or R-2 zone shall be deemed to **have a density** ~~be limited to a floor area ratio (FAR)~~ of 0.4 **FAR**,
  - ~~(2)~~ (2) Any portion of the lot located in an R-3 zone shall be deemed to **have a density** ~~be limited to an FAR~~ of 0.6 **FAR**, and
  - ~~(3)~~ (3) Any portion of the lot located in ~~an any~~ **RF-1, RF-2, or RF-3** zone shall be deemed to **have a density** ~~be limited to an FAR~~ of 0.9 **FAR**; and
  - ~~(4)~~ (4) **Any portion of the lot located in any other zone shall be deemed to have a density as permitted in that zone, including IZ where applicable; and**
- ~~(d)~~ (e) Except for accessory open parking facilities permitted elsewhere in this title, the portion of the lot located in a more restrictive use zone shall be devoted only to required setbacks or courts or other open spaces.

~~207.2~~ **1601.2** For a lot subject to Subtitle C **§ 1601.1** ~~A § 207.1~~, if approved by the Board of Zoning Adjustment as a special exception pursuant to Subtitle X, Chapter 9 the regulations applicable to that portion of a lot located in a lesser restrictive ~~use~~ zone that control the use, height, and bulk of structures and the use of land may be extended to that portion of the lot in a more restrictive use zone; provided:

- (a) The extension shall be limited to that portion of the lot in the more restrictive use zone but not exceeding thirty-five feet (35 ft.);
- (b) In authorizing an extension, the Board of Zoning Adjustment shall require compliance with Subtitle ~~A § 207.1(d)~~ **C § 1601.1(c)**;
- ~~(c) The extension shall have no adverse effect upon the present character and future development of the neighborhood; and~~
- ~~(c d)~~ The Board of Zoning Adjustment may impose requirements pertaining to design, appearance, screening, location of structures, lighting, or any other requirements it deems necessary to protect adjacent or nearby property.

~~207.3~~ **1601.3** For the purpose of interpreting this section, the zones established in this title are listed in the following groups of decreasing use restrictions:

- (a) R and MU-11 zones;
- (b) RF, RA, MU-1, MU-2, and D-2 zones;
- (c) MU-3 through MU-9, MU-15, D-1, D-3 through D-7, NMU zones, and ARTS-1 through ARTS-3 zones;
- (d) MU-10, MU-12, MU-13, MU-14, **MU-15**, and ARTS-4 zones; and
- (e) PDR zones.

## SUBTITLE D RESIDENTIAL HOUSE (R) ZONES

### CHAPTER 2 GENERAL RULES OF DEVELOPMENT FOR RESIDENTIAL HOUSE (R) ZONES

#### 202 LOT DIMENSIONS

...

202.2 Except as provided in Subtitle D § 202.3, the minimum dimensions of lots for Mandatory **or Voluntary** Inclusionary Developments in any of the R-2 and R-3 zones, shall be as set forth in the following table, which incorporates the IZ modifications authorized by Subtitle C § 1002.2:

TABLE D § 202.2: MINIMUM LOT WIDTH AND LOT AREA FOR <del>MANDATORY</del> INCLUSIONARY DEVELOPMENTS			
Zones	Type of Structure	Minimum Lot Width (ft.)	Minimum Lot Area (sq. ft.)
R-2	Semi-detached	<del>30</del> <u>25</u>	2,500
	Detached	<del>40</del> <u>32</u>	3,200
R-3	All Structures	<del>20</del> <u>16</u>	1,600

**~~202.3~~ The minimum lot width and lot area for Mandatory Inclusionary Developments in any of the R-2 and R-3 zones may be reduced to not less than as set forth in the following table if granted by the Board of Zoning Adjustment as a special exception pursuant to Subtitle X, Chapter 9:**

TABLE D § 202.3: MINIMUM LOT WIDTH BY SPECIAL EXCEPTION FOR MANDATORY INCLUSIONARY DEVELOPMENTS		
Zones	Type of Structure	Minimum Lot Width (ft.)
R-2	Semi-detached	25
	Detached	32
R-3	All Structures	16

**~~202.4~~ The minimum lot width and lot area for Voluntary Inclusionary Developments in any of the R-2 and R-3 zones may be reduced to not less than as set forth in the following table if granted by the Board of Zoning Adjustment as a special exception pursuant to Subtitle X, Chapter 9::**

TABLE D § 202.4: MINIMUM LOT WIDTH AND LOT AREA BY SPECIAL EXCEPTION FOR VOLUNTARY INCLUSIONARY DEVELOPMENTS			
Zones	Type of Structure	Minimum Lot Width (ft.)	Minimum Lot Area (sq. ft.)
R-2	Semi-detached	25	2,500
	Detached	32	3,200
R-3	All Structures	16	1,600



**203.7 Light poles for public school recreation fields and facilities may be erected to a height not exceeding ninety (90 ft.) with no required setback from lot lines.**

...

CHAPTER 11 GEORGETOWN RESIDENTIAL HOUSE ZONES – R 1B/GT AND R 3/GT

1105 ACCESSORY BUILDINGS

...

1105.2 In the R-1B/GT and R-3/GT zones, except for a shed, an accessory building shall be located facing an alley or private alley to which the owner has access by an easement recorded with the Recorder of Deeds, and shall be set back a maximum of five feet (5 ft.) from the rear property line or a line perpendicular to the façade of the principal building, **and shall be set back a minimum of three feet (3 ft.) from a side lot line, other than where the side lot line of the property abuts an alley or street.**

1105.3 In the R-1B/GT zone, an accessory building within five feet (5 ft.) of a public or private vehicular alley may have a maximum height of twenty-two feet (22 ft.), a maximum building area of ~~four~~ **six** hundred ~~and fifty~~ square feet (~~450~~ **600** sq. ft.) and a maximum number of two (2) stories.

1105.4 In the R-3/GT zone, an accessory building within five feet (5 ft.) of a public or private vehicular alley may have a maximum height of twenty-two feet (22 ft.), a maximum building area of ~~four~~ **five** hundred and fifty square feet (~~450~~ **550** sq. ft.) and a maximum number of two (2) stories.

...

CHAPTER 49 PUBLIC SCHOOLS

4904 HEIGHT

...

