

MEMORANDUM

TO: District of Columbia Zoning Commission
FROM: Jennifer Steingasser, Deputy Director Development Review & Historic Preservation
DATE: September 30, 2013
SUBJECT: ZC 08-06A Deliberation Worksheets

Summary worksheets have been prepared to help organize the issues for deliberation. These worksheets are based on general summaries of the major issues, technical changes and decision points necessary to get to the next draft. The worksheets do not capture 100% of the comments or modifications but are very representative.

Recognizing that the Commission reviews the full record, attached is a summary of public comment relevant to the topic for context. The exact exhibit number is to the left for easy reference.

After receiving direction from the Commission the draft text will be revised.

CODE STRUCTURE AND ZONE NAMES

1) Code Structure: Organization - use subtitles

- Setdown: Attachment 1 outlines the general organization
- Alternate: Create two additional zones to reflect the Arts and the Reed Cooke overlay zones as unique chapters in Subtitle K
- Public Comments:
 - Don't change the existing structure
 - Change the structure but continue to refine the organization so that it is more logical and easy to use
 - Support for reconstituting the Reed Cooke zones into a new RC zone within Subtitle K
- OP Recommendation: Alternate: Use the Subtitle framework, reconstitute the Arts and Reed Cooke overlay zones into unique zones within Subtitle K, and allow OP to continue to work with OAG and OZ to refine the draft within the general framework of the subtitle organization.

ZC Decision: _____

2) Zone Names –

- Setdown: Attachment 2 lists the comparison of names
- Alternate: Zone Names reworked to:
 - Keep the existing zones R-1-A, R-1-B, R-2 and R-3 of the low density residential zones to avoid confusion;
 - Add additional letters to most zones to clarify the zones, such as N to NC to signify *Neighborhood Commercial*, P to PDR to signify *Production, Distribution and Repair*, A to RA to signify *Residential Apartments*;
- Public Comments:
 - Those who opposed changing the structure also opposed changing the zone names, and wanted to keep the overlay names;
 - Those who supported the structure change also had no objection to the name changes;
- OP Recommendation: Use the July 10, 2014 Alternate name structure that keeps the R-1-A, R-1-B, R-2 and R-3 zones and adds a clarifying letter to the zone names, as noted in the July 10, 2014 column.

ZC Decision: _____

ATTACHMENT 1 – Code Structure

Subtitle A	Authority And Applicability	
Chapter 1	Introduction To Title 11	
Chapter 2	Administrative And Zoning Regulations	
Chapter 3	Administration And Enforcement	
Chapter 4	Other Authorities	
Subtitle B	Definitions	
Chapter 1	Definitions	
Chapter 2	Use Groups	
Subtitle C	General Rules	
Chapter 1	Introduction To General Rules	
Chapter 2	Uses	
Chapter 3	Nonconformities	
Chapter 4	Subdivision	
Chapter 5	Height And Roof Structures	
Chapter 6	Dwelling Unit Density	
Chapter 7	Lot Occupancy	
Chapter 8	Accessory Buildings	
Chapter 9	Floor Area Ratio	
Chapter 10	Front Setbacks And Build-To Lines	
Chapter 11	Side Setbacks	
Chapter 12	Rear Setbacks	
Chapter 13	Courtyards	
Chapter 14	Plazas	
Chapter 15	Transitions	
Chapter 16	Pervious Surfaces	
Chapter 17	Green Area Ratio	
Chapter 18	Tree Protection	
Chapter 19	Vehicle Parking	
Chapter 20	Bicycle Parking	
Chapter 21	Loading	
Chapter 22	Inclusionary Zoning	
Chapter 23	Waterfront	
Chapter 24	Preferred Arts Uses And Credits	
Chapter 25	Antennas	
Subtitle D	Residential House (R) Zones	
Chapter 1	Introduction To Residential House (R) Zones	
Chapter 2	Residential House Zones – Group 1	
Chapter 3	Residential House Zones – Group 2 (Chain Bridge Road/University Terrace) R-5 (CBUT/R-1-A)	
Chapter 4	Residential House Zones – Group 3 (Tree And Slope Protection)	
Chapter 5	Residential House Zones – Group 4 (Forest Hills Tree And Slope Protection)	
Chapter 6	Residential House Zones – Group 5 (Naval	

	Observatory/Tree And Slope Protection) (R-1-A/No-Tsp)	
Chapter 7	Residential House Zones – Group 6 (Naval Observatory)	
Chapter 8	Residential House Zones – Group 7 (Wesley Heights)	
Chapter 9	Residential House Zones – Group 8 (Foggy Bottom)	
Chapter 10	Residential House Zones – Group 9 (Sixteenth Street Hts)	
Chapter 11	Residential House Zones – Group 10 (Georgetown)	
Chapter 12	Development Standards For Public Buildings Or Structures	
Chapter 13	Accessory Building Regulations For R Zones	
Chapter 14	Alley Lot Regulations For R Zones	
Chapter 15	General Development Standards	
Chapter 16	Use Permissions R Zones	
Chapter 17	Relief From Required Development Standards	
Subtitle E	Residential Flats (RF) Zones	
Chapter 1	Introduction To Residential Flat (RF) Zones	
Chapter 2	Residential Flat Zone – Group 1 (RF-1)	
Chapter 3	Residential Flat Zone – Group 2 (Dupont Circle)	
Chapter 4	Residential Flat Zone – Group 3 (Capitol Interest)	
Chapter 5	Residential Flat Zone – Group 4 (RF-4, RF-5)	
Chapter 6	Conversion Of A Building/Structure To An Apartment House (RF)	
Chapter 7	Development Standards For Public Buildings Or Structures	
Chapter 8	Accessory Building Regulations For RF Zones	
Chapter 9	Alley Lot Regulations For RF Zones	
Chapter 10	General Development Standards (RF)	
Chapter 11	Use Permissions (RF)	
Chapter 12	Relief From Development Standards	
Subtitle F	Apartment (RA) Zones	
Chapter 1	Introduction To Apartment (A) Zones	
Chapter 2	Apartment Zone – Group 1	
Chapter 3	Apartment Zone – Group 2 (Naval Observatory)	
Chapter 4	Apartment Zone - Group 3 (Capitol Interest)	
Chapter 5	Apartment Zone – Group 4 (Reed-Cooke)	
Chapter 6	Apartment Zone – Group 5 (Dupont Circle)	
Chapter 7	Development Standards For Public Buildings Or Structures	
Chapter 8	Accessory Buildings	
Chapter 9	Alley Lot Regulations	
Chapter 10	Height And Roof Structures	
Chapter 12	Relief From Required Development Standards	
Chapter 13	Minimum Lot Dimensions (A)	
Chapter 14	Use Permissions	
Subtitle G	Mixed Use (MU) Zones	
Chapter 1	Introduction To Mixed Use (M) Zones	
Chapter 2	Mixed Use Zones - M-1 And M-2	

Chapter 3	Mixed Use Zones – M-3, M-4, M-5, M-6, M-7, M-8, M-9, And M-10	
Chapter 4	Mixed Use Zones – Waterfront (M-11, M-12, M-13 And M-14)	
Chapter 5	Mixed Use Zones – Dupont Circle (M-16 Through M-23)	
Chapter 6	Mixed Use Zones – Capitol Interest/Capitol Hill (M-24, M-25, M-26 And M-27)	
Chapter 7	Mixed Use Zones – Naval Observatory (M-28)	
Chapter 8	Mixed Use Zones – Group 7- Uptown Arts (M-29, M-30, M-31, M-32)	
Chapter 9	Mixed Use Zones –Reed-Cooke (M-33, M-34)	
Chapter 10	Mixed Use Zones –Fort Totten- (M-35, M-36)	
Chapter 11	Development Standards For Public Buildings Or Structures	
Chapter 12	Height And Roof Structure Regulations	
Chapter 13	Relief From Development Standards	
Chapter 14	Use Permissions	
Chapter 15	Alley Lot Regulations	
Subtitle H	Neighborhood Mixed Use (NC) Zones	
Chapter 1	Neighborhood Mixed Use (N) Zones	
Chapter 2	Macomb-Wisconsin Neighborhood Mixed Use Zone (N-1)	
Chapter 3	Takoma Neighborhood Mixed Use Zone (N-2) (C-2-A/TK)	
Chapter 4	Cleveland Park Neighborhood Mixed Use (N-3) (C-2-A/CP)	
Chapter 5	Woodley Park Neighborhood Mixed Use (N-4 And N-5)	
Chapter 6	Eighth Street Southeast Neighborhood Mixed Use Zone (N-6)	
Chapter 7	Georgia Avenue Neighborhood Mixed Use Zones (N-7 And N-8)	
Chapter 8	H Street Northeast Neighborhood Mixed Use Zones (N-9 Through N-17)	
Chapter 9	Development Standards For Public Buildings Or Structures (N)	
Chapter 10	General Development Standards (N)	
Chapter 11	Use Permissions For N Zones	
Chapter 12	Relief From Development Standards	
Subtitle I	Downtown (D)	
Chapter 1	Introduction To Downtown (D) Zone Regulations	
Chapter 2	Downtown Zones And Zone Tables	
Chapter 3	Zone-Based Measurement Rules And Development Conditions	
Chapter 4	Zone-Based Use Requirements And Permissions	
Chapter 5	Zone-Based Design Requirements And Permissions	
Chapter 6	Location-Based Regulations For Downtown Sub-Areas	
Chapter 7	Design Review	

Chapter 8	Generation And Certification Of Credits	
Chapter 9	Use Of Credits 9	
Chapter 10	Non-Traditional Downtown Uses 4	
Chapter 11	Parking Regulations 5	
Chapter 12	Development Regulations For Accessory Buildings 7	
Chapter 13	Planned Unit Developments 8	
Chapter 14	Alley Lots 9	
Subtitle J	Production, Distribution And Repair (PDR) Zones	
Chapter 1	Introduction To Production, Distribution And Repair (P) Zones	
Chapter 2	Development Standards	
Chapter 3	Use Categories	
Chapter 4	Alley Lot Regulations	
Chapter 5	Special Exception	
Subtitle K	Special Purpose Zones	
Chapter 1	Introduction To Special Purpose Zones	
Chapter 2	Southeast Federal Center	
Chapter 3	Union Station North (USN)	
Chapter 4	Hill East (HE)	
Chapter 5	Capitol Gateway (CG)	
Chapter 6	Saint Elizabeths East Campus (StE)	
Chapter 7	Uptown Arts (ARTS)	
Chapter 8	Reed Cooke (RC)	
Subtitle W	Mapping	
Chapter 1	Mapping	
Subtitle X	General Procedures	
Chapter 1	Campus Plans And School Plans	
Chapter 2	Chancery Applications	
Chapter 3	Planned Unit Developments	
Chapter 4	Applications For Amendment To Create A New Zone	
Chapter 5	Map Amendments	
Chapter 6	Design Review	
Chapter 7	Airspace Development	
Chapter 8	Water Tower On The East Campus Of Saint Elizabeth's	
Subtitle Y	Board Of Zoning Adjustment Rules Of Practice And Procedure	
Chapter 1	Administration	
Chapter 2	Public Participation	
Chapter 3	Application Requirements	
Chapter 4	Pre-Hearing And Hearing Procedures: Applications	
Chapter 5	Pre-Hearing And Hearing Procedures: Appeals	
Chapter 6	Post-Hearing Procedures	
Chapter 7	Approvals And Orders	
Chapter 8	Special Exceptions	

Chapter 9	Variances	
Chapter 10	Chancery Applications	
Chapter 11	Zoning Appeals	
Chapter 12	Civil Infraction Appeals	
Chapter 13	Reserved	
Chapter 14	Reserved	
Chapter 15	Reserved	
Chapter 16	Reserved	
Chapter 17	Reserved	
Chapter 18	Reserved	
Chapter 19	Reserved	
Chapter 20	Fees	
	Subtitle Z Zoning Commission Rules Of Practice And Procedure	
Chapter 1	Administration	
Chapter 2	Public Participation	
Chapter 3	Reserved	
Chapter 4	Pre-Hearing And Hearing Procedures: Contested Cases	
Chapter 5	Pre-Hearing And Hearing Procedures: Rulemaking Cases	
Chapter 6	Post-Hearing Procedures	
Chapter 7	Approvals And Orders	
Chapter 8	Design Review	
Chapter 9	Airspace Development	
Chapter 10	Map Amendments	
Chapter 11	Text Amendments	
Chapter 12	Campus Plans	
Chapter 13	Sua Sponte Review	
Chapter 14	Reserved	
Chapter 15	Reserved	
Chapter 16	Reserved	
Chapter 17	Reserved	
Chapter 18	Reserved	
Chapter 19	Fees	

ATTACHMENT 2 – Zone Names

Current Zone Name	Setdown Zone Name September 9, 2013	Alternate Zone Name July 10, 2014
Subtitle D - Residential House		
R-1-A and R-1-A/D	R-1	R-1-A
R-1-B and R-1-B/D	R-2	R-1-B
R-2 and R-2/D	R-3	R-2
R-3 and R-3/D	R-4	R-3
R-1-A/CBUT	R-5	R-21
R-1-A/TSP	R-6	R-6
R-1-B/TSP	R-7	R-7
R-1-A/FH-TSP	R-8	R-8
R-1-B/FH-TSP	R-9	R-9
R-2/FH-TSP	R-10	R-10
R-1-A/NO/TSP and R-1-A/NO/TSP/D	R-11	R-11
R-1-B/NO and R-1-B/NO/D	R-12	R-12
R-3/NO	R-13	R-13
R-1-A/WH	R-14	R-14
R-1-B/WH	R-15	R-15
R-3/FB	R-16	R-16
R-1-B/SSH1	R-17	R-17
R-1-B/SSH2	R-18	R-18
R-1-B (Gtwn)	R-19	R-19
R-3 (Gtwn)	R-20	R-20
Subtitle E – Residential Flat		
R-4 and R-4/D	RF-1	RF-1
R-4/DC	RF-2	RF-2
R-4/CAP	RF-3	RF-3
NEW ZONE	RF-4	RF-4
NEW ZONE	RF-5	RF-5
Subtitle F – Apartments		
R-5-A	RA-1	RA-1
R-5-B	RA-2	RA-2
R-5-C	RA-3	RA-3
R-5-D	RA-4	RA-4
R-5-E	RA-5	RA-5
R-5-A/NO	RA-6	RA-6
R-5-B/CAP	A-7	RA-7
R-5-B/DC	A-9	RA-8
R-5-D/DC	A-10	RA-9
R-5-E/DC	A-11	RA-10

Current Zone Name	Setdown Zone Name September 9, 2013	Alternate Zone Name July 10, 2014
Subtitle G - Mixed Use		
SP-1	M-1	MU-1
SP-2	M-2	MU-2
C-1	M-3	MU-3
C-2-A	M-4	MU-4
C-2-B	M-5	MU-5
C-2-C	M-6	MU-6
C-3-A	M-7	MU-7
C-3-B	M-8	MU-8
C-3-C	M-9	MU-9
CR	M-10	MU-10
W-0	M-11	MU-11
W-1	M-12	MU-12
W-2	M-13	MU-13
W-3	M-14	MU-14
SP-1/DC	M-16	MU-15
SP-2/DC	M-17	MU-16
C-2-A/DC	M-18	MU-17
C-2-B/DC	M-19	MU-18
C-2-C/DC	M-20	MU-19
C-3-B/DC	M-21	MU-20
C-3-C/DC	M-22	MU-21
CR/DC	M-23	MU-22
SP-2/CAP	M-24	MU-23
C-2-A/CAP	M-25	MU-24
C-2-A/CHC	M-26	MU-25
C-2-A/CAP/CHC	M-27	MU-26
C-2-A/NO	M-28	MU-27
C-3-A/FT	M-35	MU-28
CR/FT	M-36	MU-29

Current Zone Name	Setdown Zone Name September 9, 2013	Alternate Zone Name July 10, 2014
Subtitle H – Neighborhood Commercial		
C-1/MW	N-1	NC-1
C-2-A/TK	N-2	NC-2
C-2-A/CP	N-3	NC-3
C-2-A/WP	N-4	NC-4
C-2-B/WP	N-5	NC-5
C-3-A/ES	N-6	NC-6
C-2-A/GA	N-7	NC-7
C-3-A/GA	N-8	NC-8
C-2-A/HS-H	N-9	NC-9
C-2-B/HS-H	N-10	NC-10
C-2-C/HS-H	N-11	NC-11
C-3-A/HS-H	N-12	NC-12
C-3-B/HS-H	N-13	NC-13
C-2-A/HS-A	N-14	NC-14
C-3-A/HS-A	N-15	NC-15
C-2-A/HS-R	N-16	NC-16
C-2-B/HS-R	N-17	NC-17

Current Zone Name	Setdown Zone Name September 9, 2013	Alternate Zone Name July 10, 2014
Subtitle I - Downtown		
R-5-E in expanded downtown zone, DD/R-5-E; DD/Chinatown/R-5-E	D-1-A-2	D-1
SP-2 in expanded downtown zone	D-2-B-1	D-2
HR/C-3-C/TDR; C-3-C/Downtown East TDR	D-3-B-1	D-3
C-3-C/non-TDR in expanded downtown zone; HR/C-3-C/non-TDR	D-4-B-1	D-4
DD/C-2-C/HPA (housing priority area); DD/C-2-C/MVT/HPA	D-4-B-2	D-4-R
CG/C-3-C/TDR; C-3-C/TDR other than Downtown East TDR; DD/C-3-C/non-HPA	D-5-B-1	D-5
DD/C-3-C/HPA; DD/C-3-C/MVT/HPA	D-5-B-2	D-5-R
C-4/non HPA in expanded downtown zone	D-6-B-1	D-6
DD/C-4/non-HPA	D-6-B-1	D-7
DD/C-4/HPA	D-6-B-2	D-7-R
C-3-C /non-TDR Federal Properties in Federal Triangle South	D-8-B-1	D-8
C-5	D-7-B-1	D-9

Current Zone Name	Setdown Zone Name September 9, 2013	Alternate Zone Name July 10, 2014
Subtitle J – Production Distribution, Repair (PDR) (Industrial)		
CM-1, CM-1/LO	P-1	PDR-1
CM-2	P-2	PDR-2
CM-3	P-3	PDR-3
M	P-4	PDR-4
CM-1/CAP	P-5	PDR-5
CM-1/FT	P-6	PDR-6
M/FT	P-7	PDR-7

Current Zone Name	Setdown Zone Name September 9, 2013	Alternate Zone Name July 10, 2014
Subtitle K - Special Plan Zones		
SEFC/CR	SEFC-1	SEFC-1
SEFC/R-5-E	SEFC-2	SEFC-2
SEFC/R-5-D	SEFC-3	SEFC-3
SEFC/W-0	SEFC-4	SEFC-4
USN	USN	USN
HE-1 through HE-4	HE-1 through HE-4	HE-1 through HE-4
CG/R-5-E	CG-1	CG-1
CG/C-2-C	CG-2	CG-2
CG/C-3-C	CG-3	CG-3
CG/CR	CG-4	CG-4
CG/W-2	CG-5	CG-5
CG/W-1	CG-6	CG-6
CG/W-3	CG-7	CG-7
STE-1 through STE-19	STE-1 through STE-19	STE-1 through STE-19
Current Zone Name	Setdown Zone Name September 9, 2013	Alternate Zone Name July 10, 2014
C-2-A/ARTS	M-29	ARTS-1
C-2-B/ARTS	M-30	ARTS-2
C-3-A/ARTS	M-31	ARTS-3
CR/ARTS	M-32	ARTS-4
R-5-B/RC	A-8	RC-1
C-2-A/RC	M-33	RC-2
C-2-B/RC	M-34	RC-3

DEFINITIONS

1) Definitions –

- Setdown: Attachment 1 lists the setdown definitions in the middle column
- Alternate: Attachment 1 lists the additional definitions considered as Alternate text in July 2014 in the left column.
- Public Comments:
 - Use expanded definitions
 - Review proposals and clarify as necessary “Director” and “Gross Floor Area”
 - Consider using some of the Height measuring regulations from earlier ZC case 08-06A
 - Add Balustrade a
 - Clarify that non-conforming uses or structures will not result from a change in definition
- OP Recommendation: Use the July 10, 2014 Alternate list of definitions with some additions that may be required after review by OAG; address public comments, do not include definitions that are not regulated, and clarify that Words not defined in this section shall have the meanings given in Webster's Unabridged Dictionary.

ZC Decision:

Definitions (July 2014)

- The following are new definitions that OP proposes for inclusion in the draft text.
 - Farmers Market
 - Fast Food, Drive-through
 - Grocery Store
 - Large Format Retail
 - Material Salvage
 - Sustainability
 - Urban Tree Canopy
- The following are definitions where OP proposes revisions to the draft text.
 - Affordable Housing
 - Apartment Building
 - Art Exhibition Area
 - Art Incubator
 - Boarding House
 - Building; Building Area; Building Envelope
 - Building Height, non-Residential Zones and Building Height, Residential Zones
 - Community-based Residential Facility
 - Corner Store
 - Fast Food, Restaurant
 - Floor Area, Gross
 - Garage, Mechanical Parking
 - Historic District; Historic Landmark; and Historic Resource
 - Lot Width
 - Mezzanine
 - Setback; Setback, Front; Setback, Side; and Setback, Rear
 - Story
- OP proposes that the following definitions from Title 11 be reintroduced in the draft text
 - Adult Day Treatment Facility
 - Apartment
 - Art Gallery
 - Automobile Laundry
 - Ballpark
 - Boathouse
 - Car-sharing space
 - Chancery
 - Collocation
 - Court, height of; Court, length of; and Court, width of
 - Dinner Theater
 - Equipment cabinet or shelter
 - Firearm
 - Firearms retail sales establishment
 - Fire Department
 - Fire Station
 - Home Sales Party
 - International Organization
 - Legitimate Theater
 - Line, building
 - Loading Berth
 - Parking Lot
 - Marina
 - Mount
 - Natural Grade
 - Open Arcade
 - Optical Transmission Node
 - Public Library
 - Regional Command Center
 - Rooming Unit
 - Service/Delivery Loading Space
 - Specified anatomical areas
 - Specified sexual activities
 - Stable, private and Stable, public
 - Street Frontage
 - Wall, lot line
 - Warehouse
- OP proposes deletion of the following definitions from the draft text.
 - Car-share Organization
 - Dormer
 - Tenement House
 - Story, Ground Level

Current Definitions – Title 11		Proposed Definitions – September 9, 2013		OP Comment	
199	DEFINITIONS	100	DEFINITIONS OF WORDS, TERMS, AND PHRASES		
199.1	When used in this title, the following terms and phrases shall have the meanings ascribed:	100.1	When used in this title, the following terms and phrases shall have the meanings ascribed.		
199.2	<i>[Repositioned for this comparison]</i> For the purpose of this title, the following definitions shall not be held to modify or affect in any way the legal interpretations of these terms or words where used in other regulations: (a) Words in the present tense shall include the future tense; (b) Words in the singular number shall include the plural number, and words in the plural number shall include the singular number; (c) The word "lot" shall include the words "plot" and "parcel"; (d) The word "shall" is mandatory and not discretionary; (e) The word "person" shall include a corporation as well as an individual; (f) The words "occupied" and "used" shall be considered as though followed by the words "or intended, arranged, or designed to be used or occupied, offered for occupancy"; and (g) Words not defined in this section shall have the meanings given in Webster's Unabridged Dictionary.	100.2	For the purpose of this title, the following definitions shall not be held to modify or affect in any way the legal interpretations of these terms or words where used m other regulations: (a) Words in the present tense shall include the future tense; (b) Words in the singular number shall include the plural number, and words in the plural number shall include the singular number; (c) The word "lot" shall include the words "plot" and "parcel"; (d) The word "shall" is mandatory and not discretionary; (e) The word "person" shall include a corporation as well as an individual; (f) The words "occupied" and "used" shall be considered as though followed by the words "or intended, arranged, or designed to be used or occupied, offered for occupancy"; and (g) Words not defined in this section shall have the meanings given in Webster's Unabridged Dictionary.	Subsection (e) is well established by law but it will be included in the proposed text.	
		<u>1958 Zoning Regulations</u> : The regulations that were originally adopted and became effective at 12:01 a.m. May 12, 1958, as amended.		New definition.	
Accessory apartment - a complete apartment unit contained within a one-family detached dwelling. It has kitchen and bath facilities separate from the principal dwelling and may have a separate entrance. (40 DCR 6364)		<u>Accessory Apartment</u> : A <i>dwelling unit</i> that is secondary to the principal dwelling unit in terms of <i>gross floor area</i> , intensity of use, and physical character.		Definition modified to reflect BZA practice that accessory apartments also be permitted in attached one-family dwelling, and to eliminate duplication with definition for “dwelling unit”.	
				Further clarification could be established by including the phrase “single family” in between “principal” and “dwelling unit”	
Accommodation, transient - a structure or building, other than a private club, one-family or two-family dwelling, apartment house, boarding house, rooming house, and tenement house, within which structure or building units are used for transient guests from time to time. The accommodations may include, but not be limited to, bed and breakfast accommodations, guesthouses, guest quarters, hotels, inns, motels, and tourist homes. (36 DCR 7628)				Encompassed within the “Lodging” use category:	
				Lodging	
				(a) A use providing customers with temporary housing for an agreed upon term of less than thirty (30) consecutive days; any use where temporary housing is offered to the public for compensation, and is open to transient rather than permanent guests.	
				(b) Examples include, but are not limited to: hotels, motels, inns, or bed and breakfast establishments.	
				(c) Exceptions: This use group does not include uses which more typically would fall within the Emergency Shelter or Residential use group.	
		<u>Achievable Inclusionary Bonus Density</u> : The amount of the permitted bonus density that potentially may be utilized within a particular <i>inclusionary residential development</i> .		New definition to reflect IZ.	

Current Definitions – Title 11		Proposed Definitions – September 9, 2013	OP Comment
Adult day treatment facility - a building or part of a building used for non-residential programs operated for the purpose of providing supervised day treatment services for healthy adults or medically-supervised day treatment services for adults with a developmental disability or mental disorder, totaling six (6) or more persons who are present for fewer than twenty-four (24) hours per day. An adult day treatment facility includes the following accessory uses: counseling, education, training, health, and social services for the person or persons with legal charge of individuals attending the center, including but not limited to any parent, spouse, sibling, child, or legal guardian of such individuals. This definition does not encompass facilities that offer drug or alcohol abuse rehabilitation services. For the purposes of this definition, the following sub-definitions apply:			Post Setdown: Will be added to the proposed text with modification. .
		<u>Advisory Neighborhood Commission (ANC)</u> : A duly elected body established in accordance with § 738 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 774, 824, as amended; D.C. Official Code § 1-207.38 (formerly codified at D.C. Code § 1-251 (1999 Repl.))).	New definition.
§ 1799.1: DD Overlay Zone Affordable dwelling unit - a dwelling unit that is sold or rented to a household of low or moderate income. (40 DCR 1958) Low income household - a household of one or more individuals with a total income equal to less than fifty percent (50%) of the Standard Metropolitan Statistical Area median as certified by the Department of Housing and Community Development. (40 DCR 1959) Moderate income household - household of one or more individuals with a total income equal to between fifty percent (50%) and eighty percent (80%) of the Standard Metropolitan Statistical Area median as certified by the Department of Housing and Community Development. (40 DCR 1959)	§2499.1 PUD Affordable Housing - housing where the occupant is paying no more than thirty-five percent (35%) of gross income for gross housing costs, excluding utility costs. §2601.1 –Inclusionary Zoning Low-income household - a household of one or more individuals with a total annual income adjusted for household size equal to less than fifty percent (50%) of the Metropolitan Statistical Area median as certified by the Mayor pursuant to the Act. Moderate-income household - a household of one or more individuals with a total annual income adjusted for household size equal to between fifty-one percent (51%) and eighty percent (80%) of the Metropolitan Statistical Area median as certified by the Mayor pursuant to the Act.	<u>Affordable Housing</u> : Housing where costs, including utilities and any mandatory fees for rental or mortgage principle and interest, taxes, insurance and any mandatory fees, do not exceed thirty (30%) percent of the targeted household income ranges.	New definition – Affordable Housing: This term is used throughout the old and the new regs but is defined differently in the Chapter 17, DD and Chapter 24, PUDs and neither is necessarily consistent with IZ. Amended Definition: Low and Moderate Income Household: These terms are identified in Chapter 17, DD and Chapter 26 Inclusionary Zoning. Again they are defined differently and establish different certifying authorities. Post Setdown: OP proposes one definition that is consistent with the Inclusionary Zoning requirements. Any additional changes will be considered as part of future revisions to the Inclusionary Zoning regulations as a separate case.
		<u>Airspace Development</u> : Development above or below streets or alleys.	New definition. Not defined in the existing regulations but referenced as a type of contested case requiring ZC approval with established fees in Ch 30, and Ch 29 USN zone.
Alley - a public way designated as an alley in the records of the Surveyor of the District of Columbia.		<u>Alley</u> : A public way designated as an alley in the records of the Surveyor of the District of Columbia. An alley is not a <i>street</i> for the purposes of this Title.	Last sentence is proposed as additional clarifying text.
Alterations, structural - any change in the permanent, physical members of a building or other structure, such as bearing walls or partitions, columns, joists, rafters, beams, or girders.		<u>Alterations, Structural</u> : Any change in the permanent, physical members of a <i>building</i> or other <i>structure</i> , such as bearing walls or partitions, columns, joists, rafters, beams, or girders.	No change.
		<u>Angular Plane</u> : A plane, based on a defined angle, that a building facade may be set up to, or behind.	New definition.

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Animal boarding - Any premises, other than a veterinary hospital, pet shop, or pet grooming establishment, used as a commercial establishment for the overnight boarding and/or recurring daily care of animals for a fee. Any pet grooming establishment that permits ten or more animals on the premises at a time, or that permits the overnight stay of animals, is considered an animal boarding use. (53 DCR 6363)	<u>Animal Boarding</u> : Any premises, other than a <i>veterinary hospital, pet shop, or pet grooming establishment</i> , used as a commercial establishment for the overnight boarding and/or recurring daily care of animals for a fee. Any <i>pet grooming establishment</i> that permits ten or more animals on the premises at a time, or that permits the overnight stay of animals, is considered an animal boarding use. (53 DCR 6363)	No change.
Animal shelter - Any premises that houses and feeds stray or abandoned animals without a fee and is operated by a non-profit organization or governmental agency. (54 DCR 8943)	<u>Animal Shelter</u> : Any premises that houses and feeds stray or abandoned animals without a fee and is operated by a <i>non-profit organization</i> or governmental agency. (54 DCR 8943)	No change.
Antenna - a device used to transmit or receive communications signals. This term encompasses transmitting and receiving elements, and rotating or other directional mechanism. (36 DCR 1509 and 55 DCR 34)	<u>Antenna</u> : A device used to transmit or receive communications signals. This term encompasses transmitting and receiving elements, and rotating or other directional mechanism.	No change.
Antenna tower - a lattice-type structure, guyed or self-supporting, used to support antennas for broadcasting, transmission, reception, or other utility equipment. Such structures shall not be deemed ground mounted antennas as that term is used in this chapter. (55 DCR 34)	<u>Antenna Tower</u> : A lattice-type structure, guyed or self-supporting, used to support antennas for broadcasting, transmission, reception, or other utility equipment. Such structures shall not be deemed ground mounted antennas as that term is used in this chapter. (55 DCR 34)	No change.
Antenna, broadcast - an antenna used for television and radio broadcasting. The transmitting antenna may be affixed to a tower or to the top of a building. (36 DCR 1509 and 55 DCR 34)		Not brought forward into proposed text because it is redundant to and included within the definition of “Antenna”
Antenna, building-mounted - any antenna and its necessary support structure, not including a tower or monopole, that is attached to the walls of, or integrated into a building, church steeple, cooling tower, elevator bulkhead, parapet, penthouse, fire tower, tank, water tower, or other similar structure. (55 DCR 34)	<u>Antenna. Building-mounted</u> : Any <i>antenna</i> and its necessary support <i>structure</i> , not including an antenna tower or monopole, that is attached to the walls of, or integrated into a <i>building</i> , church steeple, cooling tower, elevator <i>bulkhead</i> , parapet, penthouse, fire tower, tank, water tower, or other similar structure.	No change.
Antenna, dish - a bowl-shaped device for the reception and/or transmission of communication signals in a specific directional pattern. (55 DCR 34)		Not brought forward into proposed text; No longer needed because antennas are proposed to be regulated by how they are located (ground, roof or building mounted), their height and the number on a site – not by their shape, in Sub C Chapter 25.
	<u>Antenna. Ground-mounted</u> : Any freestanding antenna with its base placed directly on the ground. Ground does not include artificially elevated terrain such as berms or planter boxes but may include graded lawns, terraced landscapes that are formed from the natural grade, and at-grade patios.	New definition.
Antenna, microwave, terrestrial - dish, horn, or other type antenna used for point-to-point microwave communication of sound, visual images, or data from one terrestrial point to another. (36 DCR 1509)		Not brought forward into proposed text; No longer needed because antennas are proposed to be regulated by how they are located (ground, roof or building mounted), their height and the number on a site – not by their shape, in Sub C Chapter 25.
Antenna, roof-mounted - any antenna and its necessary support structure, not including an antenna tower or monopole, that is attached to the roof of a building and which does not fall within the definition of a building mounted antenna. (55 DCR 34)	<u>Antenna. Roof-mounted</u> : Any <i>antenna</i> and its necessary support <i>structure</i> , not including an antenna tower or monopole, that is attached to the roof of a <i>building</i> and which does not fall within the definition of <i>a. building-mounted antenna</i> .	No Change
Antenna, satellite earth station - antenna used to transmit or receive sound, visual images, or data from one or more space stations or from one or more stations of the same kind by means of satellites or other objects in space. (36 DCR 1509)		Not brought forward into proposed text; No longer needed because antennas are proposed to be regulated by how they are located (ground, roof or building mounted), their height and the number on a site – not by their shape, in Sub C Chapter 25.

