

MEMORANDUM

TO: District of Columbia Zoning Commission

FROM: *JL for* Jennifer Steingasser, Deputy Director Development Review & Historic Preservation
Elisa Vitale, Development Review Specialist
Joel Lawson, Associate Director Development Review

DATE: November 6, 2015

SUBJECT: ZC 08-06A - Zoning Regulations Review

The Zoning Commission (ZC) set the Zoning Regulations Review (ZRR) (ZC 08-06A) down for public hearing on September 9, 2013 and held 16 subsequent public hearings to take testimony. The Commission then entered into deliberations in October of 2014. The Commission took proposed action on December 11, 2014, and indicated that the record would be kept open for 60 days upon publication of the Notice of Proposed Rulemaking. After publication on May 28, 2015, the Commission extended the comment period to September 25, 2015. See Attachment 4 for a timeline depicting the sequence of events.

OP Recommendations

The ZC at its October 19, 2015, public meeting requested that the Office of Planning (OP) provide recommendations based on public comments on the Notice of Proposed Rulemaking. The requested OP recommendations document is attached (Attachment 1) and is organized by subtitle, and in some instances includes draft text and in others states the changes and corrections to be made. It also includes clarification recommendations from the DC Office of Zoning (OZ) on some chapters.

In those instances where comments were received that advocated for a revision to the draft text that was not in keeping with Commission direction provided during deliberation or ZC action taken in the case, OP does not recommend that revisions be made to the draft rulemaking text.

OP is available to provide any additional information the ZC may request. Also, in the event that the Commission wishes to explore alternatives to any portion of the current proposal, OP is prepared to draft alternative text or summaries for the Commission's consideration.

Summary Spreadsheets

At the request of the ZC, the Office of Planning (OP) submitted comment summary spreadsheets on October 16th and 19th. The ZC noted that they read every submitted public comment. The summary sheets do not propose to interpret, and are not a substitute for, the full comments which are exhibits within the official record for this case. The summary sheets include the exhibit number, and are a vehicle to help organize the issues raised within the individual exhibits.

The ZC left the record open for specified late submittals. A supplemental comment summary sheet of these authorized late submittals is attached (Attachment 2) and the full text of the comments can be viewed in the official record for ZC Case 08-06A. Also included is one of the Friendship Neighborhood Association submissions, which was inadvertently not included on the earlier summary spreadsheet.

OP has also attached a spreadsheet providing responses to comments noted in the October spreadsheets as requiring additional review (Attachment 3).

Attachments

1. OP Recommendations
2. Supplemental Comment Summary
3. Supplemental OP responses to comments included in the October comment summary spreadsheets
4. Timeline

MEMORANDUM

DATE: November 6, 2015

SUBJECT: ZC 08-06A - Zoning Regulations Review – Attachment 1: OP Recommendations

The Office of Planning wishes to again thank the members of the public who submitted detailed, thoughtful, and comprehensive comments. They reinforce the extraordinary level of public involvement in this ongoing process, resulting in many significant changes throughout the ZRR process.

The following are OP recommendations to the text as advertised in the May 28, 2015 Notice of Proposed Rulemaking.

RECENT AMENDMENTS

The ZC has taken final action on three separate cases (ZC Case 14-11, ZC Case 14-15, and ZC Case 14-22) to amend the Zoning Regulations text after the public hearings for the ZRR text were held. The ZC has taken proposed action on two other cases (ZC Case 14-13 and ZC Case 15-17). At each action the ZC noted that these text amendments would be incorporated into the ZRR.

Include actions from recent text amendments:

- Rowhouse Conversions (ZC Case 14-11)
- Penthouses (ZC Case 14-13 pending)
- Walter Reed (WR) (ZC Case 14-22)
- C-2-B-1 (ZC Case 14-15)
- Expanded Child Development Home (ZC Case 15-17 pending)

GENERAL CORRECTIONS

Numerous comments were received that identified misspellings, errors, and other omissions.

- OP accepts all corrections regarding omitted words and sections, wrong citations, typos.
- OP accepts all corrections to Development Standards so they reflect existing standards.
- OP will remove duplicative or unnecessary repetitions of statements and definitions.

MAJOR SHIFTS from Notice of Proposed Rulemaking Text

Yards versus Setbacks and Definitions of Lot and Lot Lines

OP recommends that the proposal to use Setbacks (Rear and Side) instead of Yards (Rear and Side), be declined, and the text revert back to the existing convention of using Yards as a means of regulating development envelopes:

- The current (1958) Code uses Yards which are measured from the building outward and which are referred to in the Zoning Act;

- OP had recommended replacing Yards with Setbacks, which would be measured from the property line inward; Setbacks were included in the Notice of Proposed Rulemaking (NPRM) text;
- Overwhelming concerns were raised about the change; the potential for making properties non-conforming, the difference with the Zoning Act, and the general community familiarity with the Yards concept; and
- OP agrees the originally proposed change is not necessary and recommends the Commission stay with existing convention of using yards and stay with the definitions of yards, lots and lot lines as they exist in the current (1958) Code.
- As part of this change, the definitions of lots, and projections will also need to be corrected.

Recordation of Alley and Tax Lots as a Matter of Right

- Current Code does not allow the recordation of non-conforming lots as a matter of right;
- OP had proposed permitting Alley and Tax (aka “A and T” lots) existing before a certain date to be converted to a record lot as a matter of right;
- Several situations occurred in the last six months that reinforced the need for these situations to go through a public hearing process because of the potential adverse impact of creating lots that become eligible for a building permit in atypical locations without street frontage or the knowledge of the owner of the underlying record lot; and
- OP recommends the Commission not include these provisions in final action.

FEDERAL AGENCIES

Regarding the requests from federal agencies, OP recommends the following:

- Department of State: Include the proposed change relative to chanceries in Subtitle X (exhibit 905).
- National Capital Planning Commission: Accept all recommendations (exhibits 919, 920 and 922).
- General Services Administration: Do not include the proposed changes. The changes are far outside the advertised public hearing text and were not considered during public hearing; however, OP and NCPC will continue to work through planning issues with GSA and bring forward any changes as separate amendments, once the planning efforts are concluded (exhibit 1052).

RECOMMENDED CHANGES BY SUBTITLE

The following tables walk through the major OP recommended changes and corrections to each subtitle. The recommended action may result in a change to another section for consistency or corrected citation. For instance the recommended Major Shifts above require amendments to almost every subtitle, but OP has not included every citation to setbacks and yards in the table. Likewise, corrections to align the “Arts Uses” between the subtitles and zones are identified as a recommendation that will involve consistency corrections within several subtitles.

When the reference is to retain existing text, OP is referring to the text in the current (1958) Code.

Also of note is that all images will be reviewed and updated once the text is corrected.

SUBTITLE A - Authority and Applicability

		VESTING DATE and PROJECTS
		EFFECTIVE DATE OF NEW REGS
Chapter 3	Admin and Enforcement 301.3 (f)	Add “medical campus” to 301.3 (f)
	304:	Clarify the advertised language to match existing ZA flexibility standards including recent changes to the Case 14-11 (R-4); correct the intent by replacing “greater” with “lesser”. Change the language to reflect current language and replace non-qualifiable criteria of 304.3 (a) through (d) with criteria that are more quantifiable.

SUBTITLE B - Definitions, Rules of Measurement, and Use Categories

	Definitions	
		Amend definitions of Garages to retain current definitions over those advertised in NPRM:
		<u>Garage, Automated Parking:</u> A building or other structure, or part thereof, in which parking is accomplished entirely by means of shuttles, platforms, dollies, and or other mechanisms to lift platforms as needed that move vehicles around and where such movement is controlled by computers. The facility may be self-service or it may be staffed to accept payment or observe operations where vehicles enter or exit the automated environment. May also be a <u>parking public garage or public storage garage.</u>
		<u>Garage, Parking-Private:</u> A building or other structure, or part of a building or structure, not exceeding nine hundred square feet (900 sq. ft.) in area, used for the parking of motor vehicles and having no repair or service facilities <u>other than a means by which to charge batteries and electric vehicles.</u> <u>Garage, Public Parking:</u> A building or other structure, or part of a building or structure, over nine hundred square feet (900 sq. ft.) in area, used for the parking of one (1) or more motor vehicles and having no repair or service facilities <u>and where any services are minor and incidental such as charging a battery, washing or detailing a vehicle, adding air to tires, plugging flat tires or mounting a spare tire, and replacing bulbs and wiper blades.</u> The term parking garage may include a parking garage accessory to the principal use; but shall not include a mechanical parking garage. <u>Garage, Public Storage:</u> <u>a building or other structure, or part of a building or structure, in which any repair, greasing, washing, or similar services are incidental to its primary use for the parking of motor vehicles.</u>
		Amend definitions of Lots and Yards to retain current definitions and delete definitions of “setbacks”, retain convention of using Yards and Lots and delete rules of measurement for setbacks.
		<u>Lot Lines:</u> <u>the lines bounding a lot as defined in this section</u> A single straight or curved line forming a boundary of a lot.

		<p><u>Lot, Corner: a lot fronting on two (2) or more streets at their junction, with the streets forming with each other an angle of forty-five degrees (45°) up to and including one hundred thirty-five degrees (135°).</u> A lot bounded on two (2) or more intersecting sides by street lot lines, provided that the angle of intersection is less than one hundred thirty five degrees (135°).</p> <p><u>Lot, Interior: a lot other than a corner lot or a triangular lot.</u> A lot that is abutting one (1) street</p> <p><u>Lot, Through: an interior lot having frontage on two (2) or more streets where the streets differ in direction by forty-five degrees (45°) or less.</u> A lot with at least four (4) distinct points where the side lot lines intersect street lot lines</p> <p><u>Lot, triangular - a lot fronting on two (2) streets at their junction, the streets forming with each other an angle of less than forty-five degrees (45°).</u></p>
		<p><u>Yard - An exterior space, other than a court, on the same lot with a building or other structure. A yard required by the provisions of this title shall be open to the sky from the ground up, and shall not be occupied by any building or structure, except as specifically provided in this title. No building or structure shall occupy in excess of fifty percent (50%) of a yard required by this title.</u></p> <p><u>Yard, Front:</u> An exterior space, open from the ground to the sky, between all street lot lines and the building façades of the principal building facing those street lot lines.</p> <p><u>Yard, Rear: A yard between the rear line of a building or other structure and the rear lot line, except as provided elsewhere in this title. The rear yard shall be for the full width of the lot and shall be unoccupied, except as specifically authorized in this title.</u> An exterior space, open from the ground to the sky, between a rear lot line or lines and the nearest building façade, of the principal building</p> <p><u>Yard, rear, depth of: The mean horizontal distance between the rear line of a building and the rear lot line, except as provided elsewhere in this title.</u></p> <p><u>Yard, Side: A yard between any portion of a building or other structure and the adjacent side lot line, extending for the full depth of the building or structure.</u> An exterior space, open from the ground to the sky, between a side lot line and the nearest building façade, of the principal building facing that lot line</p>
		<p>Delete definition of “Flag Lot” because it is not used in the regulations. Adjust and correct all images Delete definitions of Setbacks and corresponding Rules of Measurement for Setbacks</p>
		<p>Revise the definition of Courtyard to read: An uncovered area, starting at or above grade, where two (2) walls of the same building with windows will face each other. <u>A court shall not include an indentation, recess, or decorative architectural treatment of the exterior wall of a building which opens onto a street, yard, alley, or court.</u></p>