**4904.2 Light poles for public school recreation fields and facilities may be erected to a height not exceeding ninety (90 ft.) with no required setback from lot lines.**

CHAPTER 50 ACCESSORY BUILDING REGULATIONS FOR RESIDENTIAL HOUSE (R) ZONES

5003 MAXIMUM BUILDING AREA

5003.1 The maximum building area for an accessory building in an **R-1 or R-2** zone shall be an area equal to the greater of thirty (30%) of the required rear yard area or **six hundred ~~four hundred and fifty~~**-square feet (**600 ~~450~~**-sq.ft.).

**5003.2 The maximum building area for an accessory building in an R-3 zone shall be an area equal to the greater of thirty (30%) of the required rear yard area or five hundred and fifty (550 sq.ft.).**

#### 5004 REAR YARD

5004.1 An accessory building other than a shed may be located within a rear yard in an R zone provided that the accessory building is:

- (a) Not in a required rear yard; **and**
- (b) Set back at least seven and one-half feet (7.5 ft.) from the centerline of any alley; **and**
- (c) **Set back a minimum of five feet (5 ft.) from a rear lot line, other than where the rear lot line of the property abuts an alley or street.**

...

#### 5005 SIDE YARD

...

5004.3 **An accessory building other than a shed shall be set back a minimum of three feet (3 ft.) from a side lot line, other than where the side lot line of the property abuts an alley or street.**

### CHAPTER 52 RELIEF FROM REQUIRED DEVELOPMENT STANDARDS FOR R ZONES

#### 5201 SPECIAL EXCEPTION RELIEF FROM CERTAIN REQUIRED DEVELOPMENT STANDARDS

5201.1 For an addition to a principal residential building with one (1) principal dwelling unit on a non-alley lot or for a new principal residential building on a substandard non-alley record lot as described by Subtitle C § 301.1, the Board of Zoning Adjustment may grant relief from the following development standards of this subtitle as a special exception, subject to the provisions of this section and the general special exception criteria at Subtitle X, Chapter 9:

...

- (b) Yards, including **front setback and** alley centerline setback; and

...

5201.2 For a new or enlarged accessory structure to a residential building with only one (1) principal dwelling unit on a non-alley lot, the Board of Zoning Adjustment may grant relief from the following development standards as a special exception, subject to the provisions of this section and the general special exception criteria at Subtitle X, Chapter 9:

...

- (c) Yards, or setback from a rear or side lot line, including alley centerline setback; and

...

## SUBTITLE E RESIDENTIAL FLAT (RF) ZONES

### CHAPTER 2 DEVELOPMENT STANDARDS FOR RESIDENTIAL FLAT (RF) ZONES

#### 202 LOT DIMENSIONS

...

202.2 Except as provided in Subtitle E § 202.3, the minimum dimensions of lots for Mandatory or Voluntary Inclusionary Developments in the RF zones shall be as set forth in the following table, which incorporates the IZ modifications authorized by Subtitle C § 1002.2:

TABLE E § 202.2: MINIMUM LOT WIDTH AND LOT AREA FOR <del>MANDATORY</del> INCLUSIONARY DEVELOPMENTS			
Zones	Type of Structure	Minimum Lot Width (ft.)	Minimum Lot Area (sq. ft.)
RF	All Structures	<del>18</del> <u>16</u>	1,500

~~202.3 The minimum lot width for Mandatory Inclusionary Developments may be reduced to no less than sixteen feet (16 ft.) if granted by the Board of Zoning Adjustment as a special exception pursuant to Subtitle X, Chapter 9.~~

~~202.4 The minimum lot width and lot area of Voluntary Inclusionary Developments may be reduced to not less than as set forth in the following table if granted by the Board of Zoning Adjustment as a special exception pursuant to Subtitle X, Chapter 9:~~

~~TABLE E § 202.4: MINIMUM LOT WIDTH AND LOT AREA FOR VOLUNTARY INCLUSIONARY DEVELOPMENTS~~

Zones	Type of Structure	Minimum Lot Width (ft.)	Minimum Lot Area (sq. ft.)
RF	All Structures	16	1,500

203 HEIGHT

...

**203.9 Light poles for public school recreation fields and facilities may be erected to a height not exceeding ninety (90 ft.) with no required setback from lot lines.**

...

CHAPTER 49 PUBLIC SCHOOLS

4904 HEIGHT

...

**4904.2 Light poles for public school recreation fields and facilities may be erected to a height not exceeding ninety (90 ft.) with no required setback from lot lines**

CHAPTER 50 ACCESSORY BUILDING REGULATIONS FOR RESIDENTIAL FLAT (RF) ZONES

5003 MAXIMUM BUILDING AREA

5003.1 The maximum building area for an accessory building in an RF zone shall be an area equal to the greater of thirty percent (30%) of the required rear yard or ~~four-~~  
**hundred five hundred** and fifty square feet (~~450~~ **550** sq. ft.).

CHAPTER 52 RELIEF FROM REQUIRED DEVELOPMENT STANDARDS FOR RESIDENTIAL FLAT (RA) ZONES

5201 SPECIAL EXCEPTION RELIEF FROM CERTAIN REQUIRED DEVELOPMENT STANDARDS

...

5202.1 For a new or enlarged accessory structure to a residential building on a non-alley lot, the Board of Zoning Adjustment may grant relief from the following development standards as a special exception, subject to the provisions of this section and the general special exception criteria at Subtitle X, Chapter 9:

- (a) Lot occupancy under Subtitle E § 5003 up to a maximum of seventy percent (70%) for all new and existing structures on the lot;
- (b) Maximum building area of an accessory building;**
- ~~(b-c)~~ Yards, including **front setback and** alley centerline setback;
- ~~(e d)~~ Courts; and
- ~~(d e)~~ Green Area Ratio.

## SUBTITLE F RESIDENTIAL APARTMENT (RA) ZONES

### CHAPTER 2 DEVELOPMENT STANDARDS FOR RESIDENTIAL APARTMENT (RA) ZONES

#### 201 DENSITY

...

##### **201.5 Accessory apartments shall not be permitted in any RA Zone.**

#### 203 HEIGHT

...

##### **203.8 Light poles for public school recreation fields and facilities may be erected to a height not exceeding ninety (90 ft.) with no required setback from lot lines.**

...

### CHAPTER 49 PUBLIC SCHOOLS

#### 4904 HEIGHT

...