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Antenna, super high frequency - an antenna which serves a super high frequency channel and requires a line of sight to the transmitting antenna, and which generally consists of a metal grid or a sheet of bent metal, and is mounted on the pole of a UHF or VHF antenna or on a roof structure. (36 DCR 1509-1510)		Not brought forward into proposed text; No longer needed because antennas are proposed to be regulated by how they are located (ground, roof or building mounted), their height and the number on a site – not by their shape, in Sub C Chapter 25.
Antenna, whip - antenna generally consisting of a single pole or mast, also called a broomstick antenna, sometimes including irregularly shaped prongs or attachments at its extremity, including an antenna used for citizens band or two-way radio communications. (36 DCR 1510)		Not brought forward into proposed text; No longer needed because antennas are proposed to be regulated by how they are located (ground, roof or building mounted), their height and the number on a site – not by their shape, in Sub C Chapter 25.
Antenna, yagi - a very high frequency (VHF) or ultrahigh frequency (UHF) directional antenna array in which a basic whip or dipole antenna is supplemented by one or more parallel reflector and director elements. (36 DCR 1510)		Not brought forward into proposed text; No longer needed because antennas are proposed to be regulated by how they are located (ground, roof or building mounted), their height and the number on a site – not by their shape, in Sub C Chapter 25.
	Apartment - one (1) or more habitable rooms with kitchen and bathroom facilities exclusively for the use of and under the control of the occupants of those rooms. <u>Control of the apartment may be by rental agreement or ownership.</u>	<u>Post Setdown:</u> Will be placed in proposed text with addition of last sentence.
Apartment, bachelor - one (1) or more habitable rooms with bathroom facilities exclusively for the use of and under the control of the occupants of those rooms in a building containing three (3) or more apartments; provided, that in the building no kitchen facilities or privileges shall be available to or used by the occupants of the bachelor apartment.		Not brought forward into proposed text; not a regulated use in either existing or proposed code.
Apartment house - any building or part of a building in which there are three (3) or more apartments, or three (3) or more apartments and one (1) or more bachelor apartments, providing accommodation on a monthly or longer basis. (36 DCR 7627-7628)	<u>Apartment Building:</u> A building containing five (5) or more dwelling units, providing accommodation on a monthly or longer basis.	Updated to reflect RF zone provisions. <u>Post Setdown:</u> OP recommends the additional language be added to reflect original definition
	<u>Areaway:</u> A subsurface space adjacent to a building open at the top or protected at the top by a grating or guard that includes window wells and passageways accessing basement/cellar doors.	New definition to reflect regulation of “Projection Allowance” in Sub C § 1004.
Art center - a multifunctional arts use which meets all of the following criteria: (a) comprises three (3) or more distinct arts and arts-related uses as specified in § 1908; (b) where at least one of the uses must be an art gallery, art school, artist housing, artist studio, concert hall, dinner theater, legitimate theater, movie theater, or museum; (c) is operated in a unified way under single management; and (d) occupies part or all of a building or a group of buildings within the same square. (39 DCR 8328)	<u>Art Center:</u> A multifunctional arts use that comprises two (2) or more distinct Arts Design and Creation uses integrated under single management:	New definition, simplified and reflective of the use group.
	<u>Art Exhibition Area:</u> A building lobby, part of a lobby, or another publicly accessible space room on the basement or first or second floors of a <i>building</i> or an outdoor public area on private property, which space is designed and used for the public display and sale of works of art.	New definition. <u>Post Setdown:</u> OP recommends the advertised definition be modified to clarify locations.
Art gallery - an establishment that derives more than fifty per cent (50%) of its income from the display and sale of objects of art. (35 DCR 465)		<u>Post Setdown:</u> Will be placed in proposed text.
	<u>Art Incubator:</u> An arts use that: (a) Is organized under single management with a single Certificate of Occupancy: (b) Has as its core mission the provision of work space at a reduced cost for aspiring artists or	New definition; <u>Post Setdown:</u> OP recommends the advertised definition be modified to clarify restrictions on sales and

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	arts organizations; (c) Provides work space that is either communal or subdivided into any number of areas; (d) May include the following uses: artist studio, administrative offices of arts organizations, legitimate theater, or media studio; and (e) Does not have any residential uses; and (f) <u>When located in a residential zone,</u> Does not have, as its primary purpose, the sale of art, but there may have up to six (6) public sales per year for art produced in the incubator, and up to six (6) performances per year of dramatic or performance art produced in the incubator.	performances are for residential zones only.
Artist housing - an apartment or studio where an artist works and lives. (39 DCR 8328)		Incorporated into “Artist Live-Work Space”
	<u>Artist Live-Work Space:</u> A <i>dwelling unit</i> or <i>building</i> in which an artist or artists reside and work in an Artist Studio use in compliance with the requirements of one of the following categories: (a) Single Artist Live-Work Space: A single <i>dwelling unit</i> occupied by an artist to both live and work, where a minimum of thirty percent (30%) of the <i>gross floor area</i> of the unit is used for an Artist Studio use by the artist residing therein. The minimum size of a live-work unit shall be 1,000 sq. ft. In residential zones the artist may sell art produced on site as a clearly incidental part of the live-work use; or (b) Multi-Artist Live-Work Space: A building or part of a <i>building</i> with two or more dwelling units, with all units inhabited by artists whose primary studio is in the same structure or on the same property, but not in their unit. The studio space may be communal or may be subdivided into any number of areas.	New definition.
Artist studio - a place of work of one or more persons who are engaged actively, and either gainfully or as a vocation in the following: (a) The fine arts including, but not limited to, painting, printmaking, or sculpturing; (b) The performing and visual arts including, but not limited to, a. Ceramics; or b. The composition of music. (35 DCR 465)	<u>Artist Studio:</u> A place of work of one or more persons who are engaged actively, and either gainfully or as a vocation work in the following: (a) The fine arts, including but not limited to crafts, painting, printmaking, or sculpturing; (b) The performing and visual arts, including but not limited to dance, choreography, photography, or filmmaking; (c) Any use from the Arts Design and Creation Use Group; (d) The composition of music; or (e) The recording and / or production of music, video or other media form; and (f) In residential zones the artist may sell art produced on site as a clearly incidental part of the studio use.	Definition modified to reflect use categories and to permit clearly incidental sales.
Automobile laundry - a structure or portion of a structure, the principal use of which is the washing of automobiles or other motor vehicles with the use of a chain or other conveyor and blower or steam cleaning device.		<u>Post Setdown:</u> Will be placed in proposed text.
Ballpark - the building and use authorized by Zoning Commission Order No. 06-22. (54 DCR 8976)		<u>Post Setdown:</u> Will be placed in proposed text.
Basement - that - portion of a story partly below grade, the ceiling of which is four feet (4 ft.) or more above the adjacent finished grade.	<u>Basement:</u> That portion of a <i>story</i> partly below grade, the ceiling of which is four feet (4 ft.) or more above the <i>adjacent finished grade</i> .	No change.
	<u>Block Face:</u> The <i>entire front lot line</i> of all <i>building facades</i> of a square between two streets. See also " <i>Setback, Front</i> "	New definition.

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	<u>Board of Zoning Adjustment (Board)</u> : An independent quasi-judicial body empowered to grant relief from the strict application of the <i>Zoning Regulations</i> (variances), approve certain uses of land (special exceptions), and hear appeals of actions taken by the <i>Zoning Administrator</i> .	New definition.
Boarding house - a building or part thereof that provides for compensation, meals or lodging and meals to three (3) or more guests on a monthly or longer basis. The term "boarding house" shall not be interpreted to include an establishment known or defined in this title as a hotel, motel, inn, bed and breakfast, private club, tourist home, guest house, or other transient accommodation. (35 DCR 7627)	<u>Boarding House</u> : A <i>building</i> or part thereof where, for compensation, meals, or lodging and meals, are provided to three or more guests on a monthly or longer basis.	Post Setdown: OP recommends the advertised definition be modified to clarify that meals are served as part of the lodging and not as an independent service.
Boathouse - a building or structure designed and used to store and provide water access for non-motorized watercraft, including racing shells, kayaks, canoes, sailboats, rowboats, and similar boats. (51 DCR 3440 and 52 DCR 6358)		Post Setdown: Will be placed in proposed text.
Building - a structure having a roof supported by columns or walls for the shelter, support, or enclosure of persons, animals, or chattel. When separated from the ground up or from the lowest floor up, each portion shall be deemed a separate building, except as provided elsewhere in this title. The existence of communication between separate portions of a structure below the main floor shall not be construed as making the structure one (1) building.	<u>Building</u> : A <i>structure</i> , requiring permanent placement on the ground that has one or more floors and a roof supported by columns or walls. When separated from the ground up or from the lowest floor up, each portion shall be deemed a separate building, except as provided elsewhere in this title. The existence of communication between separate portions of a structure below the main floor shall not be construed as making the structure one (1) building.	Post Setdown: OP recommends the advertised definition be modified to include the second and third clarifying sentences.
Building, accessory - a subordinate building located on the same lot as the main building, the use of which is incidental to the use of the main building.	<u>Building, Accessory</u> : A subordinate <i>building</i> located on the same lot as <i>the principal building</i> , the use of which is incidental to the <i>use of the principal building</i> . See C Chapter 8 for general regulations on accessory buildings in all zones.	Revised to reflect use of “principal” in lieu of “main.”
	<u>Building, Attached</u> : A <i>building</i> that abuts or shares walls on both <i>side lot lines</i> with other <i>buildings</i> on adjoining lots.	New definition.
	<u>Building, Detached</u> : A freestanding <i>building that</i> does not abut any other <i>building</i> and where all sides of the <i>building are</i> surrounded by yards or open areas within the <i>lot</i> .	New definition.
	<u>Building, Principal</u> : The <i>building</i> in which the primary use of the <i>lot</i> is conducted.	New definition.
	<u>Building, Semi-detached</u> : A <i>building</i> that abuts or shares one wall, on a <i>side lot line</i> , with another <i>building</i> on an adjoining <i>lot</i> and where the remaining sides of the building are surrounded by open areas or <i>street lot lines</i> .	New definition.
Building area - the maximum horizontal projected area of a building and its accessory buildings. The term "building area" shall include all side yards and open courts less than five feet (5 ft.) in width, and all closed courts less than six feet (6 ft.) in width. Except for outside balconies, this term shall not include any projections into open spaces authorized elsewhere in this title, nor shall it include portions of a building that do not extend above the level of the main floor of the main building, if placed so as not to obstruct light and ventilation of the main building or of buildings on adjoining property. (Case No. 62-32, May 29, 1962)	<u>Building Area</u> : The maximum horizontal projected area <i>of a principal building</i> and its <i>accessory buildings</i> . Except for outside balconies, this term shall not include any projections into open spaces authorized elsewhere in this title, nor shall it include portions of a building that do not extend above the level of the main floor of the main building, if placed so as not to obstruct light and ventilation of the main building or of buildings on adjoining property. See Subtitle C, Chapter 7 for the formula for measuring "Building Area" and "Lot Occupancy."	The definition no longer includes yards less than 5 sf and courts less than 6 sf to eliminate the incentive to fill them in and force property owners into variances. The removal of the side yard and court areas from the definition of Building Area has received general support from the community. Post Setdown: OP recommends including the last sentence regarding projections and balconies.
	<u>Building Envelope</u> : The maximum three dimensional space on a lot in which a <i>building</i> may be built as limited by the applicable front, rear and side setbacks, height limits development standards and other relevant limits and conditions of this Title.	Post Setdown: OP recommends changing the wording for clarity by replacing “front rear, and side setbacks, height limits” with development standards”.

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	<u>Building Façade</u> : An exterior vertical plane, face, or side of a <i>building</i> , exclusive of any permitted projections.	New definition.
Building, height of – in other than Residence Districts (R), the vertical distance measured from the level of the curb, opposite the middle of the front of the building to the highest point of the roof or parapet or a point designated by a specific zone district; in Residence Districts (R) the vertical distance measured at the existing grade at the mid-point of the building façade of the principal building that is closest to a street lot line to a point designated in the zone district. Berms or other forms of artificial landscaping shall not be included in measuring building height. The term curb shall refer to a curb at grade. In the case of a property fronting a bridge or a viaduct, the height of the building shall be measured from the lower of the natural grade or the finished grade at the middle of the front of the building to the highest point of the roof or parapet or a point designated by a specific zone district. Unless otherwise restricted or permitted in this title, in those districts in which the height of the building is limited to forty feet (40 ft.), the height of the building may be measured from the finished grade level at the middle of the front of the building to the ceiling of the top story. In those districts in which the height of the building is limited to sixty feet (60 ft.), in the case of a building located upon a terrace, the height of building may be measured from the top of the terrace to the highest point of the roof or parapet, but the allowance for terrace height shall not exceed five feet (5 ft.). Except as provided in § 400.20, where a building is removed from all lot lines by a distance equal to its proposed height above grade, the height of building shall be measured from the natural grade at the middle of the front of the building to the highest point of the roof or parapet. Except as provided in § 400.21, if a building fronts on more than one (1) street, any front may be used to determine the maximum height of the building; but the basis for the height of the building shall be determined by the width of the street selected as the front of the building. Except as provided in § 400.19, in those districts in which the height of building is permitted to be ninety feet (90 ft.) or greater, the height of buildings shall be measured to the highest point of the roof excluding parapets not exceeding four feet (4 ft.) in height.	<u>Building Height, non-Residential Zones</u>: In all zones other than Residential (R) zones, building height shall be the vertical distance measured from the level of the curb opposite the middle of the front of the building to the highest point of the roof or parapet, unless otherwise specified in a specific zone's development standards table. The term curb shall refer to a curb at grade. In the case of a property fronting a bridge or a viaduct, the height of the building shall be measured from the lower of the natural grade or the finished grade at the middle of the front of the building to the highest point of the roof or parapet or a point designated by a specific zone. Unless otherwise restricted or permitted in this title, in those districts in which the height of the building is limited to forty feet (40 ft.), the height of the building may be measured to the ceiling of the top story. For a building located upon a terrace in a zone district permitting building height up to sixty feet (60 ft.), building height shall be measured from the top of the terrace to the highest point of the roof or parapet, provided that the terrace shall not exceed five feet (5 ft.) above the curb. In those districts that permit building heights of ninety feet (90 ft.) or greater, building height shall be measured to the highest point of the roof excluding parapets not exceeding four feet (4 ft.) in height. For a building removed from all lot lines by a distance equal to its proposed height above grade, building height shall be measured from the natural grade at the middle of the front of the building to the highest point of the roof or parapet. If a building fronts on more than one (1) street, any front may be used to determine the maximum height of the building; but the basis for the height of the building shall be determined by the width of the street selected as the front of the building. A conforming structure in existence on June 14, 2013 that would have been rendered nonconforming by Z.C. Order No. 12-11 shall be deemed conforming; provided that the height of the structure may neither be increased or extended.	Post Setdown: advertised “Proposed Definition” was drafted before the new definitions were adopted by the ZC in Zoning Case 21-10. OP recommends using the adopted definitions from ZC 12-10, as shown in the left column “Current Definitions” and not “Proposed Definitions”.
400.15 The height of buildings in R zones shall be measured in accordance with the rules provided in § 400.16 through 400.21. If more than one (1) of these subsections applies to a building, the rule permitting the greater height shall apply. 400.16 The building height measuring point (BHMP) shall be established at the existing grade at the mid-point of the building façade of the principal building that is closest to a street lot line. 400.17 The height of a building with a flat roof shall be measured from the BHMP to the highest point of the roof excluding parapets and balustrades not exceeding four feet (4 ft.) in height. 400.18 The height of a building with a roof that is not a flat roof shall be measured as follows: (a) From the BHMP to the average level between the highest eave, not including the eave of a dormer and the highest point of the roof; and (b) Where there are no eaves, the average level shall be measured between the top of the highest wall plate and the highest point of the roof. 400.19 The height of a building permitted to be ninety feet (90 ft.) shall be measured from the BHMP to the highest point of the roof excluding parapets and balustrades not exceeding four feet (4 ft.) in height.	<u>Building Height, Residential Zones</u>: In all Residential (R) zones, building height shall be the vertical distance measured at the natural grade at the midpoint of the building facade of the principal building that is closest to a street lot line, unless otherwise specified in a specific zone's development standards table. Berms or other forms of artificial landscaping shall not be included in measuring building height. The height of a building with a flat roof shall be measured to the highest point of the roof excluding parapets and balustrades not exceeding four feet (4 ft.) in height. The height of a building with a roof that is not a flat roof shall be measured to the average level between the highest point of the roof and either the highest eave, not including a dormer eave, or if there are no eaves, the top of the highest wall plate. The height of a building permitted to be ninety feet (90 ft.) shall be measured to the highest point of the roof excluding parapets and balustrades not exceeding four feet (4 ft.) in height.	Post Setdown: advertised “Proposed Definition” was drafted before the new definitions were adopted by the ZC in Zoning Case 21-10. OP recommends using the adopted definitions from ZC 12-10, as shown in the left column “Current Definitions” and not “Proposed Definitions”.

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400.20 Where a building is removed from all lot lines by a distance equal to its proposed height above grade, the height of building shall be measured from the BHMP to the highest point of the roof or parapet. 400.21 If a building fronts on more than one (1) street, any front may be used to determine street frontage; but the basis for measuring the height of the building shall be established by the street selected as the front of the building 400.22 A conforming structure in existence on June 14, 2013 that would have been rendered nonconforming as a result of the adoption of amendments to this section made in Z.C. Order No. 12-11 shall be deemed conforming; provided that the height of the structure may neither be increased or extended.	Where a building is removed from all lot lines by a distance equal to its proposed height above grade, the building height shall be measured to the highest point of the roof or parapet. If a building fronts on more than one (1) street, any front may be used to determine street frontage; but the basis for measuring the height of the building shall be established by the street selected as the front of the building. A conforming structure in existence on June 14, 2013 that would have been rendered nonconforming by Z.C. Order No. 12-11 shall be deemed conforming; provided that the height of the structure may neither be increased or extended.	
	<u>Building Height Measuring Point (BHMP)</u> : The point used to measure building heights in R, F and A zones.	New definition to reflect new term.
	<u>Build-to Line</u> : A <i>front setback</i> line that the front facade <i>of the principal building</i> of the lot must abut. See also " <i>Setback, Front.</i> "	New definition to reflect new term.
	<u>Bulkhead</u> : A retaining wall or protective structure along a shoreline whose primary purpose is to stabilize, hold or prevent earth or backfill from eroding or washing away. For purposes of this definition, the term bulkhead does not differentiate between and includes bulkheads, seawalls and revetments.	New definition to reflect regulated structure.
Cabaret - a restaurant or nightclub providing as the main focus of its business, programs of live entertainment such as singing, dancing, comedy, literary readings, or performance art. In a cabaret, the clientele generally sit at tables in order to watch the entertainment and are attended by waiters or waitresses who serve food or drink. Typically, there may be more than one show in an evening and a complete turnover in patrons. (39 DCR 8328)		Not brought forward into proposed text, this is not a regulated use in either the current code or the proposed text.
Caregiver - an individual who is responsible for the supervision and administration of a child development home or child/elderly development center. (29 DCR 4913)	<u>Caregiver</u> : An individual who is responsible for the supervision and administration of a child development home or child/elderly development center. (29 DCR 4913)	No change.
	<u>Car-share Organization</u> : A membership based service with a valid business license providing shared vehicles available twenty-four hours a day, seven days a week, at unattended self-serve locations. Vehicles are provided without restriction at hourly rates that include fuel, insurance and maintenance primarily for shorter time and shorter distance trips.	New definition, however it is not a regulated use and does not need to be included. Post Setdown : OP recommends it not be included.
Car-sharing space – a parking space that is designated for the parking of a car-sharing vehicle.		Post Setdown : Will be placed in proposed text.
Car-sharing vehicle – any vehicle available to multiple users who are required to join a membership organization in order to reserve and use such a vehicle for which they are charged based on actual use as determined by time and/or mileage.	<u>Car-sharing Vehicle</u> : Any vehicle available to multiple users who are required to join a membership organization in order to reserve and use such a vehicle, and for which they are charged based on actual use as determined by time and/or mileage. (18 DCMR 9901)	No Change.
Caterer, catering establishment - a person or business that prepares and provides food or beverages or both, along with the necessary accessories for serving these products, for ordinary home consumption. The food and beverages are provided for events that are located off the business establishment's premises. Any establishment that receives more than seventy- five percent (75%) of its sales from orders placed less than three (3) hours prior to delivery or pick-up will not be considered a catering establishment. (40 DCR 3744)	<u>Caterer. Catering Establishment</u> : A person or business that prepares and provides food or beverages or both, along with the necessary accessories for serving these products, for ordinary home consumption. The food and beverages are provided for events that are located off the business establishment's premises. Any establishment that receives more than seventy- five percent (75%) of its sales from orders placed less than three (3) hours prior to delivery or pick-up will not be considered a catering establishment. (40 DCR 3744)	No Change.
Cellar - that portion of a story, the ceiling of which is less than four feet (4 ft.) above the adjacent	<u>Cellar</u> : That portion of a <i>story</i> , the ceiling of which is less than four feet (4 ft.) above the adjacent	No Change

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finished grade.	<i>finished grade.</i>	
Central Area - the area included within the combined boundaries of the Urban Renewal Plan for the Downtown Urban Renewal Area and the Urban Renewal Plan for the Shaw School Urban Renewal Area, as approved and modified periodically by the National Capital Planning Commission and the Council of the District of Columbia. (45 DCR 1046)	<u>Central Area</u> : The area included within the combined boundaries of the Urban Renewal Plan for the Downtown Urban Renewal Area and the Urban Renewal Plan for the Shaw School Urban Renewal Area, as approved and modified periodically by the National Capital Planning Commission and the Council of the District of Columbia. (45 DCR 1046)	No Change
Central Employment Area (CEA) - the core area of the District of Columbia where the greatest concentration of employment in the city and region is encouraged. The geographic boundaries of the CEA are detailed in the Comprehensive Plan, 10 DCMR § 199. (45 DCR 1047)	<u>Central Employment Area (CEA)</u> : The core area of the District of Columbia where the greatest concentration of employment in the city and region is encouraged. The geographic boundaries of the CEA are detailed in the Comprehensive Plan.	No Change but the reference to “10 DCMR” is not included here because the term “Comprehensive Plan” is defined further in this chapter.
Chancery - The principal offices of a foreign mission used for diplomatic or related purposes, and annexes to such offices (including ancillary offices and support facilities), including the site and any building on such site that is used for such purposes. (30 DCR 3271)		<u>Post Setdown:</u> Will be placed in proposed text.
Child/Elderly development center - a building or part of a building, other than a child development home or elderly day care home, used for the non-residential licensed care, education, counseling, or training of individuals under the age of fifteen (15) years of age and/or for the non-residential care of individuals age 65 or older, totaling seven (7) or more persons, who are not related by blood or marriage to the caregiver and who are present for less than twenty-four (24) hours per day. This definition encompasses facilities generally known as child care centers, pre-schools, nursery schools, before-and-after school programs, senior care centers, elder care programs, and similar programs and facilities. A child/elderly development center includes the following accessory uses: counseling; education, training, and health and social services for the person or persons with legal charge of individuals attending the center, including, but not limited to, any parent, spouse, sibling, child, or legal guardian of such individuals. (46 DCMR 8286 and 53 DCR 10085)	<u>Child Development Center</u> : A <i>building</i> or part of a <i>building</i> , other than a <i>child development home</i> , used for the non-residential licensed care, education, counseling, or training of individuals under the age of fifteen (15) years of age and, totaling seven (7) or more persons, who are not related by blood or marriage to the caregiver and who are present for less than twenty-four (24) hours per day. This definition encompasses facilities generally known as child care centers, pre-schools, nursery schools, before-and-after school programs, and similar programs and facilities. A child development center includes the following <i>accessory uses</i> : counseling; education, training, and health and social services for the person or persons with legal charge of individuals attending the center, including, but not limited to, any parent, spouse, sibling, child, or legal guardian of such individuals.	No change to Child Development Center. The only change to this definition is the separation of the Elderly Development Center into its own definition below.
Child development home - a dwelling unit used in part for the licensed care, education, or training of no more than six (6) individuals fifteen (15) years of age or less. Those individuals receiving care, education, or training who are not related by blood, marriage, or adoption to the caregiver shall be present for less than twenty-four (24) hours per day. This definition encompasses facilities generally known as a child care center, day-care center, pre-school, nursery school, before-and-after school programs, and similar programs and facilities. (29 DCR 4913)	<u>Child Development Home</u> : a dwelling unit used in part for the licensed care, education, or training of no more than six (6) individuals fifteen (15) years of age or less. Those individuals receiving care, education, or training who are not related by blood, marriage, or adoption to the caregiver shall be present for less than twenty-four (24) hours per day. This definition encompasses facilities generally known as a child care center, day-care center, pre-school, nursery school, before-and-after school programs, and similar programs and facilities. (29 DCR 4913)	No change.
Clear Height, Floor to Ceiling – <i>[Repositioned to “Height, Floor to Ceiling, Clear” in this sequence]</i>		
Clinic - a building or part of a building in which members of the medical or dental professions are associated for the purpose of conducting a joint practice of the professions. Each clinic shall contain a diagnostic center and, in addition, may contain research, educational, minor surgical, or treatment facilities; provided, that all the facilities are limited to the treatment and care of out-patients. The term "clinic" shall be limited to those buildings in which the joint practice of medical or dental professions is conducted in such a manner that all fees for services rendered are established by and paid to a common business office without direct payment of the fees to individual practitioners, and shall not include a building in which the separate and individual practice of the above professions is conducted	<u>Clinic</u> : A <i>building</i> or part of a <i>building</i> in which members of the medical or dental professions are associated for the purpose of conducting a joint practice of the professions. Each clinic shall contain a diagnostic center and, in addition, may contain research, educational, minor surgical, or treatment facilities; provided that all the facilities are limited to the treatment and care of out-patients. The term "clinic" shall be limited to those <i>buildings</i> in which the joint practice of medical or dental professions is conducted in such a manner that all fees for services rendered are established by and paid to a common business office without direct payment of the fees to individual practitioners, and shall not include a <i>building</i> in which the separate and individual practice of the above professions is conducted.	No change.
Club, private - building and facilities or premises used or operated by an organization or association for some common avocational purpose such as, but not limited to, a fraternal, social, educational, or recreational purpose; provided, that the organization or association shall be a non-profit corporation and registered with the U.S. Internal Revenue Service; goods, services, food, and	<u>Club, Private</u> : A building and facilities or premises used or operated by an organization or association for some common vocational purpose such as, but not limited to, a fraternal, social, educational, or recreational purpose; provided, that the organization or association shall be a non-profit corporation and registered with the U.S. Internal Revenue Service; goods, services, food,	No change.

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beverages shall be sold on the premises only to members and their guests; and office space and activities shall be limited to that necessary and customarily incidental to maintaining the membership and financial records of the organization. (21 DCR 1465)	and beverages shall be sold on the premises only to members and their guests; and office space and activities shall be limited to that necessary and customarily incidental to maintaining the membership and financial records of the organization.	
Collocation - the use of a single mount, tower, monopole, or site by more than one antenna or telecommunications service provider. (55 DCR 34)		<u>Post Setdown:</u> Will be placed in proposed text.
	<u>Commission</u> - the Zoning Commission for the District of Columbia, unless otherwise noted.	New Definition
	<u>Community Centers, Private:</u> A <i>building</i> , park, playground, swimming pool, or athletic field operated by a local community organization or association.	New Definition
Community house - a group of three (3) one-family dwellings, each on a separate lot, erected simultaneously as a group, with each of the outer dwellings having a side yard.		Not brought forward into proposed text. In the current code this definition only accommodates those existing prior to May 12, 1958 in the R-2, R-3 and R-4 zones. In the proposed text, they would be considered a row dwellings permitted in the R-3, R-4 and Apartment zones, and do not need a separate definition.
Community service use - A not-for-profit use established primarily to benefit and serve the population of the community in which it is located.		Not brought forward into proposed text; The use is part of the institutional use group with conditions brought forward in the R (Sub D §1607) and RA zones. Could be replaced in proposed text for clarity.
Community-based residential facility - a residential facility for persons who have a common need for treatment, rehabilitation, assistance, or supervision in their daily living. This definition includes, but is not limited to, facilities covered by the Community Residence Facilities Licensure Act of 1977, effective October 27, 1977 (D.C. Law 2-35; 24 DCR 4056) (repealed by District of Columbia Health Care and Community Residence Facility, Hospice and Home Care Licensure Act of 1983, effective February 24, 1984 (D.C. Law 5-48, as amended; D.C. Official Code §§ 44-501 to 44-509 (formerly codified at D.C. Code §§ 32-1301 to 32-1309 (1998 Repl. & 1999 Supp.))), and facilities formerly known as convalescent or nursing home, residential halfway house or social service center, philanthropic or eleemosynary institution, and personal care home. If an establishment is a community-based residential facility as defined in this section, it shall not be deemed to constitute any other use permitted under the authority of these regulations. A community-based residential facility may include separate living quarters for resident supervisors and their families. All community-based residential facilities shall be included in one (1) or more of the following subcategories: (a) Adult rehabilitation home - a facility providing residential care for one (1) or more individuals sixteen (16) years of age or older who are charged by the United States Attorney with a felony offense, or any individual twenty-one (21) years of age or older, under pre-trial detention or sentenced court orders; (b) Community residence facility - a facility that meets the definition for and is licensed as a community residence facility under the Health Care Facilities and Community Residence Facilities Regulations, 22 DCMR § 3099.1 (1986) (superseded); (c) Emergency shelter - a facility providing temporary housing for one (1) or more individuals who are otherwise homeless and who are not in need of a long-term sheltered living arrangement, as that arrangement is defined in the Health Care Facilities and Community Residence Regulations, 22 DCMR § 3099.1 (1986) (superseded);		All uses are listed in the proposed text, but Youth Rehab and Adult Rehab are defined as Community-Based Institution Facilities. <u>Post Setdown:</u> OP recommends the uses that are not considered CBIF continue to be considered as CB <u>Residential</u> Facilities because there are several facilities for senior and retirement homes in the low density zones and this is a special exception use that should continue.
(d) Health care facility - a facility that meets the definition for and is licensed as a skilled care		

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facility or intermediate nursing care facility under the Health Care Facilities and Community Residence Regulations, 22 DCMR § 3099.1 (1986) (superseded); (e) Substance abusers home - a community residence facility that offers a sheltered living arrangement, as that arrangement is defined in the Health Care Facilities and Community Residence Facilities Regulations of the District of Columbia, 22 DCMR § 3099.1 (1986) (superseded), for one (1) or more individuals diagnosed by a medical doctor as abusers of alcohol, drugs, or other controlled substances; (f) Youth rehabilitation home - a facility providing residential care for one (1) or more individuals less than twenty-one (21) years of age who have been detained or committed by a court pursuant to their involvement in the commission of an act designated as an offense under the law of the District of Columbia, or of a state if the act occurred in a state, or under federal law. The facility shall not house persons sixteen (16) years of age or older who are charged by the United States Attorney with a felony offense; or (g) Youth residential care home - a facility providing safe, hygienic, sheltered living arrangements for one (1) or more individuals less than eighteen (18) years of age, not related by blood, adoption, or marriage to the operator of the facility, who are ambulatory and able to perform the activities of daily living with minimal assistance. (28 DCR 3483)		
Comprehensive Plan - the Comprehensive Plan for the National Capital adopted pursuant to section 4(a) of the National Capitol Planning Act of 1952, approved July 10, 1952 (66 Stat. 774, 781, 785, as amended, §§ 203 and 423 of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 779, 792, D.C. Official Code §§ 1-204.23, 2-1002(a) (formerly codified at D.C. Code §§ 1-244, 1-2002(a) (1999 Repl.))).	<u>Comprehensive Plan</u> : The Comprehensive Plan for the National Capital adopted pursuant to section 4(a) of the National Capitol Planning Act of 1952, approved July 10, 1952 (66 Stat. 774, 781, 785, as amended, §§ 203 and 423 of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24,1973 (87 Stat. 779, 792, D.C. Official Code §§ 1-204.23, 2-1002(a) (formerly codified at D.C. Code §§ 1-244, 1-2002(a) (1999 Repl.))).	No change.
	<u>Corner Store</u> : A limited commercial and service use in residential rowhouse zones, intended to be for oriented to serve the immediate neighborhood.	New definition to reflect new use. <u>Post Setdown:</u> OP recommends rewording the definition for clarity.
	<u>Cottage Food Business</u> : A business that: Produces of packages cottage food products in a residential kitchen; Sells the cottage food products in accordance with the Cottage Food Act and regulations adopted by the Department of Health; Has annual revenues from the sale of cottage food products in an amount not exceeding \$25,000.	New definition to reflect Cottage Food Act which allows the use as a Home Occupation.
	<u>Cottage Food Product</u> : A food product made in compliance with the Cottage Food Act and that is sold at a farmer's market or other public venues.	New definition to reflect Cottage Food Act.
Court - an unoccupied space, not a court niche, open to the sky, on the same lot with a building, which is bounded on two (2) or more sides by the exterior walls of the building or by two (2) or more exterior walls, lot lines, or yards. A court may also be bounded by a single curved wall of a building. (28 DCR 4192)	<u>Courtyard</u> : An uncovered area, starting at or above grade, where two walls of the same building with windows face each other.	New definition to reflect proposal to regulate courtyards instead of courts, and the proposed side yard definition by removing the limiting reference to a lot line and yards being boundaries of a court.
Court, closed - a court surrounded on all sides by the exterior walls of a building, or by exterior walls of a building and side or rear lot lines, or by alley lines where the alley is less than ten feet (10 ft.) in width.	<u>Courtyard. Closed</u> : A courtyard for which building or structure encloses the space on all sides.	New definition to reflect proposal to regulate courtyards instead of courts.
Court, height of - the vertical distance from the lowest level of the court to the highest point of any bounding wall.		<u>Post Setdown:</u> Will be placed in proposed text.