	304.2	Gross Floor Area – Rule of Measurement - <ul style="list-style-type: none"> Delete the definition of Nonresidential GFA because it is not a universal definition in all zones. Correct all images Make consistent with Current code definition
		<u>Mezzanine</u> : A floor space within a story between its floor and the floor or roof next above it and having an area of not more than one-third (1/3) of the area of the floor immediately below and which shares a common ceiling. <u>Except in an RF zone, a mezzanine shall not be considered a story in determining the maximum number of permitted stories. In an RF zone, a mezzanine shall be considered a story in determining the maximum number of permitted stories within in a principal structure but shall not be considered a story in determining the maximum number of permitted stories within an accessory building.</u>
	Add Definitions	
	(existing language)	<u>Embassy - Inn -</u>
	(new language)	<u>Federal public building or use - a structure used primarily for the conduct of official federal government business, services or functions. Uses such as food service may be permitted, but must be clearly accessory to the primary governmental use.</u>
		<u>Parking Space, Structured</u> : A parking space that is within a building or structure <u>above grade</u> (Revised to reflect that structured parking is parking located above grade.).
	Rules of Measurement	<ul style="list-style-type: none"> Retain rules of measurement for Yards and Lots; Delete rules that are duplicative of definitions as advertised; Correct all references to how to measure in different zones.
	Single Building 309	Add a new section 309.2 that reads: " <u>Notwithstanding Subtitle B, § 309.1, a single building shell may contain multiple uses that do not share access between the uses or dwelling units.</u> "
	# of Stories 310.3 and 310.4	<p>Make measurement reflect current definition of Mezzanine by deleting the advertised text that reads:</p> <ul style="list-style-type: none"> <u>Except in the RF zones</u>, a mezzanine shall not be considered a story in determining the maximum number of permitted stories. A mezzanine shall not be permitted above a third floor in those zones that have a three (3) story limit. <u>In an RF zone, a mezzanine shall be considered a story in determining the maximum number of permitted stories within a principal structure but shall not be considered a story in determining the maximum number of permitted stories within an accessory building.</u>
	Lot Occupancy 312.	Add a new section 312.7 to clarify existing rule for LO in mixed use zones: <ul style="list-style-type: none"> <u>In the case of a building devoted to both residential and nonresidential uses, the percentage of lot occupancy for residential uses may be calculated on a horizontal plane located at the lowest level where residential uses begin.</u>
	Projections 317	OP no longer recommends including B-317 as drafted in the final vote. B-317 was drafted as part of the concept of setbacks. Between recent changes to the Building Code and retaining the convention of Yards and Lot lines as defined in the current code, OP recommends replacing the advertised B-317 with the Projection permissions of 2502 and 2503 of the current code. Any future changes will be brought forward as a separate case (the proposed changes area attached at the end of this report due to length).

SUBTITLE C - General Rules

Chapter 2	Nonconformities	Add missing language from existing Code Chapter 20; Update section to include all subtitles.
Chapter 3	Subdivision	Delete §303.3 (d); because alley lots should not be subdivided as a matter of right unless they comply with the subdivision standards Delete §301.2 and §303.3 (c) that exempt tax lots and alley tax lots from meeting the record lot standards; Add a new section §305 to allow tax lots and alley lots to combine to form a record lot only as a special exception when they don't meet the subdivision standards.
	Private Street 305.3	Delete prohibition of private streets within theoretical subdivision; amend requirement to reflect current practice.
Chapter 4	Tree Protection	Add a new section 400.3 to clarify where this chapter applies: <u>400.3 The tree protection regulations of this chapter are only applicable when required by a specific zone as indicated in this title.</u>
Chapter 7	Parking	711.7: Clarify that a parking garage when required to be set back from the center line of an alley shall be setback for at least 10 feet in height 715: Clarify the 10% landscape requirement
Chapter 8	Bike Parking	No amendments proposed
Chapter 9	Loading	901.6: Amend to clarify when an addition triggers more loading, as follows: <u>Unless the existing building has provided the maximum requirements under this chapter,</u> an addition to an existing building, or the expansion of a use within a building triggers additional loading requirements only when the gross floor area ... Add new provision to parallel existing regulations and allow loading to be located in "other areas" such as courts in the commercial and industrial zones
Chapter 10	IZ	100: Clarify that properties may "opt-in" and those areas where an "opt-in" development may not use development modifications; Will be updated after Case 04-33G is decided
Chapter 11	Waterfront	1102.3: Change the 500 feet to 300 feet: Where no L'Enfant street grid exists in the vicinity of a waterfront lot, no buildings or structures may be built to a length, as measured parallel to the water, of greater than five hundred feet (500 ft.) <u>three-hundred feet (300 ft.)</u>
Chapter 14	Retaining Walls	Add a new section 400.3 to clarify where this chapter applies: <u>400.3 The provisions of this chapter shall apply to all properties in the R-6, R-7, R-8, R-9, R-10 and R-11 zones.</u>
Chapter 15	Roof Structures	Update to reflect final decision in case ZC 14-13.
Chapter 17	Plaza	Coordinate rules and definitions with Subtitle B definitions; avoid repetition. Identify which zones are subject to the Plaza regulations (MU-10, MU-22, MU-29, CG-4).
701.4, 709.1 803.2, 902.4	GFA exemptions	Standardize the gfa exemptions for the rules of calculation bike parking, parking, and loading.

SUBTITLE D – Residential House Zones

General	Names	Add a Geographic identifier to the chapter title for those zones that represent a defined area, such as Forest Hills and Fort Totten and a reference to Subtitle W.
Chapter 14	Accessory Lot	Include language that prohibits accessory buildings in a front yard, allows garages and carport to be beside the main building but no closer than 10 feet to the side property line as is in the current code.
Chapter 15	Alley Lots	1500.2: Delete, because Alley lots and Tax lots should not be made record lots as a matter of right if they are not confirming to requirements for new lots.
Chapter 16	Special Exception Relief	1601: Clarify language so provisions of existing Section 223 are fully brought forward.

SUBTITLE E – Residential Flat Zones

General	Names	Add a Geographic identifier to the chapter title for those zones that represent a defined area, such as Dupont Circle and Capital Interest and a reference to Subtitle W.
	Uses	Incorporate all new provisions from case ZC 14-11 (R-4), which will modify Chapter 7. Add cross reference to Sub U for uses that interface with development standards such as on alleys.
Chapter 6	FAR	602.1: Delete so it is clear that the total development on a lot shall not exceed 1.8 FAR
Chapter 8	Accessory Lot	Include language that prohibits accessory buildings in a front yard, allows garages and carport to be beside the main building but no closer than 10 feet to the side property line as is in the current code.
Chapter 9	Alley Lots	900.2: Delete because Alley lots and Tax lots should not be made record lots as a matter of right if they are not confirming to requirements for new lots.
		Coordinate language with other Alley lot chapters in other zones; include full development standards which may have been inadvertently left out.
Chapter 16	Special Exception Relief	1601: Clarify language so provisions of existing Section 223 are fully brought forward.

SUBTITLE F – Residential Apartment Zones

General	Names	Add a Geographic identifier to the chapter title for those zones that represent a defined area, such as Capital Interest and Naval Observatory and a reference to Subtitle W.
General	Uses	Add cross reference to Sub U for uses that interface with development standards such as in alleys.
Chapter 10	Alley Lots	1000.2: Delete, because Alley lots and Tax lots should not be made record lots as a matter of right if they are not confirming to requirements for new lots.
		Coordinate language with other Alley lot chapters in other zones; include full development standards which may have been inadvertently left out.

SUBTITLE G – Mixed Use Zones

General	Corrections	Correct all Development Standards to reflect existing development standards
Chapter 2	General Dev Standards	Add rules for measurement of courtyards for mixed-use buildings from current Section 776.5 and 776.6
Chapter 11	Alley Lots	Delete 1100.2 – because alley lots and Tax lots should not be made record lots as a matter of right if they are not conforming to requirements for new lots. Coordinate language with other Alley lot chapters in other zones; include full development standards which may have been inadvertently left out.

SUBTITLE H – Neighborhood Commercial Zones

General	Names	Add a reference to Subtitle W.
	Uses	Coordinate uses with the changes in definitions relative to garages
Chapter 6	Woodley Park	Add a new section 609.1: <u>"For the purposes of Subtitle H § 1101.3, the designated use areas of NC-4 and NC-5 shall be treated as a single designated use area."</u>
Chapter 7	Eighth Street	Clarify the fast food limitation and correct the FAR maximum of 3.0 which can be for residential or commercial uses.
Chapter 11	Uses	Clarify § 1101.3(b)(1) to read, <u>"These uses shall occupy no more than twenty-five percent (25%) of the linear street frontage within a particular N zone, as measured along the lots that face designated roadways in the designated use area in the particular district."</u>

SUBTITLE I – Downtown

Chapter 1	Provisions	100.2: Although implicit to the Comp Plan references, add reference to the provision of affordable housing: 100.2 (g) Encourage the development of housing, <u>including the development and preservation of affordable housing</u> , in Central Washington consistent with the policies of the Central Washington Element and other relevant elements of the Comprehensive Plan;
Chapter 2	Student Housing	200: Add clarification that student housing may be used to meet residential requirements in D zones, but does not generate bonus density, cannot be traded as Credits, and does not fulfill IZ requirements.
Chapter 2	Historic Buildings	200.3: Add clarification that the FAR limitation applies to the portion of the lot occupied by the historic building, consistent with intent of regulations: 200.3 If a historic landmark or contributing building in a historic district has an existing density of more than 6.0 <u>FAR on the portion of the lot within the historic structure's footprint</u> , it shall not increase its existing FAR <u>within the historic structure's footprint</u> , but shall be permitted to occupy all of the existing floors of the building for uses permitted within the zone and may generate density credits under the provisions of Subtitle I, Chapter 8.