##### **4904.3 Light poles for public school recreation fields and facilities may be erected to a height not exceeding ninety (90 ft.) with no required setback from lot lines.**

## SUBTITLE G MIXED USE (MU) ZONES

### CHAPTER 1 INTRODUCTION TO MIXED USE (MU) ZONES

#### 101 PURPOSE AND INTENT

101.9 The MU-4 zone is intended to:

- (a) Permit **low to** moderate-density mixed-use development;

...

101.10 The MU-5 zones are intended to:

- (a) Permit ~~medium~~**moderate**-density, compact mixed-use development with an emphasis on residential use;

...

101.12 The MU-7 zones are intended to:

- (a) Permit **moderate to** medium-density mixed-use development; and

...

## CHAPTER 2 DEVELOPMENT STANDARDS FOR MIXED-USE (MU) ZONES – MU 1 THROUGH MU-15

### 201 DENSITY

...

#### **201.10 Accessory apartments shall not be permitted in any MU Zone.**

### 207 REAR YARD

...

207.14 Relief from the rear yard requirements of Subtitle G § 207 may be permitted if approved by the Board of Zoning Adjustment as a special exception pursuant to Subtitle X, Chapter 9, and subject to the following conditions and the general special exception criteria at Subtitle X, Chapter 9:

- ~~(a) No apartment window shall be located within forty feet (40 ft.) directly in front of another building;~~
- ~~(b) No office window shall be located within thirty feet (30 ft.) directly in front of another office window, nor eighteen feet (18 ft.) in front of a blank wall;~~
- ~~(c) In buildings that are not parallel to the adjacent buildings, the angle of sight lines and the distance of penetration of sight lines into habitable rooms shall be considered in determining distances between windows and appropriate yards;~~

- (~~a~~ **d**) Provision shall be included for service functions, including parking and loading access and adequate loading areas; and
- (~~b~~ **e**) Upon receiving an application for relief from rear yard requirements of this section, ...

## CHAPTER 4 CHAPTER 4 CAPITOL INTEREST AND CAPITOL HILL COMMERCIAL MIXED-USE ZONES - MU-2/CAP, MU-4/CAP, MU-4/CHC, AND MU-4/CAP/CHC

### 403 PENTHOUSE AND ROOFTOP STRUCTURE

- 403.1 In the MU-2/CAP, MU-4/CAP, and MU-4/CAP/CHC zones, the maximum permitted height of a penthouse or rooftop structure, except as limited by Subtitle C § 1501 on the roof of a single household dwelling or flat, shall be ~~ten feet (10 ft.)~~ **twelve feet (12 ft.), except fifteen feet (15 ft.) for penthouse mechanical space,** and the maximum number of stories within the penthouse or rooftop structure shall be one (1) **with a second story permitted for penthouse mechanical space.**

## SUBTITLE H NEIGHBORHOOD MIXED USE (NMU) ZONES

### CHAPTER 60 USE PERMISSIONS FOR NEIGHBORHOOD MIXED-USE (NMU) ZONES

#### 6001 DESIGNATED AND RESTRICTED USES

- 6001.2 The NMU zone designated uses, for the purposes of this subtitle, are those permitted in the following use categories subject to any conditions of this section:
- (a) Animal sales, care, and boarding;
  - (b) Arts, design, and creation;
  - (c) Daytime Care;**
  - (~~e~~ **d**) Eating and drinking establishments;
  - (~~d~~ **e**) Entertainment, assembly, and performing arts;
  - (~~e~~ **f**) Financial and general services; and
  - (~~f~~ **g**) Retail.

## SUBTITLE I DOWNTOWN ZONES

### CHAPTER 2 DEVELOPMENT STANDARDS FOR DOWNTOWN (D) ZONES

#### 205 REAR YARD

...

205.5 The Board of Zoning Adjustment may waive the rear yard requirements as a special exception pursuant to Subtitle X **Chapter 9** and subject to the following conditions:

- ~~(a) No window to a residence use shall be located within forty feet (40 ft.) of another facing building;~~
- ~~(b) No window to an office use shall be located within thirty feet (30 ft.) of another facing office window, nor eighteen feet (18 ft.) in front of a facing blank wall;~~
- ~~(c) A greater distance may be required between windows in a facing building than the minimum prescribed in (a) or (b) if necessary to provide adequate light and privacy to habitable rooms as determined by the angle of sight lines and the distance of penetration of sight lines into such habitable rooms; and~~
- (a d)** The building shall provide for adequate off-street service functions, including parking and loading areas and access points.

## SUBTITLE U USE PERMISSIONS

### CHAPTER 2 USE PERMISSIONS RESIDENTIAL HOUSE (R) ZONES

#### 201 MATTER OF RIGHT USES (R)

201.1 The following uses in this section shall be permitted as a matter of right subject to any applicable conditions:

- (a)** A principal dwelling unit; ~~shall be permitted as follows:~~
  - ~~(1) In the R-Use Groups A and D, the principal dwelling unit shall be in a detached building;~~
  - ~~(2) In the R-Use Group B, the principal dwelling unit may be in either a detached or semi-detached building and~~
  - ~~(3) In the R-Use Group C, the principal dwelling unit may be in either a detached, semi-detached, or row building;~~



## CHAPTER 3 USE PERMISSIONS RESIDENTIAL FLAT (RF) ZONES

### 301 MATTER OF RIGHT USES (RF)

301.1 The following uses shall be permitted as a matter of right in an RF zone subject to any applicable conditions:

- (a) Any use permitted in the R zones under Subtitle U §§ 201 and 202, **except that an accessory apartment shall not be permitted in any RF Zone;**

...