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Court, length of - the mean horizontal distance between the open and closed end of an open court or the greater horizontal dimension of a closed court.		<u>Post Setdown:</u> Will be placed in proposed text.
Court niche - an indentation, recess, or decorative architectural treatment of the exterior wall of a building, not a court, which opens onto a street, yard, alley, or court. (28 DCR 4192)		Not brought forward into proposed text; no longer proposing Niches in zoning; they would be regulated by Building Code
Court niche, depth of - the greatest distance between the sides of the court niche, measured perpendicular to the line delineating the width of court niche. (28 DCR 4192)		Not brought forward into proposed text; no longer proposing Niches in zoning; they would be regulated by Building Code
Court niche, width of - the distance between the two (2) points created by the intersection of the sides of the court niche and the sides of the court, yard, street, or alley it abuts. (28 DCR 4192)		Not brought forward into proposed text; no longer proposing Niches in zoning; they would be regulated by Building Code
Court niche, width of - the distance between the two (2) points created by the intersection of the sides of the court niche and the sides of the court, yard, street, or alley it abuts. (28 DCR 4192)		Not brought forward into proposed text; no longer proposing Niches in zoning; they would be regulated by Building Code
Court, open - a court opening onto a street, yard, or an alley not less than ten feet (10 ft.) wide.	<u>Courtyard, Open:</u> A courtyard for which at least one side is open to a yard or lot line.	New definition to reflect proposal to regulate courtyards instead of courts.
Court, width of - the minimum horizontal dimension substantially parallel with the open end of an open court or the lesser horizontal dimension of a closed court; or, in the case of a non-rectangular court, the diameter of the largest circle that may be inscribed in a horizontal plane within the court. (28 DCR 4192)		<u>Post Setdown:</u> Will be placed in proposed text.
	<u>Director</u> - the Director of the Office of Zoning, or such successor official as shall be designated to be the supervisor of the full-time administrative staff of the Office of Zoning, unless otherwise noted.	New definition.
Dinner Theater - a restaurant with a stage or performing area where the main activity is the serving of dinner and, following dinner, the performance of a play or musical theater. (39 DCR 8328)		<u>Post Setdown:</u> Will be placed in proposed text.
District - sections of the District of Columbia delineated on the Zoning Map for which the Zone District governing the use of land and the use, density, bulk, and height of buildings or other structures are the same.		Not brought forward. See “zone” definition.
	<u>Dormer:</u> A projection built out from a sloping roof, usually housing a vertical window or ventilating louver. The highest point of the dormer shall be no higher than the ridge of the portion of the building's roof where the dormer is located.	New definition, but it is not needed. The Dormer section of Subtitle C (§ 507) is not a needed provision. <u>Post Setdown:</u> OP recommends this definition and Sub C § 507 be deleted.
Downtown Urban Renewal Area - the area included within the boundaries of the Urban Renewal Plan for the Downtown Urban Renewal Area, as modified by the National Capital Planning Commission and approved by the Council of the District of Columbia through July 5, 1983. (31 DCR 6585)		Not brought forward.
Drive-through - a system designed to permit customers of a fast food establishment, bank, dry cleaning or other establishment to obtain goods or services by driving through the property and conducting the transaction while the customer remains within a motor vehicle. The system has two (2) major parts: a vehicular queuing lane or lanes, and one (1) or more service locations where	<u>Drive-Through:</u> A system designed to permit customers of an establishment to obtain goods or services by driving through the property and conducting the transaction while the customer remains within a motor vehicle. The system has two (2) major parts: a vehicular queuing lane or lanes, and one (1) or more service locations where customers place orders or receive services or both. No part	Same definition as currently used except the list of example uses has been removed.

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customers place orders or receive services or both. No part of this definition shall be construed to apply to a gasoline service station. (32 DCR 4374 and 54 DCR 9393)	of this definition shall be construed to apply to a gasoline service station.	
Driver's License Road Test Facility - a building and associated paved area used by the District of Columbia Department of Motor Vehicles in connection with road tests or other tests of driving ability given to applicants for drivers' licenses or endorsements. (52 DCR 7259)		Will be placed in proposed text.
Dwelling - a building designed or used for human habitation. When used without a qualifying term, it shall mean a one-family dwelling.		Not brought forward.
	<u>Dwelling Unit. Principal</u> : The primary residential <i>structure</i> on a <i>lot</i> .	
Dwelling, multiple - a building containing three (3) or more dwelling units or rooming units, or any combination of these units totaling three (3) or more.		Not brought forward.
Dwelling, one-family - a dwelling used exclusively as a residence for one (1) family.		Not brought forward.
Dwelling, one-family detached - a one-family dwelling, completely separated from all other buildings and having two (2) side yards.		Not brought forward.
Dwelling, one-family semi-detached - a one-family dwelling, the wall on one (1) side of which is either a party wall, or lot line wall, having one (1) side yard.		Not brought forward.
Dwelling, one-family semi-detached - a one-family dwelling, the wall on one (1) side of which is either a party wall, or lot line wall, having one (1) side yard.		Not brought forward.
Dwelling, row - a one-family dwelling having no side yards.		Not brought forward.
Dwelling, two-family - a dwelling used exclusively as a residence for two (2) families living independently of each other. A two-family dwelling is a flat.		Not brought forward.
Dwelling unit - one (1) or more habitable rooms forming a single unit that is used for living and sleeping purposes, that may or may not contain cooking facilities. The term dwelling unit shall include a dwelling, apartment, bachelor apartment, or tenement, but shall not include a rooming unit.	<u>Dwelling Unit</u> : One or more habitable rooms comprising complete independent living facilities for one or more persons, and including within those rooms permanent provisions for living, sleeping, eating, cooking and sanitation. A dwelling unit is intended for a single household.	Revised definition.
	<u>El</u> : An uncovered, unoccupied space, bounded by a side lot line and two (2) exterior walls of a building.	New definition.
Elderly day care home - a dwelling unit used in part for the care, education, recreation, or training of no more than five (5) elderly individuals who are not related by blood or marriage to the caregiver and who are present for less than twenty-four (24) hours per day. This definition encompasses facilities generally known as senior care centers, elder care programs, and similar programs and facilities. (46 DCR 8286)	<u>Elderly Day Care Home</u> : A dwelling unit used in part for the care, education, recreation, or training of no more than five (5) elderly individuals who are not related by blood or marriage to the caregiver and who are present for less than twenty-four (24) hours per day. This definition encompasses facilities generally known as senior care centers, elder care programs, and similar programs and facilities. (46 DCR 8286)	No change.
	<u>Elderly Development Center</u> : <i>A building or part of a building</i> , other than an <i>elderly day care home</i> , used for the non-residential care of individuals age sixty-five (65) or older, totaling seven (7) or more persons, who are not related by blood or marriage to the caregiver and who are present for less than twenty-four (24) hours per day. This definition encompasses facilities generally known as senior care centers, elder care programs, and similar programs and facilities. An elderly development center includes the following <i>accessory uses</i> : counseling; education, training, and health and social services for the person or persons with legal charge of individuals attending the center, including, but not	No change; definition was mingled with Child Development Center; the proposal is to simply separate the Child and Elderly Development center into two definitions.

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	limited to, any parent, spouse, sibling, child, or legal guardian of such individuals.	
Electronic Equipment Facility (EEF) - regardless of the name given, a facility or space used primarily for or intended to be used primarily for the housing, operation, and/or co-location of computer equipment that provides: (a) electronic data switching, (b) transmission, and/or (c) telecommunication functions, whether inside or outside the facility. The term Electronic Equipment Facility includes, but is not limited to, Data Center, Server Farm, Co-Location Facility, Telecommunications Switching Center, Tech Hotel, Telco Hotel, and Telecommunications Central Office. Except, for purposes of this title, the term EEF shall not include facilities occupying less than one thousand, five hundred square feet (1,500 sq. ft.) of building area that are utilized as remote terminal units or Optical Transmission Nodes as necessary for the operation of cable television systems. Ancillary uses may include an office for equipment personnel, back-up generators, and fuel storage, but may not include company offices, retail uses, or customer service operations. (48 DCR 9830; 49 DCR 1655)	<u>Electronic Equipment Facility CEEF</u>): A facility or space used primarily for or intended to be used primarily for the housing, operation, and/or co-location of computer equipment that provides: (a) electronic data switching, (b) transmission, and/or (c) telecommunication functions, whether inside or outside the facility. The term Electronic Equipment Facility may also be referred to as a Data Center, Server Farm, Co-Location Facility, Telecommunications Switching Center, Tech Hotel, Telco Hotel, and Telecommunications Central Office.	Per OAG instruction regulatory language was removed.
Embassy - the official residence of an ambassador or other chief of a diplomatic mission, or that portion of a combined chancery/embassy devoted to use as such official residence. (25 DCR 2771)	<u>Embassy</u>: The official residence of an ambassador or other chief of a diplomatic mission, or that portion of a combined chancery/embassy devoted to use as such official residence. (25 DCR 2771)	No change.
Enclosed pedestrian space - an area, located within a building, designed for pedestrian use and enclosed on all sides, that may be covered by a roof of a transparent material that exposes the area to natural light. (24 DCR 10786)	<u>Enclosed Pedestrian Space</u>: An area, located within a building, designed for pedestrian use and enclosed on all sides, that may be covered by a roof of a transparent material that exposes the area to natural light. (24 DCR 10786)	No change.
Equipment cabinet or shelter - an enclosure housing only equipment related to the operation of an antenna located at the site and connected to the antenna by cable. (55 DCR 34		<u>Post Setdown:</u> Will be placed in proposed text.
Family – <i>[Repositioned to “Household”, below]</i>		
	<u>Farmers Market</u>: A market, open to the public for no charge, held in an open area where groups of individual sellers offer for sale to the public such items as agricultural produce, seasonal fruits and vegetables, fresh flowers, meats, eggs and honey that they produce or grow; items for sale may also include items made from the agricultural produce such as baked goods, jams, jelly, and sausages; sales are customarily made from temporary booths or vehicles located on site. The market may operate daily, intermittently throughout the week, or seasonally.	<u>Post Setdown:</u> New definition.
Fast food establishment - a place of business, other than a "prepared food shop," where food is prepared on the premises and sold to customers for consumption and at least one of the following conditions apply: (a) The premises include a drive-through; (b) Customers pay for the food before it is consumed. One characteristic that would satisfy this element would be building permit plans that depict a service counter without seating unless the applicant certifies that the intended principal use is for a restaurant or grocery and that the counter is part of a carry out service that is clearly subordinate to that principal use; or (c) Food is served on/in anything other than non-disposable tableware. Characteristics that would satisfy this element include, but are not limited to: the building permit plans do not depict a dishwasher or do depict trash receptacles in public areas. A proposed or existing establishment meeting this definition shall not be deemed to constitute any other use permitted under the authority of these regulations, except that a restaurant, grocery store, movie theater, or other use providing carryout service that is clearly subordinate to its principal use	Fast Food, Restaurant Establishment: A business, other than <i>a prepared food shop</i>, where food is prepared and served very quickly; and where the food is typically made of preheated or precooked ingredients, served to the customer in a packaged form for carry-out/take-away, although it may be eaten on site, and payment is made before the food is provided or consumed. Characteristics of a fast food establishment may include foods that are prepared by production-line techniques, foods that are standardized foodstuffs shipped to a franchised establishment from central locations, the establishment includes a drive-through, trash receptacles located in the dining area for self-bussing of tables, a lack of any seating for customers, or and food served on disposable tableware. An establishment meeting this definition shall not be deemed to constitute any other <i>use</i> permitted under the authority of these regulations, except that a <i>restaurant</i>, grocery store, movie theater, or other <i>use</i> providing carry out sales that is clearly subordinate to its <i>principal use</i> shall not be deemed a fast-food establishment.	<u>Post Setdown:</u> Revised based on input received during public outreach process.

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shall not be deemed a fast-food establishment. (54 DCR 9393)		
	Fast Food, Drive-through: A fast food restaurant that includes a drive-through and may not provide customer seating.	<u>Post Setdown:</u> New definition.
Firearm - a gun, pistol, or any weapon capable of firing a projectile and using an explosive charge as a propellant.		<u>Post Setdown:</u> Will be placed in proposed text.
Firearms retail sales establishment - an establishment engaged in the sale, lease, or purchase of firearms or ammunition. If an establishment is a firearms retail sales establishment as defined here, it shall not be deemed to constitute any other use permitted under the authority of this title.		<u>Post Setdown:</u> Will be placed in proposed text.
Fire Department - the Fire and Emergency Medical Services Department of the District of Columbia. (52 DCR 9155)		<u>Post Setdown:</u> Will be placed in proposed text.
Fire Department Administrative Facility - a building (including the Fire Department's Headquarters) used to provide administrative support to the Fire Department. (52 DCR 9155)		No longer needed as a specific use. A Fire Department Administrative Facility is a basically a government office use. In the Proposed Regs a Fire Department Administrative Facility is not called out as a special use. It would be permitted as a matter of right office use in non-residential zones.
Fire Department Support Facility - a building and associated land used to provide fleet maintenance, facilities maintenance, communications, or other types on non-administrative support to the Fire Department. (52 DCR 9155)		No longer needed as a specific use. In the Proposed Regs a Fire Department Support Facility is first permitted in the CR zone and carries through the C, CM and M zones. The use is considered a large government use and would not be permitted in the Residential zones and any industrial activities would be limited to the industrial zones.
Fire Department Training Facility - a building and associated land used by the Fire Department to provide classroom and practical training for emergency services and support personnel. (52 DCR 9155)		No longer needed as a specific use. In the Proposed Regs a Fire Department Training Facility is permitted only in the CM and M zones. The use is considered a large government use and would continue to be permitted only in the industrial (PDR) zones.
Fire Station - a building and associated land used by the Fire Department to house personnel and equipment in connection with the provision of fire, rescue, emergency medical, hazardous materials response, and other types of emergency services throughout the District- of Columbia, and includes the harbor facility. (52 DCR 9155)		<u>Post Setdown:</u> Will be placed in proposed text. It is referenced as a type of Local Government use.
Flat - a two-family dwelling.	<u>Flat</u> : A two-, three-, or four-unit dwelling, which is not an apartment building.	Revised to reflect RF zones.
Floating home - a sailboat, motorboat, or other floating structure that is designed and built to be used, or is modified to be used, as a waterborne residential dwelling, is dependent for utilities upon a utility linkage to a source originating on shore, and in which the tenant or owner sleeps overnight an average of fifteen (15) days per month. (51 DCR 3440 and 52 DCR 6358)	<u>Floating Home</u> : A sailboat, motorboat, or other floating structure that is designed and built to be used, or is modified to be used, as a waterborne residential dwelling, is dependent for utilities upon a utility linkage to a source originating on shore, and in which the tenant or owner sleeps overnight an average of fifteen (15) days per month. (51 DCR 3440 and 52 DCR 6358)	No change.
Floor area ratio - a figure that expresses the total gross floor area as a multiple of the area of the lot. This figure is determined by dividing the gross floor area of all buildings on a lot by the area of that lot.	<u>Floor Area Ratio (FAR)</u> : The ratio of the total gross floor area of a building to the area of its lot; determined by dividing the gross floor area of all buildings on a lot by the area of that lot.	New language is proposed as clearer more direct language.

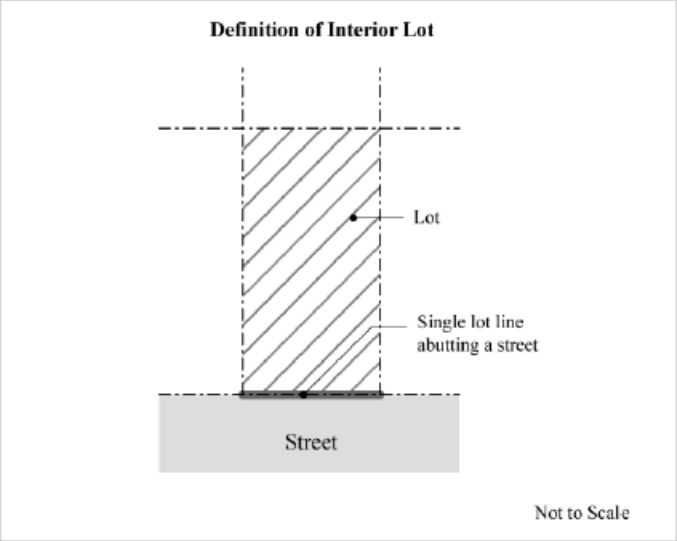
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<i>Floor Area, Gross [resituated from original sequence]</i> Gross floor area - the sum of the gross horizontal areas of the several floors of all buildings on the lot, measured from the exterior faces of exterior walls and from the center line of walls separating two (2) buildings. The term "gross floor area" shall include basements, elevator shafts, and stairwells at each story; floor space used for mechanical equipment (with structural headroom of six feet, six inches (6 ft., 6 in.), or more); penthouses; attic space (whether or not a floor has actually been laid, providing structural headroom of six feet, six inches (6 ft., 6 in.), or more); interior balconies; and mezzanines.	<u>Floor Area, Gross (GFA)</u>: The sum of the total-gross horizontal areas of all of the several floors of all buildings on a lot, measured from the exterior faces of exterior walls and from the center line of walls separating two (2) buildings. GFA shall include basements, elevator shafts, and stairwells at each story;; floor space used for mechanical equipment (;-covered parking and ramps-with structural headroom of six feet, six inches (6 ft., 6 in.), or more);; penthouses;; attic space; (whether or not a floor has actually been laid, providing structural headroom of six feet, six inches (6 ft., 6 in.), or more);; interior balconies; and mezzanines. GFA shall not include cellars, exterior balconies that do not exceed a projection of six feet (6 ft.) beyond the exterior walls of the building, all projections beyond the lot line that may be allowed by other Municipal codes, vent shafts, and pipe chaser shafts above the ground floor, atriums above the ground floor, ramps on the ground floor leading to a parking garage on a lower level; and in residential zones, the first floor or basement area designed and used for parking or recreation spaces provided that not more than 50% of the perimeter of that space may be comprised of columns, piers, walls, or windows, or similarly enclosed	<u>Post Setdown:</u> Revised to reflect current definition.
<u>Floor. Ground:</u> [Repositioned from original sequence] Ground floor - the floor that is nearest in grade elevation to the adjacent surface of the public right-of-way. (48 DCR 9832)	<u>Floor, Ground</u>: The floor level nearest to and above the adjacent <i>finished grade</i>.	New language is proposed as clearer more direct language.
Food delivery service - a restaurant, prepared food shop, or fast food establishment, in which the principal use is production of prepared food for delivery to customers located off the business premises. Seating and tables for customers may or may not be provided for on-premises consumption, but if present are clearly subordinate to the principal use of preparing food for delivery to off-site customers. Any establishment that derives more than seventy-five percent (75%) of its sales from delivery orders will be considered a food delivery service in all cases. This definition does not include catering establishments. (40 DCR 3744 and 54 DCR 9393)	<u>Food Delivery Service</u>: A restaurant, prepared food shop, or fast food establishment, in which the principal use is production of prepared food for delivery to customers located off the business premises. Seating and tables for customers may or may not be provided for on-premises consumption, but if present are clearly subordinate to the principal use of preparing food for delivery to off-site customers. Any establishment that derives more than seventy-five percent (75%) of its sales from delivery orders will be considered a food delivery service in all cases. This definition does not include catering establishments.	No change.
	<u>Gallery, Display</u>: An establishment that displays and may sell art, but that does not derive more than fifty percent (50%) of its income from the display and sale of objects of art.	New definition, to distinguish from retail galleries.
	<u>Gallery, Retail</u>: An establishment that derives more than fifty percent (50%) of its income from the display and sale of objects of art.	New definition.
Garage, mechanical parking - a building or other structure without repair or service facilities in which parking is accomplished entirely by means of elevators and in such a manner that there is no human occupancy other than by the elevator operators anywhere except on the main floor.	Garage, Mechanical Automated Parking: A <i>building</i> or other <i>structure</i> without repair or service facilities in which parking is accomplished entirely by means of elevators and in such manner that there is no human occupancy other than by the elevator operators anywhere except on the <i>main floor</i>. May also be a public garage.	No change, except for inclusion of clarifying language. <u>Post Setdown:</u> Proposed change of the word “mechanical” to “automatic” per public comments. Proposed change to allow incidental services.
Garage, parking - a building or other structure, or part of a building or structure, over nine hundred square feet (900 ft.²) in area, used for the parking of motor vehicles without repair or service facilities. The term parking garage may include a parking garage accessory to the principal use, but shall not include a mechanical parking garage.	<u>Garage, Parking</u>: A <i>building</i> or other <i>structure</i>, or part of a <i>building</i> or <i>structure</i>, 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.	Revised to reflect uses.
Garage, private - a building or other structure, or part of a building or structure, not exceeding nine hundred square feet (900 ft.²) in area, used for the parking of one (1) or more motor vehicles and		Not brought forward into proposed text.

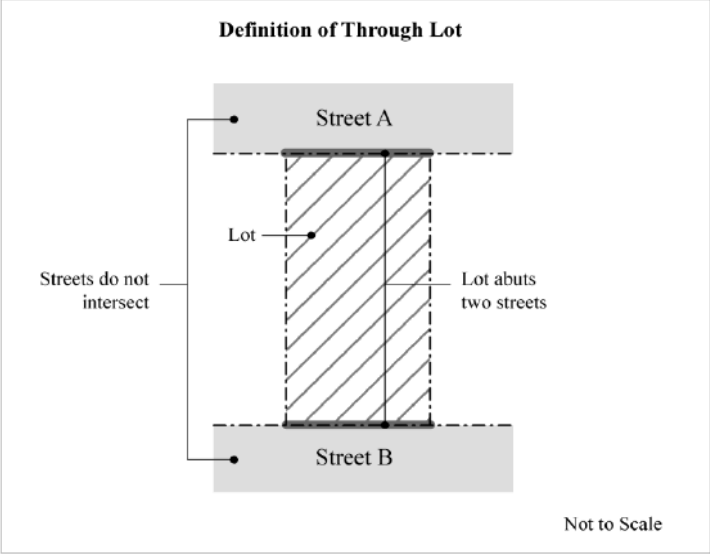
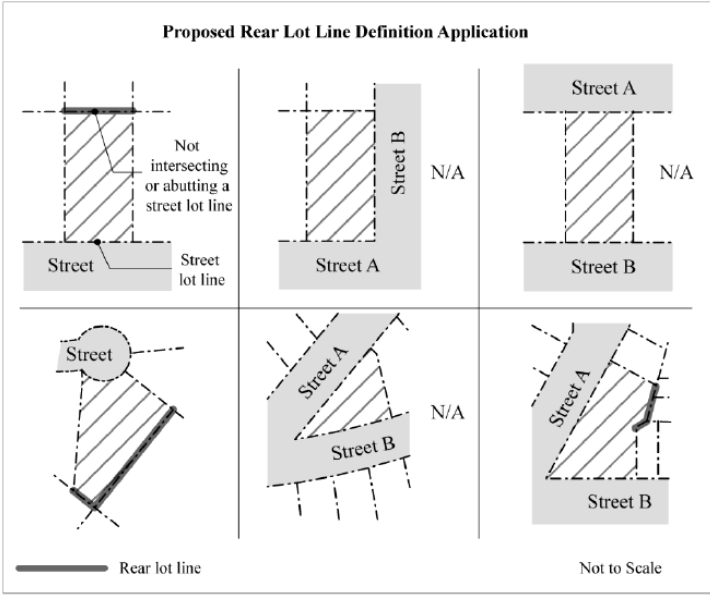
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having no repair or service facilities.		
Garage, public storage - a building or other structure, or part of a building or structure, in which any repair, greasing, washing, or similar services are incidental to its primary use for the parking of motor vehicles.	<u>Garage, Public</u> : A <i>building</i> or other structure, or part of a <i>building</i> 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.	Revised to reflect uses.
Garage, repair - a building or other structure, or part of a building or structure, with facilities for the repair of motor vehicles, including body and fender repair, painting, rebuilding, reconditioning, upholstering, equipping, or other motor vehicle maintenance or repair.	<u>Garage, Repair</u> : A building or other structure, or part of a building or structure, with facilities for the repair of motor vehicles, including body and fender repair, painting, rebuilding, reconditioning, upholstering, equipping, or other motor vehicle maintenance or repair.	No change.
Gasoline service station - an area of land, including any structures on the area, used for the retail sale of motor fuel and lubricants and incidental services such as lubrication and hand-washing of motor vehicles, and the sale, installation, or minor repair of tires, batteries, or other automobile accessories. The term gasoline service station shall not include an automobile laundry or a repair garage.	<u>Gasoline Service Station</u> : An area of land, including any structures on the area, used for the retail sale of motor fuel and lubricants and incidental services such as lubrication and hand-washing of motor vehicles, and the sale, installation, or minor repair of tires, batteries, or other automobile accessories. The term gasoline service station shall not include an automobile laundry or a repair garage.	No change.
Glass, Clear and/or Low-Emissivity - glass with a visible light transmission rating of at least seventy percent (70%) and an outdoor visible light reflectance rating of no greater than seventeen percent (17%). (52 DCR 9713)	<u>Glass, Clear and/or Low-Emissivity</u> : Glass with a visible light transmission rating of at least seventy percent (70%) and an outdoor visible light reflectance rating of no greater than seventeen percent (17%).	No change.
	<u>Grade, Finished</u> : The elevation of the ground directly abutting the perimeter of a <i>building</i> or <i>structure</i> .	New definition.
	<u>Grade, Natural</u> : The undisturbed elevation of the ground of a <i>lot</i> prior to human intervention; or where there are existing improvements on a <i>lot</i> , the established elevation of the ground, exclusive of the improvements or adjustments to the grade made in the year prior to applying for a building permit.	New definition.
	<u>Green Area Ratio</u> : Ratio of the weighted value of landscape elements to <i>lot area</i> [see C Chapter 17].	New definition.
	Grocery Store : A use whose primary business is the sale of fresh produce and food products. At least 50% of customer-accessible sales and display area is used for the sale of a general line of food products intended for home preparation and consumption, and at least 30% of retail space is for perishable goods that include dairy, fresh produce, fresh meats, poultry, fish and frozen foods. Groceries represent the majority of the sales in a grocery store although there may be accessory uses such as prepared food and drink, pharmaceuticals, personal and bank services.	<u>Post Setdown</u> : new definition.
<u>Gross Floor Area</u> : See " <i>Floor Area, Gross.</i> "	<u>Gross Floor Area</u> : See " <i>Floor Area, Gross.</i> "	
Group Instruction Center or Studio - An establishment that principally offers group instruction in the performing arts, the martial arts, physical exercise, or yoga.		Not brought forward into proposed text, covered within Subtitle B, Chapter 2 Use Groups.
Habitable room - an undivided enclosed space used for living, sleeping, or kitchen facilities. The term habitable room shall not include attics, cellars, corridors, hallways, laundries, serving or storage pantries, bathrooms, or similar space; neither shall it include mechanically ventilated interior kitchens less than one hundred square feet (100 ft. ²) in area, nor kitchens in commercial establishments.		Not brought forward into proposed text.

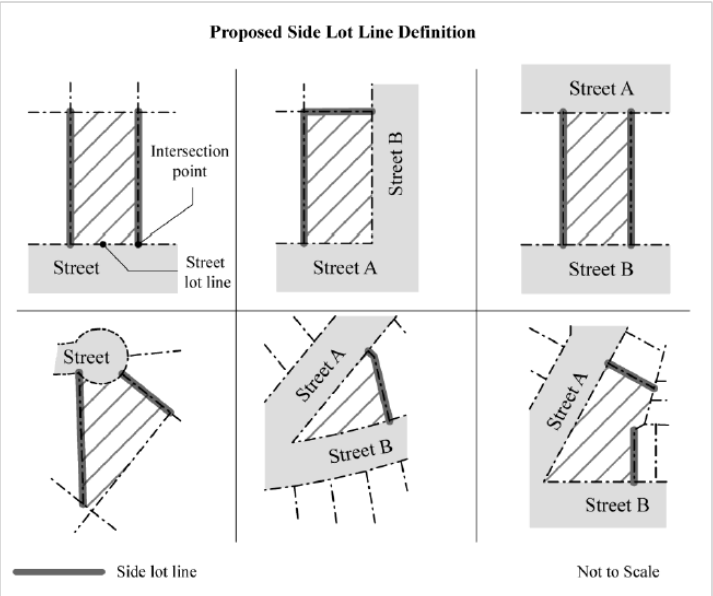
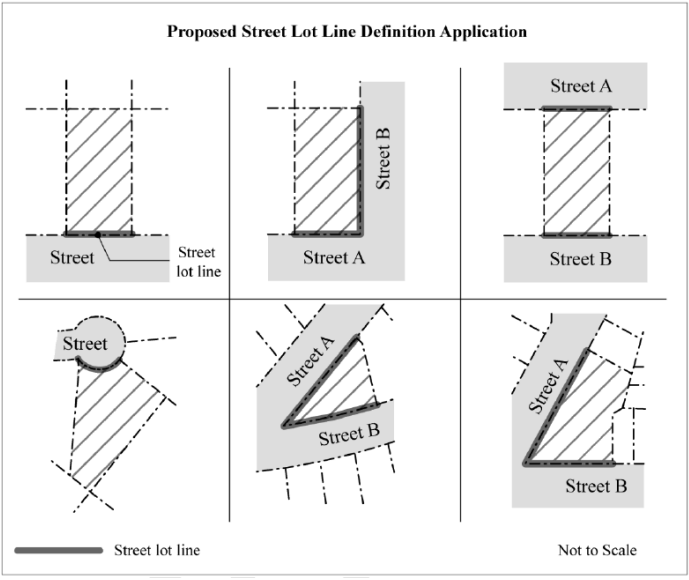
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	<u>Height Act</u> : the Act to Regulate the Height of Buildings in the District of Columbia, approved June 1, 1910 (36 Stat. 452, as amended; D.C. Official Code §§ 6-601.01 to 6-601.09 (2001) (formerly codified at D.C. Code §§ 5-401 to 5-409 (1994 Repl. and 1999 Supp.))).	New definition.
<u>Height. Floor-to-Ceiling Clear:</u> <i>[Repositioned here from official sequence]</i> Clear Height, Floor to Ceiling - a vertical distance measurement within a building story. The upper point of the measurement is the finished ceiling that is unobstructed by any of the following: (a) Elements of the building structure, other than columns and walls; (b) Components of mechanical, plumbing, or fire suppression systems; or (c) Components of electrical systems, except lighting fixtures. If the ceiling is not finished, the distance shall be measured to the lowest point of any of the structural elements of systems referenced in (a), (b), or (c) above. For all stories above the ground level and for a ground story for which there is no clear height requirement, the bottom point of the measurement shall be the level of the finished floor. For a ground story subject to minimum clear height requirements, the bottom measuring point for clear height shall be the level of the curb opposite the middle of the building’s frontage on the street from which the building draws its clear height requirement.	<u>Height, Floor-to-Ceiling Clear:</u> The vertical distance measured from <i>the finished floor</i> to the finished ceiling that is unobstructed by any of the following: Elements of the building structure other than columns and walls; Components of mechanical, plumbing, or fire suppression systems; or Components of electrical systems other than lighting fixtures. If the ceiling is not finished, the distance shall be measured to the lowest point of any of the structural elements of systems referenced in (a), (b), or (c) above. (52 DCR 9713).	Revised to reflect rules of measurement.
	<u>Hospice</u> : a program of in-house. outpatient, or inpatient medical nursing, counseling, bereavement, and other palliative and supportive services to terminally ill individuals and their families.	New definition.
Historic district - an area, place, site, vicinity, or neighborhood designated as such by the Joint Committee on Landmarks of the National Capital for inclusion in the District of Columbia Inventory of Historic Sites. (25 DCR 2772)	<u>Historic District</u> : An area listed as an historic district in the D.C. Inventory, or which the State Historic Preservation Officer has nominated or issued a written determination to nominate to the National Register of Historic Places after a public hearing before the Historic Preservation Review Board. (DCMR 10 A)	<u>Post Setdown:</u> revised to reflect definitions in the Historic Landmark and Historic District Protection Act.
Historic landmark - a building, structure, site, place, monument, work of art, or other similar object designated as such by the Joint Committee on Landmarks of the National Capital for inclusion in the District of Columbia Inventory of Historic Sites. (25 DCR 2772)	<u>Historic Landmark</u> : <i>A building, structure</i> , object or feature, and its site, or a site listed in the D.C. Inventory or National Register of Historic Places , or for which an application for listing is pending with the Historic Preservation Review Board (provided the statutory time period for consideration of the application has not expired).	<u>Post Setdown:</u> revised to reflect definitions in the Historic Landmark and Historic District Protection Act.
	<u>Historic Landmark and Historic District Protection Act of 1978</u> : An Act adopted by the Council of the District of Columbia effective March 3, 1979 (D.C. Law 2-144, as amended; D.C. Official Code §§ 6-1101 to 6-1115 (2001) (formerly codified at D.C. Code §§ 5-1001 to 5-1015 (1994 Repl. & 1999 Supp.)))	New definition.
	<u>Historic Resource</u> : A building, or structure, object or feature, and its site, or a site listed in the District of Columbia Inventory of Historic Sites or the National Register of Historic Places or a building, or structure, feature, and its site, or a site certified in writing by the Historic Preservation Office as contributing to the character of the historic district in which it is located.	<u>Post Setdown:</u> revised to reflect definitions in the Historic Landmark and Historic District Protection Act.
	<u>Home Occupation</u> : An accessory use, including a business, profession, or other economic activity, which is conducted full-time or part-time in a <i>dwelling unit that</i> serves as the principal residence of the practitioner.	New definition.
Home sales party - a gathering that is held at a dwelling of any kind for the purpose of selling or distributing goods or services. (35 DCR 6916)		<u>Post Setdown:</u> Will be placed in proposed text.
Hotel - a building or part of a building in which not less than thirty (30) habitable rooms or suites are reserved primarily for transient guests who rent the rooms or suites on a daily basis and where	<u>Hotel</u> : A building or part of a building in which not less than thirty (30) habitable rooms or suites are reserved primarily for transient guests who rent the rooms or suites on a daily basis and where	No Change

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meals, prepared in a kitchen on the premises by the management or a concessionaire of the management, may be eaten in a dining room accommodating simultaneously not less than thirty (30) persons. The dining room shall be internally accessible from the lobby. The term "hotel" shall not be interpreted to include an apartment house, rooming house, boarding house, tenement house, or private club. All areas within a hotel shall be included in one (1) of the following categories: (a) Commercial adjuncts - retail and service establishments customarily incidental and subordinate to hotel use, such as restaurant, dining room, cocktail lounge, coffee shop, dry cleaning, laundry, pressing or tailoring establishment, florist shop, barber shop, beauty parlor, cigar or news stand, and other similar uses; (b) Exhibit space - floor area within a hotel primarily designed for the display and storage of exhibits for conferences, trade fairs, and similar group events; (c) Function room - a room within a hotel used primarily to accommodate gatherings of hotel guests and visitors, such as meetings, banquets, and other group events; (d) Guestroom areas - floor area within a hotel devoted to guestrooms or suites, including individual bathrooms, entrance foyers, corridors, elevators, stairs, floor pantries, and other space directly supportive of guestrooms. The main lobby, front desk, and hotel administrative offices are also included in guestroom areas for purposes of pro-rating floor area between residential and nonresidential uses in applicable zones; and (e) Service areas - floor area within a hotel devoted to mechanical services and storage supportive of the hotel as a total entity, including boiler room, mechanical platforms, electrical switchboard, workshops and maintenance areas, storage areas, employee facilities (locker rooms, canteen, and engineer's office), and similar uses. (36 DCR 7625)	meals, prepared in a kitchen on the premises by the management or a concessionaire of the management, may be eaten in a dining room accommodating simultaneously not less than thirty (30) persons. The dining room shall be internally accessible from the lobby. The term "hotel" shall not be interpreted to include an apartment house, rooming house, boarding house, tenement house, or private club. All areas within a hotel shall be included in one (1) of the following categories: (a) Commercial adjuncts - retail and service establishments customarily incidental and subordinate to hotel use, such as restaurant, dining room, cocktail lounge, coffee shop, dry cleaning, laundry, pressing or tailoring establishment, florist shop, barber shop, beauty parlor, cigar or news stand, and other similar uses; (b) Exhibit space - floor area within a hotel primarily designed for the display and storage of exhibits for conferences, trade fairs, and similar group events; (c) Function room - a room within a hotel used primarily to accommodate gatherings of hotel guests and visitors, such as meetings, banquets, and other group events; (d) Guestroom areas - floor area within a hotel devoted to guestrooms or suites, including individual bathrooms, entrance foyers, corridors, elevators, stairs, floor pantries, and other space directly supportive of guestrooms. The main lobby, front desk, and hotel administrative offices are also included in guestroom areas for purposes of pro-rating floor area between residential and nonresidential uses in applicable zones; and (e) Service areas - floor area within a hotel devoted to mechanical services and storage supportive of the hotel as a total entity, including boiler room, mechanical platforms, electrical switchboard, workshops and maintenance areas, storage areas, employee facilities (locker rooms, canteen, and engineer's office), and similar uses. (36 DCR 7625)	Post Setdown: the term “Tenement House” should be deleted from the definition of Hotel. The definition of “tenement” is basically the same as an apartment and is not referenced in the proposed regulations.
Family – <i>[Renamed and positioned “Family”, above, below]</i> one (1) or more persons related by blood, marriage, or adoption, or not more than six (6) persons who are not so related, including foster children, living together as a single house-keeping unit, using certain rooms and housekeeping facilities in common; provided, that the term family shall include a religious community having not more than fifteen (15) members. (19 DCR 281)	<u>Household</u>: One (1) family related by blood, marriage, adoption, or foster agreement, or not more than six (6) persons who are not so related, living together as a single house-keeping unit; provided, that the term household shall include a religious community having not more than fifteen (15) members. (19 DCR 281)	Revised to reflect use of the term household.
Impervious surface - an area that impedes the percolation of water into the subsoil and impedes plant growth. Impervious surfaces include the footprints of principal and accessory buildings, footprints of patios, driveways, other paved areas, tennis courts, and swimming pools, and any path or walkway that is covered by impervious material. (39 DCR 1904)		Not brought forward into proposed text.
Impervious surface coverage - the percentage of the land area of a lot that is covered by impervious surfaces, which percentage shall be determined by dividing the gross impervious surface area of a lot by the total area of the lot. (39 DCR 1904)		Not brought forward into proposed text.
	<u>Inclusionary Unit</u>: A dwelling unit set aside for sale or rental to Low-Income or Moderate-Income Households as required by C Chapter 22.	New definition.
	<u>Inclusionary Zoning Act (IZ Act)</u>: The Inclusionary Zoning Implementation Amendment Act of 2006, effective March 14, 2007 (D.C. Law 16-275; 54 DCR 880). References to the IZ Act include any Mayor's Order, agency rule, or other administrative issuance promulgated pursuant to that legislation.	New definition.