Chapter 2	Rear yard setback	205.1: Clarify rear yard requirement language that a rear yard is not required for a lot fronting 3 or more streets. 205.3 - Delete this sections; a rear yard should be required. Clarify rear yards will be as currently prescribed in the current Code.
Chapter 2	Alley lots	Section 210: Correct the setback requirement, from 7' to 7.5', to be consistent with current requirements and ensure adequate space for movement of large vehicles: 210.1(c) A building or structure on an alley lot shall be set-back at least seven and one-half feet (7.5 ft.) from the centerline of all alleys the alley lot abut
Chapters 2 and 3	Parking	212 and 306: Eliminate redundancy in parking provisions; consolidate in Section 212.
Chapter 3	Permitted Uses	302 - OP will correct use provisions related to motorcycle sales and repairs, consistent with current regulations.
Chapter 5	Capitol security review – D-3	522: Revised to clarify that in the D-3 zone, within the Capitol Security Sub-Area so subject to review by the Architect of the Capitol or the Capitol Police, special exception review is required for a balcony, terrace, or roof structure located above the 90-foot height: 522.1 A new building or building addition that is would be taller than ninety feet (90 ft.) above its measuring point , or that has would have a balcony, terrace, or roof deck where the top of surface on which a person would stand is more than ninety feet (90 ft.) above the building's measuring point and is located in Squares 625, 626, 628, 630, 631 574, 577, 579, 581, 582, 640, or 641 shall be subject to the review requirements for the Capitol Security Sub-Area in Subtitle I § 605.
Chapter 5	Density – D-6	Correct the language to reflect that the densities currently permitted by-right for residential and non-residential uses in the C-4 zones will be the same in the new D-6 zone.
Chapter 5	D-8 zone	575: Remove reference to 25' height above grade: 575.2(a) In the D-8 zone, other than transportation -or utility-related construction, approved monuments and memorials, and permitted building projections, no structure, building or building addition may be constructed above or within twenty-five (25) vertical feet of the grade of a street right-of-way that:
Chapter 5	D-8 zone	581: Delete reference to D Street, as not consistent with the adopted plan: 581.2(b) Greater connectivity shall be achieved for pedestrians and vehicles both within the area and the adjacent area and shall be based on historic street rights-of-way, particularly including: (3) D Street, S.W., between the L'Enfant Promenade/10th Street S.W. and 12th Street S.W.; and
Chapter 6	Uses on Primary and Secondary Streets	601.2 (a)(5) – clarify “services” to include both financial services and general services

Chapter 6	Pennsylvania Ave Sub-Area	<p>608: Augment the objectives:</p> <p>608.1 The objectives of the Pennsylvania Avenue Sub-Area are to maintain Pennsylvania Avenue as a mixed-use monumental but lively street with ground floor retail and additional height on its north side, to emphasize its role in physically linking the executive and legislative branches of the federal government <u>and to bridge the downtown with the National Mall and the monumental core.</u></p>
Chapter 6	Chinatown Sub-Area	<p>609: Amend to reflect existing 0.5 FAR reduction in retail requirement for properties required to provide housing:</p> <p>609.5 A building or structure on a lot with frontage on a designated primary street segment shall:</p> <p>(a) Devote not less than 1.0 FAR of the ground floor gross floor area to uses identified in Subtitle I § 601.2 or to wholesaling accessory to those uses, <u>provided that the requirement shall be 0.5 FAR equivalent for a building in the D-1-R, D-4-R, and D-5-R zones;</u></p>
Chapter 6	Independence Avenue Sub-Area	<p>618: Although this area is already reviewed by the CFA and would be reviewed by the Zoning Commission, add referral to NCPC:</p> <p>618.6 All proposed buildings, and structures, or any proposed exterior renovation to any existing buildings or structures that would result in an alteration of the exterior designs facing the street segments noted in Subtitle I § 618.4 shall be subject to review and approval by the Zoning Commission in accordance with the provisions in Subtitle I, Chapter 7, <u>and shall be referred to the National Capital Planning Commission for comment.</u></p>
Chapter 7	ZC Design Review	<p>701: Add “Independence Avenue Sub-Area to the areas to be reviewed, and revise 701.2 (a) accordingly:</p> <p>701.1 The provisions of Subtitle I, Chapter 7 apply to a building or structure that is within the M <u>Street Sub-Area, the Independence Avenue Sub-Area,</u> and the South Capitol Streets Sub-Area.</p> <p>701.2 All proposed uses, site plans, buildings, and structures, or any proposed exterior renovation to any existing buildings or structures that would result in an alteration of the exterior design to any property within an area listed in Subtitle I § 702.1(a), shall be subject to review and approval by the Zoning Commission in accordance with the following provisions:</p> <p>(a) In addition to proving that the proposed use, building, or structure meets the special exception standards set forth in Subtitle X, Chapter 9, an applicant requesting approval under this section shall prove that the proposed building or structure, including the siting, architectural design, site plan, landscaping, sidewalk treatment, and operation, will:</p> <p>(1) <u>Help to achieve the objectives of the subarea, as set forth in Chapter 6, in which it is located; Help achieve the objectives of the M and South Capitol Streets, S.E. Sub-Area defined in Subtitle I § 616.1, with the identified preferred uses specifically being residential, hotel or inn, cultural, entertainment, retail, or service uses;</u></p>

SUBTITLE J – PDR ZONES

Chapter 2	Density	202: Include “ <u>Agriculture, Large Animal Care and Boarding and Animal Shelter, and Arts, Design and Creation</u> ” in the list of uses eligible for maximum FAR; Add a reference in Subtitle U to this section
Chapter 2	Rear Yard	205: Clarify that rear yard can be part of the any required rear transition area
Chapter 2	Transition	207: Clarify the reference in Subtitle C so no loading can be by right in the transition area in a PDR zone.
Chapter 3	Alley Lots	300.2: Delete because alley lots and Tax lots should not be made record lots as a matter of right if they are not confirming to requirements for new lots. Coordinate language with other Alley lot chapters in other zones; include full development standards which may have been inadvertently left out.

SUBTITLE K – SPECIAL PURPOSE ZONES

Chapter 2	SEFC – Waterfront parking	200.10(c): Amend to use categories, which are broader: (c) Parking for boathouses, marinas, yacht clubs, or other recreational uses <u>Marine and Parks and Recreation uses, including any accessory uses</u> , shall be located in accordance with the provisions of Subtitle C §1102.
Chapter 2	SEFC – Preferred Uses	236.1: Amend to add "Medical care" uses, as consistent with current provision:
Chapter 2	SEFC – CG-1 special exception uses	237.4: Delete “Museum” as this falls within the “Entertainment, assembly, and performing arts” use group, also listed.
Chapter 2	SEFC – CG-2 & CG-3 – special exception uses	Section 238.3(b): Add “Entertainment, assembly, and performing arts” use group to list of uses permitted by special exception in these zones, as consistent with current regulations. 238.3 (b) Uses within the Arts, design, and creation; <u>Entertainment, assembly, and performing arts</u> ; and the Lodging use groups, subject to an overall cap within the SEFC-3 and SEFC-2 zones of 1.0 FAR maximum;
Chapter 5	CG – Preferred Uses	509.2 and 516.2(a): Amend preferred ground floor retail and service uses to add “Animal Sales, Care and Boarding” use group, consistent with current regulations:
Chapter 8	ARTS - uses	Section 811 – Listed uses do not always correspond completely to the Use Groups of Subtitle U – OP will make the ARTS uses consistent between Subtitles K and U.
Chapter 8	ARTS – preferred uses	811.6: For general consistency with current provisions, add “Retail”, Service, General” and Service, Financial” to the list of preferred uses: 811.6 Arts use groups listed in Subtitle U § 700. <u>5 subject to the restriction on Eating and drinking establishments of § 811.9, Retail, Service, General, and Service, financial uses</u> shall occupy no less than fifty percent (50%) of the ground floor level of each building ...

SUBTITLE U – Use Permissions

	Arts Uses	Correct all references and unify language of permissions between subtitles; the purpose of identifying the Arts uses in Sub U was so other subtitles could refer to the section and not repeat all the uses.
	Utilities	Clarify the matter or right Utility uses in commercial zones as <u>“Telephone exchange, electric substation using non-rotating equipment, and natural gas regulator station.”</u> And other utilizes are by special exception
Chapter 2	Accessory Apt	253.7 (d): Add Clarifying language that the addition of a door on the front of house in a historic district must be determined compatible with the historic district
Chapter 4		401.1 (a): Add clarifying language to state any use, "not including corner stores."
Chapter 8	Animal Shelter, Care and Board	Correct language to reflect case 14-10

SUBTITLE X – General Procedures

Chapter 1	Campus Plans	103.5: Amend to include continuing care retirement community: A medical campus may include hospitals, clinics, primary care, medical office buildings, nursing and convalescence care facilities, <u>continuing care retirement community</u> , related and shared parking and loading facilities, and ancillary retail and services that are customarily incidental to the uses
Chapter 2	Chanceries	Amend the language advertised in the NPRM as requested by the DoS, with the small exception that OP does not recommend changing the phrase "Notwithstanding the foregoing" to "In addition" in the last sentence of §201.5. 201.4: Amend as follows: For the purpose of the Subtitle X § 201.3 determination, the “area” shall be the <u>area that the BZA determines most accurately depicts the existing mix of uses adjacent to the proposed location of the chancery square</u> within which the proposed chancery is to be located, except that the Board of Zoning Adjustment at the request of an applicant, Secretary of State, or the Mayor of the District of Columbia may use a larger area if the Board of Zoning Adjustment finds the larger area provides a more accurate depiction of the existing mix of adjacent uses, based on calculations of the land area devoted to existing uses including office and institutional uses. 201.5: Amend as follows: An area shall be considered to be a mixed-use area if as of the date of the application more than fifty percent (50 %) of the zoned land within the area is devoted to uses other than residential uses as defined in Subtitle B, Chapter 2. <u>Notwithstanding the foregoing</u> , the Board of Zoning Adjustment may find that as area with less than this amount <u>or equal to 50 percent</u> of non-residential uses is a mixed-use <u>area upon a showing of non-residential uses</u> , based in creditable evidence , as may be submitted by the applicant, Secretary of State, or the Mayor of the District of Columbia.

Chapter 3	PUDs	<p>301.2: Clarity is needed regarding flexibility to waive the minimum area requirement for a PUD, OZ recommends:</p> <p>301.2: Add: ...that the ZC shall find <u>after the public hearing</u> that...</p> <p>301.2 (c): Replace “The development will result in compatible infill development” with “<u>If the development is to be located outside the Central Employment Area, at least eighty percent (80%) of the gross floor area of the development shall be used exclusively for dwelling units and uses accessory thereto.</u>”</p>
	PUD	<p>Additional correction of zone names and clarity that amenities and benefits include their maintenance.</p>

SUBTITLES Y and Z – BZA and ZC Rules of Practice and Procedure

Y 103.2		<p>OZ recommends changing Section 103.2 to read as follows:</p> <p>The meetings and hearings of the Commission shall be open to the public; provided that, for the reasons cited in § 405(b) of the D.C. Administrative Procedures Act, as amended by the Open Meetings Act, effective March 31, 2011 (D.C. Law 18-350; D.C. Official Code § 2-575(b)), including receiving advice from the Office of the Attorney General on legal matters and training, the Commission may hold a closed meeting, but only after the Commission meets in public session and votes in favor of entering into or scheduling a closed meeting.</p>
Y 103.4 (e)		<p>OZ recommends changing Section 103.4(e) to read as follows:</p> <p>Certify the zoning of a property upon the request of a member of the public subject to the payment of the fee set forth in Subtitle Z § 1604.</p>
Y 206.10		<p>OZ recommends changing Section 206.10 to read as follows:</p> <p><u>NEW 206.10 All filings submitted through IZIS on or before 11:59 pm shall be recorded as being received on the same day.</u></p> <p>Renumber the sections that follow.</p>
Y 302.2		<p>OZ recommends changing Section 302.2 to read as follows:</p> <p>302.2 A zoning appeal shall be filed within sixty (60) days from the date the person appealing the administrative decision had notice or knowledge of the decision complained of, or reasonably should have had notice or knowledge of the decision complained of, whichever is earlier. <u>A person shall not be imputed with having knowledge of the grant of a building permit or certificate of occupancy by the mere issuance of the permit or certificate or its placement in a public file or website, unless there is evidence that the person routinely viewed the file or website on or about the time that the permit or certificate was issued.</u></p>