- (c) A permitted principal dwelling unit within an accessory building subject to the following conditions of:

**(1) The accessory building was in existence on January 1, 2013;**

**(2) No expansion or addition may be made to the accessory building to accommodate an apartment except as a special exception;**

**(1 3)** There shall be permanent access to the accessory building dwelling from a dedicated and improved right of way; and

**(2 4)** Permanent access shall be provided by one (1) of the following:

(A) An easement for a permanent passage, open to the sky, no narrower than eight feet (8 ft.) in width, and extending from the accessory building to a public street through a side setback recorded in the land records of the District of Columbia; **or**

(B) Through an improved public alley **or alleys** with an **minimum alley** width of **not less than twenty-four feet (24 ft.) fifteen feet (15 ft.) at any point between the lot and a that connects to a public street; or**

**(C) On an improved alley no less than fifteen feet (15 ft.) in width and within a distance of three hundred (300) linear feet of a public street;**

**(3 d)** An accessory building that houses a principal dwelling unit shall not have a roof deck;

**(e) An accessory building constructed as a matter of right after January 1, 2013, and that is located within a required setback shall not be used as, or converted to, a dwelling unit for a period of five (5) years after the approval of the building permit for the accessory building, unless approved as a special exception;**

(4 f) An accessory building that houses a principal dwelling unit shall not be used simultaneously for any accessory use other than as a private vehicle garage for a dwelling unit on the lot, storage, or as an artist studio; and

(5 g) Any proposed ~~expansion of an~~ use of an accessory building for a dwelling unit residential purposes not meeting the provisions of Subtitle U §§ 301.1 (c) through (e) shall be permitted only as a special exception approval pursuant to Subtitle X, ~~and shall be evaluated against the standards of this section.~~

...

### CHAPTER 3 USE PERMISSIONS FOR RESIDENTIAL FLAT (RF) ZONES

#### 310 ACCESSORY USES

310.1 The following accessory uses in this section shall be permitted as a matter of right in an RF zone subject to any applicable conditions:

(b) Any accessory use permitted in the R zones under Subtitle U § 250, except that accessory apartments are not permitted in any RF Zone.

...

### CHAPTER 4 USE PERMISSIONS FOR RESIDENTIAL APARTMENT (RA) ZONES

#### 401 MATTER OF RIGHT USES (RA)

401.1 The following uses shall be permitted as a matter of right subject to any applicable conditions:

(a) Any use permitted in the RF zones under Subtitle U § 301, except corner stores and accessory apartments are not permitted in any RA zone;

...

#### 410 ACCESSORY USES (RA)

410.1 The following accessory uses shall be permitted as a matter of right subject to the associated conditions:

(a) Any accessory use permitted in the RF zones under Subtitle U § ~~250~~ 310, except that accessory apartments are not permitted in any RA zone;

...

### CHAPTER 5 USE PERMISSIONS FOR MIXED USE (MU) ZONES

#### 501 MATTER OF RIGHT USES (MU)

- 501.1 The uses in this section shall be permitted as a matter of right in any MU zone except the MU-11 zone, subject to any applicable conditions.
- 501.2 Any use permitted as a matter of right in any R, RF, or RA zone shall be permitted as a matter of right in the MU, except the MU-11 zone, **except that accessory apartments are not permitted in any MU zone.**
- 501.3 Other accessory uses that are customarily incidental and subordinate to the principal uses permitted in this chapter shall be permitted, **except that accessory apartments are not permitted in any MU zone.**

## SUBTITLE Y AUTHORITY AND APPLICABILITY

### CHAPTER 7 APPROVALS AND ORDERS

#### 702 VALIDITY OF APPROVALS AND IMPLEMENTATION

...

- 702.8 The Zoning Administrator shall not approve a permit application for zoning compliance unless the plans conform to the plans approved by the Board as those plans may have been modified by any guidelines, conditions, or standards that the Board may have applied, subject to the minor deviations permitted by Subtitle Y § 703 **or as provided in Subtitle A, § 304.10.**
- 702.9 The Zoning Administrator also shall not approve an application for a certificate of occupancy unless the requested use is identical to the use approved by the Board; ~~or is for a use permitted as a matter of right;~~ **or as otherwise provided in Subtitle A, § 304.10.**

## ATTACHMENT 2: COMPREHENSIVE PLAN POLICY STATEMENTS

### 2. FRAMEWORK ELEMENT

#### Definitions of Land Use Categories

Sections 227.4 through 227.23 describe the land use categories depicted on the Future Land Use Map. References herein to density, scale, use or other features are intended to distinguish generally between the categories. Citing Floor Area Ratios (FAR) in the land use categories does not eliminate the need for height limits and other dimensional requirements established in the Zoning Regulations for a particular zone district, although the Zoning Regulations provide flexibility around such standards for Inclusionary Zoning and Planned Unit Developments. The residential and commercial land use categories run a spectrum from low to high density. It is important to consider the categories in relationship to each other. For each category, one to three zone districts are listed as illustrative. Accordingly, other zones may also apply. Some zones may straddle categories, reflecting the higher end of one category, or the lower end of another. 227.3

**Low Density Commercial:** This designation is used to define shopping and service areas that are generally lower in scale and intensity. Retail, office, and service businesses are the predominant uses. Areas with this designation range from small business districts that draw primarily from the surrounding neighborhoods to larger business districts that draw from a broader market area. Their common feature is that they are comprised primarily of commercial and mixed-use buildings that range in density generally up to a FAR of 2.5, with greater density possible when complying with Inclusionary Zoning or when approved through a Planned Unit Development. The MU-3 and MU-4 Zone Districts are consistent with the Low Density category, and other zones may also apply. 227.10

**Moderate Density Commercial:** This designation is used to define shopping and service areas that are somewhat greater in scale and intensity than the Low-Density Commercial areas. Retail, office, and service businesses are the predominant uses. Areas with this designation range from small business districts that draw primarily from the surrounding neighborhoods to larger business districts uses that draw from a broader market area. Buildings are larger and/or taller than those in Low Density Commercial areas. Density typically ranges between a FAR of 2.5 and 4.0, with greater density possible when complying with Inclusionary Zoning or when approved through a Planned Unit Development. The MU-5 and MU-7 Zone Districts are representative of zone districts consistent with the Moderate Density Commercial category, and other zones may also apply. 227.11

#### Guidelines for Using the Generalized Policy map and the Future Land Use Map

...

f. Some zone districts may be compatible with more than one Comprehensive Plan Future Land Use Map designation. As an example, the MU-4 zone is consistent with both the Low Density Commercial and the Moderate Density Commercial designation, depending on the prevailing character of the area and the adjacent uses.