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Inn - a building or part of a building in which habitable rooms or suites are reserved primarily for transient guests who rent the rooms or suites on a daily basis. Guestrooms or suites may include kitchens, but central dining, other than breakfast for guests, is not allowed. The term "inn" may be interpreted to include an establishment known as a bed and breakfast, hostel, or tourist home, but shall not be interpreted to include a hotel, motel, private club, rooming house, boarding house, tenement house, or apartment house. For the purposes of this definition, the limitation on central dining does not prohibit an inn from allowing guests to prepare their meals at centrally located cooking facilities and to eat such meals in a central dining area. (36 DCR 7627 and 53 DCR 2671)		Not brought forward into proposed text
Intermediate materials recycling facility - a fully enclosed structure used for the receipt, separation, storage, conversion, baling, and/or processing of paper, metal, glass, plastics, tires, bulk waste, and other non-biodegradable recyclable materials for the purpose of reutilization of the materials. Such facility shall not include storage or processing of biodegradable materials, construction and demolition debris, white goods, and hazardous substances, as defined by the District of Columbia Environmental Policy Act of 1989, effective October 18, 1989 (D.C. Law 8-36; D.C. Official Code § 8-109.2 (formerly codified at D.C. Code § 6-983 (1995 Repl.))), and the rules and regulations pursuant thereto. The facility shall be limited in operation to baling, briquetting, crushing, compacting, grinding, shredding, and sorting of acceptable materials. (40 DCR 1951)	<u>Intermediate Materials Recycling Facility:</u> A fully enclosed structure used for the receipt, separation, storage, conversion, baling, and/or processing of paper, metal, glass, plastics, tires, bulk waste, and other non-biodegradable recyclable materials for the purpose of reutilization of the materials. Such facility shall not include storage or processing of biodegradable materials, construction and demolition debris, white goods, and hazardous substances, as defined by the District of Columbia Environmental Policy Act of 1989, effective October 18, 1989 (D.C. Law 8-36; D.C. Official Code § 8-109.2 (formerly codified at D.C. Code § 6-983 (1995 Repl.))), and the rules and regulations pursuant thereto. The facility shall be limited in operation to baling, briquetting, crushing, compacting, grinding, shredding, and sorting of acceptable materials. (40 DCR 1951). <u>The structure shall be fully enclosed by sold walls, exclusive of doors and windows, and a roof. Door and windows shall be operative and kept closed except for the coming and going of vehicles and individuals.</u>	<u>Post Setdown:</u> Changes made to clarify fully enclosed.
International organization - A public international organization designated as such pursuant to § 288 of the International Organizations Immunities Act, approved December 29, 1995 (59 Stat. 669; 22 U.S.C. §§ 288 - 288f-3), or a public international organization created pursuant to a treaty or other international agreement as an instrument through or by which two or more foreign governments engage in some aspect of their conduct of international affairs, and an official mission (other than a United States mission) to such a public international organization, including any real property of such an organization or mission and including the personnel of such an organization or mission. (30 DCR 3271)		<u>Post Setdown:</u> Will be placed in proposed text.
	Large Format Retail: A single retailer or common retail space with a minimum floor space of 50,000 square feet; the use shall include warehouse club stores with or without paid memberships, discount retailers, and similar uses. A large format retailer may include grocery sales as a secondary use but a grocery store shall not be considered a large format retail use.	<u>Post Setdown:</u> New definition.
Legitimate Theater - a building, or a part of a building, that is designed and used for the presentation of live plays and other forms of dramatic performance. The facility typically has a stage or other performing area plus tiers of seats for the audience, or other arrangements for the audience to sit or stand to view the performance. (39 DCR 8328)		<u>Post Setdown:</u> Will be placed in proposed text.
Line, building - a line beyond which property owners have no legal or vested right to extend a building or any part of the building without special permission and approval of the proper authorities; ordinarily a line of demarcation between public and private property, but also applied to building restriction lines, when recorded on the records of the Surveyor of the District of Columbia.		<u>Post Setdown:</u> Will be placed in proposed text.
Lines, lot – [See, “lot line” as repositioned below]		See “lot line”
Loading berth - an off-street space provided for cargo vehicles, when loading and unloading.		<u>Post Setdown:</u> Will be placed in proposed text.
Lot - the land bounded by definite lines that, when occupied or to be occupied by a building or structure and accessory buildings, includes the open spaces required under this title. A lot may or	<u>Lot:</u> The land bounded by definite lines that, when occupied or to be occupied by a <i>building</i> or <i>structure</i> and <i>accessory buildings</i> , includes the open spaces required under this title. A lot may or	No change.

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may not be the land so recorded on the records of the Surveyor of the District of Columbia.	may not be the land so recorded in the records of the Surveyor of the District of Columbia.	
Lot, alley - a lot facing or abutting an alley and at no point facing or abutting a street.	<u>Lot, Alley</u> : A <i>lot</i> that faces or abuts an <i>alley</i> that does not face or abut a <i>street</i> at any point, and that is recorded on the records of the Office of the Surveyor or the Office of Tax and Revenue on or before November 1, 1957.	Added language to clarify that alley lots are expected to be lots of record.
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>Lot, Comer</u> : A lot bounded on two or more intersecting sides by street lot lines, provided that the angle of intersection is less than one hundred thirty-five degrees (135°).	No reason was found to restrict the intersection minimum angle.
	<u>Lot, Flag</u> : A lot so shaped that the main portion of the lot area does not front onto a street, other than by connection of a narrow strip of land used solely or primarily for access purposes.	New definition; these lot types are not permitted therefore a definition was recommended.
Lot, interior - a lot other than a corner lot or a triangular lot.	<u>Lot, Interior</u> : A lot that is abutting one (1) street. 	New language for clarification.
Lot, parking - a tract of land used for the temporary parking of motor vehicles when the use is not accessory to any other use.		<u>Post Setdown</u> : Will be placed in proposed text but will be called “parking lot” instead of “lot, parking” because it is the use that is the critical descriptive element. All other descriptions of lots are based on development standards or subdivision not use.
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>Lot, Through</u> : A lot with at least four (4) distinct points where the side lot lines intersect street lot lines.	Revised to provide more clear and direct language.

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	Definition of Through Lot 	
Lot of record - a lot recorded on the records of the Surveyor of the District of Columbia.	<u>Lot of Record</u> : A <i>lot</i> recorded on the records of the Surveyor of the District of Columbia.	No change.
Lot line – [As repositioned from above] Line, lot - the lines bounding a lot as defined in this section.	<u>Lot Line</u> : A single straight or curved line segment forming a boundary of a <i>lot</i>	A new and clearer definition with the same intent; however, the word “segment” is not needed in the proposed definition.
	<u>Lot Line, Rear</u>: A <i>lot line</i> that does not intersect a street lot line or abut a street. See C Chapter 12 for rules of measurement of rear setbacks Proposed Rear Lot Line Definition Application 	New definition with illustrations.
	<u>Lot Line, Side</u>: A <i>lot line</i> that intersects a <i>street lot line</i>. C Chapter 12 for rules of measurement of side setbacks.	New definition with illustrations.

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	Proposed Side Lot Line Definition 	
	<u>Lot Line, Street:</u> A lot line that abuts a street. Proposed Street Lot Line Definition Application 	New definition with illustrations.
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°).		Not brought forward into proposed text.
Lot, width of - the distance between the side lot lines, measured along the building line; except that, in the case of an irregularly shaped lot, the width of the lot shall be the average distance between the side lot lines. Where the building line is on a skew, the width of the lot shall be the distance between side lot lines perpendicular to the axis of the lot taken where either side lot line intersects the building line.	<u>Lot Width:</u> The distance between the side lot lines, measured along the building line; except that, in the case of an irregularly shaped lot, the width of the lot shall be the average distance between the side lot lines. Where the building line is on a skew, the width of the lot shall be the distance between side lot lines perpendicular to the axis of the lot taken where either side lot line intersects the building line.	Post Setdown: Complete current definition will be placed in proposed text.
Lot Occupancy <i>[Repositioned from existing sequence]</i> Percentage of lot occupancy - a figure that expresses that portion of a lot lying within lot lines and building lines that is occupied or that may be occupied under the provisions of this title as building area; except as provided in the Waterfront Districts wherein lot occupancy shall be calculated in accordance with § 932, and Mixed Use Districts wherein the percentage of lot occupancy may be	<u>Lot Occupancy:</u> The percentage of the total area of a lot that is occupied by the total building area of all buildings on the lot.	Modified definition. The provision about waterfront and Mixed use is more a rule of measurement than a definition of lot occupancy. These rules of measurement are included within the zones within the proposed regulations.

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calculated on a horizontal plane located at the lowest level where residential uses begin. (21 DCR 1030aa, 21 DCR 1423, 51 DCR 3440 and 52 DCR 6358)		
Main floor - the floor of the story in which the principal entrance of a building is located.	<u>Main Floor</u> : The floor of the story in which the principal entrance of a building is located.	No change
	<u>Manufacturing, Light</u> : A light Production, Distribution and Repair use where all processing, fabricating, assembly, or disassembly of items takes places wholly within an enclosed building.	Post Setdown: New definition.
	<u>Map Amendment</u> : A change to the zoning designation of a lot or lots on the District of Columbia <i>Zoning Map</i> .	New definition.
Marina - the use of land, buildings, structures, and the surface of water for the provision of docking and storage facilities for boats. (51 DCR 3440 and 52 DCR 6358)		Post Setdown: Will be placed in proposed text.
Mass transit facilities - facilities, such as but not limited to stations, trackage, ventilating and electrical equipment, parking lots or structures and bus or automobile transfer areas, that have been determined by the Council of the District of Columbia to be necessary to the operation of a fixed right-of-way mass transit system and subject to the restrictions and conditions as may be imposed by the Council. Mass transit facilities shall not include commercial, residential, industrial, or other development located in, on, or over facilities approved as part of the basic operating system. (19 DCR 489)	<u>Mass Transit Facilities</u> : Facilities, such as but not limited to stations, trackage, ventilating and electrical equipment, parking lots or structures and bus or automobile transfer areas, that have been determined by the Council of the District of Columbia to be necessary to the operation of a fixed right-of-way mass transit system and subject to the restrictions and conditions as may be imposed by the Council. Mass transit facilities shall not include commercial, residential, industrial, or other development located in, on, or over facilities approved as part of the basic operating system. (19 DCR 489)	No change.
	<u>Material salvage</u> : the processing for further use of goods, wares, merchandise, substances, articles or things.	Post Setdown: New definition.
	<u>Mayor</u> : The Mayor of the District of Columbia.	New definition.
Mechanical amusement machine - a machine or device offered for use by persons of all ages as a game or for entertainment or amusement, and that is activated or operated by the user, an operator, or other person, or by the insertion of a coin, slug, token, plate, disk, or magnetically encoded card, and requiring a degree of dexterity or skill by the persons in the use of the machine or device. The term "mechanical amusement machine" shall include, but not be limited to, a pinball machine, flipper game, electronic video game, mechanical or electronic target game, or other similar machine or device; but shall not include small kiddie rides or juke boxes. (25 DCR 7160)		Not recommended to be included within the proposed regulations because it is not a current use. The use would be considered an Entertainment Use permitted as part of the Entertainment, Assembly and Performing Arts use group.
	<u>Metrorail Station</u> : Rapid transit station operated by the Washington Metropolitan Area Transit Authority (WMATA).	New definition.
Mezzanine - 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. A mezzanine shall not be considered a story in determining the maximum number of permitted stories.	<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. 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 story limit.	Post Setdown: OP recommends the additional limitation be included that do not permit a mezzanine above a third floor in those zones that have a 3-story limit. The restriction will help reduce the appearance of inappropriate upper level additions and with preserving neighborhood character.
Monopole - a single, self-supporting pole-type structure, supporting a fixture designed to hold one or more antennas. Such structures shall not be deemed ground mounted antennas as that term is used in this chapter. (55 DCR 34)	<u>Monopole</u> : A single, self-supporting pole-type structure, supporting a fixture designed to hold one or more antennas. Such structures shall not be deemed ground mounted antennas as that term is used in this chapter.	No Change.
Motel - a building containing non-connecting habitable rooms, suites, or combinations of both, reserved exclusively for transient guests; with each room or suite having a private bath and at least one (1) private parking space. (21 DCR 1030 and 21 DCR 1423)		Not brought forward into proposed text.
Mount - the necessary support structure to which an antenna is attached, not including antenna		Post Setdown: Will be placed in proposed text.

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towers or monopoles. (55 DCR 34)		
Natural grade - the undisturbed level formed without human intervention or, where the undisturbed ground level cannot be determined because of an existing building or structure, the undisturbed existing grade. (50 DCR 9387)	<u>Grade, Natural</u> : The undisturbed elevation of the ground of a <i>lot</i> prior to human intervention; or where there are existing improvements on a <i>lot</i> , the established elevation of the ground, exclusive of the improvements or adjustments to the grade made in the two (2) years prior to applying for a building permit; natural grade may not include manually constructed berms or other forms of artificial landscaping.	<u>Post Setdown</u> : Will be replaced in proposed text by Grade, Natural.
Neighborhood Policing Center - a Police Department Local Facility used as a liaison and resource center for a specified area in the District. (51 DCR 4778)		No longer needed. The use is defined in the current regs as a Police Local Facility which is a matter of right use within the R zones. In the Proposed Regs a Police Local Facility is within the Local Government Use Group which is a matter of right use in the R zones.
Nonconforming structure - a structure, lawfully existing at the time this title or any amendment to this title became effective, that does not conform to all provisions of this title or such amendment, other than use, parking, loading, and roof structure requirements. Regulatory standards that create nonconformity of structures include, but are not limited to, height of building, lot area, width of lot, floor area ratio, lot occupancy, yard, court, and residential recreation space requirements. (30 DCR 3922)	<u>Nonconforming Structure</u> : A structure, lawfully existing at the time this title or any amendment to this title became effective, that does not conform to all provisions of this title or such amendment, other than use, parking, loading, and roof structure requirements. Regulatory standards that create nonconformity of structures include, but are not limited to, height of building, lot area, width of lot, floor area ratio, lot occupancy, yard, court, and residential recreation space requirements.	No Change.
Nonconforming use - any use of land or of a structure, or of a structure and land in combination, lawfully in existence at the time this title or any amendment to this title became effective, that does not conform to the use provisions for the district in which the use is located. A use lawfully in existence at the time of adoption or amendment of this title that would thereafter require special exception approval from the Board of Zoning Adjustment shall not be deemed a nonconforming use. That nonconforming use shall be considered a conforming use, subject to the further provisions of §§ 3104.2 and 3104.3. (30 DCR 3922)	<u>Nonconforming Use</u> : Any use of land or of a structure, or of a structure and land in combination, lawfully in existence at the time this title or any amendment to this title became effective, that does not conform to the use provisions for the district in which the use is located. A use lawfully in existence at the time of adoption or amendment of this title that would thereafter require special exception approval from the Board of Zoning Adjustment shall not be deemed a nonconforming use. That nonconforming use shall be considered a conforming use, subject to the further provisions of §§ 3104.2 and 3104.3.	No Change; except citation to BZA will reflect new proposed code section
Open arcade - a continuous area, located along the perimeter of a building, designed for pedestrian uses, and which adjoins a street for its entire length; and, except for structural piers, columns, or arches, is open to the street. (24 DCR 10787)		<u>Post Setdown</u> : Will be placed in proposed text.
Optical Transmission Node - an interior or exterior facility that is utilized as remote terminal units for the operation of such things as cable television systems, high-speed internet access and interactive video, not including any broadcast antenna or related towers for the transmission of radio waves. (50 DCR 8818)		<u>Post Setdown</u> : Will be placed in proposed text.
Organization, nonprofit - an organization organized and operated exclusively for religious, charitable, literary, scientific, community, or educational purposes, or for the prevention of cruelty to children or animals; provided, that no part of its net income inures to the benefit of any private shareholder or individual.	Organization, nonprofit - an organization organized, registered with appropriate authority or government , and operated exclusively for religious, charitable, literary, scientific, community, or educational purposes, or for the prevention of cruelty to children or animals; provided, that no part of its net income inures to the benefit of any private shareholder or individual.	<u>Post Setdown</u> : Will be placed in proposed text; with inclusion of registration reference.
	<u>Parking Area</u> : The area of a <i>lot, building, or structure</i> devoted to <i>parking spaces</i> , attendant <i>driveways</i> , aisles, queuing lanes and landscaping. All such areas on a <i>lot</i> shall be considered to constitute a single parking area, even if the areas are not contiguous.	New definition.
Parking space - an off-street area accessible and of appropriate dimensions to be used exclusively for the temporary parking of a motor vehicle. (31 DCR 6585)	<u>Parking Space</u> : An accessible off-street area to be used exclusively for the temporary parking of a motor vehicle subject to the dimensional requirements of C Chapter 19.	Revised to include a reference to dimensions.
Parking space, bicycle - a space for the temporary storage of a bicycle in the form of a rack, locker, or storage area of appropriate design and dimension, used exclusively for the storage of a bicycle. (31 DCR 6585)	<u>Parking Space, Bicycle</u> : A space for the temporary storage of a bicycle in the form of a rack, locker or storage area of appropriate design and dimension, used exclusively for the storage of a bicycle, subject to the dimensional requirements of C Chapter 20.	Revised to include a reference to dimensions.

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	<u>Parking Space, Compact</u> : A <i>parking space</i> designed for smaller cars which meets the requirements of Subtitle C.	New definition.
	<u>Parking Space, Shared</u> : A <i>parking space</i> that is made available to more than one use, or to the general public and that meets the requirements of Subtitle C.	New definition.
	<u>Parking Space, Structured</u> : A <i>parking space</i> that is within a <i>building</i> or <i>structure</i> .	New definition.
	<u>Parking Space, Surface</u> : A <i>parking space</i> that is not within a <i>building</i> or <i>structure</i> .	New definition.
	<u>Party</u> - an applicant, or the Advisory Neighborhood Commission for the area within which the property that is the subject of the contested case is located, or any person who is admitted as a party by the Commission pursuant to Subtitle Z, or by the Board of Zoning Adjustment pursuant to Subtitle Y.	New definition.
	<u>Permeable Paving</u> : A surface that facilitates water infiltration through paving material while providing a stable, load-bearing surface. Examples include pervious concrete, porous asphalt, perforated brick pavers, flexible porous paving (including porous rubber) , mechanically-reinforced grass, but do not include grass or gravel.	New definition to reflect new pervious surface requirements of ZC Case 12-10. Post Setdown : revised to include flexible porous paving per comments received.
	<u>Pervious Surface</u> : A surface that allows the percolation of water into the underlying soil. Pervious surfaces are required to be contained so neither sediment nor the pervious surface discharges off the site. Pervious surfaces include grass, mulched groundcover, planted areas, vegetated roofs, permeable paving as well as porches and decks erected on pier foundations that maintain the covered lot surface's water permeability. Pervious surfaces do not include any <i>structure</i> or <i>building</i> , <i>any</i> porch or deck that limits the covered lot surface from absorbing water, or any outdoor stairs, on-grade surface sports court, swimming pool, artificial turf, sidewalk or patio constructed of concrete, asphalt, brick, compacted gravel or other material that impedes the infiltration of water directly into the subsurface of the lot.	New definition to reflect new pervious surface requirements of ZC Case 12-10.
Pet grooming establishment - An establishment that, for a fee, trims or cleans domestic pets, such as dogs and cats. A pet grooming establishment is considered an animal boarding use if more than ten animals are on the premises at a time or the overnight stay of animals is permitted. (54 DCR 8943)	<u>Pet Grooming Establishment</u> : An establishment that, for a fee, trims or cleans domestic pets, such as dogs and cats. A pet grooming establishment is considered an <i>animal boarding</i> use if more than ten animals are on the premises at a time or the overnight stay of animals is permitted. (54 DCR 8943)	No change.
Pet shop - A store for the sale of dogs, cats, birds, tropical fish, and/or other domesticated pets, to the extent permitted by D.C. Official Code § 8-1808(h)(1), and related supplies and equipment. (54 DCR 8943)	<u>Pet Shop</u> : A store for the sale of dogs, cats, birds, tropical fish, and/or other domesticated pets, to the extent permitted by D.C. Official Code § 8-1808(h)(l), and related supplies and equipment. (54 DCR 8943)	No change.
Planned unit development - a plan for the development of residential, institutional, and commercial developments, industrial parks, urban renewal projects, or a combination of these, on land of a minimum area in one (1) or more districts irrespective of restrictions imposed by the general provisions of the Zoning Regulations, as more specifically set forth in chapter 24 of this title. (15 DCR 170)	<u>Planned Unit Development</u> : A plan for the development of residential, institutional, and commercial developments, industrial parks, urban renewal projects, or a combination of these, on land of a minimum area in one (1) or more districts irrespective of restrictions imposed by the general provisions of the Zoning Regulations, as more specifically set forth in X Chapter 3. (15 DCR 170)	No change.
Police Department General Facility - a building and associated land used for facilities of the Metropolitan Police Department which operate across the District as a whole, including, but not limited to, the Department's headquarters, vehicle maintenance facilities, laboratories, training units, special operations, tactical units, equestrian units, canine squads, bomb squads, and harbor units. This definition does not include Metropolitan Police Department helicopter and radio transmission facilities. (51 DCR 4778)		No longer needed as a specific use. In the current regulations a Police General Facility is only permitted when expanding an existing General Facility by special exception in the current R zones. In the Proposed Regs a Police General Facility is not permitted in the R zones. It is within the Large Government Use Group and needs not special definition.

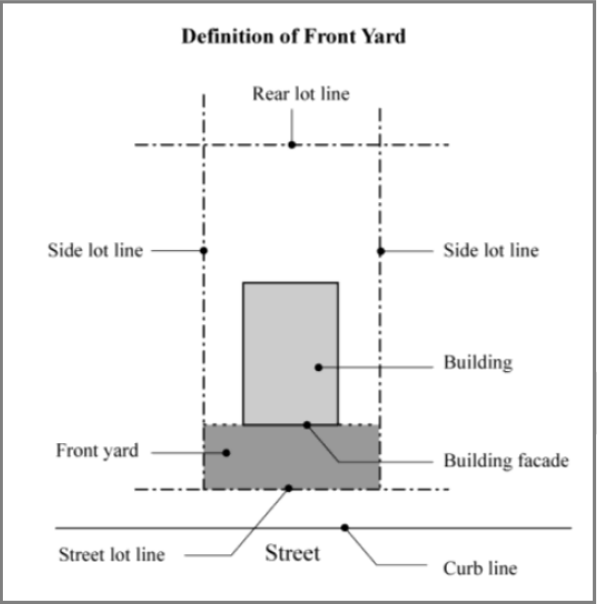
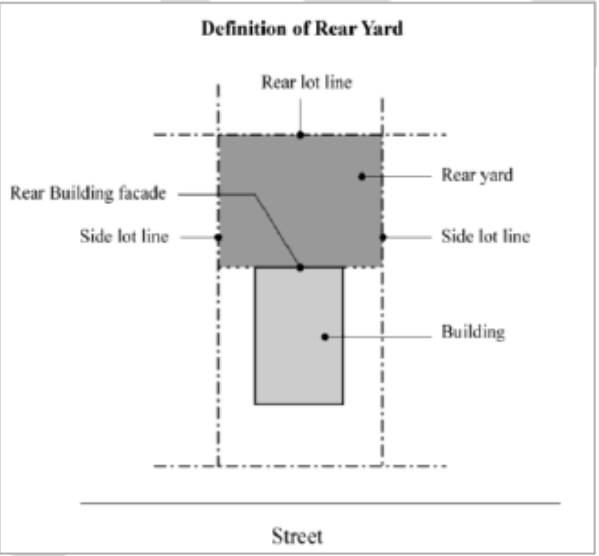
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Police Department Local Facility - a building and associated land used as 1) a headquarters or substation for one of the local districts of the Metropolitan Police Department or 2) a Metropolitan Police Department facility that operates within a specific area of the District, such as a Regional Command Center or a Neighborhood Policing Center. (51 DCR 4778)		No longer needed as a specific use. A Police Local Facility is a matter of right use within the current R zones. In the Proposed Regs a Police Local Facility is within the Local Government Use Group which is a matter of right use in the R zones.
Prepared food - food that is assembled, but not heated by means other than microwave or toaster, on the premises of a prepared food shop. (54 DCR 9393)	<u>Prepared Food</u> : Food that is assembled and heated by microwave, heating lamps or toaster, on the premises <i>of a prepared food shop</i> .	No change.
Prepared food shop - a place of business that offers seating or carry out service, or both, and which is principally devoted to the sale of prepared food, non-alcoholic beverages, or cold refreshments. This term includes an establishment known as a sandwich shop, coffee shop, or an ice cream parlor. (54 DCR 9393)	<u>Prepared Food Shop</u> : A food and beverage business that offers seating or carry out service, or both, and which is principally devoted to the sale <i>of prepared food</i> , non-alcoholic beverages, or cold refreshments. This term includes an establishment known as a sandwich shop, coffee shop, or an ice cream parlor.	No change.
	<u>Presiding officer</u> : the chairperson or the chairperson <i>pro tern</i> of the Zoning Commission or the Board of Zoning Adjustment, as relevant.	New definition.
Public Library - a facility that falls into one of the following categories: a) Full-Service Neighborhood - A District of Columbia Public Library housed in a permanent structure that may include meeting rooms, staff work rooms, kitchen facilities and book overflow space. It contains space for a variety of activities, such as children’s story hour, film showings and book talks, to take place simultaneously; b) Community - A District of Columbia Public Library housed in a portable structure that may include a small staff and minimal space for activities; or c) Kiosk - A District of Columbia Public Library housed in a portable structure with no space for activities. (50 DCR 10822)		<u>Post Setdown:</u> Will be placed in proposed text.
Public Recreation and Community Center - An area, place, structure, or other facility under the jurisdiction of a public agency that is used for community recreation activities. A public recreation or community center may provide a range of health and wellness, cultural, and arts and crafts activities, and educational classes and services. The center may include, but not be limited to, auditorium, multi-purpose room, gymnasium, meeting space, open space, playground, playing court, playing field, and swimming pool. The center shall not include examination rooms, treatment rooms, or other facilities for regular use by members of the medical or dental professions, but may include a first aid room. Such centers may have pantry-type kitchens with limited food storage and preparation areas, but shall not have kitchen facilities that are of the size customarily used to serve meals for large numbers of persons on a regular basis. (50 DCR 10137)	<u>Public Recreation and Community Center</u> : An area, place, structure, or other facility under the jurisdiction of a public agency that is used for community recreation activities. A public recreation or community center may provide a range of health and wellness, cultural, and arts and crafts activities, and educational classes and services. The center may include, but not be limited to, auditorium, multi-purpose room, gymnasium, meeting space, open space, playground, playing court, playing field, and swimming pool. The center shall not include examination rooms, treatment rooms, or other facilities for regular use by members of the medical or dental professions, but may include a first aid room. Such centers may have pantry-type kitchens with limited food storage and preparation areas, but shall not have kitchen facilities that are of the size customarily used to serve meals for large numbers of persons on a regular basis.	No change.
Radio frequency radiation (RF radiation) - the propagation of energy through space in the form of waves or particles. (55 DCR 34)		Deleted because it is not a regulated zoning use.
Recreational building or use - any establishment providing facilities for recreation; including but not limited to picnicking, boating, fishing, bicycling, tennis, and activities incidental to the foregoing, but not including golf driving ranges or any mechanical amusement device. (21 DCR 1030)	<u>Recreational Building or Use</u> : Any establishment providing facilities for recreation; including but not limited to picnicking, boating, fishing, bicycling, tennis, and activities incidental to the foregoing, but not including golf driving ranges or any mechanical amusement device. (21 DCR 1030)	No change.
Regional Command Center - a Police Department Local Facility used for community outreach or administrative control and managerial services for operations, for a specific geographic area that encompasses two or more districts or commands of the Metropolitan Police Department. (51 DCR 4778)		<u>Post Setdown:</u> Will be placed in proposed text.