<p>Y 302.17, Y 302.18</p>		<p>To avoid conflict times between sections, OZ recommends:</p> <p>302.17 No later than seven (7) days before the public hearing, the appellee and persons with party status and the affected ANC shall file any responsive briefs and supporting information, whether in support of or opposition to the appeal. All filings shall be accompanied by a certificate of service.</p> <p>302.18 No later than three (3) days before the public hearing, the appellant may file a brief and supporting information in reply to any of the responsive briefs.</p>
<p>Y 703 and 704</p>		<p>OZ recommends revising the entire Subtitle Y Section 703 and 704 to be consistent with Subtitle Z 703 and 704.</p> <p>This includes removing references to a "modification of little or no consequence". The intent is to allow the Board to determine if an application is of consequence or significance, and if it is of consequence to establish a timeframe for responses.</p>
<p>Y 704.6</p>		<p>OZ recommends changing Section 704.6 to read as follows:</p> <p>704.6 All requests for modifications of significance shall be served on all other parties to the original application at the same time as the request is filed with the Board. A party shall have ten (10) days within which to submit written comments that such party may have concerning the requested modification.</p> <p>A modification of significance would have the response times of a newly filed case, since it is going to hearing. The Board would determine the response times for a modification of consequence.</p>
<p>Z 300.10 300.11 300.12 303.8</p>	<p>PUD Application Requirements</p>	<p>Add to the relevant sections:</p> <ul style="list-style-type: none"> • Gross floor area and FAR for each building and structure...for all structures on the entire site, including a breakdown for each use • Retaining walls, list of landscaping, details of grading • Number of students
<p>Z 406.2</p>		<p>OZ recommends changing Section 406.2 to read as follows:</p> <p>406.2 The Commission shall give "great weight" to the written report of the ANC, pursuant to § 3 of the Comprehensive Advisory Neighborhood Commissions Reform Amendment Act of 2000, as amended, that is received at any time prior to the date of a Commission meeting to consider final action including any continuations thereof on the application.</p>
<p>Z 505.1</p>		<p>OZ recommends changing Section 505.1 to read as follows:</p> <p>505.1 The Commission shall give "great weight" to the written report of the ANC, pursuant to § 3 of the Comprehensive Advisory Neighborhood Commissions Reform Amendment Act of 2000, as amended, that is received at any time prior to the date of a Commission meeting to consider final action including any continuations thereof on the application.</p>

Z 703.6		OZ recommends changing Section 703.6 to read as follows: 703.6 Examples of modifications of significance include, but are not limited to, a change in use or additional relief, <u>change to public benefits and amenities or required covenants</u> , or flexibility from the zoning regulations not previously approved."
Z 703.16 Z 703.17		OZ recommends keeping the language in the proposed text with the following correction: 703.16 Responses for requests for modification of <u>consequence significance</u> shall be filed at the time specified by the Commission pursuant to Subtitle Z § 703.17. Once a modification of consequence is submitted, the Commission will decide whether it requires hearing, and if not, they will set a deliberation date and establish the amount of time all parties will have to respond to the filing.
Z 1601.7		OZ recommends changing Section 1601.7 to read as follows: 1601.7 An application for a modification to an approved required or voluntary design review shall pay the same hearing fee as stated in Subtitle Z § 1601.6 at the time the application is filed.

Attachment : 1A
Subtitle B §317: Replace as follows:

317 PROJECTION ALLOWANCES

- 317.1 ~~———— The distance of all projection allowances of this section shall be measured from the most permissive requirement toward the street, regardless of the location of the main portion of the building façade. Any width requirements shall be measured parallel to the main portion of the building façade.~~
- 317.2 ~~———— Projection allowances pertain to projections within required setbacks.~~
- 317.3 ~~———— There are no width limitations on the projecting elements or structures identified in the table, except for bay windows, show windows, towers, and oriels.~~

TABLE B § 317.3: PROJECTION ALLOWANCES

PROJECTING ELEMENT OR STRUCTURE	PROJECTION LIMITATION (Maximum)	SIDE LOT LINE CLEARANCE (Minimum)
Areaway, including any guardrail required by the District of Columbia Building Code Supplement	7 ft.	None
Below grade building components or appurtenances dedicated to the environmental sustainability of the building	7 ft.	None
Sills, leaders, belt courses, water tables, pilasters and similar ornamental or structural features	8 in.	None
Cornices, eaves, roof overhangs, awnings, canopies, marquees and other similar ornamental and structural projections	5 ft.	None
Uncovered stairs and landings, ramps, and associated handrails providing access to the first story located entirely above grade, or a story below grade	10 ft.	8 in.
Balconies, including any guardrail required by the District of Columbia Building Code Supplement	6 ft.	8 in.
Porches, with or without a roof, and including any guardrail required by the District of Columbia Building Code Supplement	6 ft.	8 in.
Porte-cocheres or colonnades, no greater in height than the finished floor level of the story above the story located entirely above grade	None	8 in.
Bay windows, show windows, towers, and oriels	4 ft. (subject to Subtitle B § 317)	None

- 317.4 ~~———— Bay windows, show windows, towers and oriels shall all be permitted subject to the following:~~
- (a) ~~———— The width of the projections shall be measured at a distance of one foot (1 ft.) from the building façade;~~

- (b) ~~The projection allowances allocated to separate lots may be contiguous with one another at a side lot line, provided the total of their combined width does not exceed the standard in the table (included as a part of this subsection) for a single bay projection, if the two (2) lots were to be measured as one (1);~~
- (c) ~~A projection may extend around the intersection point of separate setback requirements. The portion of the projection beyond the setback planes extended are not required to comply with the width requirements of this subsection; and~~
- (d) ~~Projections are permitted for building façades of any width; however, for façades of a certain size, the width of the projections permitted shall be no greater than the standard prescribed in the following table:~~

TABLE B § 317.4(d): PROJECTIONS FROM BUILDING FAÇADES

TYPE OF PROJECTION	PERMISSIONS FOR BUILDING FAÇADE WIDTHS < 16 FT.	PERMISSIONS FOR BUILDING FAÇADE WIDTHS 16 TO 24 FT.	PERMISSIONS FOR BUILDING FAÇADE WIDTHS > 24 FT.
Single Projection	6 ft.	9 ft. + 6 in./ft. of building façade width > 16 ft.	13 ft. + 2 in./ft. of building façade width > 24 ft.
Multiple Projections (i.e., two separate projections or more)	Not permitted	Not permitted	13 ft. + 6 in./ft. of building façade width > 24 ft.

ADD:

- 317.1 **Except for the projections and encroachments specified in this section and the exceptions in § 317.10, every part of a required yard or court or other required open space shall be open and unobstructed to the sky.**
- 317.2 **Cornices and eaves may project over any required yard or court for a distance not to exceed two feet (2 ft.).**
- 317.3 **Sills, leaders, belt courses, and similar ornamental or structural features may project over any required yard or court a distance not to exceed six inches (6 in.).**
- 317.4 **The ordinary projection of skylights above the bottom of a yard or court shall be permitted if placed so as not to obstruct light and ventilation.**
- 317.5 **Awnings serving a window, porch, or door may project into a required yard or open court for a distance not to exceed forty inches (40 in.).**
- 317.6 **An open or lattice-enclosed fire balcony or fire escape may project into a required yard or an open court for a distance not to exceed four feet (4 ft.).**

- 317.7 **A chimney, smokestack, or flue may project into any required rear yard, provided the horizontal section of the projection does not exceed five square feet (5 sq. ft.).**
- 317.8 **A chimney, smokestack, or flue may project into any required side yard for a distance not to exceed two feet (2 ft.).**
- 317.9 **A self-contained room air conditioner may project into any required yard or court a distance not to exceed two feet (2 ft.).**
- 317.10 **Except for the structures and exceptions specified in this section, every part of a yard required under this title shall be open and unobstructed to the sky from the ground up.**
- (a) **A structure, not including a building no part of which is more than four feet (4 ft.) above the grade at any point, may occupy any yard required under the provisions of this title. Any railing required by the D.C. Construction Code, Title 12 DCMR, shall not be calculated in the measurement of this height.**
 - (b) **A fence or retaining wall constructed in accordance with the D.C. Construction Code may occupy any yard required under the provisions of this title.**
 - (c) **Stairs leading to the ground from a door located on the story in which the principal entrance of a building is located may occupy any yard required under provisions of this title. The stairs shall include any railing required by the provisions of the D.C. Construction Code.**