### 3. LAND USE ELEMENT

#### Land Use Goal 302

Ensure the efficient use of land resources to meet long-term neighborhood, District-wide, and regional needs to help foster other District goals; to protect the health, safety, and welfare of District residents, institutions, and businesses; to address past and current inequalities disproportionately impacting communities of color; to sustain, restore, or improve the character, affordability, and equity of neighborhoods in all parts of the District; to provide for additional housing and employment opportunities; and to effectively balance the competing demands for land to support a growing population and the many activities that take place within Washington, DC's boundaries. 302.1

**Policy LU-1.4.2: Development Around Metrorail Stations**

In developments above and around Metrorail stations emphasize land uses and building forms that minimize the need for automobile use and maximize transit ridership while reflecting the design capacity of each station and respecting the character and needs of the surrounding areas. 307.10

**Policy LU-1.4.3: Housing Around Metrorail Stations**

Build housing adjacent to Metrorail stations that serves a mix of incomes and household types, including families, older adults, and persons with disabilities, and prioritize affordable and deeply affordable housing production. Leverage the lowered transportation costs offered by proximity to transit to increase affordability for moderate and low-income households. 307.11

**Policy LU-1.4.6: Development Along Corridors**

Encourage growth and development along major corridors, particularly priority transit and multimodal corridors. Plan and design development adjacent to Metrorail stations and corridors to respect the character, scale, and integrity of adjacent neighborhoods, using approaches such as building design, transitions, or buffers, while balancing against the District's broader need for housing. 307.14

**Policy LU-1.4.7: Parking Near Metro Stations**

Encourage the creative management of parking around transit stations, ensuring that multimodal needs are balanced. New parking should generally be set behind or underneath buildings. Parking should be managed and priced to focus on availability and turnover rather than serving the needs of all-day commuters, while considering the commuting characteristics of District residents, such as access to transit stations and mode use, to provide equitable outcomes. As existing parking assets are redeveloped, one-for-one replacement of parking spaces should be discouraged, as more transit riders will be generated by people living, working, and shopping within walking distance of the transit station. 307.15

**Action LU-1.4.B: Zoning Around Transit**

With public input, develop and use zoning incentives to facilitate new and mixed-use development, and particularly the provision of new housing, and new affordable housing in high opportunity areas to address more equitable distribution. 307.20

**Policy LU-1.5.1: Infill Development**

Encourage infill development on vacant land within Washington, DC, particularly in areas where there are vacant lots that create gaps in the urban fabric and detract from the character of a commercial or residential street. Such development should reflect high-quality design, complement the established character of the area and should not create sharp changes in the physical development pattern. 308.6

**Policy LU-2.1.4: Rehabilitation Before Demolition**

In redeveloping areas characterized by vacant, abandoned, and underused older buildings, generally encourage rehabilitation and adaptive reuse of architecturally or historically significant existing buildings rather than demolition. 310.11

**Policy LU-2.1.5: Support Low-Density Neighborhoods**

Support and maintain the District's established low-density neighborhoods and related low-density zoning. Carefully manage the development of vacant land and alterations to existing structures to be compatible with the general design character and scale of the existing neighborhood and preserve civic and open space. 310.12

#### **Policy LU-2.1.7: Row House Neighborhood Character**

Respect the character of row house neighborhoods by ensuring that infill development is compatible with existing design patterns and maintains or expands the number of family-sized units. Upward and outward extension of row houses that compromise their design should be discouraged. 310.14

#### **Policy: LU-2.1.8 Explore Approaches to Additional Density in Low and Moderate-Density Neighborhoods**

Notwithstanding Policy LU-2.1.5, explore approaches, including rezoning, to accommodate a modest increase in density and more diverse housing types in low-density and moderate-density neighborhoods where it would result in the appropriate production of additional housing and particularly affordable housing. Build upon the guidance of the April 2020 Single Family Housing Report to diversify the cost of housing available in high-opportunity, high-cost low- and moderate-density neighborhoods, especially near transit. However, neighborhood planning and engagement is a condition predicate to any proposals. Infill and new development shall be compatible with the design character of existing neighborhoods. Minimize demolition of housing in good condition. 310.15

#### **Policy LU-2.4.1: Promotion of Commercial Centers**

Promote the vitality of commercial centers and provide for the continued growth of commercial land uses to meet the needs of residents, expand employment opportunities, accommodate population growth, and sustain Washington, DC's role as the center of the metropolitan area. Commercial centers should be inviting, accessible, and attractive places, support social interaction, and provide amenities for nearby residents. Support commercial development in underserved areas to provide equitable access and options to meet the needs of nearby communities. 313.9

### **4 Transportation Element**

#### **Policy T-1.1.7: Equitable Transportation Access**

Transportation within the District shall be accessible and serve all users. Residents, workers, and visitors should have access to safe, affordable and reliable transportation options regardless of age, race, income, geography or physical ability. Transportation should not be a barrier to economic, educational, or health opportunity for District residents. Transportation planning and development should be framed by a racial equity lens, to identify and address historic and current barriers and additional transportation burdens experienced by communities of color. 403.13

#### **Policy T-1.1.8: Minimize Off-Street Parking**

An increase in vehicle parking has been shown to add vehicle trips to the transportation network. In light of this, excessive off-street vehicle parking should be discouraged. 403.14

#### **Action T-1.1.E Update Zoning Regulations Regarding Mass Transit**

Include Metrobus service and its support facilities (i.e., parking, refueling, routine cleaning and maintenance, cosmetic repairs, employee breakrooms and lockers, offices and training facilities) in the definition of "mass transit facilities" in the Zoning Regulations to ensure that bus service is recognized as a critical component of the District's public transportation system.

#### **Policy T-3.2.3: Repurposing Parking**

Consider the potential reuse of parking facilities at the outset of their design to future-proof them. These uses could include housing, office, retail, and/ or other non-vehicle-storage-related uses. Future-proofing considerations could include the design and configuration of ramps, column spacing, ceiling heights, natural light exposure, ventilation, and elevators in ways that could support other uses. 416.5

### **Action T-3.2.E: Manage Off-Street Parking Supply**

Continue to waive or reduce parking requirements in the vicinity of Metrorail stations and along major transit corridors, as implemented during the recent revision of the zoning regulations. Explore further reductions in requirements as the demand for parking is reduced through changes in market preferences, technological innovation, and the provision of alternatives to car ownership. Update the Mayor's Parking Taskforce Report with more recent parking data and monitor parking supply on an ongoing basis. 416.10