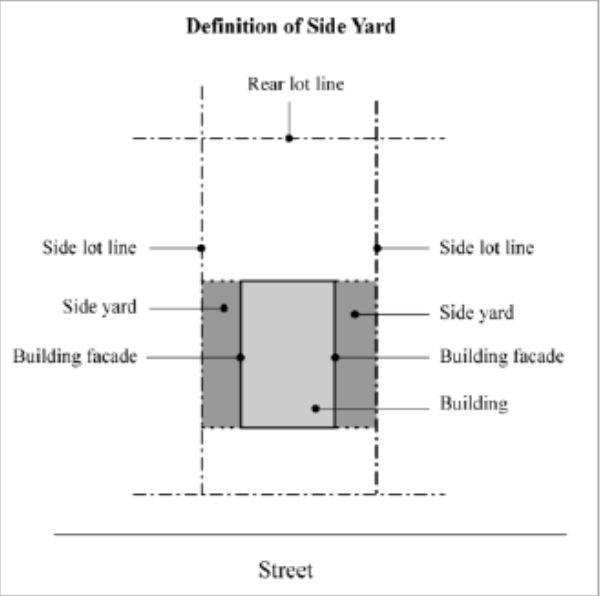
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Restaurant - a place of business that does not meet the definition of a “fast food establishment” or “prepared food shop,” where food, drinks, or refreshments are prepared and sold to customers primarily for consumption on the premises. Any facilities for carryout shall be clearly subordinate to the principal use providing prepared foods for consumption on the premises. (32 DCR 4374 and 54 DCR 9393)	<u>Restaurant</u> : A place of business that does not meet the definition of a "fast food establishment" or "prepared food shop," where food, drinks or refreshments are prepared on the premises and sold to customers primarily for consumption on the premises. This term shall include but not be limited to an establishment known as a cafe, lunch counter, cafeteria, or other similar business, but shall not include a fast food restaurant. In a restaurant, any facilities for carryout shall be clearly subordinate to the principal use of providing prepared foods for consumption on the premises. A restaurant may include ancillary carry out sales, provided that there is no designated carry out counter or window, no drive through facility, and the carry out service is not an advertised element of the business.	Revised to clarify use permissions.
Rooming house - a building or part thereof that provides sleeping accommodations for three (3) or more persons who are not members of the immediate family of the resident operator or manager, and in which accommodations are not under the exclusive control of the occupants. A rooming house provides accommodations on a monthly or longer basis. The term "rooming house" shall not be interpreted to include an establishment known as, or defined in this title as, a hotel, motel, inn, bed and breakfast, private club, tourist home, guest house, or other transient accommodation. (36 DCR 7627)		Not brought forward in proposed text.
Rooming unit - one (1) or more habitable rooms forming a single, habitable unit used or intended to be used for living or sleeping purposes; but not for the preparation or eating of meals. The term rooming unit shall not include a tenement or a bachelor apartment.		Post Setdown: Will be placed in proposed text.
School, public - A building or use within a building operated or chartered by the District of Columbia Board of Education or the District of Columbia Public Charter School Board for educational purposes and such other community uses as deemed necessary and desirable.(53 DCR 9580) The term shall include all educational functions, the building or structure required to house them, and all accessory uses normally incidental to a public school, including but not restricted to athletic fields, field houses, gymnasiums, parking lots, greenhouses, playgrounds, stadiums, and open space. The term also shall include a community-centered school campus; provided, that no part of the building or structure shall be used to house the administrative offices or maintenance and repair shop intended or used for the entire school system, or as a technical or vocational school. (15 DCR 29)	Public School: School, Public: A building or use within a building operated or chartered by the District of Columbia Board of Education or the District of Columbia Public Charter School Board for educational purposes and such other community uses as deemed necessary and desirable. The term shall include all educational functions, the building or structure required to house them, and all accessory uses normally incidental to a public school, including but not restricted to athletic fields, field houses, gymnasiums, parking lots, greenhouses, playgrounds, stadiums, and open space. The term also shall include a community-centered school campus; provided, that no part of the building or structure shall be used to house the administrative offices or maintenance and repair shop intended or used for the entire school system, or as a technical or vocational school.	No change to definition; Proposed text showed the definition o be listed as “Public School” but should be list as “School, Public”
Service/delivery loading space - an off-street space provided for motor vehicles that are twenty feet (20 ft.) in length or less, and that are making deliveries and/or providing a maintenance service. This space shall not be considered a parking space or a loading berth. (31 DCR 6585)		Post Setdown: Will be placed in proposed text.
	<u>Setback</u> : A distance required between a building and a lot line or other point defined in this Title; and measured from the lot line inward.	New definition. Post Setdown: revised to clarify measurement.
	<u>Setback, Front</u> : A distance required between a building and setback from a street lot line, and measured from the street lot line inward to the lot.	New definition. Post Setdown: revised to clarify measurement.
	<u>Setback, Side</u> : A distance required between a building and setback from a side lot line, and measured from the side lot line inward to the lot.	New definition. Post Setdown: revised to clarify measurement.
	<u>Setback, Rear</u> : A distance required between a building and setback from a rear lot line, and measured from the rear lot line inward to the lot.	New definition. Post Setdown: revised to clarify measurement.

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Sexually-oriented business establishment - an establishment having as a substantial or significant portion of its stock in trade, books, magazines, and other periodicals, films, materials, and articles, or an establishment that presents as a substantial or significant portion of its activity, live performances, films, or other materials, that are distinguished or characterized by their emphasis on matters depicting, describing, or related to specified sexual activities and specified anatomical areas. These establishments may include, but are not limited to, bookstores, newsstands, theaters, and amusement enterprises. If an establishment is a sexually-oriented business establishment as defined here, it shall not be deemed to constitute any other use permitted under the authority of this title. (24 DCR 5144)	<u>Sexually-Oriented Business Establishment</u>: An establishment having as a substantial or significant portion of its stock in trade, books, magazines, and other periodicals, films, materials, and articles, or an establishment that presents as a substantial or significant portion of its activity, live performances, films, or other materials, that are distinguished or characterized by their emphasis on matters depicting, describing, or related to specified sexual activities and specified anatomical areas. These establishments may include, but are not limited to, bookstores, newsstands, theaters, and amusement enterprises. If an establishment is a sexually-oriented business establishment as defined here, it shall not be deemed to constitute any other use permitted under the authority of this title. (24 DCR 5144)	No change.
Specified anatomical areas - parts of the human body as follows: (a) Less than completely and opaquely covered human genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola; and (b) Human genitals in a discernibly turgid state, even if completely and opaquely covered. (24 DCR 5144)		<u>Post Setdown:</u> Will be placed in proposed text.
Specified sexual activities - the following activities: (a) Acts of human masturbation, sexual intercourse, sexual stimulation or arousal, sodomy, or bestiality; and (b) Fondling or other erotic touching of human genitals, pubic region, buttock, or breast. (24 DCR 5144)		<u>Post Setdown:</u> Will be placed in proposed text.
Square - land designated as a square on the records of the Surveyor of the District of Columbia.	<u>Square</u>: Land designated as a square on the records of the Surveyor of the District of Columbia.	No change.
Stable, private - an accessory building housing not more than four (4) horses or other equine animals for private use and not for remuneration, hire, or sale. The building may also house not more than four (4) horse-drawn vehicles.		<u>Post Setdown:</u> Will be placed in proposed text.
Stable, public - a stable, other than a private stable.		<u>Post Setdown:</u> Will be placed in proposed text.
Stealth structure - a free standing structure, or an extension of a building the primary purpose of which is to enclose and screen antennas from view. Such structures may include, but are not limited to flag poles, tree poles, bell towers. Stealth antenna structures may include, but are not limited to, flag poles, light poles, fence supports, steeples, cupolas, artificial trees, and other appropriate architectural elements. (55 DCR 34)	<u>Stealth Structure</u>: A free standing structure, or an extension of a building the primary purpose of which is to enclose and screen antennas from view. Such structures may include, but are not limited to flag poles, tree poles, bell towers. Stealth antenna structures may include, but are not limited to, flag poles, light poles, fence supports, steeples, cupolas, artificial trees, and other appropriate architectural elements. (55 DCR 34)	No change.
Story - the space between the surface of two (2) successive floors in a building or between the top floor and the ceiling or underside of the roof framing. The number of stories shall be counted at the point from which the height of the building is measured. For the purpose of determining the maximum number of permitted stories, the term "story" shall not include cellars, stairway or elevator penthouses, or other roof structures; provided, that the total area of all roof structures located above the top story shall not exceed one-third (1/3) of the total roof area.	The space between the surface of two (2) successive floors in a building or between the top floor and the ceiling or underside of the roof framing. See Rules of Measurement for Building Height, C § 503.	<u>Post Setdown:</u> Proposed definition to be deleted. Existing definition to be placed in proposed text.
	<u>Story, Ground Level:</u> The floor or story that is nearest in grade elevation to a sidewalk in the front of a building.	New definition; however it is not used in the proposed text and should be deleted from the proposed text to avoid confusion with the term “ground floor” which is a regulated term.

Current Definitions – Title 11	Proposed Definitions – September 9, 2013	OP Comment
		Post Setdown: Do not include the term within the proposed new text.
Story, top - the uppermost portion of any building or structure that is used for purposes other than housing for mechanical equipment or stairway or elevator penthouses. The term "top story" shall exclude architectural embellishment.	<u>Story, Top</u> : The uppermost portion of any building or structure that is used for purposes other than housing for mechanical equipment or stairway or elevator penthouses. The term "top story" shall exclude architectural embellishment.	No Change
Street - a public highway designated as a street, avenue, or road on the records of the Surveyor of the District of Columbia.	<u>Street</u> : A public highway designated as a street, avenue or road on the records of the Surveyor of the District of Columbia.	No Change
	<u>Street, Designated Business</u> : For the purpose of administering this title, that portion of the Height Act that designates certain streets as "business streets" shall be interpreted to mean those sides and portions of any street located in a Mixed Use, Neighborhood Mixed Use, Production Distribution and Repair, or Downtown zone, or any zone in Subtitle K.	New definition.
Street frontage - the property line where a lot abuts upon a street. When a lot abuts upon more than one (1) street, the owner shall have the option of selecting which is to be the front for purposes of determining street frontage.		Post Setdown: Will be placed in proposed text.
	<u>Streetcar Line</u> : A streetcar or light rail line developed and operated in partnership by the District Department of Transportation (DDOT) and the Washington Metropolitan Area Transit Authority (WMATA).	New definition.
Structure - anything constructed, including a building, the use of which requires permanent location on the ground, or anything attached to something having a permanent location on the ground and including, among other things, radio or television towers, reviewing stands, platforms, flag poles, tanks, bins, gas holders, chimneys, bridges, and retaining walls. The term structure shall not include mechanical equipment, but shall include the supports for mechanical equipment. Any combination of commercial occupancies separated in their entirety, erected, or maintained in a single ownership shall be considered as one (1) structure.	<u>Structure</u> : Any object constructed in or on the ground. Structure includes buildings, decks, fences, towers, flag poles, signs, and other similar objects. Any combination of commercial occupancies separated in their entirety, erected, or maintained in a single ownership shall be considered as one (1) structure. The term "structure" shall exclude trailers.	No need for the language change. Original will be placed in proposed text.
	<u>Sustainability</u> : to create and maintain conditions, under which humans and nature can exist in productive harmony, that permit fulfilling the social, economic, and other requirement of present and future generations of District residents.	Post Setdown: New definition.
Telecommunications service provider - any entity providing telecommunications services. (55 DCR 34)		Not brought forward into proposed text because it is a self-defining term.
Tenement - One (1) or more habitable rooms in an apartment house, under the exclusive control of the occupant of the apartment house.		Not brought forward into proposed text. It is the basically the same definition as a Bachelors Apartment or an Apartment. Post Setdown: reference to the term should be deleted from the definition of Hotel.
Tenement house - a building or part of a building containing three (3) or more tenements, or any building or part of a building containing any combination of three (3) or more tenements and apartments.		Not brought forward into proposed text.
Through square connection - a continuous improved area through a square for pedestrians providing a connection between two (2) parallel or opposite streets or on a corner lot; provided, that		Not brought forward into proposed text.

Current Definitions – Title 11	Proposed Definitions – September 9, 2013	OP Comment
the entrances to the area shall not be less than thirty feet (30 ft.) from the corner. (24 DCR 10787)		
Uptown center - a multi-purpose major activity center with strong transit orientations and significant concentration of employment and high density residential as the principal elements, developed in a manner that serves the surrounding lower density community while protecting it from avoidable intrusions. (21 DCR 1465-66)	<u>Uptown Center</u> : A multi-purpose major activity center with strong transit orientations and significant concentration of employment and high density residential as the principal elements, developed in a manner that serves the surrounding lower density community while protecting it from avoidable intrusions. (21 DCR 1465-66)	No change.
	<u>Urban Tree Canopy</u> : is the layer of leaves, branches, and stems of trees that cover the ground when viewed from above	Post Setdown : New definition.
	<u>Use</u> : The purpose or activity for which a <i>lot</i> or <i>building</i> is occupied. Use shall be considered as though followed by the words "or intended, arranged, or designed to be used or occupied, offered for occupancy."	New definition.
Use, accessory - a use customarily incidental and subordinate to the principal use, and located on the same lot with the principal use.	<u>Use, Accessory</u> : A use customarily incidental and subordinate to the principal use, and located on the same lot with the principal use. <u>Unless otherwise specifically permitted an accessory use in an residential use in a residential zone shall be limited to twenty percent (20 %) of the floor area.</u>	Post Setdown: added a 20% limit for residential units in Residential zones; but the limits may be more appropriately located in use permissions.
	<u>Use, Principal</u> : The primary purpose or activity for which a lot or building is occupied.	New definition.
	<u>Use, Temporary</u> : Any use which is established for a fixed period of time with the intent that permission for that use will expire automatically unless renewed. The time period of the allowance of the use shall be determined by the Certificate of Occupancy.	New definition.
	<u>Vegetated Roofs</u> : A horizontal or near-horizontal surface on top of a <i>building</i> or <i>structure</i> covered with vegetation and a growing medium. Vegetated roofs are intended to promote water or energy conservation by using plants and soils to slow, filter, and infiltrate stormwater runoff. Vegetative roofs maybe intensive or extensive but are not limited to modular or layered growth systems.	New definition to reflect Green Area Ratio provisions.
	<u>Vegetated Walls</u> : A vertical or near vertical surface covered with vegetation and in some cases, a growing medium. Vegetated walls may include but are not limited to walls or screens with climbing vines, espalier trees, or modular planting systems.	New definition to reflect Green Area Ratio provisions.
Veterinary boarding hospital - A veterinary hospital that boards animals as an independent line of business. (54 DCR 8943)	<u>Veterinary Boarding Hospital</u> : A <i>veterinary hospital</i> that boards animals as an independent line of business. (54 DCR 8943)	No change.
Veterinary hospital - An establishment used by a licensed veterinarian for the practice of veterinary medicine and not as an animal boarding establishment. (54 DCR 8943)	<u>Veterinary Hospital</u> : An establishment used by a licensed veterinarian for the practice of veterinary medicine and not as an <i>animal boarding</i> establishment. (54 DCR 8943)	No change.
Wall, lot line - an enclosing wall constructed immediately adjacent to a side lot line, but not a party wall.		Post Setdown : Will be placed in proposed text.
	<u>Wall Plate - A horizontal memberbuilt into or laid along the top ofa wall to support and distribute pressure from joists, rafters, etc.</u>	Post Setdown : <u>Will be placed in proposed text.</u>
Warehouse - any building or premises where goods or chattel are stored. The term "warehouse" shall not include storage clearly incidental to the conduct of a retail business or other permitted use on the premises.		Post Setdown : Will be placed in proposed text.
	<u>Waterfront</u> : That area proximate to either the Potomac or Anacostia rivers.	New definition.
Wholesale use - the sale of goods to retail or service establishments that in turn will sell them to consumers who will directly use the commodity. (21 DCR 1030)		Not brought forward into proposed text.

Current Definitions – Title 11	Proposed Definitions – September 9, 2013	OP Comment
Yacht Club - land, buildings, structures, and the surface of water for use by an incorporated club, for the purpose of boating, sailing, or yachting and in which the affairs of the organization are actually conducted and carried on by the members thereof. (51 DCR 3440 and 52 DCR 6358)		Not brought forward into proposed text.
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.		Not brought forward into proposed text.
	<u>Yard, Front</u>: An exterior space, open from the ground to the sky, between all <i>street lot lines</i> and the <i>building façades of the principal building</i> facing those <i>street lot lines</i>. 	New definition included to reflect inclusion of new front yard setback requirement.
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>Yard, Rear</u>: An exterior space, open from the ground to the sky, between a <i>rear lot line</i> or lines and the nearest <i>building façade, of the principal building</i>. 	Revised to reflect to use of setbacks.
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.		Not brought forward into proposed text.

Current Definitions – Title 11	Proposed Definitions – September 9, 2013	OP Comment
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>Yard, Side</u>: An exterior space, open from the ground to the sky, between a <i>side lot line</i> and the nearest <i>building façade</i>, of the <i>principal building</i> facing that <i>lot line</i>. 	Revised definition to accommodate the proposed provision that areas within side yards that are currently considered “courts” can be considered side yards.
	<u>Zone</u>: A geographic area delineated on the Zone Map, which corresponds to the regulations included in Title 11.	New definition.
	<u>Zone Boundary Line</u>: The line that forms the perimeter of <i>a zone</i>, as mapped in accordance with this Title.	New definition.
	<u>Zoning Act</u>: The Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797, as amended; D.C. Official Code §§ 6-641.01 to 641.15 (2001)).	New definition.
Zoning Administrator - the Zoning Administrator of the Department of Consumer and Regulatory Affairs.	<u>Zoning Administrator</u>: The Zoning Administrator of the District of Columbia.	Clarification of the definition.
	<u>Zoning Commission</u>: An independent quasi-judicial body charged with preparing, adopting and amending the Zoning Regulations and Zoning Map, air rights in public space, and planned unit developments.	New definition.

USES

1) **Uses and Use Groups** –

- Setdown: Subtitle B with use groups and individual use definitions
- Public Comments:
 - Use Groups too broad
 - Refine some of the uses
 - Clarify the uses within each zone and make more direct link between impacts and use.
 - Theater Use in all R and RA zones by special exception
 - Clarify that permitted uses are also allowed as accessory uses;
 - Clarify accessory uses permitted within parking garages
- OP Recommendation: Setdown but refine the Use groups, including but not limited to Agriculture, Residential and Institutional; Clearly identify uses within zones; Clearly identify accessory and incidental uses; Do not include use tables as they were setdown within the regulatory structure; Distinguish rules from definitions, align the definitions relative to IZ, allow theater use by special exception; review CBRF and Continuing Care Retirement Communities

ZC Decision: _____

2) **Large Format Retail (aka Big Box)**

- Setdown: None
- Alternate: Require a special exception for Large Format Retail and establish review criteria
- Public Comments:
 - Support the special exception requirement
 - Clarify that a user cannot choose between a Large tract Review and special exception
 - Clarify other type of large format
 - Require a special exception in the PDR industrial zones.
 - Require a transportation demand management (TDM) plan as a special exception requirement for this use
- OP Recommendation: Alternate text to require a special exception for the use, include the PDR zones, clarify that Large Tract Review (LTR) exemptions are only for those sites that have an existing and approved LTR, require a TDM plan as a special exception requirement, and expand and clarify the definition of large format retail.

ZC Decision: _____

SUBTITLE Y

1) Rules of Ethics (Y §105)

- Setdown – New section
- Public Comments:
 - None
- OZ Recommendation: Setdown text

ZC Decision: _____

2) Filing Documents Electronically 1 (Y §206)

- Setdown – Add new section to allow for the filing of documents electronically
- Public Comment:
 - Allow for documents to be submitted without signature and PDF
- OZ Recommendation: Setdown text – this request has already been implemented

ZC Decision: _____

3) Review and Processing of Applications (Y §400.6)

- Setdown – All applications shall be immediately scheduled for hearing consistent with the notice provisions of this subtitle.
- Public Comments:
 - Don't schedule a hearing on an application until the paperwork is complete so that the community has all the information needed to determine the impact.
- OZ Recommendation: Setdown text

ZC Decision: _____

4) Public Notice Requirements (Y §402.1(d))

- Setdown – Providing a copy of the notice of public hearing to the owners of all property within two hundred feet (200 ft.) of the subject property;
- Public Comments:
 - Notice to property owners for an application should be extended to 500 or 1,000 feet
- OZ Recommendation: Setdown text

ZC Decision: _____

5) Public Notice Requirements (Y §402.1)

- Setdown – Notice is provided to ANC, 200 ft, Ward Council Member, Government Agencies
- Public Comments:

- Notice should be sent to neighborhood associations
- OZ Recommendation: Setdown text

ZC Decision: _____

6) Party Status Guidelines and Requesting Party Status 1 (Y § 403 and § 404)

- Setdown – Adds a new Party Status and Requesting Party Status Section
- Alternative language – Adds the option to have party status determined in advance of a hearing
- Public Comment:
 - Support for pre-hearing determination of parties
- OZ Recommendation: Setdown text with alternative text revisions

ZC Decision: _____

7) Party Status Guidelines and Requesting Party Status 2 (Y § 403 and §404)

- Setdown – The party status section refers to all persons and organizations as “persons”
- Public Comment:
 - Section should refer to persons and organizations
- OZ Recommendation: OZ can revise text to include both “person/organization”

ZC Decision: _____

8) Party Status Guidelines and Requesting Party Status 3 (Y §404)

- Setdown – Service is not required on those requesting Party Status
- Public Comment:
 - Requestors of Party Status should be served.
- OZ Recommendation: Setdown text

ZC Decision: _____

9) Party Status Guidelines and Requesting Party Status 4 (Y §404.4)

- Setdown – In granting party status, the Board may specify whether the person will be permitted to participate as a party for general or limited purposes
- Public Comment:
 - Objection to the unfair restriction on the rights of those directly affected.
- OZ Recommendation: Setdown text

ZC Decision: _____

10) Party Status Guidelines and Requesting Party Status 5 (Y §404.5)

- Setdown – The Board may deny any request for party status that fails to meet the requirements specified in Y § 404, or make any other orders with respect to the failure that are fair, including but not limited to prohibiting a person who is granted party status from introducing designated matters in evidence.
- Public Comment:
 - Objection to the unfair restriction on the rights of those directly affected.
- OZ Recommendation: Setdown text

ZC Decision: _____

11) Reports of Public Agencies 1 (Y §405)

- Setdown – No current provision exists
- Public Comment:
 - Add new provision - Applicants, the agencies which advise the BZA and the BZA must track the SSH regulations when preparing relevant documents (applications, reports, orders) regarding properties with the overlay.
- OZ Recommendation: Setdown text

ZC Decision: _____

12) Reports of Public Agencies 2 (Y §405.2)

- Setdown – OP report due 10 days in advance of the public hearing
- Public Comment:
 - OP report should be due 60 days in advance of public hearing
 - Agency reports should be made available sooner than 10 days
- OZ Recommendation: Setdown text

ZC Decision: _____

13) Final Decision and Effective Date of Decisions 1 (Y §604)

- Setdown – Section stipulates the requirements for the Final Decision
- Public Comment:
 - BZA orders must identify the specific purpose of the regulations for which they are granting a variance, discuss how the design drawings comply with the regulations, and the agencies (OP and DDOT) advising the BZA in the special exception process must review and respond to the design drawings in their reports.
- OZ Recommendation: Setdown text

ZC Decision: _____

14) Final Decision and Effective Date of Decisions 2 (Y §604)

- Setdown – No time provision made
- Public Comment:
 - The Order of BZA shall become final upon its filing in the record and service upon the parties within 60 days.
- OZ Recommendation: Setdown text

ZC Decision: _____

15) Time Extensions (Y §706)

- Setdown – A time extension granted pursuant to Y § 706.1 shall not exceed two (2) years, or one (1) year for an Electronic Equipment Facility
- Public Comment:
 - Recommendation adding a maximum number of extensions as in X-311.2 for PUDs
- OZ Recommendation: Setdown text

ZC Decision: _____

16) Variances (Y §901)

- Setdown – New Variance Section
- Public Comment:
 - Need for standards as to what is a minor and what is a major variance.
 - Set out written standards as to what constitutes minor or major variances and when off-site parking can be substituted for on-site required parking.
- OZ Recommendation: Setdown text

ZC Decision: _____

SUBTITLE Y - Additional Worksheets

Section	Text	OZ Comment	OZ Recommendation	ZC Decision
101.4	Legal advice from the Office of the Attorney General shall provide legal services to the Board may be requested or received at any time.	This cannot be mandated.	Setdown text	
101.5	Informal requests for advice or moot questions shall not be considered by the Board .		Setdown text	
101.7	The Board of Adjustment may adopt supplemental rules of procedure which shall be subject to the approval of the Zoning Commission after public hearing thereon as provided in § 6-641.03 .	This provision comes out of DC Official Code § 6-641.07 (c). It has been long settled and deemed reasonable that this provision in regard to the phrase “may adopt” does not mean that the BZA is authorized to amend the Zoning Regulations and thereby promulgate rulemaking, but rather means that the BZA would have the authority to petition the ZC to change the BZA’s rules of procedure after the ZC holds a public hearing, per § 6-641.03, the section from the Zoning Act giving the ZC authority to amend the Zoning Regulations. §6-641.07(e) states: The Board of Adjustment shall not have the power to amend any regulation or map.	Setdown text	
102.4	The Board shall elect its Chairperson and Vice-Chairperson at its first meeting held in February or as soon as practicable of each calendar year, unless a vacancy occurs at some other point during the calendar year, at which point the Board shall hold elections in a timely manner.	OZ changed this section to make it consistent with the Zoning Commission. The current regulation states: The Board shall elect its chairperson and vice-chairperson at its first meeting held in January of each calendar year. Because of a recent situation this was an attempt to prevent a lapse of time in which there is no official Chairperson. The Board can always waive this rule, if they so choose. Moreover, adding “as soon as practicable” each calendar year would essentially be requiring the election to be held in January, as it currently states. The latter part of the sentence beginning “unless a vacancy...” allows for other contingencies to be met.	Setdown text	
102.5	The Chairperson shall preside at all meetings and hearings of the Board. In the event of the absence or disability of the Chairperson, the Vice-Chairperson shall preside. In the absence of the Vice Chairperson, the most senior member of the Board, by time of appointment, shall preside.		Setdown text	

SUBTITLE Y - Additional Worksheets

Section	Text	OZ Comment	OZ Recommendation	ZC Decision
103.2	The meetings and hearings of the Board shall be in accord with 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))., the Board may hold a closed meeting, but only after the Board meets in public session and votes in favor of entering into a closed meeting.	It was the intent of the OZ to make these regulations easier for the general public to understand. OZ wanted to avoid having to refer the user to different Acts or Codes.	OZ recommends the following language be inserted: The meetings and hearings of the Board shall be open to the public; provided ... the Board may hold a closed meeting, but only after the Board meets in public session and votes in favor of entering into or scheduling a closed meeting.	
103.4	Subject to the direction of the Board or and its Chairperson, the Director shall perform the following duties: (a) Conduct all correspondence of the Board, send out all notices required by this title, attend all meetings and hearings of the Board, compile all required records, and maintain the necessary files and indexes; (b) Enter in the Board case record the number assigned to each application or appeal, the name of the applicant or appellant, a short description of the premises (by street number or otherwise), the nature of the application or appeal, and the final disposition of the proceeding; (c) Enter in the Board case record all continuances, postponements, dates of sending notices, and other steps taken or acts done by the Board or its officers on behalf of the Board; and (d) Issue and revise application and appeal forms to ensure presentation of adequate information required for the understanding and processing of applications and appeals.	If the amendment were accepted, the BZA rules would be inconsistent with those of the ZC. What if a majority of the Board members disagreed with the Chair's recommendations? Which set of directions should the Director follow? Using "or" rather than "and" in this provision leads to this possibility and creates unneeded uncertainty over what are administrative functions.	Setdown text	
103.7	Nothing in this section shall preclude the Board or the Chairperson from amending the agenda at a meeting or hearing.	OZ believes this change is unnecessary. If the amendment were accepted, the BZA rules would be inconsistent with those of the ZC. The Chair is a member of the Board, therefore the Chair is able to amend an agenda, as is the current practice. What if a majority of the Board members disagreed with the Chair's changes to the agenda? Which set of directions should the Secretary follow? Using "or" in this provision leads to this possibility and creates unneeded uncertainty.	Setdown text	
103.8	A meeting of the Board shall be held in accordance with a schedule to be established by the Board pursuant to Y § 103.1 and a Additional meetings may be scheduled or cancelled, as needed. Meetings may be called by the presiding officer or by three (3) Board members .	The word "additional" is not clear without referencing the initial annual schedule of meetings pursuant to Y § 103.1, per the phrase being deleted. OZ believes this change is unnecessary and would cause confusion.	Setdown text	

SUBTITLE Y - Additional Worksheets

Section	Text	OZ Comment	OZ Recommendation	ZC Decision
103.9	The Board shall schedule hearings for the purpose of receiving evidence and testimony on specific applications and appeals advertised in advance.	This is the only section that gives a purpose statement for hearings. They are for collecting evidence and testimony. Should the Commission choose to accept the change, it will also change the Commission's rules.	Setdown text	
103.1	Meetings and hearings shall be held at such time and place as the Board or the Office of Zoning may designate	It is sometimes necessary to have staff to make necessary announcements of meeting/hearing cancellations and rescheduling on the record (i.e., for snow days, illnesses, etc.) when the Chair/quorum could not be there. Removing this phrase would remove the flexibility and require the Chair/quorum to come to the office to make these announcements. Should the Commission choose to accept the change, it will also change the Commission's rules.	Setdown text	
104.4	Copies of the transcript shall be made available by the Office of Zoning fourteen (14) days after the public meeting or hearing or as soon as practicable.	OZ would like to stay firm with this 14 day deadline. It gives the public certainty.	Setdown text	
New Section	Member Qualifications for Electronic Attendance – new section	The cost of establishing a system to allow this video conferencing is prohibitive. There would also be many logistical issues to overcome. OZ makes case files and video available for any Board member to review the full record for purposes of voting on a case.	Setdown text	
105	Delete Ethics procedure	These are provisions provided in the section not provided for in the District Ethics Provisions.	OZ recommends incorporating the District's rules or in the alternative deleting the first two sections and add: The following Rules of Ethics are intended to be complementary to, and not in place of, the ethical requirements applicable to all District Officials, as those requirements are stated in the Ethics Manual for the District of Columbia and the District and federal laws it references. To the extent there is any conflict between the rules that follow and requirements described in the Ethics Manual, the more stringent requirement shall govern.	

SUBTITLE Y - Additional Worksheets

Section	Text	OZ Comment	OZ Recommendation	ZC Decision
200.1	Any owner or any person authorized in writing by the owner may file an application or appear before the board on an application for relief for an addition to a one-family dwelling or flat or new or enlarged accessory structures pursuant to § 223.	OZ has already instituted a provision in the current application process that requires a person authorized to represent a person before the Board certify that they have read the Rules of Process and Procedures and are able to competently represent the Owner.	OZ recommends codifying its current practice by deleting Section 300.5 and adding a new Section 300.7(a) to read as follows: If the owner will be represented by a third party, including the lessor or contract purchaser of the property, a Letter of Authorization signed by the owner authorizing the representative to act on the owner's behalf with respect to the application, and a Certification signed by the representative that they have read the Board's Rules of Practice and Procedure and are able to competently represent the owner shall be submitted into the record. The Board may at any time require additional evidence demonstrating the authority of the representative to act for the owner.	
New Section	In a proceeding before the Board, other than a proceeding under §223, any person who represents a person or party for compensation must be reasonably knowledgeable and competent in the regulations and rules governing the Board of Zoning Adjustment.	Same as above.	Same as above.	
New Section	The person providing the representation shall certify to the Board that he/she is familiar Zoning Regulations and the procedures of the Board.	Same as above.	Same as above.	
New Section	The presiding officer may waive the provisions of this section after being satisfied that an owner or any other representative possess a sufficient understanding of the zoning regulation, processes and procedure.	Same as above.	Same as above.	
200.7	No former member of the Board or former employee of the government of the District of Columbia shall represent any person other than himself or herself in a particular matter for which the Board member or employee had a substantial involvement responsibility while a member of the Board or an employee of the District.	While OZ has no objection to this edit, should the Commission choose to accept the change, it will also change the Commission's rules.	Revise text as suggested.	
203.2	No Exhibits of a party may be entered into the record after less than fourteen days before the hearing unless approved by the Board. .	It is the opinion of OZ that this is a general section that states exhibits will be accepted into the record. Specific statements about submissions by parties is located in the Party Status Section. Should the Commission choose to accept the change, it will also change the Commissions rules.	Setdown text	
203.5	If PowerPoint presentations, computer simulations, slides, or similar media are used, a paper copy of the exhibit shall be filed with the Board as required in 203.2.	This provision would not allow the applicant to submit their final presentation under 14 days before hearing. This could prove problematic as most Applicants work on their presentation up to the day of the hearing. While OZ has no objection to this edit, should the Commission choose to accept the change, it will also change the Commission's rules.	Setdown text	

SUBTITLE Y - Additional Worksheets

Section	Text	OZ Comment	OZ Recommendation	ZC Decision
203.12	Any person, prior to given any testimony must sign and present two witness cards that shall contain an attestation that the testimony given under the penalty of perjury and that the testimony is the true to the best of his/her knowledge or information. Prior to testifying the witness cards must be given to the court reporter or as directed by the Presiding Officer.	While OZ has no objection to this edit, a process will have to be established to ensure that a witness card is submitted to the court reporter. Witness cards are sometimes not submitted.	Setdown text	
205.1	Any document required to be served upon a party shall be served upon that party or upon the representative designated by that party or by law to receive service of documents. When a party has appeared through a representative, service may be made upon the representative of record. [need to include a time period in advance for service]	It is the opinion of OZ that this is a general statement about service, where service is indicated specific information about timing is given.	Setdown text	
206.9	A party shall serve ed a copy of anything all filed electronic ally or by e-mail filings to all other parties. A- and shall file certificate of service shall be filed as required by Y § 205.4.	While OZ has no objection to this edit, should the Commission choose to accept the change, it will also change the Commission's rules.	Setdown text	
206.1	Parties are responsible for monitoring their e-mail accounts and for opening e-mails.	OZ used the Office of Administrative Hearings regulations as a basis for this section. OZ believes that this section is necessary to avoid unnecessary problems.	OZ recommends that this section not be deleted.	
300.2	No application shall be processed accepted for filing until the application is complete and all required fees are paid in accordance with the applicable fee schedule.		Revised text as suggested.	
300.5	The application of an authorized representative shall include a letter signed by the owner authorizing the representative to act on the owner's behalf with respect to the application. The Board may at any time require additional evidence demonstrating the authority of the representative to act for the owner.	If section 200 is not accepted this section needs to return.	(see above Section 200.1) OZ recommends codifying its current practice by deleting Section 300.5 and adding a new Section 300.7(a) to read as follows: If the owner will be represented by a third party, including the lessor or contract purchaser of the property, a Letter of Authorization signed by the owner authorizing the representative to act on the owner's behalf with respect to the application, and a Certification signed by the representative that they have read the Board's Rules of Practice and Procedure (11 DCMR, Chapter 31) and are able to competently represent the owner shall be submitted into the record. The Board may at any time require additional evidence demonstrating the authority of the representative to act for the owner.	