ZC Exhibit #	Subtitle	Name	Date	Issue	Comment/Testimony	OP Response
1094		ANC 8E	10/26/2015	Downtown	ANC 8E believes it is fundamentally wrong that the proposed Downtown zoning districts re nearly and/or completely exempt from affordable housing requirements.	The inclusionary zoning regulations ("IZ"), which require a set-aside of affordable housing, are being reviewed as case 04-33G, a separate case from the ZRR. A public hearing on case 04-33G is scheduled for November 19, 2015. Neither the ZRR nor case 04-33G propose new exemptions from IZ. Areas that will be newly within a downtown zone and that are not now exempt from IZ will continue to be subject to IZ. The regulations now permit residential buildings in the D zones to achieve the maximum bulk permitted by the Height Act. Because there was no additional density that could be achieved in the DD due to Height Act restrictions, the DD was exempted from IZ, which is predicated on permitting additional density in return for providing the required below-market rate housing. It would be inconsistent with the IZ principles established by the Zoning Commission to now require residential development in such zones to provide IZ units. IZ would continue to be required in all areas where it is now required, and in the new D-8 zone if land is transferred from federal to private hands.
1094		ANC 8E	10/26/2015	downtown parking corner stores accessory apartments	ANC 8E believes the ZRR proposes dramatic one-size-fits-all changes, such as tripling the area of Downtown DC, reducing parking minimums in some cases to zero, allowing matter-of-right encroachment of "corner stores" into residential neighborhoods, allowing matter-of-right "accessory dwelling units" in residential areas, as well as other significant changes to the zoning code.	Thank you for your comment.
1094		ANC 8E	10/26/2015	Enforcement	ANC 8E is highly concerned that the ZRR does not enforce any commitments from developers, or zoning relief-petitioners, to invest in the District's failing infrastructure as required by the DC Comprehensive Plan. The ZRR does not ensure these Comprehensive Plan policies regarding infrastructure and new development is enforced or mitigated in any way and there is no rationale or explanation as to why.	An alleged violation of BZA or ZC orders condition(s) may be reported to the Office of Zoning. This process involves filing an OZ Form 300 (Complaint of Non-Compliance with Conditions of a BZA/ZC Order). If a violation is found to exist after DCOZ conducts its investigation, DCOZ will work with the non-complying party to achieve compliance. If unsuccessful at achieving compliance, DCOZ will turn the matter over to the Zoning Administrator (ZA), who is part of the Department of Consumer and Regulatory Affairs, with supporting documentation and a recommendation that the BZA/ZC order condition(s) be enforced. Enforcement action may include fines, revocation of building permits, and/or revocation of Certificates of Occupancy. Complainant may alternatively file a complaint directly with the ZA.
986	C	Friendship Neighborhood Association	9/24/2015	parking RPP	The Residential Parking Permit condition for reductions in the minimum parking requirement for multifamily housing that is near a bus route, but not near a Metrorail station or streetcar line, does not protect DC's neighborhoods from spillover parking as was envisioned in the deliberations by the Zoning Commission. It has very limited applicability, and is unlikely to prevent future residents from petitioning to be added to the RPP database. Further, it does nothing to address spillover parking from non-residential uses that take advantage of the reduction in the minimum parking requirement. Moreover, given the massive reductions in basic minimum parking requirements from our already low minimum parking requirements, this provision does nothing to address the additional spillover parking that we are likely to see from residential and nonresidential uses that do not take a reduction below that in Table C § 701.5.	The parking amendments advertised in the NPRM represent considerable evolution and compromise from the initial proposal. A table was prepared that showed a side-by-side comparison of the changes proposed at setdown and the existing standards. The ZC determined that some of the proposed changes were too broad and in their proposed action voted to make no changes to existing parking requirements for schools and places of worship, keep parking requirements west of 20th St, NW (ie West End), increase the permitted size of a parking lot that requires a special exception, and condition any reduction based on proximity to a priority Bus Corridor on a building not participating in RPP.
1094		ANC 8E	10/26/2015	Process	1. Requests the Zoning Commission extend the public record at least an additional three months time so that our ANC and the public in general can review the ZRR and provide comment. 2. Request the provision of critical documentation and information from the Office of Planning and Zoning Commission so we can share with our constituents, and to help our ANC over the next three months provide informed comment to the record. 3. Receive "Great Weight" responses regarding our concerns and advise with regards to the ZRR as found in points 3 through 7 of the resolution.	The ZC voted 5-0-0 at its Sept. 21, 2015 Regular Public Meeting to decline the request for translations and additional extensions after reviewing the level of outreach, public hearings, and extensions already granted. The ANC-specific Development Standards Comparison Matrixes have been and continue to be available in the case file online at the Office of Zoning website; additionally, they are posted on the OP zoning blog. All ANCs are given Great Weight.
1096		ANC 5B	10/30/2015	Process	Advisory Neighborhood Commission 5B resolves to oppose any changes in any of the current zoning requirements regarding heights, densities, and lot occupancies and buffers for our ANC-area as there have been no findings published for our review that demonstrate the current zoning regulations are "inconsistent", or "potentially inconsistent" with the DC Comprehensive Plan Land Use Element as to warrant any changes.	The standard is that amendments must be determined to be "not inconsistent with the Comp Plan"; OP provided a Comp Plan review for the proposed changes in set down report submitted into the record as exhibit 2 on August 30, 2013 and in each public hearing.
1096		ANC 5B	10/30/2015	Process	ANC 5B resolves to request the following information from OP and ZC: the ANC 5B specific development standards comparison matrix (showing the heights, densities, lot occupancies, and required yard distances) of the current zoning districts versus the proposed districts in our ANC-area. We understand other ANC's (ANC 5A and 1C) received a very helpful matrix that explains what is happening in the underlying zoning code with the change in zone district names as found in ZRR. We understand this ANC-specific matrix reduces the research and review time of the ZRR from many hours to perhaps half-hour. We don't understand why all ANC's have not received this matrix, including ours. This is uneven treatment and limits our capacity to meaningfully respond to the ZRR. ANC5B seeks a redline document to cross-reference how the language of the draft ZRR reviewed and voted on by the Zoning Commission in December 2014 may have changed with the language published in the DC Register in May 2015, along with any written rationale for those changes. ANC5B seeks printed zoning maps showing the current versus the proposed zone districts as a side-by-side comparison so we can ensure that the new zone districts are mapped correctly in the inter-related Zoning Case No. 08-06C (Map Amendment to Implement the Comprehensive Revisions to the Zoning Regulations, including New Zone Names.	The ANC-specific Development Standards Comparison Matrixes have been and continue to be available in the case file online at the Office of Zoning website; additionally, they are posted on the OP zoning blog. The ZC voted 5-0-0 at its Sept. 21, 2015 Regular Public Meeting to decline the request for translations and additional extensions after reviewing the level of outreach, public hearings, and extensions already granted. The Zoning map will be prepared after any final action on the zoning text and new zone names.

ZC Exhibit #	Subtitle	Name	Date	Issue	Comment/Testimony	OP Response
1095		ANC 7B	10/9/2015	Process	ANC 7B is requesting the following documents and communications be afforded to ANC 7B with adequate time for review of these documents: A map depicting zoning changes to identify our neighbors that would be impacted by the proposed changes in the regulations and that will be consistent to the Comprehensive Plan for our community; Easier readable chapters with highlights that show the existing regulations when compared to the proposed regulations; and Outreach conducted by OP and the ZC to assist the ANC's in clear and understandable changes in the proposed ZRR.	The Zoning map will be prepared after any final action on the zoning text and new zone names. The ANC-specific Development Standards Comparison Matrixes have been and continue to be available in the case file online at the Office of Zoning website; additionally, they are posted on the OP zoning blog.
1094		ANC 8E	10/26/2015	Process	ANC 8E is seeking an extension of time of no less than three months so that the Office of Planning may deliver the information we seek, explain the information they share, and then allow time for our community to digest this information and comment meaningfully.	The ZC voted 5-0-0 at its Sept. 21, 2015 Regular Public Meeting to decline the request for translations and additional extensions after reviewing the level of outreach, public hearings, and extensions already granted.
1094		ANC 8E	10/26/2015	Process	ANC 8E opposes the dramatic shift away from community- and ANC-input for projects that currently require special exceptions and variances, in that the ZRR makes many of these projects matter-of-right.	All variances continue to require referral to ANCs; OP continues to recommend the special exception uses as setout in the Notice of Proposed Rulemaking.
1094		ANC 8E	10/26/2015	Process	ANC 8E resolves to oppose any changes in any of the current zoning requirements regarding heights, densities, and lot occupancies and buffers for our ANC-area as there have been no findings published for our review that demonstrate the current zoning regulations are "inconsistent", or "potentially inconsistent" with the DC Comprehensive Plan Land Use Element to warrant any changes.	The standard is that amendments must be determined to be "not inconsistent with the Comp Plan"; OP provided a Comp Plan review for the proposed changes in set down report submitted into the record as exhibit 2 on August 30, 2013 and in each public hearing.
1094		ANC 8E	10/26/2015	Process	ANC 8E seeks the ANC 8E specific Development Standards Comparison Matrix. ANC 8E seeks a redline document. ANC 8E seeks printed zoning maps showing the current versus the proposed zone districts as a side-by-side comparison.	The ZC voted 5-0-0 at its Sept. 21, 2015 Regular Public Meeting to decline the request for translations and additional extensions after reviewing the level of outreach, public hearings, and extensions already granted.
1096		ANC 5B	10/30/2015	Process	ANC5B is requesting a formal presentation from the Office of Planning specifically addressing the rewrite changes, its affect's on the city, and an open forum for discussion to engage the community.	The ZC voted 5-0-0 at its Sept. 21, 2015 Regular Public Meeting to decline the request for translations and additional extensions after reviewing the level of outreach, public hearings, and extensions already granted.
1095		ANC 7B	10/9/2015	Process	ANC-7B asks for a redline document showing how the language of the draft ZRR reviewed and voted on by the Zoning Commission in December 2014 may have changed with that of the language published in the DC Register in May 2015. This is standard protocol for rulemaking proceedings.	The ZC voted 5-0-0 at its Sept. 21, 2015 Regular Public Meeting to decline the request for translations and additional extensions after reviewing the level of outreach, public hearings, and extensions already granted.
1095		ANC 7B	10/9/2015	Process	ANC-7B requests that OP and the ZC make the current and proposed zoning maps available to all neighborhood civic groups and ANC's for a side-by-side comparison to assure that new zone districts are mapped correctly as found in the inter-related Zoning Case No. 08-06C.	The Zoning map will be prepared after any final action on the zoning text and new zone names.
1095		ANC 7B	10/9/2015	Process	ANC-7B supports the call for more time to review the final language of the ZRR in light of the redline and maps. This is reasonable in light of the fact that the ZRR implements fundamental policy changes that will permanently affected the scale, scope and look to the city. While the ZRR process has been ongoing since 2007, the actual language was noted on less than a year ago.	The ZC voted 5-0-0 at its Sept. 21, 2015 Regular Public Meeting to decline the request for translations and additional extensions after reviewing the level of outreach, public hearings, and extensions already granted.
1095		ANC 7B	10/9/2015	Process	ANC-7B supports the DC Comprehensive Plan's guidance on transparent decision-making and requests that all neighborhoods citywide receive the ANC-specific Development Standards Comparison Matrix (showing the heights, densities, lot occupancies, and required yard distances) of the current zoning districts versus the proposed districts in any given ANC district. We understand that not all neighborhoods have received such a "targeted" matrix. In the interest of fairness and transparency, and to clearly explain the ZRR to everyone, we ask that all neighborhoods receive a targeted matrix.	The ANC-specific Development Standards Comparison Matrixes have been and continue to be available in the case file online at the Office of Zoning website; additionally, they are posted on the OP zoning blog.
1003		DC Planning Access	9/24/2015	Process	Copy of Press Release issued by DC Planning Access regarding Zoning Commission decision on requests for translation	Thank you for providing a copy of the Press Release.
1096		ANC 5B	10/30/2015	Process	Given that Advisory Neighborhood Commission 5B is seeking the above information which we have yet to receive, ANC5B is seeking an extension of time of no less than three months so that the Office of Planning may deliver the information we seek, explain the information they share, and then allow time for our community to digest this information and comment meaningfully.	The ZC voted 5-0-0 at its Sept. 21, 2015 Regular Public Meeting to decline the request for translations and additional extensions after reviewing the level of outreach, public hearings, and extensions already granted.
1096	U	ANC 5B	10/30/2015	Use	Further, Advisory Neighborhood Commission 5B opposes the dramatic shift away from community and ANC-input for projects that currently require special exceptions and variances, in that the ZRR makes many of these projects matter-of-right. This reduction in community oversight is not supported by the DC Comprehensive Plan. Neither the Office of Planning nor the Zoning Commission has provided any rationale to shift projects to the "Matter-of-Right" column, which unfairly and adversely eliminates ANC and community oversight over these projects.	All variances continue to require referral to ANCs; OP continues to recommend the special exception uses as setout in the Notice of Proposed Rulemaking.