## **5. HOUSING ELEMENT**

### **H-1.1 Expanding Housing Supply 503**

Expanding the housing supply is a key part of the District's vision to create vibrant neighborhoods. Along with improved transportation and shopping, better neighborhood schools and parks, preservation of historic resources, and improved design and identity, the production of market rate and affordable housing is essential to the future of the neighborhoods. It is also a key to improving the District's fiscal health. The District will work to facilitate housing construction and rehabilitation through its planning, building, zoning, permitting, inspection, and taxation programs, recognizing and responding to the needs of all segments of the community to achieve an adequate and diverse housing supply. The first step toward meeting this goal is to ensure that an adequate supply of appropriately zoned land is available to meet expected housing needs. Public investment in high-quality public infrastructure, including transportation, public space, schools, and libraries, is also critical to ensuring that all neighborhoods provide a high degree of access to opportunity. Regulatory processes should encourage, not discourage, the creation of new housing. 503.1

The supply of housing should grow sufficiently to slow rising costs of market rate rental and for-sale housing. Expanding supply alone will not fulfill all of Washington, DC's housing needs at lower income levels, but it is one important element of the strategy to ensure unmet demand at higher price points does not further hasten the loss of naturally occurring affordable housing. 503.2

#### **Policy H-1.1.3: Balanced Growth**

Strongly encourage the development of new housing, including affordable housing, on surplus, vacant, and underused land in all parts of Washington, DC. Ensure that a sufficient supply of land is planned and zoned to enable the District to meet its long-term housing needs, including the need for low- and moderate- density single-family homes, as well as the need for higher-density housing. 503.5

#### **Policy H-1.1.8: Production of Housing in High-Cost Areas**

Encourage development of both market rate and affordable housing in high-cost areas of the District, making these areas more inclusive. Develop new, innovative tools and techniques that support affordable housing in these areas. Doing so increases costs per unit but provides greater benefits in terms of access to opportunity and outcomes. 503.10

#### **Action H.1.1.C: Research New Ways to Expand Housing**

Continue research to expand market rate and affordable housing opportunities in Washington, DC, such as expanding existing zoning tools and requirements. Consider a broad range of options to address housing constraints, which could include updating the Height Act of 1910 (a federal law) outside of the L'Enfant Plan area, if it can promote housing production.

#### **Policy H-1.2.1: Low- and Moderate-Income Housing Production as a Civic Priority**

The production and preservation of affordable housing for low- and moderate-income households is a major civic priority, to be supported through public programs that stimulate affordable housing production and rehabilitation throughout all District neighborhoods. 504.8

### **Policy H-1.2.5: Moderate-Income Housing**

In addition to programs targeting persons of very low and extremely low incomes, develop and implement programs that meet the housing needs of those earning moderate incomes with wages insufficient to afford market rate housing in the District. 504.13

### **Policy H-1.2.7: Density Bonuses for Affordable Housing**

Provide zoning incentives, such as through the PUD process, to developers proposing to build affordable housing substantially beyond any underlying requirement. Exceeding targets for affordable housing can refer to exceeding the quantity or depth of affordability otherwise required. The affordable housing proffered shall be considered a high priority public benefit for the purposes of granting density bonuses, especially when the proposal expands the inclusiveness of high-cost areas by adding affordable housing. When density bonuses are granted, flexibility in development standards should be considered to minimize impacts on contributing features and the design character of the neighborhood. 504.15

### **Action H-1.2.E: Leveraging Inclusionary Zoning**

Review and consider expansion of the Inclusionary Zoning program as needed to encourage additional affordable housing production throughout the District. Examine and propose greater IZ requirements when zoning actions permit greater density or change in use. Factors supporting a greater requirement may include high-cost areas, proximity to transit stations or high-capacity surface transit corridors, and when increases in density or use changes from production, distribution, and repair (PDR) to residential or mixed-use. Consider requirements that potentially leverage financial subsidies, such as tax-exempt bonds.

### **Policy H-1.3.2: Tenure Diversity**

Encourage the production of both renter- and owner-occupied housing, including housing that is affordable at low-income levels, throughout the District. 505.9

### **Policy H-1.3.1: Housing for Larger Households**

Increase the supply of larger family-sized housing units for both ownership and rental by encouraging new and retaining existing single-family homes, duplexes, row houses, and three- and four-bedroom market rate and affordable apartments across Washington, DC. The effort should focus on both affordability of the units and the unit and building design features that support families, as well as the opportunity to locate near neighborhood amenities, such as parks, transit, schools, and retail. 505.8

## **H-1.5 Reducing Barriers to Production**

The development of housing may be hampered by both governmental and non- governmental constraints. Governmental constraints include lengthy delays in permit processing and plan approval; insufficient coordination among agencies and utilities; zoning regulations, which may not reflect contemporary housing trends; and even prohibitions on certain types of housing. Non-governmental constraints include the high cost of land and rising interest rates. Although much progress has been made, serious barriers still exist. Fear of these barriers, and their costs, keep some developers from undertaking projects in Washington, DC at all and some homeowners from registering their basement units or other rental uses of their property. 507.1

### **Policy H-1.5.1: Land and Building Regulations**

Ensure the District's land regulations, including its housing and building codes, zoning regulations, construction standards, and permitting fees, enable the production of housing for all income groups. Avoid regulations that make it prohibitively expensive or difficult to construct housing. 507.2



### **Policy H-1.5.2: Permitting Procedures**

Minimize the cost and time associated with development processing while still addressing community and environmental concerns. Explore measures to improve the permitting process, provided that such measures are consistent with other provisions of the Comprehensive Plan. 507.3

### **Action H-1.5.D: Support of Accessory Dwelling Units**

Study whether recent zoning changes are sufficient to facilitate the creation of accessory dwelling units, or whether barriers to their creation still exist, and remove unnecessary obstacles to their creation. Incorporate racial equity considerations into the study. Investigate the benefits of financially supporting accessory dwelling units and design a pilot program to increase the number of affordable housing units through accessory dwelling units.