SUBTITLE Y - Additional Worksheets

Section	Text	OZ Comment	OZ Recommendation	ZC Decision
300.7	Except as provided in Y § 300.7 with respect to traffic and transportation reports, all statements, information, briefs, reports (including reports and statements of experts and other witnesses), plans, photographs, or other exhibits that the applicant may wish to offer in evidence at the public hearing shall be filed at the time of filing the application.	The wrong reference was inserted in this section. The section is meant to read that all documents that the Applicant plans to submit, should be submitted at the time of filing, except the traffic report.	OZ recommend inserting the correct section to read as follows: Except as provided in Y § 300.10 with respect to traffic and transportation reports, all statements, information, briefs, reports (including reports and statements of experts and other witnesses), plans, photographs, or other exhibits that the applicant may wish to offer in evidence at the public hearing shall be filed at the time of filing the application.	
301	EXPEDITED REVIEW APPLICATION REQUIREMENTS	Neither OZ nor the ZA have the authority to do this.	Setdown text	
302.5	A zoning appeal may only be taken from the first writing that reflects the administrative decision complained of to which the appellant had notice. No subsequent document, including a building permit or certificate of occupancy, may be appealed unless the document materially modifies, or reverses the original decision or reflects a new decision.	Materially needs to be defined, if accepted.	Setdown text	
400.1	The Director shall review for completeness every application submitted filed with the Board within five (5) days of its receipt.	OZ has no objection to this edit.	Revised text as suggested.	
400.4	Upon acceptance of an complete application, the Director shall provide a notice of filing to:	OZ has no objection to this edit.	Revised text as suggested.	
400.5	A public hearing, even if expedited under Y § 400.6, shall be held on each application. Appeals and applications shall be heard in the order in which they are filed with the Board and appear on the calendar, unless the schedule is altered by the Director or the Presiding Officer. The hearing date may be advanced or postponed by order of the Board for good cause shown.	OZ agrees that this section is not properly written; however, it does not agree with the suggestion. The Board is not involved with the scheduling of cases at the time of filing. OZ does reserve the right to alter the schedule to accommodate scheduling issues such as moving highly contested cases to a time that can accommodate the time demands or moving like cases to the same time, or to accommodate an applicant's schedule.	OZ recommends that this section be edited to read: Unless waived by an applicant, a public hearing, even if expedited under Y § 400.7, shall be held on each application. Applications shall be heard in the order in which they are filed with the Board. The hearing date may be advanced or postponed by the Director for good cause shown.	
401.1	Subject to the removal process described in Y § 401.4 and 401.5, an eligible application that includes a waiver of hearing will be placed on an expedited review calendar and [if complete, approved by the OZ or ZA] [decided without hearing at the Board's next regularly scheduled session] after:	Neither OZ nor the ZA have the authority to do this.	Setdown text	

SUBTITLE Y - Additional Worksheets

Section	Text	OZ Comment	OZ Recommendation	ZC Decision
404.4	In granting party status, the Board may specify whether the person will be permitted to participate as a party for general or limited purposes. The Board may order the consolidation of persons seeking party status, if the interest of the persons are reasonably related.		OZ recommends that this section be edited to read: The Board may base the granting of party status on consolidation of persons seeking party status, if the interest of the persons are reasonably related.	
404.7	New subsection - ATTEMPT TO RESOLVE Prior to a hearing, the applicant and any person or entity seeking party status, shall conference and in good faith seek to resolve or dispose of the issues. The applicant and the seeker of party status shall certify to the Board prior to the hearing, a conference was held, and in good faith they could not resolve the disputed issues.	OZ is attempting to address this issue administratively. The addition of determining party status in advance should help bring parties together in advance of a hearing.	Setdown text with revised party status text.	
404.8	New subsection - The Board may remove the case from the hearing docket or deny party status if the applicant or party status seeker fails to comply with this section.	The addition of determining party status in advance should help bring parties together in advance of a hearing.	Setdown text with revised party status text.	
405.2	When an application is referred in advance of the public hearing on the application to any public agency for a report and recommendation, the report and recommendation of that agency shall be filed with the Board at least fourteen (14) ten (10) days before the date set for the public hearing.	OZ changed this from 7 to 10 in the proposed text. Increasing it to 14 days will be problematic with other deadlines.	Setdown text	
407.6	The Board may authorize the presiding officer may to decide any motion without holding a hearing. The Board may upon motion reverse the decision of the presiding officer. The Director may grant a party's motion to continue a hearing, if: i. the request is made in writing and states the reason why the continuance is requested; ii. the case has not been heard by the Board; iii. request is made before the the request is made in sufficient time to notify all parties of the request and no party objects; and iv. no more than two continuances has been granted in the case.		Setdown text	
408.1(f)	take whatever action necessary to maintain decorum and order;	OZ will also edit in Subtitle Z for consistency.	OZ recommends the following language be inserted: (j) Take action to maintain decorum and order.	

SUBTITLE Y - Additional Worksheets

Section	Text	OZ Comment	OZ Recommendation	ZC Decision
408.2	Except as provided in Y § 408.4, the applicant and all parties (except an ANC) in support shall collectively have a maximum of sixty (60) minutes, exclusive of cross-examination, to present testimony. All parties (except an ANC) in opposition shall collectively have an amount of time equal to that of the applicant and parties in support, but in no case, more than sixty (60) minutes, exclusive of cross examination, to present testimony in opposition. The presiding officer may alter the time for presenting testimony.		Setdown text	
408.4	The presiding officer Board may grant additional or lesser time than that allowed under Y § 408.2 and 408.3 to an applicant, individual, organization representative or party in support, or an individual, organization representative or party in opposition, to present a case, provided that the presiding officer shall ensure reasonable balance in the allocation of time between proponents and opponents.		Setdown text	
408.5	Nothing herein shall prohibit the Board from placing reasonable restrictions on any testimony , cross-examination, including limitations on the scope of cross-examination, by the applicant or parties in support or opposition.		Setdown text	
408.7	The presiding officer Board may close the record at the end of a public hearing and, in a bench decision, vote at such time either to grant or deny the application. Alternatively, the presiding officer Board may schedule the case for a regularly scheduled or special public decision meeting.		Setdown text	
	An application for relief other than an appeal may be placed on the docket for a consent vote, if the Board believes that the record overwhelming shows, the relief requested should be granted, and there is no known objection by OP, an affected ANC, or any affected person. Any relevant terms or conditions agreed upon by the applicant may be included as conditions of the approval. The presiding officer, or at the request of any Board member, may ask for a case to be placed for consent vote. Any Board member may request a case removed from consideration by consent. The Board may approve the Consent Calendar on a voice vote. The motion for approval of on consent shall state: "After thorough review, the Board finds that applications for consent meet the requirements for relief under the zoning regulations and there being no objection to the Application, the Board pursuant to the applicable regulation ORDERS the relief requested GRANTED.		Setdown text	
500.1	The Director shall review for completeness every appeal submitted filed with the Board within five (5) days of its receipt.		Revised text as suggested.	
501.1(b)	The appellant;		Setdown text	

SUBTITLE Y - Additional Worksheets

Section	Text	OZ Comment	OZ Recommendation	ZC Decision
501.1(c)	The beneficiary of the decision, shall be the appellee and required to represent the interest of the administrative agency or official whose decision is appealed;	Pursuant to DC Code, the appeal is of the "decision of the Inspector of Buildings granting or refusing a building permit or granting or withholding a certificate of occupancy, or any other administrative decision based in whole or in part upon any zoning regulation or map" not the "beneficiary of the decision".	Setdown text	
501.1(d)	At its option , the person whose administrative decision is the subject of the appeal, may join as the co- appellee;		Setdown text	
501.1(e)	Any person may move to intervene in an appeal and may become an intervener thereto if the Board finds that the party has a substantial an interest that may not be adequately represented by an another automatic party ies ; provided, that the intervention would not unduly broaden the issues or delay the proceedings.		Revised text as suggested.	
501.3	The Board may order the consolidation of persons seeking intervention, if the interests of the persons are reasonably related.		Setdown text	
501.4	In an appeal proceeding before the Board, an intervener shall be afforded all the procedural rights as all other parties as provided in this subtitle, including the right to receive a copy of any: 501.4 In an appeal proceeding before the Board, an intervener shall be afforded all the procedural rights provided in this subtitle, including the right to receive a copy of any: (a) Documents filed by any other party in the case at the same time or before the document is filed with the Board; and (b) Written notice of any decision or order entered in the case. 501.5 In all contested case proceedings before the Board, an intervener may: (a) Submit motions and requests to the Board, and respond to any motions or requests submitted to the Board by others; (b) Present witnesses in support of the intervener's position; (c) Cross-examine all other parties and persons testifying in the case; (d) Submit proposed findings of fact and conclusions of law; and (e) Exercise all other procedural rights provided in this subtitle.	It was OZ's intent in these new regulations not to refer people back and forth to other sections.	Setdown text	

SUBTITLE Y - Additional Worksheets

Section	Text	OZ Comment	OZ Recommendation	ZC Decision
506.1 (f)	take whatever action necessary to maintain decorum and order;	Suggested change: (j) Take action to maintain decorum and order. Also, will have to move to Subtitle Z for consistency.	OZ recommends the following language be inserted: (j) Take action to maintain decorum and order.	
506.2	Except as provided in Y § 506.4, the appellant and all parties (except an ANC) in support shall collectively have a maximum of sixty (60) minutes, exclusive of cross-examination, to present testimony. All parties (except an ANC) and interveners in opposition shall collectively have an amount of time equal to that of the applicant and parties in support, but in no case, more than sixty (60) minutes, exclusive of cross-examination, to present testimony in opposition. The Presiding officer may alter the time for presented of the case,		Setdown text	
507.1(d)	The administrative official's (Appellee's) case;		Setdown text	
507.5 – 507.7	The Board may affirm, set aside any order or decision of the administrative agency or official, or remand the case or any part of the case to the agency or official with direction.		OZ recommends that this section be edited to read: NEW SECTION - The Board may base the granting of party status on consolidation of persons seeking party status, if the interest of the persons are reasonably related.	
	ATTEMPT TO RESOLVE -Prior to a hearing, the parties and any person or entity seeking intervention, shall conference and in good faith seek to resolve or dispose of the issues. The parties and seeker of intervention shall certify to the Board a conference was held, and in good faith they could not resolve the disputed issues.	OZ is attempting to address this issue administratively. The addition of determining party status in advance should help bring parties together in advance of a hearing.	Setdown text with revised party status text.	
	The Board may remove the case from the hearing docket or deny party status, if the applicant or party status seeker fails to comply with this section.		Setdown text with revised party status text.	
600.3	The application or appeal fee shall not be refunded upon dismissal ;	Commenter believes a pro rata amount should be returned or cost assessed and the balance returned. The office still incurs cost by processing applications and appeals.	Setdown text	
602.1	The record shall be closed following the public hearing, except that the record may be kept open for a stated period for the receipt of specific exhibits, information, or legal briefs or for other information, as may be directed by the presiding officer.		Revised text as suggested.	

SUBTITLE Y - Additional Worksheets

Section	Text	OZ Comment	OZ Recommendation	ZC Decision
602.3	The Board may shall allow all parties to a case an opportunity to file written responses to any exhibits, information, or briefs submitted after the close of the hearing. All responses shall be filed within seven (7) days after the date by which the exhibits, information, or briefs were due, unless otherwise directed by the presiding officer. Replies by other parties to the aforementioned responses will not be accepted into the record.		Setdown text	
602.6	Any supplemental materials received not in compliance with this Subtitle by the Board after the close of the record that bears upon the substance of the application or appeal shall be returned by the Director and if not accepted into the record by files of the Board. However if the materials are accompanied by a separate request to re-open the record, the request shall be accepted and presented to the Board for consideration. The request must demonstrate good cause and the lack of prejudice to any party. Such requests may be granted by the presiding officer and, if granted, the supplemental materials shall be entered into the record.		Setdown text	
604.8	For purposes of this subtitle, a final order shall become final upon its filing in the record and service upon the parties .		Setdown text	
700.1(a-b)	This section applies in its entirety to variance and special exception applications, and zoning appeals,		Revised text as suggested.	
	The provisions of this section relating to reconsideration apply to civil infraction appeals; and		Revised text as suggested.	
701.3(a)	The party seeking the stay (or, in the case of a stay to be issued on the Board's own motion, the party in whose favor the stay would be ordered) is likely to prevail on the merits of the motion for reconsideration or rehearing, the nostra sua sponte review, or the appeal;	It only requires one Zoning Commissioner, usually the Commissioner sitting on the BZA, to require staying the case for the question of review; ergo the singular form has been used.	Setdown text	
701.1(c)	Opposing parties will not be materially harmed by a stay; and		Setdown text	
701.5	In the event of a nostra sua sponte review by the Commission of the final decision and order of the Board, a motion to stay the effectiveness of the decision and order, whether by a party or the Board, shall ordinarily be determined in the first instance by the Board. The Commission may, on its own motion, order the effectiveness of the decision and order of the Board stayed pending the Commission's sua sponte review proceedings. As nostra sua sponte review is a discretionary internal process, the Commission shall not entertain a motion for stay from a party.	It only requires one Zoning Commissioner, usually the Commissioner sitting on the BZA, to require staying the case for the question of review; ergo the singular form has been used.	Setdown text	
706	TIME EXTENSIONS to relief granted		Setdown text	

SUBTITLE Z

17) Rules of Ethics (Z §105)

- Setdown – New section, including expanding ex parte communications to include Rulemaking cases
- Public Comments:
 - None
- OZ Recommendation: Setdown text

ZC Decision: _____

18) Filing Documents Electronically 1 (Z §206)

- Setdown – Add new section to allow for the filing of documents electronically
- Public Comments:
 - Allow for documents to be submitted without signature and PDF
- OZ Recommendation: Setdown text – this request has already been implemented

ZC Decision: _____

19) Filing Documents Electronically 2 (Z §206.12)

- Setdown – All correspondence with Advisory Neighborhood Commissions (ANCs) shall be via US Mail unless an ANC consents in writing to receive documents electronically.
- Public Comments:
 - The Commission should also incorporate electronic notices to the ANC Commissioner, which it is authorized to do, even if they still use first class mail as more easily tracked and verified. Electronic notice could serve to alert the Commissioners as to the mailed document
- OZ Recommendation: Setdown text – the ANC Act stipulates that ANCs opt into electronic notification

ZC Decision: _____

20) Setdown Procedures (Z §400.8 and §500.7)

- Setdown – Addition of an ANC Report Form to allow ANCs to provide feedback on whether the matter should be set down for hearing
- Public Comments:
 - This should be extended to the public and neighborhood associations
- OZ Recommendation: Setdown text

ZC Decision: _____

21) Public Notice Requirements (Z §402.1(c) and §502.1(c))

- Setdown – Providing a copy of the notice to the ANC for the area in which the property is located, or for any other ANC that is within two hundred feet (200 ft.) of the property involved in the application;

- Public Comments:
 - Require notice to the adjacent ANC as well
- OZ Recommendation: Setdown text

ZC Decision: _____

22) Party Status Guidelines and Requesting Party Status 1 (Z §403 and §404)

- Setdown – Adds a new Party Status and Requesting Party Status Section
- Alternative language – Adds the option to have party status determined in advance of a hearing
- Public Comments:
 - Support for pre-hearing determination of parties
- OZ Recommendation: Setdown text with alternative text revisions

ZC Decision: _____

23) Party Status Guidelines and Requesting Party Status 2 (Z §404)

- Setdown – The party status section refers to all persons and organizations as “persons”
- Public Comments:
 - Section should refer to persons and organizations
- OZ Recommendation: OZ can revise text to include both “person/organization”

ZC Decision: _____

24) Party Status Guidelines and Requesting Party Status 3 (Z §404.4)

- Setdown – Service is not required on those requesting Party Status
- Public Comments:
 - Requestors of Party Status should be served.
- OZ Recommendation: Setdown text

ZC Decision: _____

25) Reports of Public Agencies 1 (Z §405.2 and §504.2)

- Setdown – Changed “shall” to “may” regarding the inclusion of relevant agency reports in the setdown report.
- Public Comments:
 - this edit should be reversed
- OZ Recommendation: Revise text to read: “The set down report shall include any written reports submitted by all relevant public agencies including, but not limited to, the District Department of Transportation, Department of Housing and Community Development, and, if a historic district or historic landmark is involved, the State Historic Preservation Officer.”

ZC Decision: _____

26) Reports of Public Agencies 2 (Z §405.3 and §504.3)

- Setdown – OP report due 10 days in advance of the public hearing
- Public Comment:
 - OP report should be due 60 days in advance of public hearing
 - Agency reports should be made available sooner than 10 days
- OZ Recommendation: Setdown text

ZC Decision: _____

27) Reports of Public Agencies 3 (Z §405.5(e) and §504.4(b))

- Setdown – OP report shall include “Issues or concerns raised by the ANC or community members”
- Public Comments:
 - Support for this requirement
- OZ Recommendation: Setdown text

ZC Decision: _____

28) ANC Report (Z §406.1 and §505.1)

- Setdown – If an ANC wishes to orally recite its written report in a contested case, the ANC shall file the written report with the Commission at least seven (7) days in advance of the public hearing.
- Public Comments:
 - "wishes to orally recite its written report" should be replaced with "wishes to testify based on its written report".
- OZ Recommendation: Revise text to read: “If an ANC wishes to testify based on its written report in a contested case, the ANC shall file the written report with the Commission at least seven (7) days in advance of the public hearing.”

ZC Decision: _____

29) Motions Procedure (Z §406)

- Setdown – Adds a new Motion Procedure Section
- Public Comments:
 - None
- OZ Recommendation: Setdown text

ZC Decision: _____

30) Stay of Final Decision and Order (Z §701)

- Setdown – New section
- Public Comments:
 - None
- OZ Recommendation: Setdown text

ZC Decision: _____

31) Validity of Approvals and Implementation (Z §702)

- Setdown – New section
- Public Comments:
 - None
- OZ Recommendation: Setdown text

ZC Decision: _____

32) Zoning Administrator Flexibility (Z §703)

- Setdown – New section
- Public Comments:
 - None
- OZ Recommendation: Setdown text

ZC Decision: _____

33) Modification of Plans and Orders (Z §705.9(b))

- Setdown – New section, including - A modification of consequence, which the Commission may consider by proposed action with no additional public hearing; or
- Public Comments:
 - OP's proposed provisions unfairly allow a "modification of consequence" for a non-PUD case as well.
- OZ Recommendation: Setdown text

ZC Decision: _____

34) Time Extensions (Z §706)

- Setdown – New section, including - An applicant with an approved PUD may request no more than two (2) extensions. The second request for an extension may be approved for no more than one (1) year.
- Public Comments:
 - Support for this requirement
- OZ Recommendation: Setdown text

ZC Decision: _____

35) Case Type Sections (Chapters 8 thru 13)

- Setdown – New sections outline general provisions and application requirements
- Public Comments:
 - None
- OZ Recommendation: Setdown text with revision to either bring all sections to Subtitle X or to Z.

ZC Decision: _____

36) **Review of Fees** (Chapter 19)

- Setdown – New sections mandating that OZ review fees and present findings to the Commission tri-annually.
- Public Comments:
 - None
- OZ Recommendation: Setdown text

ZC Decision: _____

37) **Remand Provisions**

- Setdown – No section was proposed
- Public Comments:
 - Procedures with time limits should be established
- OZ Recommendation: Drafting new remand text

ZC Decision: _____

VESTING AND EFFECTIVE DATE

1) Vesting

- Setdown: n/a
- Public Comments:
 - Vesting of existing projects in the pipeline is important
 - Consider vesting at least that for the new Construction Code.
 - Allow vesting of any project in the design / development process, including ones that have gone through BZA, ZC, LTR, HPRB/CFA process and any project for which a building permit or a foundation permit has been filed

ZC Decision: _____

2) Effective Date

- Setdown: n/a
- Public Comments:
 - Allow sufficient time for projects in the design / development process to proceed forward under the existing rules
 - Allow a time period under which either the current or the new code can be utilized

ZC Decision: _____

RESIDENTIAL DEVELOPMENT STANDARDS

1) Setbacks (C Chapter 11 and Chapter 12)

- Setdown: Establish side and rear setbacks to regulate the required distance from a property line measured inward to a building
- Public Comments:
 - Continue to measure yards in the manner established in Title 11 – with the option to measure outward from the building
- OP Recommendation: Measure setbacks from the property line inward to the building as set down

ZC Decision: _____

2) Side Setbacks (D §§ 207, 307, 407, 507, 607, 707, 807, 907, 1007, 1107, 1202, 1506, E §§ 207, 307, 407, 707, 1008, F §§ 203, 304, 404, 503, 1006)

- Setdown: Establish side setbacks to regulate the required distance from a property line measured inward to a building as follows:

Existing zone:	R-1-A, R-1-B, R-2		R-3	
	Existing	Proposed	Existing	Proposed
Side Setback - Detached - Semi-detached - All other	8 feet	8 feet	8 feet 8 feet 0 or 8 feet	0 or 5 feet 0 or 5 feet 0 or 5 feet
* R-1-A FH/TSP R-2/FH/TSP	8 feet/24 feet agg	8 feet/24 feet agg		
* R-3 (GTWN) - Attached - All other			0 or 8 feet 0 or 8 feet	0 or 5 feet 5 feet; may extend existing non-conforming provided width = 3 feet min

Existing zone:	R-4		R-5-A	
	Existing	Proposed	Existing	Proposed
Side Setback - Detached - Semi-detached - All other	8 feet 8 feet 0 or 8 feet	0 or 5 feet 0 or 5 feet 0 or 5 feet	8 feet 8 feet 3"/1', 8 feet	8 feet 8 feet 3"/1', 8 feet

Existing zone:	R-5-B		R-5-C R-5-D R-5-E	
	Existing	Proposed	Existing	Proposed
Side Setback - Detached - Semi-detached - All other	8 feet 8 feet None but 8 feet if provided	0 or 4 feet 0 or 4 feet None but 4 feet if provided	8 feet 8 feet None but 8 feet if provided	0 or 4 feet 0 or 4 feet 0 or 4 feet

- Public Comments:
 - Oppose allowing accessory buildings in required side setback

- OP Recommendation: Measure setbacks from the property line inward to the building as set down

ZC Decision: _____

3) Rear Setbacks (D §§ 206, 306, 406, 506, 606, 706, 806, 906, 1006, 1106, 1201, 1505, E §§ 206, 306, 406, 706, 1007, F §§ 202, 303, 403, 502, 1005)

- Setdown: Establish rear setbacks to regulate the required distance from a property line measured inward to a building as follows:

Existing zone:	R-1-A, R-1-B		R-2	
	Existing	Proposed	Existing	Proposed
Rear Setback	25 feet	25 feet	20 feet	20 feet

Existing zone:	R-3		R-4	
	Existing	Proposed	Existing	Proposed
Rear Setback	20 feet	20 feet	20 feet	20 feet

Existing zone:	R-5-A		R-5-B	
	Existing	Proposed	Existing	Proposed
Rear Setback	20 feet	20 feet	4"/1', 15' min.	4"/1', 15' min.

Existing zone:	R-5-C R-5-D		R-5-E	
	Existing	Proposed	Existing	Proposed
Rear Setback	4"/1', 15' min.	4"/1', 15' min.	3"/1', 12' min.	4"/1', 12' min.

- Public Comments:
 - Oppose changes to rear setback method of measurement; should define the rear yard and measure it from the rear line of the principal building outward
- OP Recommendation: Measure setbacks from the property line inward to the building as set down

ZC Decision: _____

4) Courts (D § 1205, E § 709, 1008, F § 1007)

- Setdown: Standardize courtyard requirements for residential zones

Existing zone:	R-1-A, R-1-B, R-2, R-3		R-4	
	Existing	Proposed	Existing	Proposed
Court – Open			None required but when provided:	None required but when provided:
- Detached SF	- 4"/1'; 6' min	- 2.5"/1'; 6' min	- 4"/1'; 6' min	- Building Code
- All other	- 4"/1'; 10' min	- 2.5"/1'; 6' min	- 4"/1'; 10' min	- 2.5"/1'; 6' min
Court – Closed			When provided:	When provided:
- Detached SF	- 4"/1'; 5' min	- 2.5"/1'; 12' min	- 4"/1'; 5' min,	- Building Code
- All other	- 4"/1'; 15' min; 350 sf min area	- 2.5"/1'; 12' min; 250 sf min area	350 sf min area - 4"/1'; 15' min, 350 sf min area	- 2.5"/1'; 12' min, 250 sf min area

Existing zone:	R-5-A R-5-B		R-5-C R-5-D R-5-E	
	Existing	Proposed	Existing	Proposed
Court – Open	When provided:	When provided:	When provided:	When provided:
- Detached SF - More than 3 units - All other	- 4"/1'; 6' min - 4"/1'; 10' min - 4"/1'; 10' min	- Building Code - 4" /1'; 10' min - 2.5"/1'; 6' min	- 3"/1', 6' min - 3"/1'; 10' min - 3"/1'; 10' min	- Building Code - 4"/1'; 10' min - 2.5"/1'; 6' min
Court – Closed	When provided:	When provided:	When provided:	When provided:
- Detached SF - More than 3 units - All other	- 4"/1'; 15' min; 350 sf Min area - 4"/1'; 15' min; 350 sf Min area - 4"/1'; 15' min; 350 sf Min area	- Building Code - 4"/1'; 15' min; 350 sf min area - 2.5"/1'; 12' min; 250 sf min area	- 4"/1', 15' min; 350 sf min area - 4"/1'; 15' min; 350 sf min area - 4"/1'; 15' min; 350 sf min area	- Building Code - 4"/1'; 15' min; 350 sf min area - 2.5"/1'; 12' min; 250 sf min area

- Public Comments:
 - Maintain existing court requirements from Title 11
- OP Recommendation: Standardize court requirements in residential zones

ZC Decision: _____

5) Roof Structures (D §§ 702, 1102, 1502, E §§ 202, 302, 402, 502, 1002)

5A) Roof structures in the R-1-A, R-1-B, R-2, R-3, and R-4 zones

- Setdown: Reduce maximum roof structure height from 18'6" to 10' for residential buildings; maintain 18'6" roof structure height for all other buildings (such as institutional uses)
- Public Comments:
 - Support reduction in roof structure height
- OP Recommendation: Reduce roof structure height from 18'6" to 10' for residential buildings in residential zones as set down

ZC Decision: _____

5B) Roof structures in the R-5-A, R-5-B, R-5-C, R-5-D, and R-5-E zones (F §§ 302, 402, 1001)

- Setdown: Maintain the maximum roof structure height of 18'6"; maintain the maximum roof structure height of 10' in the R-5-B/CAP zone
- Public Comments:
 - Limit roof structure height in apartment zones to 10'
- OP Recommendation: Maintain the roof structure height of 18'6" in the R-5 zones with the exception of the 10' maximum in the R-5-B/CAP zone as set down

ZC Decision: _____

6) Maximum building height and number of stories (D §§ 602, 702, 1102, 1501, E §§ 202, 302, 402, 502, 704, 1001, F §§ 302, 402, 1000)

- Setdown: Maintain established maximum height and number of stories for residential zones; establish new maximum height and number of stories for residential zones in Georgetown as follows:

Existing zone:	R-1, R-2	R-1/NO R-3/NO R-3/FB R-4/CAP R-5-A/NO R-5-B/CAP	R-3, R-4	R-3/G'town
Height Max.	House - 40 ft. Pub School, Church - 60 ft. Public Rec Center - 45 ft.	40 ft.	Pub School, Church – 60 ft. Pub Rec/Comm Cntr – 45 ft. All other – 40 ft.	Dwelling – 35 ft. Pub School, Church – 60 ft. Public Rec Center – 35 ft.
Number of Stories Max.	3	3	3	3

Existing zone:	R-5-A	R-5-B, R-5-C	R-5-D, R-5-E
Height Max.	Pub School, Church – 90 ft. Pub Rec/Comm Cntr – 45 ft. All other – 40 ft.	Pub School, Church – 90 ft. University Bldg – 60 ft. Pub Rec/Comm Center – 45 ft. All Other – 50 ft.	Pub Rec/Comm Cntr – 45 ft. All other – 90 ft.
Number of Stories Max.	3	N/A	N/A

- Public Comments:
 - Establish maximum building height based on predominant height in area
 - Oppose additions that increase building height
- OP Recommendation: Establish maximum building heights and number of stories as set down

ZC Decision: _____

7) Infill construction (C § 401.1, D § 100.2(d))

- Setdown: Allow infill construction on lots of non-conforming area subject to meeting all other development standards (i.e., lot occupancy, yards, height, pervious surface/GAR)
- Public Comments:
 - Support provision that allows for matter of right extension or addition to a pre-1958 home that follows existing non-conformities for rear and side setbacks
 - Permit existing vacant lots to be developed to reduce blight
 - Maintain established requirements for infill construction
- OP Recommendation:

ZC Decision: _____

8) Minimum lot area (D § 1508, E § 1010, F § 1300)

- Setdown: Retain minimum lot area requirements, for the creation of new lots

Zone	Min. Lot Area (sq. ft.)
R-1-A R-1-A/TSP R-1-A/NO-TSP R-1-A/WH	7,500
R-1-A/CBUT R-1-A/FH-TSP	9,500 for lots created for dwellings after May 18, 2007; 7,500 for all other lots
R-1-B R-1-B/TSP R-1-B/NO R-1-B/WH R-1-B/SSH1 R-1-B/SSH2 R-1-B/G'twn	5,000
R-1-B/FH-TSP R-2/FH-TSP	9,500 for lots created for dwellings after May 18, 2007; 5,000 for all other lots
R-2	4,000 (detached) 3,200 (IZ detached) 3,000 (semi-detached) 2,500 (IZ semi-detached)
R-3 R-3/FB R-3/NO R-3/G'twn	4,000 (detached) 3,000 (semi-detached) 2,000 (attached) 1,600 (IZ attached) 4,000 (all other structures)
R-4	1,800 (attached) 1,500 (IZ attached) 3,000 (semi-detached) 4,000 (all other structures)
R-5-A	9,000 (public school) 1,800 (row dwelling) Per BZA (all others)
R-5-B	9,000 (public school) None prescribed (all others)
R-5-C R-5-D R-5-E	None prescribed

- Public Comments:
 - Support establishment of minimum lot area requirements only for new lots
- OP Recommendation: Retain minimum lot area requirements, for the creation of new lots

ZC Decision: _____

9) Lot Occupancy (D §§ 201, 301, 401, 501, 601, 701, 801, 901, 1001, 1101, 1200, 1504, E §§ 201, 301, 401, 501, F §§ 201, 301, 401, 501, 601)

- Setdown: Establish maximum lot occupancy standards as follows:

Zone	Max. Lot Occupancy	
	Existing	Proposed
R-1-A R-1-B R-1-B/NO R-1-B/SSH1 R-1-B/SSH2 R-1-B/G'twn R-2	60% Church, Pub School 20% Pub Rec Center 40% All Other	60% Church, Pub School 20% Pub Rec Center 40% All Other
R-1-A/CBUT	For lots (House, Pub School, Church) - 6,499 sf or less = 40% - 6,500 sf to 8,999 sf = 35% but not less than 2,600 sf - 9,000 sf or more = 30% but not less than 3,150 sf 20% Pub Rec Center	For lots (House, Pub School, Church) - 6,499 sf or less = 40% - 6,500 sf to 8,999 sf = 35% but not less than 2,600 sf - 9,000 sf or more = 30% but not less than 3,150 sf 20% Pub Rec Center
R-1-A/TSP R-1-A/FH-TSP R-1-A/NO-TSP R-1-B/TSP R-1-B/FH-TSP R-2/FH-TSP	30% All Building	30% All Buildings
R-1-A/WH R-1-B/WH	30% except lots - Btwn 5,000 to 6,667 sf may occupy 2,000 sf Less than 5,000 sf = 40%	30% except lots - Btwn 5,000 to 6,667 sf may occupy 2,000 sf Less than 5,000 sf = 40%
R-3 R-3/FB R-3/NO R-3/G'twn R-4 R-4/CAP	60% Church, Pub School 60% Attached Dwelling 20% Pub Rec Center/Comm Center 40% All other	60% Church, Pub School 60% Attached Dwelling 20% Pub Rec Center/Comm Center 40% All other
R-5-A	20% Pub Rec Center 60% Pub School, Pub Library, Church 40% All other	20% Pub Rec Center 60% Pub School, Pub Library, Church 40% All other
R-5-A/NO	20% Pub Rec Center 40% All other	20% Pub Rec Center 40% All other
R-5-B	20% Pub Rec Center 60% All other	20% Pub Rec Center 60% All other
R-5-B/CAP	20% Pub Rec Center 75% Residential with IZ 60% All other	20% Pub Rec Center 75% Residential with IZ 60% All other
R-5-C R-5-D R-5-E	20% Pub Rec Center 75% All other	20% Pub Rec Center 75% All other

- Public Comments:
 - Support eliminating incentive to fill in narrow courts
 - Establish a sliding scale for lot occupancy based on lot size
- OP Recommendation: Established maximum lot occupancy as set down

ZC Decision: _____

10) Pervious Surface and Green Area Ratio (D §§ 201, 301, 401, 501, 601, 701, 801, 901, 1001, 1101, 1200, E §§ 201, 301, 401, 501, F §§ 201, 301, 401, 501, 601)

- Setdown: Establish pervious surface requirements for the R-1 through R-4 zones and GAR requirements for the R-5 zones as follows:

Zone and structure	Pervious Surface Min.
R-1 through R-4 Public recreation and community centers	30%
R-1-A, R-1-B All other structures	50%
R-2 All other structures	30%
R-3 All other structures	20%

RF Zones	Lot Size Min.	Pervious Surface Min.
Residential use	Less than 1,800 sq. ft.	0%
	1,801 to 2,000 sq. ft.	10%
	Larger than 2000 sq. ft.	20%
Church	n/a	50%
Public Recreation and Community Center	n/a	50%
Public Schools	n/a	50%
All Other Structures	n/a	50%

Zone	Green Area Ratio (GAR)
R-5-A	0.4
R-5-B	0.4
R-5-C	0.3
R-5-D	0.3
R-5-E	0.3

- Public Comments:
 - Do not penalize property owners for existing impervious surface coverage
- OP Recommendation: Establish pervious surface and GAR requirements as set down

ZC Decision: _____

CORNER STORES

1) Regulate corner stores

- Setdown: Provide regulations pertaining to corner store uses (D § 1605 and E § 1006)
- Public Comments:
 - Support for allowing corners stores
 - Opposition to allowing corner stores
- OP Recommendation: Provide regulations pertaining to corner stores

ZC Decision: _____

2) Permit corner store use in R-3 and R-4 zones

- Setdown: Allow corner stores as a matter of right in R-3 and R-4 subject to conditions (D § 1605.2 and E § 1006.2)
- Alternate: Allow corner grocery stores as a matter of right, and other corner stores by special exception in the R-3 and R-4
- Public Comments:
 - Allow as a matter of right
 - Allow as a matter of right in R-3, R-4, and R-5 zones
 - Allow only by special exception
 - Allow only by variance
 - Do not allow
- OP Recommendation: Allow corner grocery stores as a matter of right, and other corner stores by special exception in R-3 and R-4 as proposed in the alternative

ZC Decision: _____

3) Location restrictions

3A) General location conditions

- Setdown: Allow corner grocery stores as a matter of right in the R-3 and R-4 zones subject to the following provisions (D § 1605.3 and E § 1006.3):
 - At the intersection of two generally perpendicular streets
 - On an interior or through lot, provided the building pre-dates May 12, 1958 and was purpose-built for a non-residential use as verified by the Zoning Administrator
 - A minimum of 500 feet from the nearest property zoned mixed-use or neighborhood commercial
 - Not within 500 feet of more than 1 other lot with a corner store use defined as an Eating and Drinking Establishment
 - Not within 500 feet of more than 3 other lots with a corner store use defined as Retail, General Service, or Arts, Design and Creation
- Public Comments:
 - Do not allow corner grocery stores as a matter of right; allow only at request of neighborhood
 - Do not restrict the location of corner stores
- OP Recommendation: Allow corner grocery stores as a matter of right subject to conditions as set down

ZC Decision: _____

3B) Georgetown

- Setdown: Allow corner stores in the R-3 zone in Georgetown subject to the following conditions:
 - At the intersection of two generally perpendicular streets
 - On an interior or through lot, provided the building pre-dates May 12, 1958 and was purpose-built for a non-residential use, and only if the building was used for a corner store use within the past 3 years as verified by the Zoning Administrator
 - A minimum of 750 feet from the nearest property zoned mixed-use or neighborhood commercial
 - Not within 500 feet of more than 1 other lot with a corner store use defined as an Eating and Drinking Establishment
 - Not within 500 feet of more than 3 other lots with a corner store use defined as Retail, General Service, or Arts, Design and Creation

ZC Decision: _____

4) Waiver of location restrictions

- Setdown: Permit the BZA to waive the location requirements provided the corner store use (D § 1605.4 and E § 1006.4):
 - Will be neighborhood serving
 - Will not negatively impact the economic viability or vitality of mixed use or neighborhood commercial areas within 500 feet or 750 feet (Georgetown)
 - Will not create a concentration of non-residential uses that would detract from the overall residential character of the area
 - Will not result in undue impacts on residents of the area
- Public Comments:
 - Allow waiver of location requirements
 - Do not allow waiver of location requirements
- OP Recommendation: Allow waiver of location requirements

ZC Decision: _____

5) Corner store prohibitions

- Setdown: A corner store shall not be permitted (D § 1605.5 and E § 1006.5):
 - On alley lots
 - On a lot containing an apartment accessory to the principal dwelling unit
 - On a lot containing another corner store
 - In a building that is accessory to the principal building on the lot
 - In a building or on a lot containing more than one dwelling unit
 - On an interior or through lot zoned R-3 in Georgetown that had not been used as a corner store for 3 or more consecutive years
- Alternative: Prohibit corner store uses in Squares 1327 and Squares 1350 to 1353
- Public Comments:
 - Permit corners stores in small apartment buildings
 - Corner stores should not be built within 1200 feet of an existing commercial zoned property in a neighborhood, such as Foxhall Village, that was built around a central commercial core that is walkable from all points in the neighborhood
- OP Recommendation: Prohibit corner stores on alley lots, on a lot containing an apartment accessory to the principal dwelling unit, on a lot containing another corner

store, in accessory buildings, in a building or on a lot containing more than one dwelling unit, on an interior or through lot zoned R-3 in Georgetown that had not been used as a corner store for 3 or more consecutive years, and in Squares 1327 and Squares 1350 to 1353.