Exhibit #	Subtitle	Name	Issue	Comment	OP Response
1053	A	Committee of 100		<p>101.4 (a) The 1958 Code refers to “larger yards;” the Notice of Proposed Rulemaking Case No. 08-06A Zoning Regulation Review (NPRM Text), refers to “larger setbacks,” which facilitates the change in place for measuring setbacks.</p> <p>101.4 (c) The changes to text in section (a) may be in conflict with this section, “Require a greater percentage of the lot to be unoccupied.” The rear yard measurement would be taken from the rear of the lot inward, vs. current practice which is to measure from the rear of the building.</p>	OP agrees and recommends the Commission retain the existing convention of using yard and definitions of yard and lots.
1043	B	Holland & Knight	definition	304. Both methodologies for measuring GFA should be consistent and use six (6) feet as the measurement distance.. Base both the perimeter method and grade-plane method of measuring GFA on a distance of 6 feet above finished grade or the point along the line for attached structures.	OP agrees and recommends this as a correction
1043	B	Holland & Knight	definition	309.1. The wording of this provision precludes construction of a flat where the dwelling units are side-by-side, with separate entrances from the street (aka duplex) in a zone where a flat is permitted by-right without having to get a variance to allow multiple buildings on a single lot. Also, the requirement of Section 309(d)(2) for a connection to be a “space that is designed and used to provide free and unrestricted passage between separate portions of the building, such as an unrestricted doorway or walkway” is not feasible in a typical mixed use building where different tenants may control access using contemporary security systems and protocols such as with key fobs and scan cards. . Delete the first sentence of this provision and Section 309(d)(2) .	OP recommends adding a new section 309.2 that reads: <i>“309.2 Notwithstanding Subtitle B, § 309.1, a single building shell may contain multiple uses or dwelling that do not share access.”</i>
1043	B	Holland & Knight	definition	310.3. The restriction on mezzanines above the third story should be removed. If a building is able to comply with the maximum permitted height and number of stories then it shouldn’t matter where the mezzanine is located within the building since it doesn’t count as a story wouldn’t increase the allowable height of the building.. Delete second sentence of this provision.	OP agrees and recommends all language relative to mezzanines reflect that adopted as part of Case 14-11:
1043	B	Holland & Knight	definition	313 - 324. See general comment above regarding retention of existing regulations pertaining to the definition and methods for measuring side yards, rear yards, and courtyards.. Retain current definitions related to lot lines, yards, and courtyards and provisions pertaining to measurement of required yards, setbacks, and courts.	OP agrees and recommends the Commission retain the existing convention of using yard and definitions of yard and lots.
1043	B	Holland & Knight	definition	319.3(a). Requiring the measurement for rear setback / yard to be taken from the rear lot line into the lot is a reversal of current interpretation which is to measure from the rear line of the building outward toward the rear lot line. This interpretation has been consistently used by the BZA and the Zoning Administrator, and was upheld in <i>Schonberger & Rebach v. BZA</i> (DC Court of Appeals No. 06-AA-1454).. Retain current interpretation regarding measurement of rear yard	OP agrees and recommends the Commission retain the existing convention of using yard and definitions of yard and lots.
1043	B	Holland & Knight	definition	B-66. Table §317.4(d) – The description of the second and third width allowances for single projections, and the third allowance under multiple projections, is not clear. . Provide necessary clarification	OP no longer recommends including B-317 in the final vote. B-317 was drafted as part of the concept of setbacks. Between recent changes to the Building Code and retaining the convention of Yards and Lot lines as defined in the current code, OP recommends retaining the Projection permissions of 2502 and 2503 of the current code. Any future changes will be brought forward as a separate case.
1043	B	Holland & Knight	definition	The collection of new definitions related to lot lines, courts, and setbacks is substantially more complex than is necessary and it is not clear what the need is for such a drastic deviation from what currently exists. In addition, it appears as currently proposed these new definitions and measurement requirements will be difficult to apply universally. Retain current definitions related to lot lines, yards, and courtyards and provisions pertaining to measurement of required yards, setbacks, and courts.	OP agrees and recommends the Commission retain the existing convention of using yard and definitions of yard and lots.

Exhibit #	Subtitle	Name	Issue	Comment	OP Response
1043	B	Holland & Knight	definition	307.4. The term "natural grade" should be changed to "finished grade" to be consistent with Section 307.2, and to account for typical site grading that is required during construction.. Change "natural grade" to "finished grade"	OP does not recommend any changes to the finish grade, natural grade or existing grade references. They all reflect their use in the current code and if changes are proposed/needed they will need to be brought forward as a separate case.
1025	B	Goulston and Storrs	Definitions	Inn - Need to add back definition to cover category of transient use with less than 30 rooms	OP agrees and recommends this as a correction to the NPRM.
1025	B	Goulston and Storrs	Definitions	Lot Line, Rear - Current definition means that buildings can have multiple rear yards because any lot line that is not a street lot line or does not intersect with a street becomes a rear lot line. Revise back to old definition.	OP agrees and recommends the Commission retain the existing convention of using yard and definitions of yard and lots.
1025	B	Goulston and Storrs	Definitions	Main Floor - Definition fails to reflect current interpretations and BZA decisions that buildings can have multiple main floors. Revise to add: "A building may have more than one main floor."	OP does not recommend this as an amendment at this time.
1025	B	Goulston and Storrs	Definitions	Setbacks and Yards - Pick one concept or the other and revert back to the old way of defining and measuring side and rear yards. Revise and delete as needed.	OP agrees and recommends the Commission retain the existing convention of using yard and definitions of yard and lots.
1025	B	Goulston and Storrs	Definitions	The proposed new scheme for lot lines and setbacks needs significant work. As applied, it creates multiple issues for key concepts such as rear setbacks and through lots. We strongly recommend reverting to the old definitions and concepts, which generally work well and have stood the test of time for over five decades. We agree that established interpretations of the rules of measurement for such concepts should be included.	OP agrees and recommends the Commission retain the existing convention of using yard and definitions of yard and lots.
1025	B	Goulston and Storrs	Definitions	Parking Space, Structured - Definition captures below-grade parking as well as above-grade parking. Revise definition to reflect that structured parking is only parking located above grade.	OP agrees and recommends this as a correction to the NPRM.
1025	B	Goulston and Storrs	Rules of Measurement	318-322 As discussed above, rear and side setbacks don't work in practice for many lots. Revise to use old definitions of yards and accompanying established rules of measurement.	OP agrees and recommends the Commission retain the existing convention of using yard and definitions of yard and lots.
1043	C	Holland & Knight	General Rules	305.3. The prohibition on private streets should be eliminated as it is unnecessary and not relevant to any zoning issue. In addition, this restriction raises questions as to liability and maintenance, and ultimately while the street may be a dedicated public right-of-way it's likely the District will require the owner to assume maintenance responsibilities, as is often the case today.. Delete this provision	Delete prohibition of private streets within theoretical subdivisions; amend requirement to reflect current practice
1043	C	Holland & Knight	General Rules	802.1. The provisions relating to the quantity of long-term bicycle parking within office buildings should be reduced from 1 space per 2,500 square feet to 1 space per 7,500 square feet. For a typical 300,000 square foot office building, 120 bike spaces is excessive.. Revise provisions based on comment	OP does not recommend any changes to the standards at this time.
1043	C	Holland & Knight	General Rules	901.1. The proposed loading requirement for lodging appears more burdensome and should be reevaluated. Currently, there is no loading requirement for hotels with less than 30 rooms, and for function space that is less than 10,000 square feet. By making everything based upon square footage, the inclusion of the area that would currently not be subject to loading could unnecessarily increase the required number of loading berths for the same hotel under the current regulations. For example, a hotel that has a total GFA of 200,000 sq ft, 200 rooms, and 10,000 sq ft of function space would currently need to provide two (2) 30-foot berths. Under the proposed ZRR, the same hotel would need to provide three (3) berths.. Adjust area ranges for required loading for hotels	OP agrees the loading should reflect the current standard for lodging uses, will correct the standard and recommends the Commission retain the current stand in the final vote.
1025	C	Goulston and Storrs	Parking	701.6 Only get one exemption for initial floor area—how does it work for residential and retail/office mixed-use buildings? Need to clarify whether mixed use residential and retail buildings get both the exemption for the first 4 residential units and the first 3000 SF of retail use.	OP recommends the single exemption within a mixed use building, not multiple exemptions. OP will add clarifying language to that effect.

Exhibit #	Subtitle	Name	Issue	Comment	OP Response
1043	C	Holland & Knight	rules of measurement	<p>The collection of new definitions and rules for measurement related to lot lines, courts, and setbacks is substantially more complex than is necessary, and there appears to be no reason to move away from what currently exists. Furthermore, as demonstrated below regarding rear yard, some of these provisions are a vast departure from longstanding and well-established interpretations, and potentially could be difficult to apply universally in practice. Therefore, we recommend that the current definitions related to lot lines, rear and side yards, and courts be retained, as well as the existing rules for measuring required yards and courts.</p> <p>The proposed definition and rules for measuring the required depth of rear yard support our recommendation for retaining what currently exists in the current regulations (11 DCMR 199.1, definition of "Yard, rear, depth of"). First, the proposed definition of "rear setback" is a reversal of the plain language of the existing definition and contrary to the intended purpose of having to provide a rear yard. Under the current regulations, the definition of rear yard depth is interpreted as being measured outward from the rear line of a building toward the rear lot line. There are several examples of this longstanding interpretation consistently being applied by the Board of Zoning Adjustment (BZA) and Zoning Administrator (see BZA Order No. 16696 and Appeal No. 17414), an interpretation that has been upheld in <i>Schonberger & Rebach v. BZA</i> (DC Court of Appeals No. 06-AA-1454). To change this longstanding practice now would result in significant administrative and enforcement issues to reconcile the two conflicting measurement methods.</p>	OP agrees and recommends the Commission retain the existing convention of using yard and definitions of yard and lots.
992	C	ANC 3C	subdivision	Sec. 304 Subdivision - Rules of Measurement for Lot Width -Sec. 304.4 should be deleted. It would allow the creation of new lots for single family residences or flats that are only 40% the minimum required width for a lot in the zone. The absolute minimum could be as narrow as 14 feet! It is ludicrous to imagine that you could have a minimum lot width of, for example, 50 feet in an R-1-B zone as measured 30 feet back from the front of the lot (as ZRR is proposing) and a street frontage that is only 14 feet! These two provisions must be reconciled. We recommend that lot width should be measured at the front of the lot in order to preserve block character and not 30 feet back.	OP does not recommend any changes to the text of this section as included in the NPRM. There are frequently lots that fan out from the street, such as lots on a curve or corner and lots around a cul-de-sac bulb; this provision accommodates that fanning out while ensuring a minimum frontage at the street.
1043	C	Holland & Knight	Subdivision	The prohibition on private streets contained within the theoretical subdivision provisions of Subtitle C Section 305 should be eliminated as it is unnecessary and not relevant to any zoning issue. Currently in Section 2516.6(a), any area of land within a theoretical subdivision that forms a covenanted means of ingress or egress must be excluded from the area of any theoretical lot. The current proposal under ZRR gives raises the question of whether these responsibilities would now rest with the District Department of Transportation. Past precedent would suggest that while the street(s) may be dedicated public rights-of-way, and therefore removed from the tax rolls, it is possible the District will still require the property owner to assume the cost of maintenance. If such is the case, the proposal will only burden owners who would be required to forego ownership of property that is rightfully theirs while still having to carry the cost of maintenance.	OP agrees and recommends the deletion of the prohibition of private streets within theoretical subdivisions; amend requirement to reflect current practice
1053	C	Committee of 100	Subdivision	304.4 Delete. The regulation would allow the creation of new lots for single family residences or flats that are only 40% the minimum required width for a lot in the zone. The absolute minimum could be as narrow as 14 feet! For example, 50 feet in an R-1-B zone as measured 30 feet back from the front of the lot (as NPRM Text is proposing) and a street frontage that is only 14 feet! These two provisions must be reconciled. The C100 recommends that lot width should be measured at the front of the lot in order to preserve block character and not 30 feet back; and, the regulation may be in conflict with A-101.6.	OP does not recommend any changes to the text of this section as included in the NPRM. There are frequently lots that fan out from the street, such as lots on a curve or corner and lots around a cul-de-sac bulb; this provision accommodates that fanning out while ensuring a minimum frontage at the street.
1043	G	Holland & Knight	MU Zones	202.1. Rules for measurement of courtyards for mixed-use buildings are not included.. Insert from current Section 776.5 and 776.6.	OP agrees with this correction.