### **Action H-1.5.E: Remove Regulatory Obstacles**

Continue to identify and review regulatory impediments to the production of market rate and affordable housing. Remove unnecessary and burdensome regulations and propose more efficient and effective alternatives for achieving important policy and regulatory goals. 507.10

### **Policy H-3.1.1: Increasing Homeownership**

Enhance community stability by promoting homeownership and creating opportunities for first-time homebuyers in the District. Provide loans, grants, and other District programs to raise the District's homeownership rate from its year 2016 figure of 39 percent to a year 2025 figure of 44 percent. These programs and opportunities should acknowledge and address the significant racial gaps and barriers to homeownership. Increased opportunities for homeownership should not be provided at the expense of the District's rental housing programs or through the displacement of low income renters. 513.5

## **7. ECONOMIC DEVELOPMENT ELEMENT**

### **Policy ED-2.1.5: Infill and Renovation**

Support the continued growth of the office sector through infill and renovation within established commercial districts to more efficiently use available space while providing additional opportunities for new space. 707.10

### **Policy ED-2.2.4: Support Local Entrepreneurs**

Support the efforts of local entrepreneurs who enhance the District's economy by manufacturing and retailing goods within Washington, DC, which increases the local employment and tax revenue generated by consumer retail spending. 708.9

### **Policy ED-3.1.1: Neighborhood Commercial Vitality**

Promote the vitality and diversity of Washington, DC's neighborhood commercial areas by retaining existing businesses, attracting new businesses, supporting a strong customer base through residential density, and improving the mix of goods and services available to residents. 713.5

### **Policy ED-4.2.6: Entry-Level Opportunities**

Support the creation of entry-level career opportunities, particularly for lower income youth and adults, and persons with disabilities. Recognize the need for complementary efforts to provide affordable child care options, transportation, counseling, and other supportive services. 717.14

#### **Policy ED-4.2.14: Alternative Work Arrangements**

Encourage increased opportunities for alternative work schedules, such as part-time employment, flextime, teleworking, and in-home employment to accommodate the needs of working parents and others with dependent care responsibilities or mobility limitations. 717.22

### **8. PARKS, RECREATION AND OPEN SPACE ELEMENT**

#### **Policy PROS-1.1.3: Park Diversity**

Provide a diverse range of recreational experiences in parks within Washington, DC, including a balance between passive and active recreational uses, and a mix of local-serving, region-serving, and national recreational uses. 804.11

#### **Action PROS-1.1.D: Quality of Existing Park Spaces**

Develop an enhanced maintenance and improvement schedule to upgrade the quality of passive and active parklands and outdoor facilities, to make the most of existing District parks. 804.15

#### **Policy PROS-1.3.7: Health and Wellness**

Use Washington, DC's parks, open space, and recreation spaces to help meet the District's health and wellness priorities, which are linked to physical activity, public safety, healthy food access, psychological health, air and water quality, and social equity. 806.10

#### **Policy PROS-2.1.1: Recreational Facility Development**

Improve the physical and psychological health of District residents by providing a variety of recreational and athletic facilities, including playing fields, tennis courts, swimming pools, basketball courts, trails and paths, art studio and exhibition spaces, boating facilities, docks, and open areas for other sports activities. 809

#### **Action PROS-2.1.E: Improvement of Outdoor Recreational Facilities**

Systematically evaluate existing outdoor recreational facilities based on the Parks Master Plan design guidelines. Implement plans to eliminate deficiencies and close gaps through capital improvements. Typical capital projects might include turf restoration, addition of lighting and seating at sports fields, playground renovation, and resurfacing of basketball and tennis courts

#### **Policy PROS-2.2.1: Maintenance and Renovation**

Provide for the continuing maintenance, renovation, and upgrading of the District's parks and recreational facilities to prevent their deterioration so that they continue to meet community needs. Prioritize the asset management of existing facilities during the capital improvement process. 810.6

#### **Policy PROS-2.2.2: Park Safety and Security**

Design parks, trails, and recreational facilities to improve the safety of visitors and staff. Avoid creating hidden and difficult-to-access areas, where security problems or vandalism could result. Lighting, fencing, building materials, and other design components should be selected to enhance the safety of park users. Park lighting should be compatible with adjacent residential neighborhoods. 810.7

#### **Action PROS-2.2.G: Design Standards**

Create District-wide parks and recreation facility design standards for outdoor facilities. Design parks, open spaces, and recreational facilities to reflect the preferences and culture of the local population, to accommodate a range of age groups and abilities, and to improve the safety of visitors and staff. When renovating playgrounds and parks, design new infrastructure for active recreation, including workout equipment, for all ages and abilities. 810.22

### **Policy PROS-2.2.5: Youth Recreational Services**

Provide recreational services that are particularly responsive to the special needs of the District’s youth, using recreation and athletics to promote self-esteem, responsibility, and leadership skills among youth. 810.10

### **Policy PROS-4.1.3: Greener, More Accessible Schoolyards**

Work with DCPS to improve the appearance and usefulness of schoolyards and outdoor recreational facilities such as playgrounds and athletic fields. Strive to make such areas more park-like in character, with increased tree canopy, especially in communities without access to District-operated parks. 817.8

## **11. COMMUNITY SERVICES AND FACILITIES ELEMENT**

### **Policy CSF-1.1.2: Adequate Facilities**

Construct, rehabilitate, and maintain the facilities necessary for the efficient delivery of public services to current and future District residents. 1103.13

## **12. EDUCATIONAL FACILITIES ELEMENT**

### **Policy EDU-2.1.3: Community Use**

Keep school space accessible and available for neighborhood meetings, community gatherings, and other events that promote resident engagement and public service, while maintaining the school’s primary mission of educating the District’s children. 1209.6

### **Policy EDU-2.1.4: Out-of-School Time Opportunities**

Encourage and promote programs across District agencies, including DCPS and the Department of Parks and Recreation, that can provide out-of-school opportunities for District children. 1209.7

### **Policy EDU-2.1.5: Shared-Use of Public Parks and Recreation Space for Public Schools**

Continue to provide access to public recreational and athletic space for DCPS and public charter schools that lack such spaces. 1209.8

## **25. IMPLEMENTATION ELEMENT**

Not all projects are subject to review prior to filing an application for a building permit. Much of Washington, DC’s development is permitted as a matter-of-right under existing zoning, affording few opportunities for OP to review it for Comprehensive Plan consistency. In the future, increased scrutiny of matter-of-right projects will be needed, particularly with respect to urban design, environmental impacts, racial equity, and affordability. This could be included through adjustments to the thresholds for projects requiring Large Tract Review, implementation of a Site Plan Review process, changes to the District’s Environmental Impact Screening Forms, and additional standards to ensure that new development addresses broader civic issues, including the District’s commitments to housing and affordable housing, equity, and resilience, as well as open space, the transportation network, arts and culture, parking, infrastructure, the natural environment, public service needs, and affordability. 2502.2