ZC Decision: _____

6) Conditions for matter of right corner store in R-3 and R-4 zones

6A) Limit total permitted area for corner stores

- Setdown: Limit corner stores to 1,200 square feet in total area (D § 1605.6 and E § 1006.6)
- Public Comments:
 - Do not limit the total square footage of corner stores
- OP Recommendation: Limit total area to 1,200 square feet

ZC Decision: _____

6B) Prohibit alcoholic beverage sales for on-site consumption

- Setdown: Prohibit the sale of alcoholic beverages for on-site consumption (D § 1605.7 and E § 1006.7)
- Public Comments:
 - Include new requirement that an applicant for a corner store liquor license for on-site consumption of alcohol shall sign an ABRA approved Voluntary Agreement with the presiding ANC to ensure compliance
- OP Recommendation: Prohibit the sale of alcoholic beverages for on-site consumption

ZC Decision: _____

6C) Limit alcoholic beverage sales for off-site consumption

- Setdown: Limit the GFA devoted to the sale of beer and wine for off-site consumption to no more than 15% of the floor area of the corner store (D § 1605.8 and E § 1006.8)
- Alternative: Permit beer and wine sales for off-site consumption, capped at 15% of floor area, by special exception
- Public Comments:
 - Prohibit alcoholic beverage sales for off-site consumption
 - Permit unlimited alcoholic beverage sales for off-site consumption
- OP Recommendation: Permit beer and wine sales for off-site consumption, capped at 15% of floor area, by special exception

ZC Decision: _____

6D) On-site cooking of food

- Setdown: Prohibit the on-site cooking of food and installation of grease traps; permit the assembly and reheating of food (D § 1605.9 and E § 1006.9)
- OP Recommendation: Prohibit the on-site cooking of food and installation of grease traps; permit the assembly and reheating of food

ZC Decision: _____

6E) Storage

- Setdown: Materials and trash shall be stored within the building area devoted to the corner store; there shall be no external storage of materials or trash (D § 1605.10 and E § 1006.10)
- Public Comments:
 - Support requirement for storage of trash on private property
- OP Recommendation: Require storage of materials and trash within the corner store building area

ZC Decision: _____

6F) Dry Cleaning

- Setdown: Prohibit the on-site use or storage of dry-cleaning chemicals (D § 1605.11 and E § 1006.11)
- OP Recommendation: Prohibit the on-site use or storage of dry-cleaning chemicals

ZC Decision: _____

6G) Corner Grocery Store

- Setdown: Permit a corner store that is a fresh food market or grocery store as a matter of right subject to conditions, including limited hours (7 AM to 9 PM) and one flush-mounted non-illuminated sign (D § 1605.12 and E § 1006.12)
- Alternative: For a matter of right corner grocery store, require that a minimum of 40% of customer-accessible sales and display area be dedicated to the sale of a general line of food products intended for home preparation and consumption; and a minimum of 20% of retail space be dedicated to the sale of perishable goods that include dairy, fresh produce, fresh meats, poultry, fish and frozen foods
- Public Comments:
 - Oppose restrictions that establish minimums for sales and display areas of fresh foods and foods for home preparation and consumption
 - Allow corner grocery stores as a matter of right at the intersection of two generally perpendicular streets and on an interior or through lot, provided the building pre-dates May 12, 1958 and was purpose-built for a non-residential use, and only if the building was used for a corner store use within the past 3 years as verified by the Zoning Administrator
- OP Recommendation: Permit corner grocery stores as a matter of right subject to conditions as set down in the alternative

ZC Decision: _____

7) **Relief from requirements**

- Setdown: Allow relief for corner stores in the retail, general service, and arts, design and creation uses by special exception subject to conditions; a corner store not meeting the size, on-site or off-site consumption, cooking, storage or dry cleaning provisions shall be considered a variance (D § 1605.13 and E § 1006.13)
- Public Comments:
 - None
- OP Recommendation: Allow corner stores meeting the specified conditions by special exception and those not meeting the conditions by variance

ZC Decision: _____

ACCESSORY APARTMENTS

1) Within the Main House (D §1606.2)

- Setdown: Allow one accessory apartment as a matter of right, subject to specified conditions
- Public Comments:
 - Allow as a matter of right
 - Allow only by special exception
 - Do not allow
- OP Recommendation: Setdown -Allow one accessory apartment as a matter of right, subject to specified conditions

ZC Decision: _____

2) Within an Accessory Building (D §1606.4)

- Setdown: **An accessory building constructed** after January 1, 2013 shall not be used as, or converted to, an accessory apartment except by special exception for a period of **five years** after the approval of the building permit for the accessory building; (D §1606.4 (f))
- Alternate: Allow an accessory apartment in an accessory building only by special exception regardless of when accessory building was constructed
- Public Comments:
 - Allow as a matter of right acc apartment use of acc building regardless of when constructed (ie remove 1/1/2013 date)
 - Allow as a matter of right acc apartment use of acc building built before 1/1/2013, and by special exception after 1/1/2013
 - Allow only by special exception regardless of when acc building was constructed
 - Do not allow any apartment within an accessory building
- OP Recommendation - Alternate - Allow an accessory apartment in an accessory building only by special exception regardless of when accessory building was constructed

ZC Decision: _____

3) Within an accessory building by new construction, including additions: (D §1606.2)

- Setdown : Allow as a special exception
- Public Comments:
 - Allow as a matter of right
 - Allow only by special exception
 - Do not allow
- OP Recommendation: Setdown - Allow as a special exception

ZC Decision: _____

4) Conditions for Matter of Right Accessory Apartment within Main House:

4A) Required Minimum Lot Size: (D §1606.4 (a))

- Setdown: Maintain required minimum lot size
- Alternate: Eliminate required minimum lot size

Zones	SETDOWN Minimum Lot Area	ALTERNATE Minimum Lot Area
R-1-A	7,500 sq. ft.	n/a
R-1-B	5,000 sq. ft.	n/a
R-2, R-3	4,000 sq. ft.	n/a

- Public Comments:
 - Keep the existing minimum lot size requirements
 - Reduce the minimum lot size requirements
 - Eliminate the existing minimum lot size requirements
- OP Recommendation: Alternate: Eliminate minimum lot size requirements

ZC Decision: _____

4B) Required Minimum House Size: (D §1606.4 (e))

- Setdown: Maintain required minimum house size of 2,000 sf of gfa exclusive of garage
- Alternate: Reduce required minimum house size for R-2 and R-3 zones

Zones	SETDOWN Minimum House Area	ALTERNATE Minimum House Area
R-1-A	2,000 sq. ft.	2,000 sq. ft.
R-1-B		
R-2, R-3	2,000 sq. ft.	1,200 sq. ft.

- Public Comments:
 - Keep the existing minimum house size of 2,000 sf of gfa exclusive of garage
 - Reduce the minimum house size
 - Eliminate the existing minimum house size
- OP Recommendation: Alternate: Reduce minimum house size for R-2 and R-3 zones

ZC Decision: _____

4C) Maximum Percentage of Main House That May be Used by Accessory Apartment:

(D §1606.4 (e))

- Setdown: Allow accessory apartment to occupy no more than 30% of the gfa of the house
- Public Comments:
 - Keep existing maximum area for use by accessory apartment at 25%
 - Allow a maximum area for use by apartment at 30%
- OP Recommendation: Setdown - Allow accessory apartment to occupy no more than 30% of the gfa of the house

ZC Decision: _____

4D) Additional Entrance for Apartment (D §1606.4 (e))

- Setdown: May not be located on a wall facing a street
- OP Recommendation: Setdown - Do not allow additional entrance to be located on a wall facing a street

ZC Decision: _____

4E) Owner Occupancy Requirement: (D §1606.4 (b))

- Setdown: Owner must live in either the principal dwelling or the accessory apartment.
- Public Comment:
 - Maintain owner occupancy requirement
- OP Recommendation: Setdown - Owner must live in either the principal dwelling or the accessory apartment.

ZC Decision: _____

4F) Total Persons: (D §1606.4 (c))

- Setdown: Limit total number of persons that may occupy the house and apartment combined to 6
- Public Comment:
 - Keep limit of 6 for both house and apartment
 - Put limit only on number of people living in apartment
- OP Recommendation: Limit number of residents in the apartment only; limit to 3

ZC Decision: _____

5) Conditions for Matter of Right Accessory Apartment within Accessory Building

5A) Alley Access to Apartment in Accessory building: (D §1606.4 (f))

- Setdown: There shall be permanent access to the accessory building from a dedicated and improved right of way, 24 ft. alley when there is not a minimum side yard access
- Public Comment:
 - Keep access requirement through alley width of 24 feet minimum
 - Reduce minimum alley width to 15 feet
 - Do not require an minimum alley width
- OP Recommendation: Setdown: Keep access requirement through alley width of 24 feet minimum when there is not a minimum side yard access and allow relief by special exception.

ZC Decision: _____

5B) Side yard Access to Apartment in Accessory Building (D §1606.4 (f))

- Setdown: A **10 ft.** wide easement for a permanent passage, open to the sky, from the accessory building to a public street through a side setback recorded in the DC land records.
- Alternate: An **8 ft.** wide easement for a permanent passage, open to the sky, from the accessory building to a public street through a side setback recorded in the DC land records.
- Public Comment:
 - Support a minimum side yard access
 - Allow for shared access when there is a shared access easement between properties. driveways are
- OP Recommendation: Alternate: Allow for optional use of an 8 foot side yard easement or a shared access easement between properties.

ZC Decision: _____

5C) Duration of Apartment Use of the Accessory Building (D §1606.4 (f))

- Setdown: The apartment use of the accessory building shall be coterminous with the permanent access;
- Public Comment:
 - Support the coterminous requirement
- OP Recommendation: Adopt the coterminous requirement

ZC Decision: _____

5D) Other Uses in Accessory Building (D §1606.4 (f))

- Setdown: An accessory building that houses an apartment shall not be used simultaneously for any accessory use other than as a private vehicle garage;
- Public Comment:
 - Also allow for artist studio and storage
 - Also allow the tenants to have a home occupation within an accessory apartment
 - Do not allow tenants to have a home occupation with an accessory apartment
- OP Recommendation: Allow the simultaneous use for parking and include artist studio and storage; allow the tenants to have a home occupation within the accessory apartment and limit the clients or visitors to 8 per day.

ZC Decision: _____

5E) Roof Decks and Balconies (D §1606.4 (f))

- Setdown: An accessory building that houses an apartment shall not have a roof deck or balcony
- Alternate: Allow roof decks, balconies and projecting windows by special exception
- Public Comment:
 - Allow by special exception
- OP Recommendation: Alternate: Allow roof decks, balconies and projecting windows by special exception

ZC Decision: _____

6) Georgetown Standards: (D §1606.5)

- Setdown: Varying standards based on historic character such as allowing balconies by right, and all apartments by special exception regardless on accessory building status.
- Public Comment:
 - Support the Georgetown requirement for special exception for all acc apartment
 - Do not support Georgetown zones
 - Reduce minimum lot size to 1,750 sf
- OP Recommendation: Support the Georgetown zones as recognizing their unique status as a national historic landmark district.

ZC Decision: _____

7) Relief from Requirements (D §1606.6)

- Setdown: Allow relief from 2 requirements (except for owner occupancy and maximum number of residents requirements) by special exception; Relief from more than 2 requirements shall be considered a variance.
- Public Comment:
 - Maintain the limit of 2 requirements for special exception relief
 - Do not limit the number of requirements that the BZA can consider for relief as a special exception
- OP Recommendation: Allow relief from 2 requirements (except for owner occupancy and maximum number of residents requirements) by special exception;

ZC Decision: _____

8) Residential Rental Business License: (D §1606.7)

- Setdown: Require a property owner to have a Residential Rental Business License from DCRA prior to renting an accessory apartment
- Public Comment:
 - Require the Residential Rental Business License
- OP Recommendation: Require the Residential Rental Business License

ZC Decision: _____

ALLEY LOTS

1) Allow creation of new alley lots in residential and residential flat zones

- Setdown: Permit creation of new alley lots subject to conditions (C § 403.3):
 - Frontage along a public alley with a minimum width of 24 feet
 - Access to a street through an alley or alleys not less than 24 feet in width
 - Minimum lot area of 1,800 square feet or the applicable lot area standard for the respective zone
 - Permit the combination of existing abutting alley record or alley tax lots created on or before May 12, 1958 that do not meet the frontage, access or minimum lot area requirements
- Public Comments:
 - Requirement for frontage along a public alley with a minimum width of 24 feet should be limited to alley lots for residential development
- OP Recommendation: Permit creation of new alley lots subject to conditions as set down

ZC Decision: _____

2) Development standards for matter of right development of alley lots in residential and residential flat zones

- Setdown: Permit matter of right development of alley lots in residential and residential flat zones subject to the following development standards (D § 1401 and E § 901):

Height Max.	Number of Stories Max.	Lot Occupancy Max.	Pervious Surface Min.	Rear Setback	Side Setback	Alley Centerline Setback
20 ft.	2	Lot size: Less than 1,800 sq. ft. may be 100% Lot size: 1,800 sq. ft. to and including 2,000 sq. ft. may be 90% Lot size: Larger than 2,000 sq. ft. may be 80%	10%	5 ft. from any lot line of all abutting non-alley lots		12 ft. from the centerline of all alleys to which the alley lot abuts

- Alternative:

Height Max.	Number of Stories Max.	Lot Occupancy Max.	Pervious Surface Min.	Rear Setback	Side Setback	Alley Centerline Setback
20 ft.	2	Lot size: Less than 1,800 sq. ft. may be 100% Lot size: 1,800 sq. ft. to and including 2,000 sq. ft. may be 90% Lot size: Larger than 2,000 sq. ft. may be 80%	N/A 10% 20%	5 ft. from any lot line of all abutting non-alley lots		12 ft. from the centerline of all alleys to which the alley lot abuts

- Public Comments:
 - Minimum pervious surface requirement of 10% is inconsistent with 100% maximum allowable lot occupancy
 - Oppose 100% occupancy for alley lots and propose a gradual change in lot occupancy based on lot size: 100% lot occupancy for a lot of 900 square feet or less; a percentage reduction equal to 2% per 45 feet above 900 square feet up to 1800 square feet; and 60% for lots 1800 square feet and larger.
- OP Recommendation: Permit matter of right development of alley lots in residential and residential flat zones subject to the alternate development standards

ZC Decision: _____

3) Minimum alley width required for residential use of alley lots in R-3 and R-4 zones

- Setdown: Allow residential use as a matter of right on alley lots provided alley is a minimum of 24 feet in width and there is access to a street through an alley or alleys not less than 24 feet in width (D § 1608 and E § 1104); allow development on alley lots not meeting the minimum alley lot width requirement by special exception (D § 1609 and E § 1105)
- Alternate: Allow matter of right development on alleys less than 24 feet in width if within 300 feet of a public street
- Public Comments:
 - Support special exception for residential use on alley lots on alleys not meeting the 24-foot requirement
 - Support matter of right residential use on alley lots meeting a 15-foot alley width requirement
 - Oppose any matter of right residential use of alley lots
- OP Recommendation: Allow residential use as a matter of right on alley lots provided alley is a minimum of 24 feet in width and there is access to a street through an alley or alleys not less than 24 feet in width or on alleys less than 24 feet in width if there is direct access within 300 feet to a public street; allow development on alley lots not meeting the minimum alley lot width requirements by special exception

ZC Decision: _____

4) Uses permitted on alley lots in residential and residential flat zones

4A) Uses permitted as a matter of right on alley lots in R and RF zones

- Setdown: Permit the following uses as a matter of right (D § 1608 and E § 1104):

Use	R-1	R-2	R-3	R-4
Agriculture, Residential	permitted	permitted	permitted	permitted
Arts, Design and Creation	permitted with conditions	permitted with conditions	permitted with conditions	permitted with conditions
Parking	permitted with conditions	permitted with conditions	permitted with conditions	permitted with conditions
Residential	N/A	N/A	permitted with conditions	permitted with conditions

- Public Comments:
 - Do not permit residential use of alley lots as a matter of right
 - Permit residential use on alley lots in R-1 and R-2 zones as a matter of right
- OP Recommendation: Permit matter of right alley lot uses as set down

ZC Decision: _____

4B) Uses permitted by special exception on alley lots in R and RF zones

- Setdown: Permit the following alley lot uses by special exception (D § 1609 and E § 1105):

Use	R-1	R-2	R-3	R-4
Parking	N/A	N/A	N/A	special exception
PDR	N/A	N/A	N/A	special exception
Residential	N/A	N/A	special exception	special exception

- Alternate: Camping in alleys
 - Permit camping on an alley lot by special exception
- Public Comments:
 - Permit accessory apartments on alley lots by special exception
 - Support special exception requirement for camping on an alley lot
 - Oppose special exception requirement for camping on an alley lot
- OP Recommendation: Permit alley lot uses as set down

ZC Decision: _____

4C) Establish minimum lot area for residential use of an alley lot

- Setdown: Require a minimum of 450 square feet of lot area for the construction or conversion of a building for a residential use (D § 1608.2 and E § 1104.2)
- Public Comments:
 - Retain established zone-specific minimum lot area requirements for residential development of an alley lot
- OP Recommendation: Require a minimum of 450 square feet of lot area for the construction or conversion of a building for a residential use on an alley lot as set down

ZC Decision: _____

RESIDENTIAL FLATS

1) Create new Residential Flat (RF) zones

- Setdown: Create new zones for areas primarily developed with row dwellings, but where there have been limited apartment conversions (Subtitle E)
- Public Comments:
 - Support for creation of new RF zones
- OP Recommendation: Create new RF zones as set down

ZC Decision: _____

2) Dwelling unit density

2A) Establish dwelling unit density for RF zones

- Setdown: Establish RF zones with a range of dwelling unit densities; permit 2 dwelling units as a matter of right in RF-1 (E § 204), RF-2 (E § 304) and RF-3 (E § 404) zones; permit 3 dwelling units as a matter of right in RF-4 (E § 504) zone; and permit 4 dwelling units as a matter of right in RF-5 (E § 504) zone
- OP Recommendation: Permit 2 dwelling units as a matter of right in RF-1, RF-2 and RF-3 zones; permit 3 dwelling units as a matter of right in RF-4 zone; and permit 4 dwelling units as a matter of right in RF-5 zone

ZC Decision: _____

2B) Establish minimum square footage for conversions in RF zones

- Setdown: Establish that a minimum of 900 sq. ft. be required for conversions in the RF-1 (E § 204.3), RF-2 (E § 304.4), and RF-3 (E § 404.4) zones, and 750 sq. ft. in the RF-4 and RF-5 (E § 504.4) zones.
- Public Comments:
 - Oppose 750 sq. ft. minimum for RF-4 and RF-5 zones; propose 900 sq. ft. for all zones
- OP Recommendation: Establish a minimum square footage for conversions in the RF zones as set down

ZC Decision: _____

3) Establish development standards for new RF zones

- Setdown: Establish development standards for RF zones as follows (E § 201, 301, 401, 501):

	Roof Structure Height Max.	Building Height Max.	Number of Stories Max.
RF-1, RF-2 (DC), RF-3 (CAP)	10 ft.	40 ft.	3
RF-4	10 ft.	40 ft.	3
RF-5	10 ft.	50 ft.	4

	Lot Occupancy Max.				
	RF-1	RF-2	RF-3	RF-4	RF-5
Detached Dwelling	40%	40%	40%	40%	40%
Semi-Detached Dwelling	40%	40%	40%	40%	40%
Row Dwelling and Flat	60%	60%	60%	60%	60%
Church	60%	60%	60%	60%	60%
All Other Structures	40%	40%	40%	60%	60%

- Alternate: Establish development standards for RF zones that would increase the maximum allowable lot occupancy for detached and semi-detached dwellings to 60%

	Lot Occupancy Max.				
	RF-1	RF-2	RF-3	RF-4	RF-5
Detached Dwelling	60%	60%	60%	60%	60%
Semi-Detached Dwelling	60%	60%	60%	60%	60%
Row Dwelling and Flat	60%	60%	60%	60%	60%
Church	60%	60%	60%	60%	60%
All Other Structures	40%	40%	40%	60%	60%

- Public Comments:
 - Prohibit any expansion in height or number of stories beyond existing conditions
 - Propose limiting lot occupancy to 40% for existing development
 - Maintain lot occupancy of 40% for detached and semi-detached dwellings in RF zones
 - Support 60% lot occupancy for row dwellings and flats
 - Establish an FAR of 1.8 for the RF-4 and RF-5 zones
- OP Recommendation: Establish development standards for RF zones as proposed in the alternate and maintain density based on number of units per lot

ZC Decision: _____

4) Establish minimum lot dimensions for the RF-1 (R-4), RF-2 (R-4/DC) and RF-3 (R-4/CAP) zones

- Setdown: Establish minimum lot dimensions for RF zones as follows (E § 1010):

	Lot Width Min.	Lot Area Min.
Row Dwelling or Flat	18 ft. 15 ft. (IZ)	1,800 sq. ft. 1,500 sq. ft.
Semi-Detached Dwelling	30 ft.	3,000 sq. ft.
All Other Structures	40 ft.	4,000 sq. ft.

- OP Recommendation: Establish minimum lot dimensions for RF zones as set down

ZC Decision: _____

5) **Establish density for the RF-4 and RF-5 zones through development standards and units per lot**

- Setdown: Density is limited to number of units per lot and the development standards; there is no minimum lot size (E § 501):

RF-4 3 Units per lot	Height Max.	Number of Stories Max.	FAR Max.	Lot Occupancy Max.
Detached Dwelling	40 ft.	3	n/a	40%
Semi-Detached Dwelling	40 ft.	3	n/a	40%
Row Dwelling and Flat	40 ft.	3	n/a	60%
All Other Structures			1.8	60%

RF-5 4 Units per lot	Height Max.	Number of Stories Max.	FAR Max.	Lot Occupancy Max.
Detached Dwelling	40 ft.	3	n/a	40%
Semi-Detached Dwelling	40 ft.	3	n/a	40%
Row Dwelling and Flat	50 ft.	4	n/a	60%
All Other Structures			1.8	60%

- OP Recommendation: Establish density and development standards for RF-4 and RF-5 zones as set down.

ZC Decision: _____

6) **Units in accessory buildings**

- Setdown: Permit placement of units in the principal building and conforming accessory buildings provided that the combination does not exceed the maximum number of allowed dwelling units (E § 1101.2)
- OP Recommendation: Permit units in principal and accessory buildings limited by dwelling unit density as set down

ZC Decision: _____

7) **Conversion**

7A) **Conversion**

- Setdown: A building or structure in the RF-1, RF-2, or RF-3 zones (existing R-4 zones) may not be renovated or expanded to increase the number of dwelling units beyond 2, unless there is a minimum of 900 square feet of lot area for each dwelling unit (E § 600.4)
- Public Comments:
 - Restrict conversion to no more than 2 dwelling units per property regardless of size
- OP Recommendation: Require a minimum of 900 square feet of record lot area for each dwelling unit for conversion in the RF-1, RF-2, and RF-3 zones.

ZC Decision: _____

7B) Mt. Pleasant

- Setdown: Not applicable
- Alternate: A building or other structure in the Mount Pleasant Historic District may not be converted to more than two dwelling units regardless of lot size.
- Public Comments:
 - Support for Alternate language
- OP Recommendation: Alternate language

ZC Decision: _____

SUBTITLE C – GENERAL RULES

1) Subdivision

1 a) Record Lot Size Standards

- Setdown: Minimum lot size and width requirements retained for subdivisions to create new lots; development on lots in existence prior to this amendment would not have to comply with minimum lot area and width standards (C §401.1).
- Public Comments:
 - Delete this section as duplicative of Surveyor's Subdivision regulations.
 - Permit existing vacant lots to be developed to reduce blight.
- OP Recommendation: Minimum lot size and width requirements retained for subdivisions to create new lots; development on lots in existence prior to this amendment would not have to comply with minimum lot area and width standards.

ZC Decision:

1 b) Tax Lot Standards

- Setdown: An existing tax lot with a building may be recorded as a record lot, regardless of frontage, lot width or lot area requirements (C §401.2)
- Public Comments:
 - Permit existing vacant lots to be developed to reduce blight.
- OP Recommendation: An existing tax lot with a building may be recorded as a record lot, regardless of frontage, lot width or lot area requirements.

ZC Decision:

1 c) New Alley Lots

- Setdown: Require new alley lots to have frontage on an alley of 24 feet wide minimum, and provide the lot area required by the zone or 1,800 sq.ft. minimum (C §403).
- OP Recommendation: Require new alley lots to have frontage on an alley of 24 feet wide minimum, and provide the lot area required by the zone or 1,800 sq.ft. minimum.

ZC Decision:

1 d) Lot Width Measurement

- Setdown: Establish revised and more detailed standards for measuring defined lot width, for interior, through, and corner lot, consistent with current Zoning Administrator practice. (C §401.2)
- OP Recommendation: Establish revised and more detailed standards to measuring defined lot width, for interior, through, and corner lot, consistent with current Zoning Administrator practice.

ZC Decision:

1 e) Theoretical Lot Submission requirements

- Setdown: Clarify and expand submission requirements for BZA review of a theoretical lot subdivision, including a table of zoning calculations (C §407.5)
- Public Comments:
 - Delete this section as duplicative of Surveyor's Subdivision regulations
- OP Recommendation: Expand submission requirements for BZA review of a theoretical lot subdivision, as set down.

ZC Decision:

1 f) Modifications to Theoretical lot subdivision

- Setdown: Allow expedited BZA review of a modification to a theoretical subdivision application resulting from an addition to a single dwelling unit building (C §407.9).
- OP Recommendation: Allow expedited BZA review of a modification to a theoretical subdivision application resulting from an addition to a single dwelling unit building.

ZC Decision:

2) Roof Structures:

2 a) Setback

- Setdown: Clarify, consistent with Zoning Administrator practice, that the required 1:1 setback is measured from any wall facing a public street or alley; any wall facing a courtyard open to a public street; any wall that is set back from the lot line; or any wall along a lot line where the building penthouse would be taller than the adjacent building is or could be (C§ 505.2).
- Public Comments:
 - Requirement for a setback from a side lot line in some instances is not consistent with current practice.
 - Roof structures for recreation in the R-1 – R-3 zones should only be permitted by special exception.
 - Allow pergolas and embellishments at the corners of buildings.
 - Allow 20- foot tall roof structures; eliminate requirement that penthouse walls be of equal height.
- OP Recommendation: As set down; alternatively review as part of ZC Case 14-13, Penthouses.

ZC Decision:

2 b) Area

- Setdown: Limit the area of a penthouse to 40% of the building's total footprint (an increase from 37%) (C§ 505.4).
- OP Recommendation: Limit the area of a penthouse to 40% of the building's total footprint; alternatively review as part of ZC Case 14-13, Penthouses.

ZC Decision:

3) Front Build-To Lines

3 a) Front Setback / Build to Requirement in single family dwelling and rowhouse zones

- Setdown: Require a front yard setback in the single family dwelling and rowhouse zones (Subtitles D and E), such that a building could not project forward of the front façade of the building on the block set closest to the front lot line, or be set back further than the front façade of the building on the block furthest from the front lot line (C §1002.1).
- Public Comments:
 - Support for front setback regulation.
 - Narrow the permitted range - predominant setback on a street or consistent with the immediate neighbors.
- OP Recommendation: As set down.

ZC Decision:

3 b) Projections into Front Yard Setback

- Setdown: Permit specified projects to the stipulated amount within a front yard setback, including bay windows (C §1004).
- OP Recommendation: As set down.

ZC Decision:

4) Green Area Ratio

4 a) Vertical Green Walls Calculation

- Setdown: For vegetated walls, use the vertical square footage of the portion of the wall covered by vegetation (C §1702.8 (b)).
- Alternate: Clarify language - For vegetated walls, the area calculated is the height and width of the area to be covered by vegetation.
- Public Comments:
 - Regulation requires clarification
- OP Recommendation: For vegetated walls, the area calculated is the height and width of the area to be covered by vegetation.

ZC Decision:

4 b) Tree Size Measurement

- Setdown: In assessing the value for moderate sized trees, use tree diameter of 2.5 inches to 6 inches, with a 0.5 multiplier (C §1702.9).
- Alternate: Replace tree diameter measurement with a mature tree canopy spread of 35 sq.ft. or less.
- Public Comments:
 - Credit system should be based on tree size at maturity, not at planting.
- OP Recommendation: Replace tree diameter measurement with a mature tree canopy spread of 35 sq.ft. or less.

ZC Decision:

4 c) Tree Size Measurement

- Setdown: In assessing the value for large trees, use tree diameter of 6 inches or more, calculated at 250 sq.ft. per tree. (C §1702.9).
- Alternate: Replace with a mature canopy spread of thirty-five feet (35 ft.) or greater, calculated at a 0.6 multiplier per tree.
- Public Comments: Replace with a mature canopy spread of thirty-five feet (35 ft.) or greater, calculated at a 0.6 multiplier per tree
 - Encourage the planting and retention of large canopy trees.
- OP Recommendation:

ZC Decision:

4 d) Vertical Green Walls Calculation

- Setdown: Use the square footage at the base of the wall in the green wall GAR calculation (C §1703.5).
- Alternate: Use the area of the green wall in the GAR calculation.
- Public Comments:
 - Calculation is confusing.
 - Vertical green walls would be given too much credit
- OP Recommendation: Use the area of the green wall in the GAR calculation.

ZC Decision:

5) Tree Protection

5 a) Tree Protection Measures

-
- Setdown: Include a section on basic tree protection measures in Subtitle C (C §1800).
- Public Comments:
 - Do not restrict homeowner rights to plant or remove trees.
 - Require consultation with and guidance from the UFA before building permits are issued for commercial or residential construction that raise tree issues.
 - Consider tree and slope protections throughout the city.
 - Require all building permit plans to indicate all mature trees on the property and adjacent property (including public lands).
 - Apply tree protection to both residential and commercial sites.
 - Require a Tree Protection Plan for any new development
 - Consolidate all tree protection measures in one chapter of the regulations.
- OP Recommendation: Incorporate tree protection measures into the zones in which the protections apply.

ZC Decision:

VEHICLE PARKING

1) Vehicle Parking Minimum Requirements:

1 a) Single Family Dwellings and Flats Minimum Parking Requirement

- Setdown: Require one space per principal building, except not required if there is no alley access (C §§ 1901.5, 1902.3(a))
- Public Comments:
 - Do not require a parking space
 - Require one space per principal building, except not required if there is no alley access
 - Require one space per principal building
 - Require one space per dwelling unit, including an accessory apartment
- OP Recommendation: Require one space per principal building, except not required if there is no alley access

ZC Decision: _____

1 b) Apartments Minimum Parking Requirement

- Setdown: Require 1 space / 3 units greater than 4 units (C § 1901.5)
- Public Comments:
 - Eliminate minimum parking requirement
 - Require 1 space / 3 units greater than 4 units
 - Retain current parking requirements (varies from 1 / 1 unit to 1 / 4 units)
 - Retain current parking requirement in R-5-A
 - Increase parking requirements from current
- OP Recommendation - Require 1 space / 3 units greater than 4 units

ZC Decision: _____

1 c) Places of Worship Minimum Parking Requirement

- Setdown: 1.67 per 1,000 sq. ft., in excess of 5,000 sq. ft. (C § 1901.5)
- Alternate: Retain current parking requirement (1 for each 10 seats of occupancy capacity in the main sanctuary; provided, that where the seats are not fixed, each seven square feet (7 ft.2) usable for seating or each eighteen inches (18 in.) of bench if benches are provided shall be considered 1 seat.
- Public Comments:
 - Retain the current parking requirement
- OP Recommendation: Retain current parking requirement for places of worship.