Exhibit #	Subtitle	Name	Issue	Comment	OP Response
1074	I	Donohoe Company	Downtown	In addition, we address the density permitted in the D-6 zone. In § 555.1 of proposed Subtitle I, the maximum permitted FAR is specified as either 8.5 or 10.0, depending upon the width of the street abutting the property. However, § 555.4 limits the density to 6.5 FAR unless credits are used. Currently, the permitted non-residential density for these properties (which are within the C-4 zone) is 8.5 FAR or 10.0 FAR depending upon street frontage, with no requirement to utilize credits to reach the maximum density. See § 777.1 and § 771.5 of Title 11. It is our understanding that the proposal to include C-4 properties in D-6 was not intended to require the acquisition of credits to reach the maximum density. Accordingly, § 554.1 should be deleted or should be amended to reflect the existing provision of Title 11.	All prior drafts of the D-6 zone retained existing density permissions in the covered areas. OP will delete Sections 555.2 and 555.4 to correct the language to reflect that the densities currently permitted by-right for residential and non-residential uses will be the same in the new D-6 zone.
1025	I	Goulston & Storrs	Downtown ---	Need to clarify that both "general services" and "financial services" count towards the ground floor use requirement.	Section 601 – clarify "services" 601.2 A building or structure with frontage on a primary or a secondary designated street segment shall, unless otherwise modified within this section or by the use requirements for a designated street segment in a particular sub-area: (a) Devote not less than 0.5 FAR of the ground floor gross floor area to one (1) or more of the following use categories: (5) Services, both financial and general ;
920 - 922	I	NCPC	Downtown --D-8 zone -- construction in historic street right of ways	575.2 (a) (1) and 585.2 (a) (2)---Remove phrases the require a right of way to have been officially closed before construction above that right of way is prohibited.	As advertised, Sec. 575.2 precludes construction in almost all L'Enfant rights of way and in rights of way that have not been closed even if a building has been constructed in the right of way.
1053	I	Committee of 100	Downtown ---DHCD certification of off-site affordable housing assistance in lieu of on-site downtown market rate housing	305.7(e)(2) --waiver provision is too vague.	The new provision is stronger than the current DD language.
1025	I	Goulston & Storrs	Downtown ---Distinctions between the nature of a zone versus the nature of an overlay.	General comment --As written, this section suggests that the zone only applies when triggered. However, since it is a zone, and not an overlay, it needs to apply all the time. Therefore, a distinction needs to be drawn between the provisions of this zone that automatically apply (e.g. development standards, ability to use density credits) and the provisions of this zone that are triggered (e.g. residential, use, and design requirements). Revise to state: the requirements (residential, use and design) are only triggered by certain levels of construction, or if opted in by the property owner; and the development standards, permissions, and incentives (such as the ability to use Density Credits to expand) are an automatic right that is not subject to the trigger. We also recommend that property owners should have the opportunity to opt into requirements even if they are not triggered	OP will examine comments and revise, if needed, to clarify. With respect to the ability to opt into requirements if they are not triggered, OP does not recommend this at this time.
1043	I	Holland and Knight	Downtown ---Height limits for buildings employing Credits	532.2--Repeat section after 532.1, 540.1, 5481, 556.1, 563.1, & 577.1 or include in general provisions	This will be corrected within the relevant zones by noting that, unless otherwise restricted to a lesser height by a section governing the particular zone or a sub-area that includes that zone, the maximum permitted height for a building measuring its height from a street with a right of way less than 110 feet shall be the height permitted by the Height Act.

Exhibit #	Subtitle	Name	Issue	Comment	OP Response
1025	I	Goulston & Storrs	Downtown ---Lodging and office uses	304.1 (and, OP notes, indirectly in reference to D-1-R zone) -- Lodging and office uses should be permitted as a matter of right in all Downtown zones. The residential use requirements will effectively preclude entirely commercial use in certain zones.	As advertised, commercial uses such as offices are permitted in all zones other than the D-1-R zone, which is intended to be the equivalent of the existing R-5-E zone, but with permission for ground floor retail as long as at least 2.0 FAR is provided. OP recommends the D-1-R zone not be amended to permit office uses. As advertised, Lodging use would be permitted as a home occupation in R zones; as a special exception in the MU-Use Group A; by-right in the MU-Use Groups C, D and E; and by right in PDR zones.
1053	I	Committee of 100	Downtown ---motorcycle sales and repair	302.2 (c) and 303.1 (f) -- conflicts between by-right and special exception permissions.	OP will revise the text for motorcycle sales and repairs to correspond to current regulations.
1025	I	Goulston & Storrs	Downtown ---Proper location for listing of downtown use permissions	302 -- Set up a new provision in Subtitle U that lists the matter of right uses for the Downtown Zones. Revise to add additional matter of right uses as listed in Section 302.2.	OP will ensure that the uses are consistent between Subtitles I and U.
1025	I	Goulston & Storrs	Downtown ---Rear setbacks/yards -- Exemption for lots fronting on at least 3 streets	205 -- Lacks a provision eliminating the rear yard requirement for lots fronting on three or more streets.	As advertised the R and PDR sections, but not the MU or NC zones, permit the rear yard on a lot fronting on three or more streets to be measured from the centerline of the street abutting the lot at the rear of the structure.
1025	I	Goulston & Storrs	Downtown ---Rear Yard language	205.1 (b)The rear yard section is overly complex and serves no clear purpose.	Adopt the following revised Sec. 205.1 (b) (2) Between a height above the rear lot line of At heights greater than twenty five feet (25 ft.) above the mean elevation of the rear lot line, the rear setback shall be no less than twelve feet (12 ft.) from the rear lot line. Delete Section 205.1(b) (3) and Figure 205.1
1025	I	Goulston & Storrs	Downtown ---Re-transfer of legacy TDRs/CLDs	900 --Need to address "legacy" TDRs or CLDs that are vested in a site but no longer needed and are being resold. They should maintain legacy status and be able to be used in any trading area.	It was OP's intention that this be permitted. OP and OAG will examine administrative refinements to language.
1025	I	Goulston & Storrs	Downtown ---TDR/CLD conversion	806--Unlike TDRs, CLDs are not memorialized by a covenant before they are transferred. This section needs to allow for the conversion of existing CLDs that have not transferred.	OP notes that distinction between "unallocated" versus "unused" CLDs is intended to address this. The difference in terminology is explained under comment # 1043.
1043	I	Holland and Knight	Downtown ---TDRs and CLDs -- unallocated versus unused	806.1 With respect to section, what is the difference between "unallocated" TDRs and CLDs and "unused" TDRs and CLD's?	"Unallocated" refers to TDRs or CLDs that have been certified as having been generated and recorded pursuant to subtitle I Chapter 8 but have not had their generated rights transferred or linked to another property or ownership entity. "Unused" refers to TDRs or CLDs that have been allocated but are awaiting a use permitted by subtitle I chapter 9.

Exhibit #	Subtitle	Name	Issue	Comment	OP Response
1043	I	Holland and Knight	Downtown ---Unclear wording about generation of credits instruments	805.10, 807.16 -- Unclear what document is intended to be referenced as "instrument" in these provision. Is it the escrow agreement referenced in § 805.6(b) or the credit certificate itself (also referenced as "instrument at §§ 805.2, 805.3, 805.5?)If reference is to the latter, this provision needs to be reconciled with § 805.1. What instrument in § 805.10 needs to be recorded prior to Zoning Administrator issuing a credit certificate? Further is "instrument" in 807.7 referring the "credit certificate" or something else.	The term "instrument" is the same as the instrument described in Sec. 805.1 : (i.e., a document recorded in the land records of the District of Columbia by which the Zoning Administrator acknowledges the generation of credits, after which recording the Zoning Administrator may issue a credit certificate, which also shall be recorded with the land records). OP does not recommend a substantive change.
1043	I	Holland and Knight	Downtown ---Use of Credits --new credits/retransfer for conversions	900.17 -- Language in this section does not provide for scenario where non-residential use is later converted to residential. In that case, credits should be able to be retransferred as well as new credits generated for the conversion.	OP does not recommend any substantive change; OP will work with OAG to ensure administrative clarity.
1043	I	Holland & Knight	Large Format Retail	As proposed, large format retail uses would only be permitted in Downtown Zones as a special exception pursuant to Subtitle I Section 303.1(d), subject to numerous conditions contained in Subtitle U Section 511.1(j). The Central Washington Element of the Comprehensive Plan supports the continued establishment of large scale retail uses in the downtown core (Policy CW-2.1.1). The Comprehensive Plan also supports additional large format retail anchors that can support development of smaller scale local retail (Policy CW-2.1.3). These types of retail destinations can strengthen existing downtown retail nodes, and are the types of uses that can oftentimes help establish a neighborhood retail node. Therefore, these types of uses should not be required to obtain a special exception. Rather, they should be encouraged to locate in Central Washington as a matter-of-right. Therefore, in support of the Comprehensive Pan policies we recommend that format retail uses be permitted to locate as a matter-of-right in the proposed D-4 – D-8 zones.	OP does not recommend any change to the Large Format Retail special exception.
1043	J	Holland & Knight	PDR	202.1. There are several uses that are appropriate for PDR zones that would be significantly limited as a result of the limits on FAR placed on "restricted uses." These could include uses within the "Arts, Design, and Creation" use group such as an artist studio, kiln-firing, metal-working, wood –working, glass-blowing, uses with the "Animal Sales, Care, and Boarding" use group such as animal shelters, and uses within the "Agriculture, Large" use group such as greenhouses or horticultural nursery. In addition, the Ward 5 Works Plan, prepared by DCOP in August 2014, encourages "Make/Live Districts" in PDR zones, where certain industrial-type uses would be located on the ground floors of buildings with residential above. The plan states "with a higher overall density, the land could be used more productively while still providing as much dedicated space for production uses. Cross subsidy from the residential uses could reduce the required rents for the first-floor PDR uses." It also states that creation of new Make/Live Districts "would incentivize new maker/PDR spaces on the first floor(s) with residential uses above, possibly through the use of a density bonus." The density limitations proposed in this section could be a disincentive to the success of creating these new "creative-class" neighborhoods. Remove the FAR limitation on restricted uses or revise to make it much closer to what is allowed for permitted uses. Alternatively, add the "Arts, Design, and Creation," "Animal Sales, Care, and Boarding," and the "Agriculture, Large" use groups to the list of uses that can achieve the maximum FAR in Section 202.1	OP agrees that the Arts, Animal and Agricultural uses are meant to be included and OP will correct the text to reflect those uses; OP does not recommend any other changes.