A variety of tools, which could include regulatory measures, incentives, or more efficient processes, should be explored and implemented to attract and encourage developers and property owners to provide development consistent with Comprehensive Plan goals that offer benefits to address District-wide and neighborhood needs. Recent zoning regulation proposals to expand inclusionary zoning - IZ Plus – are an example of carefully crafted regulations that expand applicability while offering incentives to provide more affordable housing. As public policy choices expand development potential, the benefits of development

should be widely shared. At the same time, these tools should reflect the interest in keeping the District an attractive, competitive location for development and to conduct business. 2502.3

**Policy IM-1.1.1: Development Impacts**

To the greatest extent feasible, use the development review process to ensure that potential positive impacts are maximized and potential negative impacts on neighborhoods, the transportation network, parking, environmental quality, and other issues, including construction impacts, are assessed and adequately mitigated, consistent with the guidance in the Comprehensive Plan and applicable requirements. 2502.6

**Policy IM-1.1.9: Monitor Development Requirements, Benefits, Amenities, and Other Commitments**

Monitor and ensure commitments made through the development review process are implemented, including development requirements, benefits, amenities, or actions offered for incentives. 2502.14

**Policy IM-1.3.1: Updating Land Use Controls**

Regularly review and update the District's land use controls and building codes to eliminate obsolete regulations and develop new regulations that address emerging issues, land uses, building types, and technologies. 2504.3

**Action IM-1.3.A: Monitor and Review New Zoning Regulations**

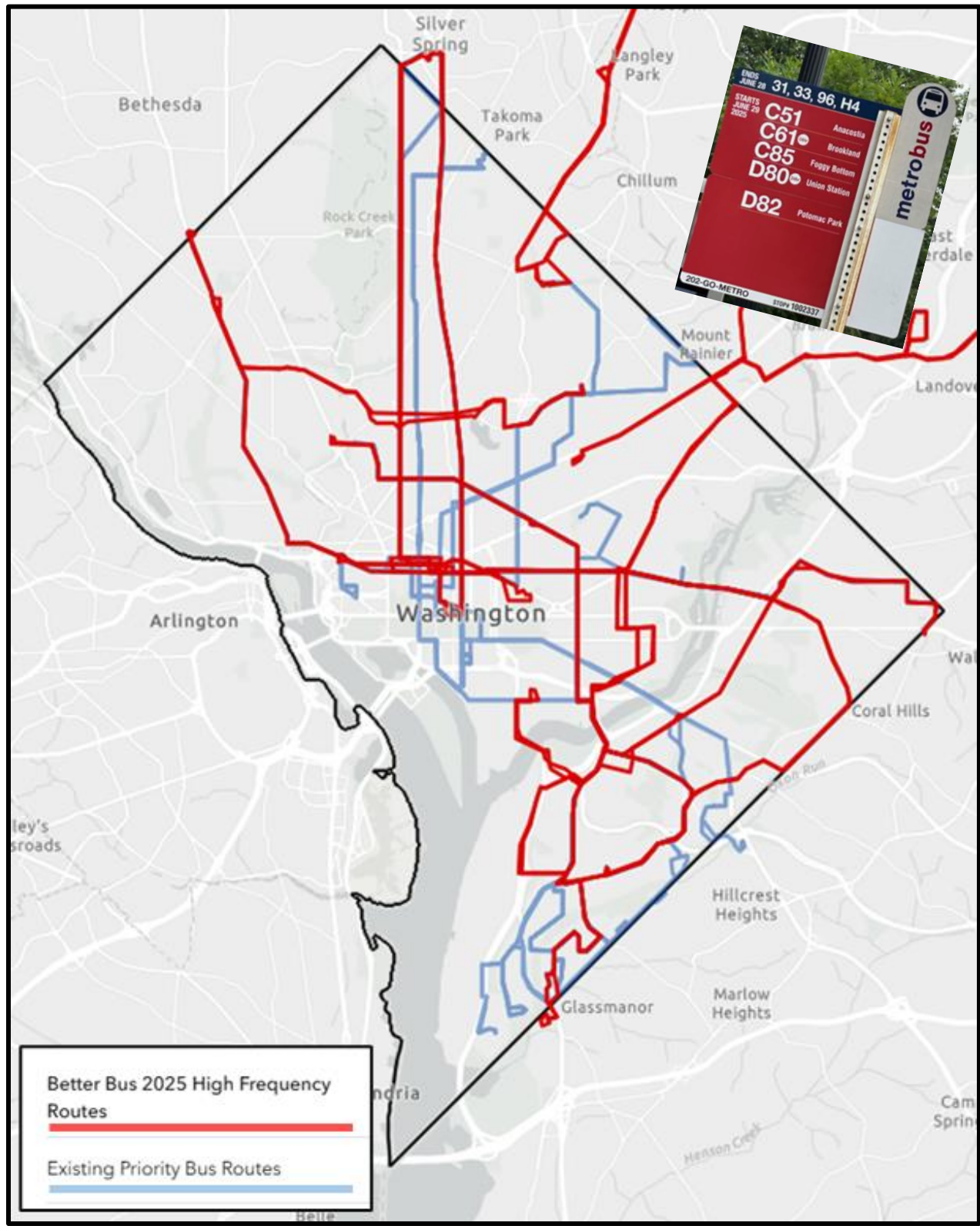
Regularly monitor and review the zoning regulations to verify that they are working to achieve their purpose and submit corrections, changes, and amendments as necessary. 2504.8

**IM-2.2 Recommended Changes to Zoning Regulations**

As noted in Section IM-1.3, zoning regulations are a primary vehicle for implementing the Comprehensive Plan. The responsibility for zoning in Washington, DC rests with the Zoning Commission. The Commission must give great weight to OP's recommendations and to the issues and concerns raised by the ANC's on zoning cases. The Commission has its own staff support in the Office of Zoning. 2508.1

## ATTACHMENT 3: HIGH FREQUENCY METROBUS CORRIDORS

### Map Showing New High Frequency MetroBus Routes, on top of the Existing Priority Bus Corridors





**Map Showing New High Frequency MetroBus Routes, on top of the Existing Priority Bus Corridors, as well as areas that would be eligible for reduced parking requirements; and areas that would be no longer eligible (in pink) and newly eligible (in green). Areas zoned R and RF are not eligible for this reduction; Downtown has no parking requirement.**