Exhibit #	Subtitle	Name	Issue	Comment	OP Response
1025	K	Goulston and Storrs	Arts	811 and Subtitle U, Chapter 7 This section is very confusing. There is a separate set of "Arts" uses in Subtitle U, Chapter 7. Looking at the list, basically everything fits into "Arts, Design, and Creation," "Entertainment, Assembly, and Performing Arts," "Eating and Drinking Establishments," and then some arts-related education, office, and retail uses. As a starting point, recommend paring down the list of uses Subtitle U, Chapter 7 to: Arts, Design, and Creation; Eating and Drinking Establishments; Entertainment, Assembly, and Performing Arts; Education (arts-related); Office (arts-related); Retail (arts-related); Service, General (arts-related). With a list that simple, consider pulling in directly to Subtitle K, Chapter 8. Revise Subtitle U, Chapter 7 or perhaps delete and integrate into this section.	OP will ensure that the ARTS uses are consistent between Subtitles K and U.
1025	K	Goulston and Storrs	Arts	811.2 All of the uses listed in Subtitle U, Chapter 7 appear to be already permitted as a matter of right in the MU-Use Group E Standards. Revise to eliminate reference to arts uses in Subtitle U, Chapter 7.	OP will ensure that the ARTS uses are consistent between Subtitles K and U.
1025	K	Goulston and Storrs	Arts	811.3 All of the uses listed in Subtitle U, Chapter 7 appear to be already permitted as a matter of right in the MU-Use Group F Standards. Revise to eliminate reference to arts uses in Subtitle U, Chapter 7.	OP will ensure that the ARTS uses are consistent between Subtitles K and U.
1025	K	Goulston and Storrs	Arts	811.4 All of the uses listed in Subtitle U, Chapter 7 appear to be already permitted as a matter of right in the MU-Use Group G Standards. Revise to eliminate reference to arts uses in Subtitle U, Chapter 7.	OP will ensure that the ARTS uses are consistent between Subtitles K and U.
1025	K	Goulston and Storrs	Arts	811.6 As written, this only permits arts-related uses to count toward the ground floor requirement. Revise to include retail/service as well as arts-related uses. "Arts use groups listed in Subtitle U § 700.1 The following use groups shall occupy no less than fifty percent . . ." "Arts use groups listed in Subtitle U § 700.1 The following use groups shall occupy no less than fifty percent . . . a) Arts, Design, and Creation; b) Eating and Drinking Establishments; c) Entertainment, Assembly, and Performing Arts; d) Education (arts-related); e) Office (arts-related); f) Retail; g) Service, General; h) Service, Financial.	For general consistency with current provisions, add "Retail", "Service, General" and "Service, Financial" to the list of preferred uses, and clarify the restriction on Eating and Drinking establishments in §811.9: 811.6 Arts use groups listed in Subtitle U § 700.5 subject to the restriction on Eating and drinking establishments of § 811.9, Retail, Service, General, or Service, financial uses shall occupy no less than fifty percent (50%) of the ground floor level of each building ...
1025	K	Goulston and Storrs	Capitol Gateway	509.2, 516.2(a) Missing typical ground floor uses such as animal sales and medical care. Revise to add Animal Sales and Medical Care.	Current CR regulations prohibit "veterinary hospital" as a permitted use; other zones permit this use and broader animal related uses, and establish them a preferred uses, so OP will make this change to both sections.
1025	K	Goulston and Storrs	Reed-Cooke	715.1 List of individual uses does not line up with the new "use group" based approach to uses. Revise.	OP does not recommend any changes to these uses; they reflect the current restriction and permission within the current Code.

Exhibit #	Subtitle	Name	Issue	Comment	OP Response
1025	K	Goulston and Storrs	SEFC	200 The SEFC Overlay essentially operates as a first-stage PUD. It was developed in 2003 to implement GSA's plan to develop the property as a series of parcels with a certain mix, height, and density of uses. These parcels and densities assumed the constraints of the then-applicable zoning regulations (that is, public streets would not count toward FAR or lot occupancy, but private streets would count). Additional public-private agreements between the master developer and GSA as well as the District of Columbia are also based on these assumptions. The proposed regulation in Subtitle B, Section 301.2 will carve out private as well as public streets, thus reducing the maximum permitted density originally approved in Z.C. Case No. 03-06, as amended in Z.C. Case No. 07-11. Recommend inserting a provision here that recognizes the history of planning and approvals here and therefore allow private streets to count toward FAR and other zoning regulations. The proposed regulation in Subtitle B, Section 301.2 will carve out private as well as public streets, thus reducing the maximum permitted density originally approved in Z.C. Case No. 03-06, as amended in Z.C. Case No. 07-11. Recommend inserting a provision here that recognizes the history of planning and approvals here and therefore allow private streets to count toward FAR and other zoning regulations. Insert new 200.11: "Notwithstanding the restrictions in Subtitle B, Section 303.2 and other provisions of the regulations, private rights-of-way within the SEFC Zones that serve as principal circulation for the site may be included in lot area for the purposes of calculating FAR and other development standards of this title."	OP reviewed analysis provided to the Zoning Commission at the time of zoning approval, and it was clear that roads were "netted out" from calculations in establishing zoning to provide the GSA identified square footage for SEFC development, overall and for specific uses. OP estimates that, if roads were included in the parcel area for the purposes of FAR calculations, permitted development square footage on the SEFC site would almost double from the approximately 6 million square feet anticipated by GSA and the Commission at the time of zoning approval. It is clear from reports and the Order that, at the time, all streets were anticipated to be opened as public streets, which would not count toward FAR calculations. As such, OP does not recommend this change.
1025	K	Goulston and Storrs	SEFC	200.10(c) Refers to specific uses rather than new use groups. "Parking for boathouses, marinas, yacht clubs, or other recreational uses Marine and Parks and Recreation uses shall be located . . ."	OP concurs with this recommendation to use the use categories, which are broader: (c) Parking for boathouses, marinas, yacht clubs, or other recreational uses Marine and Parks and Recreation uses, including any accessory uses , shall be located in accordance with the provisions of Subtitle C §1102.
1025	K	Goulston and Storrs	SEFC	237.4 Global Comment – the lists of uses should reflect the Use Groups, not individual uses.	OP has used the use groups as appropriate, and noted individual uses where necessary to be consistent with existing approved zoning.
1025	K	Goulston and Storrs	SEFC	236.1 Current overlay includes optical goods store, optical lab, optician and optometrist, physician or dentists offices as preferred uses. Add "Medical Care" to the list of preferred uses.	OP concurs with this recommendation to add "Medical care" uses, as consistent with current provision: 236.1 The following uses groups shall be considered preferred uses within the SEFC zones: (d) Medical Care;
1025	K	Goulston and Storrs	SEFC	237.4(f) and (g) Library and Museum are not defined use categories. Delete. Museum is already included through "entertainment, assembly, and performing arts". Libraries are part of general institutional uses, but such uses should not require a special exception.	OP brought forward the existing provisions. "Museum" can be deleted, as being within the "entertainment, assembly, and performing arts" use group; library should be retained as consistent with current provisions.
1025	K	Goulston and Storrs	SEFC	238.2(c) Prohibits sanitarium use – is this otherwise permitted in this zone?	Retain as consistent with current text.
1025	K	Goulston and Storrs	SEFC	238.3(b) Current SEFC Overlay permits "arts, cultural, and hotel uses." Change from uses to use group inadvertently deleted "cultural" uses. Add in "entertainment" use category to cover cultural uses. Revise as follows: "Uses within the arts, design, and creation, entertainment, assembly, and performing arts, and lodging use groups . . ."	OP concurs, particularly since this is a list of uses permitted with Zoning Commission approval and with an FAR cap. 238.3 (b) Uses within the Arts, design, and creation; Entertainment, assembly, and performing arts; and the Lodging use groups, subject to an overall cap within the SEFC-3 and SEFC-2 zones of 1.0 FAR maximum;

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1025	U	Goulston and Storrs	Uses	Chapter 7 Looking at the list, basically everything fits into "Arts, Design, and Creation," "Entertainment, Assembly, and Performing Arts," "Eating and Drinking Establishments," and then some arts-related education, office, and retail uses. As a starting point, recommend paring down the list of uses Subtitle U, Chapter 7 to: Arts, Design, and Creation; Eating and Drinking Establishments; Entertainment, Assembly, and Performing Arts; Education (arts-related); Office (arts-related); Retail (arts-related); Service, General (arts-related). With a list that simple, consider pulling in directly to Subtitle K, Chapter 8. Revise Subtitle U, Chapter 7 or perhaps delete and integrate into this section.	OP will ensure that the uses are consistent between Subtitles K and U.
1025	U	Goulston and Storrs	Uses	508.1(e) Seeming conflict in use permissions. Special exception approval required for entertainment, assembly, and performing arts uses for MU zones use group C, but private/public theater for purpose of entertainment, assembly and performing arts is permitted in § 507.1(b)(7). Permit all entertainment, assembly, performing arts, private/public theater uses; no special exception required	OP will review use permissions to ensure consistency with existing use permissions in Title 11.
1025	U	Goulston and Storrs	Uses	508.1(g) "Miscellaneous uses" is too broad and unclear. Again, the section has been wrenched out of its context as part of the use permissions in waterfront zones. Delete section or clarify.	OP will review use permissions to ensure consistency with existing use permissions in Title 11.
1025	U	Goulston and Storrs	Uses	700.2 Residential and non-arts commercial uses (office, general retail, etc.) are not identified as being permitted. Add subsections allowing residential, office, and general retail uses.	OP will review use permissions to ensure consistency with existing use permissions in Title 11.
1043	U	Holland & Knight	uses	504.1(j). This section is the equivalent of Section 518 of the existing Zoning Regulations which pertains to uses permitted in the current SP-2 District as a special exception. However, it appears as a result of making eating and drinking establishments a separate use group, these uses would not be permitted as a special exception in the proposed MU-2 zone, the SP-2 equivalent.. Modify Section 504.1(j) to include the eating and drinking establishment use group. This section would then pertain to the following: "Retail, service (general), and eating and drinking establishment uses subject to the following conditions:"	OP will review this and make sure the same use permissions are brought forward.

ZRR Timeline