ZC Decision: _____

1 d) Private Schools Minimum Parking Requirement

- Setdown: 1.25 per 1,000 sq.ft. of building (C § 1901.5)
- Alternate: Retain current parking requirement (Elementary and High School: 2 for each 3 teachers and other employees; High School and Accessory Uses: 2 for each 3 teachers and other employees, plus either 1 for each 20 classroom seats or 1 for each 10 seats in

the largest auditorium, gymnasium or area usable for public assembly, whichever is greater).

- Public Comments:
 - Retain the current parking requirement
- OP Recommendation: Retain current parking requirement for private schools.

ZC Decision:

1 e) All Other Uses Minimum Parking Requirement

- Setdown: Ratios based on parking spaces / sq.ft. of building as described in the setdown text for various uses (C § 1901.5).
- Public Comments:
 - Eliminate minimum parking requirement
 - Support for setdown text
 - Retain current parking requirements
 - Retain current parking requirements for PDR uses
 - Increase parking requirements
- OP Recommendation: Ratios based on parking spaces / sq.ft. of building as described in the setdown text for various uses.

ZC Decision:

1 f) Downtown Minimum Parking Requirement

- Setdown: Remove minimum parking requirement for all uses in areas where downtown provisions apply (C § 1902.3).
- Alternate: Reinstate parking requirement for all uses within the West End (west of 20th Street NW).
- Public Comments:
 - Establish a parking maximum limit in downtown, or a cap for total downtown parking
 - Remove minimum parking requirement
 - Retain a parking requirement for residential downtown
 - Retain parking requirement within the West End
 - Establish a parking requirement for all uses downtown, even if next to a metro station
- OP Recommendation: Remove minimum parking requirement for all uses in areas where downtown provisions apply, but include parking requirement within the West End.

ZC Decision:

1 g) Capitol Gateway, Southeast Federal Center, and MU-11 (W-0) Minimum Parking Requirement

- Setdown : Remove minimum parking requirement for all uses (C § 1902.3).
- OP Recommendation: Remove minimum parking requirement for all uses.

ZC Decision:

2) Off-Site Provision of Required Parking

- Setdown: Allow off-site parking within 400 feet of the site, other than residential house or flat zones (C § 1901.8).
- Alternate: Increase the distance to 600 feet from the site; allow a greater distance by special exception.
- Public Comments:
 - Support allowing off-site parking
 - Support increasing the distance to more than 400 feet.
 - Increase the distance to ½ mile.
- OP Recommendation: Allow off-site parking within 600 feet of the site, other than residential house or flat zones; allow a greater distance by special exception.

ZC Decision:

3) Shared Parking

- Setdown: Allow parking to be shared by more than one use, on the same lot or separate lots, provided the parking is not needed by both uses at the same time (C § 1901.9).
- Public Comments:
 - Encourage sharing of parking spaces
- OP Recommendation: Allow parking to be shared by more than one use, on the same lot or separate lots, provided the parking is not needed by both uses at the same time.

ZC Decision:

4) Parking Standards for Non-required Parking

- Setdown: Parking in excess of the required amount may be provided, but would have to meet the size and access requirements for required parking spaces (C § 1901.13).
- Public Comments:
 - Do not apply size and access requirements to non-required parking, as this would limit ability to, for example, do tandem spaces.
- OP Recommendation: Do not require non-required parking to meet the parking size or access requirements, by deleting the last clause of this provision (*Nothing in this section prohibits the provision of parking spaces in an amount which exceeds that required by this section; provided, that parking provided in excess of the minimum required amount shall be subject to the provisions of C § 1907, and such parking shall comply with all other applicable provisions of this chapter.*).

ZC Decision:

5) Transit Related 50% Minimum Parking Reduction

- Setdown: Permit 50% reduction in minimum required parking, other than for R-1- through R-4 zones, within ½ mile of a Metro station, ¼ mile of Priority Bus Corridor (PBC), or ¼ mile of a Streetcar line (C § 1902.1).
- Alternate: Permit 50% reduction in required parking, other than for R-1- through R-4 zones, within ½ mile of a Metro station or ¼ mile of a Streetcar line, but not within ¼ mile of Priority Bus Corridor (PBC).
- Public Comments:

- Do not require parking adjacent to transit
 - Permit parking reduction for proximity to Metro Station, Streetcar, or Priority Bus Corridor
 - Do not permit parking reduction for proximity to Priority Bus Corridor
 - If parking reduction for proximity to Priority Bus Corridor is permitted, require a zoning amendment to remove or add a new corridor
 - Support not allowing parking reduction in R-1 through R-4 zones
 - Do not provide a parking reduction for proximity to transit.
- OP Recommendations:
 - 1) Permit 50% reduction in minimum required parking, other than for R-1- through R-4 zones, within ½ mile of a Metro station or ¼ mile of a Streetcar line (not within ¼ mile of a Priority Bus Corridor).

ZC Decision:

- 2) If the Zoning Commission decision is to permit a 50% reduction in parking for sites within ¼ mile of a Priority Bus Corridor (PBC), then apply this only to the currently mapped corridors and require a zoning text amendment to add additional PBCs, or to delete a PBC.

ZC Decision:

6) Allow additional parking relief by special exception

- Setdown: Allow relief from required minimum parking by special exception, subject to conditions and an approved TDM plan (C § 1903).
- Public Comments:
 - Allow parking relief only by variance.
 - Tie special exception relief to the provision of affordable housing.
- OP Recommendation: Allow relief from required minimum parking by special exception, subject to conditions and an approved TDM plan.

ZC Decision:

6 a) Canopy Trees

- Setdown: n/a
- Alternate: List presence of canopy tree(s) as a rationale for special exception relief (C § 1903).
- OP Recommendation: List presence of canopy tree(s) as a rationale for special exception relief.

ZC Decision:

7) Surface Parking Lot Area

- Setdown: Maximum area of 100,000 sq.ft.; larger surface lot permitted by special exception (C §1906).
- OP Recommendation: Maximum area of 100,000 sq.ft.; larger surface lot permitted by special exception.

ZC Decision:

8) Mitigation for Excess Parking Spaces Provided

- Setdown: For parking spaces in excess of 1.5 times the required amount, require mitigation in the form of additional car-share spaces, bicycle parking, trees in public space, electric car-charge stations, and increased GAR, with relief from the requirement by special exception subject to stipulated conditions (C § 1907).
- Alternate: Increase trigger to 2 times the required spaces greater than 20 spaces, and remove the requirement for car-share spaces as part of the mitigation.
- Public Comments:
 - Remove the parking mitigation proposal
 - Do not require mitigation for parking for places of worship
 - Mitigation trigger as set down is too low and should be raised.
 - Support for parking mitigation proposal
- OP Recommendation: Require mitigation for parking spaces in excess of 2 times the required amount greater than 20 spaces, in the form of additional bicycle parking, trees in public space, electric car-charge stations, and increased GAR, with relief from the requirement by special exception subject to stipulated conditions.

ZC Decision:

9) Car Share Requirement

- Setdown: Require car-share space(s) as part of any parking area with more than 50 spaces; allow relief by special exception (C § 1908).
- Alternate: Do not require car share spaces, but allow up to 2 car share spaces to each count as 3 required parking spaces.
- Public Comments:
 - Do not require developers to provide car-share spaces
 - Do not require car-share for religious institutions
 - Do not count car share spaces count parking required
 - Support raising the car-share requirement.
 - Require car-share spaces in garages downtown.
 - Require car-share spaces as proposed.
 - Substitution of 10 parking spaces for each car share space more appropriate
- OP Recommendation: Do not require car share spaces, but allow up to 2 car share spaces to each count as 3 required parking spaces.

ZC Decision:

10) Car Share Permission in Low Density Residential Zones

- Setdown: n/a – Zoning regulations currently (§202.7) permit up to 2 car share spaces on a private lot in a low density residential zone.
- Alternate: Establish minimum lot size requirements for the provision of car-share spaces on one-family dwelling or flat lots.
- Public Comments:
 - Alternate text provided by a member of the public - to avoid the appearance of a parking lot, I suggest and recommend a minimum lot size for the R-2.
- OP Recommendation: Establish minimum lot size requirements for the provision of car-share spaces (up to 2) on lots one-family dwelling or flat lots –25 feet minimum lot width for one car-share space, and 35 feet minimum for two car-share spaces (C § 1908)

ZC Decision:

11) Surface Parking Lots in Low Density Residential Zones

- Setdown: For any surface parking lot with more than 10 spaces in a zone of Subtitle D or E, require a 6 foot landscaped setback from a property line (C § 1910.2 (b)(6)).
- OP Recommendation: For any surface parking lot with more than 10 spaces in a zone of Subtitle D or E, require a 6 foot landscaped setback from a property line.

ZC Decision:

12) Mechanized Parking

- Setdown: Permit but establish standards for mechanized parking (C §§ 1911.4, 1912.2).
- Public Comments:
 - Amend name to automated parking.
 - Allow automated parking systems by right.
- OP Recommendation: Permit but establish standards for automated parking.

ZC Decision:

13) Driveway width to a low density development

- Setdown: Change the required width for a one-way driveway from 7' min. to 8' min. and 10' max. for a single family dwelling or flat, any use with no more than 2 parking spaces required, or if it accesses no more than 3 single family dwellings or flats (C § 1911.5).
- OP Recommendation: Change the required driveway width from 7' min to 8' min / 10' max. for uses noted above.

ZC Decision:

14) Driveway width to any other development

- Setdown: Change the required width for a two-way driveway from 14' min. to 20' min., and from 25 ft. to 24 ft. max. (C § 1911.6).
- OP Recommendation: Change the required width for a two-way driveway from 14' min to 20' min, and from 25 ft. to 24 ft. max.

ZC Decision:

15) Compact Vehicle Parking Spaces

15 a) Percentage of provided spaces as compact parking spaces

- Setdown: Increase permitted percentage from 40% to 50%; eliminate the requirement that this would apply only for parking areas with more than 25 spaces (C § 1912.3).
- Public Comments:
 - Remove limits on compact spaces.
 - Oppose increasing the percentage of compact spaces.
- OP Recommendation: Increase permitted percentage from 40% to 50%; eliminate the requirement that this would apply only for parking areas with more than 25 spaces.

ZC Decision:

15 b) Groupings of compact parking spaces

- Setdown: Remove requirement that compact spaces be in groupings of 5 spaces minimum.
- Public Comments:
 - Remove limits on compact spaces.
- OP Recommendation: Remove requirement that compact spaces be in groupings of 5 spaces minimum.

ZC Decision:

15 c) Dimensions for compact parking spaces

- Setdown: Adjust dimensions for compact spaces, based on the angle of parking (C § 1912.6).
- OP Recommendation: Adjust dimensions for compact spaces, based on the angle of parking.

ZC Decision:

16) Surface Parking Lot Landscaping

- Setdown: Provide additional clarification of parking lot landscape requirements, including areas that would not count towards landscape requirements (C §1915.6), and require the planting or retention of canopy trees (C § 1915.7).
- Public Comments:
 - Support additional landscaping and storm water management for parking lots.
 - Allow only pervious surfaces for surface parking lots.
 - Require no net loss of green space or trees for new surface parking lots.
 - Do not apply new landscape standards to parking for places of worship.
- OP Recommendation: Provide additional clarification including areas that would not count towards landscape requirements and require the planting or retention of canopy trees.

ZC Decision:

BICYCLE PARKING

1) Bicycle Parking Plan Requirements:

- Setdown: Require a bicycle parking plan as part of the building permit plans for new construction or addition; allow Zoning Administrator to request DDOT review (C §§ 2000.1 – 2001.3).
- OP Recommendation: Require a bicycle parking plan as part of the building permit plans for new construction or addition; allow Zoning Administrator to request DDOT review.

ZC Decision: _____

2) Bicycle Parking Rack Standards:

- Setdown: Establish standards for bicycle racks to be provided, including that they be 30 inches min. apart and provide 12 inches min. clearance (C § 2001.3).
- Alternate: Amend spacing requirements for bicycle racks, to require that they be 30 in. on center from one another; 24 in. from any other obstructions; provide a forty-eight inch (48 in.) minimum aisle separating racks; and provide a minimum clearance width of twelve inches (12 in.) for each bicycle.
- Public Comments:
 - Support for alternate bike rack spacing
- OP Recommendation: Establish standards for bicycle racks to be provided, including that they be 30 in. on center from one another; 24 in. from any other obstructions; provide a forty-eight inch (48 in.) minimum aisle separating racks; and provide a minimum clearance width of twelve inches (12 in.) for each bicycle.

ZC Decision: _____

3) Bicycle Parking Minimum Requirements:

3 a) Residential Bicycle Parking:

- Setdown: Do not require bike parking for one-family dwellings or flats; require 1 long term space for each 3 dwelling units and 1 short term space for every 20 dwelling units for any multi-family building with 10 or more residential units (C § 2002.1).
- Alternate: Require bicycle parking for any multi-family building with more than 8 dwelling units.
- Public Comments:
 - Support the proposed bike parking regulations.
 - Support the alternate language.
- OP Recommendation: Do not require bike parking for one-family dwellings or flats; require 1 long term space for each 3 dwelling units and 1 short term space for every 20 dwelling units for any multi-family building with 8 or more residential units.

ZC Decision: _____

3 b) All other uses

- Setdown: Require both long and short term bicycle parking in accordance with the requirements of C § 2002.1.
- Public Comments:
 - Eliminate bike parking requirements for places of worship.
- OP Recommendation: Require both long and short term bicycle parking in accordance with the requirements of C § 2002.1.

ZC Decision:

4) Short Term Bicycle Parking Maximum

- Setdown: Do not require more than 100 short term parking spaces (C §2002.3).
- Alternate: After the first 50 bicycle parking spaces are provided for a use, additional spaces are provided at 1/2 the required amount, for both long and short term bike parking.
- OP Recommendation: After the first 50 bicycle parking spaces are provided for a use, additional spaces are provided at 1/2 the required amount, for both long and short term bike parking.

ZC Decision:

5) Criteria for Short-Term Bicycle Parking Spaces

- Setdown: Establish criteria for the placement and design of short term bicycle parking spaces, including that they be located within 50 feet of the building primary entrance (C § 2004).
- Alternate: Amend the location requirement so that short term bicycle parking spaces be located within 120 feet of the building primary entrance.
- Alternate: Establish a minimum number of 10 bicycle spaces that must be within 50 feet of a primary building entrance and allow the minimum to be shared by multiple smaller tenants with separate entrances.
- Alternate: Reduce the required aisle width between rows of short-term bike parking from 5 feet to 4 feet min.
- Public Comments:
 - Support for the alternate proposal
- OP Recommendation: Establish criteria for the placement and design of short term bicycle parking spaces, including that they be located within 120 feet of the building primary entrance – provided a minimum of 10 bicycle spaces be provided within 50 feet of the primary building entrance, with a 4 feet min. aisle width between rows of short-term bike parking.

ZC Decision:

6) Criteria for Long-Term Bicycle Parking Spaces

- Setdown: Establish criteria for the placement and design of long term bicycle parking spaces (C § 2005).
- OP Recommendation: Establish criteria for the placement and design of long term bicycle as set down.

ZC Decision:

7) Showers and Change facilities

- Setdown: Require showers and lockers for long-term bike parking for non-residential uses of more than 25,000 sq.ft.: 2 showers min. to a maximum of 6 required; and .6 lockers per required long term bike space min.(C § 2006).
- Public Comments:
 - Support for provision of these facilities but only for the major use within the building, not for all uses in a mixed use building.
- OP Recommendation: Require showers and lockers for long-term bike parking for non-residential uses of more than 25,000 sq.ft., as set down.

ZC Decision: _____

LOADING

1) Loading Plan

- Setdown: Permit the Zoning Administrator to refer for review any loading plan to DDOT (C § 2100.2)
- Public Comments:
 - Do not approve the proposals for changes to the loading regulations.
- OP Recommendation: Permit the Zoning Administrator to refer for review any loading plan to DDOT.

ZC Decision: _____

2) Loading Minimum Requirements:

2 a) Entertainment, Assembly and Performing Arts Use Loading Requirement

- Setdown: Require loading based on square footage of the space (currently based on number of seats) (C § 2101.1)
- Public Comments:
 - Do not approve the proposals for changes to the loading regulations.
- OP Recommendation: Require loading based on square footage of the space, as set down.

ZC Decision: _____

2 b) Lodging Use Loading Requirement

- Setdown: Require loading based on square footage of the building (currently based partly on guest rooms and partly on square footage) (C § 2101.1)
- Public Comments:
 - Do not approve the proposals for changes to the loading regulations.
- OP Recommendation: Require loading based on square footage of the building, as set down.

ZC Decision: _____

2 c) All Other Uses

- Setdown: Require loading for specified use groups, with varied requirements based on the square footage of the building (C § 2101.1).
- Public Comments:
 - Do not approve the proposals for changes to the loading regulations.
- OP Recommendation: Require loading for specified use groups, with varied requirements based on the square footage of the building, as set down.

ZC Decision: _____

3) Loading berth depth

- Setdown: Eliminate current requirement for 55' deep loading berths, with minimum required depth of 30 feet (C §§ 2101 and 2105.4).
- DDOT Comment: Require a 55' deep loading berth for grocery and large format retail with more than 20,000 sq. ft. gross floor area.
- OP Recommendation: Eliminate current requirement for 55' deep loading berths, with minimum required depth of 30 feet, with the exception of grocery and large format retail over 20,000 sq. ft. for which a 55' deep loading berth would be required.

ZC Decision:

4) Sharing loading between uses

- Setdown: Allow two or more uses to share loading space(s), as long as internal access is provided from all shared uses requiring loading (C § 2101.8).
- OP Recommendation: Allow two or more uses to share loading space(s), as long as internal access is provided from all shared uses requiring loading.

ZC Decision:

5) Connection between loading and uses in the building

- Setdown: Require all uses in the building to have direct access to required loading platforms, or access through a common interior space or corridor (C § 2103.4).
- Public Comments:
 - Remove this section (do not require direct connection).
- OP Recommendation: Require all uses in the building to have direct access to required loading platforms, or access through a common interior space or corridor.

ZC Decision:

6) Loading Access

6 a) Loading Access Aisle Dimensions

- Setdown: Establish access requirements, including a minimum width of 12 ft., a maximum width of 24 feet (compared to 25 feet in the current code), and a maximum slope of twelve percent (12%). (C § 2104.2).
- OP Recommendation: Establish loading access requirements, including access aisle dimensions as set down.

ZC Decision:

6 b) Loading Access From an Alley

- Setdown: Require loading to be from the alley, where the alley is a minimum of 15 feet in width (compared to current requirement that an alley be 10 feet in width where access to loading from the alley is proposed) (C § 2104.5).
- OP Recommendation: Require loading to be from the alley, where the alley is a minimum of 15 feet in width.

ZC Decision: _____

7) Trash Rooms

- Setdown: For buildings which require loading, require trash rooms adjacent to loading, or in a screened and covered accessory building adjacent to loading (C §2107).
- Public Comments:
 - Rather than require a separate trash room, require a designated trash area in the building, in a loading area, or in an accessory building adjacent to the loading.
- OP Recommendation: For buildings which require loading, require trash rooms adjacent to loading, or in a screened and covered accessory building adjacent to loading, as set down.

ZC Decision: _____

PLANNED UNIT DEVELOPMENTS

1) Minimum Land Area Requirements (X §301)

- Setdown:

Minimum Area	Applicable Zone	Zone Group
Two (2) Acres	Any R zone R-1, R-2, R-3 Any RF zone R-4	1
One (1) acre	R-5-A (existing regs = 2 acres) R-5-B W-0	2
One (1) acre	R-5-B,D,E/DC SP/DC CR/DC	3
One-half (½) acre	C-2-A/DC C-2-B/DC C-2-C/DC C-3-B/DC C-3-C/DC	4
Ten thousand square feet (10,000 sq. ft.)	C-2-A/GA C-3-A/GA C-2-A/HS-H C-2-B/HS-H C-2-C/HS-H C-3-A/HS-H C-3-B/HS-H C-2-A/HS-A C-3-A/HS-A C-2-A/HS-R C-2-B/HS-R	5
Fifteen thousand square feet (15,000 sq. ft.)	Any Other Zone	6

- Public Comments:
 - Raise minimum for “all other zones”
 - Keep minimums as proposed
- OP Recommendation: Setdown: Minimum land areas as shown in table.

ZC Decision: _____

2) New Standards for ZC Reduction of Minimum Land Area Requirements (X §301.2)

- Setdown: ZC flexibility to reduce the minimum required land area by 50% is expanded to include City or federal government projects and a project identified in a small area plan.
- Public Comments:
 - New standards are too broad
 - Supports the proposed standards
- OP Recommendation: Setdown: Adopt the new standards.

ZC Decision: _____

3) PUD Densities (X §303.3)

3A) Total PUD Density

- Setdown – instead of a set FAR increase for each zone, establish a standard 20% increase above the matter-of-right FAR (see Attachment 1 spreadsheet for comparison)
- Public Comments:
 - Stay with existing FAR increases, Percentage is too high
 - Use the 20% increases
- OP Recommendation: Setdown: establish the PUD floor area as a standard 20% increase above the matter of right FAR.

ZC Decision: _____

3B) Non-Residential Density increases (X §303.3)

- Setdown: Within the 20 % total PUD increase, allow non-residential FAR to be increased by no more than 34% of the matter-of-right non-residential FAR
- Public Comments:
 - Do not allow an increase in non-residential FAR
- OP Recommendation: Within the 20 % total PUD increase, allow non-residential FAR to be increased by no more than 34% of the matter-of-right non-residential FAR.

ZC Decision: _____

4) PUD Heights (X §303.4)

- Setdown: Heights are the same as existing (see Attachment 2 spreadsheet for comparison) except for a:
 - A decrease in the R-4 from 60' to 50',
 - An increase in the C-2-C from 90' to 110',
 - An increase in the W-2 from 60' to 80'
 - An increase in the W-3 from 90' to 100'
- OP Recommendation: Setdown: Adopt the proposed changes to heights.

ZC Decision: _____

5) Amenities and Benefits (X §305)

- Setdown: Expand the list of example categories; clarify that required standards and mitigation does not qualify as benefits or amenities
- Public Comments:
 - Support the clarifications and expansions
 - Affordable housing should be further detailed and aligned with IZ
- OP Recommendation: Setdown language with an alignment of the definitions of low and moderate income with IZ.

ZC Decision: _____

6) Limits on Extensions (X §311)

- Setdown: Limit extensions to 2; establish a rule that an extension request may not be acted upon sooner than 6 months prior to the PUD expiration; ZC may hold limited scope hearing if parties have a material factual conflict over criteria
- Public Comments:
 - Don't limit the number of extensions that may be requested
 - Limit the number of extensions that may be requested
- OP Recommendation: Setdown: adopt the proposal for extensions

ZC Decision: _____

7) New Types of Modifications (X §312)

- Setdown: Establish 4 types of modifications with correlated hearing requirements
 - 1) ZA Modification - 2% change in height, number of dwelling units, hotel rooms, gfa for commercial space or accessory uses, number of parking or loading spaces, and change in footprint by no more than 5 feet; no hearing
 - 2) Technical correction or modification of little or no consequence- no hearing, on consent agenda
 - 3) Modification of consequence – a change in design or an issue discussed by the ZC and cited in the order; no hearing but proposed action with opportunity for written comment
 - 4) Significant modification – change in use, new relief; considered as a second stage application with a public hearing
- Public Comments:
 - Support the new modifications and correlated hearing requirements
 - Want hearing on 3) Modification of consequence
- OP Recommendation: Setdown – adopt the new modifications and clarify that 3) and 4) require notice to ANC and any parties.

ZC Decision: _____

8) Housing Linkage Clarification (X 306)

- Setdown: Clarify that Housing Linkage applies based on the pre-PUD matter of right zone;
- Public Comments:
 - IZ standards should apply; there should be an income limit based on IZ; there should be no 20 year limit on rental; WMATA site should not be excluded
- OP Recommendation: Setdown language but modify to
 - 1) Establish there is an IZ component and income limits (X §306.2(b));
 - 2) Clarify the squares where a PUD would not be subject to linkage based on existing DD overlay zoned sites (X §306.4 (c));
 - 3) Remove WMATA and application filed by a federal government agency from the exclusions of X §306.4 (c); and
 - 4) Remove 20 year limit for rental housing (X §306.5(e)).

ZC Decision: _____

9) Party Status (X 306)

- Setdown: Establish a party status process to allow determination prior to hearing
- Alternate: Amend the proposed text to match the text proposed in Subtitle Z for party status
- Public Comments:
 - Support pre-hearing determination of parties
- OP Recommendation: Alternate - Adopt pre-hearing party status text that matches the Subtitle Z language.

ZC Decision: _____

10) Expert Witness (X §316)

- Setdown: Require that the expert witness be present at the hearing and available for cross examination and that evidence be provided to the ZC documenting the qualifications that make the witness an expert.
- Public Comments: None
- OP Recommendation: Setdown language.

ZC Decision: _____

Attachment 1 - Density

PROPOSED PLANNED UNIT DEVELOPMENT FLOOR AREA RATIOS AS SETDOWN

EXISTING FAR in PUDs					
	Total FAR	Total <i>Existing</i> FAR	Total FAR	Total FAR	<i>PROPOSED</i> FAR (20%)
Zone	Base w/IZ	PUD Max	Delta	Delta %	PUD MAX
R-5-A	1.08	1	-0.08	-7.4%	1.30
R-5-B	2.16	3	0.84	38.9%	2.6 (3.0)
R-5-C	3.6	4	0.4	11.1%	4.32
R-5-D	4.2	4.5	0.3	7.1%	5.04
R-5-E	5	6	1	20.0%	6
C-1	1.2	1	-0.2	-16.7%	1.44
C-2-A	3	3	0	0.0%	3.6
C-2-B	4.2	6	1.8	42.9%	5.04
C-2-C	7.2	6	-1.2	-16.7%	8.64
C-3-A	4.8	4.5	-0.3	-6.3%	5.76
C-3-B	6	5.5	-0.5	-8.3%	7.2
C-3-C	7.8	8	0.2	2.6%	9.36
C-4	10.2	11	0.8	7.8%	12
C-5	12	12	0	0.0%	12
CR	7.2	8	0.8	11.1%	8.64
SP-1	4	4.5	0.5	12.5%	4.8
SP-2	6	6.5	0.5	8.3%	7.2
Overall Averages			0.9	18.3%	

Attachment 2 - Heights

PROPOSED PLANNED UNIT DEVELOPMENT HEIGHTS AS SETDOWN

A	B	C	D	E	F
Current Zone	Proposed Zone Name	Current MoR Height (feet)	Current MoR Height w/IZ (feet)	Current PUD Height (feet)	Proposed PUD Height (feet)
R-4	R-16, R-17, R-18	40		60	50
R-5-A	A-1, A-2	40		60	60
R-5-B	A-3 through 6	50		60	60
R-5-C	A-7	60		75	75
R-5-D	A-8	90		90	90
R-5-E	A-10, A-11	90	90	90	90
C-1	M-3	40		40	40
C-2-A	M-4 N-3 (C-2-A/GA) N-5 (C-2-A/HS-H) N-10 (C-2-A/HS-A) N-12 (C-2-A/HS-R)	50	50	65	65
C-2-B	M-5	65	70	90	90
C-2-C	M-6	90	90	90	110
C-3-A	M-7	65	65	90	90
C-3-B	M-8	70		90	90
C-3-C	M-9	90		130	130
C-4	DD	110		130	130
C-5	DD	130		160	160
CR	M-10	90	100	110	110
CM-1	P-1, P-2	40		60	60
CM-2	P-3	60		90	90
CM-3	P-4	90		90	90
M	P-5, P-6	90		90	90
W-0	M-11	40		40	40
W-1	M-12	40	50	60	60
W-2	M-13	60	80	60	80
W-3	M-15	90	100	90	100
SP-1	M-1	65	70	75	75
SP-2	M-2	90	90	90	90
NC Zones	N-1 (C-1/MW) N-2 (C-2-A/TK) N-14 (C-2-A/WP) N-15 (C-2-B/WP) N-16 (C-2-A/CP) N-17 (C-3-A/ES)	In these N zones, the matter of right height and floor area ratio limits shall serve as the guidelines for PUD			

A	B	C	D	E	F
Current Zone	Proposed Zone Name	Current MoR Height (feet)	Current MoR Height w/IZ (feet)	Current PUD Height (feet)	Proposed PUD Height (feet)
R-5-B/DC R-5-D/DC R-5-E/DC SP-1/DC SP-2/DC C-2-A/DC C-2-B/DC C-2-C/DC C-3-B/DC C-3-C/DC CR/DC	A-4 A-9 A-11 M-16 M-17 M-18 M-19 M-20 M-21 M-22 M-23	The matter-of-right height and floor area ratio limits shall serve as the maximum permitted height and floor area ratio for a planned unit development.			
SP-2/CAP C-2-A CAP C-2-A/CHC C-2-A/CAP/CHC	M-24 M-25 M-26 M-27	The matter-of-right height and floor area ratio limits shall serve as the maximum permitted height and floor area ratio for a planned unit development.			

CAMPUS PLANS

1) Applicability: (X §100.1)

- Setdown:
 - Require campus plans for colleges and universities in Residential and Residential Apartment zones
 - Permit Medical complexes to voluntarily apply for Campus Plan
- Public Comments:
 - Support
- OP Recommendation: Setdown - Require a campus plan for colleges and universities, including medical facilities that are part of the university; and permit voluntary application by medical complexes that are not part of a university campus.

ZC Decision: _____

2) New Language Regarding Commercial Activities within a Campus (X §101.3(a))

- Setdown: Require commercial activities or developments be related to the educational mission of the college or university applicant and not be inconsistent with the Comprehensive Plan
- Public Comments:
 - Reference to “educational mission” is too restrictive
 - Supports the proposed standards
- OP Recommendation: Setdown - Modify setdown language to include “or student life” after “educational mission”

ZC Decision: _____

3) New Language Regarding Commercial Activities within a Campus (X §101.3(c))

- Setdown: Require commercial activities or developments be located “as internally central to the campus as possible”
- Public Comments:
 - Requirement is too restrictive, doesn’t recognize urban context of some campuses, could limit neighborhood use or facilities
 - Supports the proposed restrictions
- OP Recommendation: Do not include X §101.3(c) and the internal location requirement; and amend X §101.3(d) to read “ They shall be located so that they will not become objectionable to non-university residential neighbors...”

ZC Decision: _____

4) New Language Limiting Commercial Uses to 10% (X §101.3(b))

- Setdown: Limit total floor area of all commercial uses, including basement or cellar space, to no more than ten percent (10%) of the gross floor area of the total campus plan floor area ratio.
- Public Comments:
 - Requirement is too permissive

- OP Recommendation: Do not include the provision and rely on a showing that any commercial activities are consistent with the Comprehensive Plan and 2 above “**New Language Regarding Commercial Activities within a Campus.**”

ZC Decision: _____

5) Floor Area Ratio Calculation (X §101.7)

- Setdown: Include private roads in the land area for calculating Floor Area Ratio (FAR)
- Public Comments:
 - This is a change in calculation, not consistent with historic patterns of calculating campus plan FAR.
- OP Recommendation: Amend the setdown text and do not include private roads in FAR calculation.

ZC Decision: _____

6) Multiple Buildings within a Campus or Private School Plan (C §402.2) (A§301.3)

- Setdown: Does not change existing text that covers theoretical lots but Subtitle C § 402.2 requires that each new primary building shall be erected on a separate lot of record
- Public Comments:
 - Provide text that recognizes the unwritten but recognized interpretation that multiple buildings are allowed on approved campus plans.
- OP Recommendation: Amend the setdown text to clarify that multiple buildings are allowed on approved campus or private school plan; the text in Subtitle A and C should also be amended to reflect the clarification.

ZC Decision: _____

7) Measuring Building Height within Campus and Private School Plans

- Setdown: Does not address the measuring of buildings within a campus plan.
- Public Comments:
 - Permit measurement from any façade midpoint when setback from property line 1:1
- OP Recommendation: Include the 1:1 language for approved campus or private school plans

ZC Decision: _____

8) Simultaneous Review of Further Processing and Campus Plan Approval or Amendments (X §101.8)

- Setdown: Does not address the simultaneous filing and review
- Public Comments:
 - Prohibit the simultaneous filing and review.
 - Permit the simultaneous filing and review.
- OP Recommendation: Require that a campus plan or its amendment be approved prior to the scheduling of any further processing.

ZC Decision: _____

9) Zoning Administrator Amendments (X §101.18)

- Setdown: Allow for very minor modifications determined necessary for compliance with life, safety or building codes without an amendment to the campus plan provided the addition does not result in an increase in gross floor area of more than 1,500 square feet and the addition shall only be used for purposes of ingress, egress or handicap access.
- Public Comments:
 - Prohibit any administrative amendments without public and ZC review.
 - Permit the Zoning Administrator to approve additions up to 2%.
- OP Recommendation: Setdown: Keep the ZA administrative amendments as set down

ZC Decision: _____

10) University Use of Commercially Zoned Land (X §102.)

- Setdown: Require a special exception to be heard by the Zoning Commission for use of land in the C-1, C-2A zones by a college or university.
- Public Comments:
 - Too broad a restriction, based on ownership not use.
 - Support the special exception requirement.
- OP Recommendation: Modify the setdown text to limit the special exception for
 - Academic or student specific purposes, or
 - Any use by a college or university that would not otherwise be permitted as a matter of right use in the C-1/C-2A zone (i.e. industrial type uses).

ZC Decision: _____

11) Exempt DC Public School Students from Student Caps (X §101.16)

- Setdown: Do not include DC public school students that are taking courses at the college or university in the student cap
- Public Comments:
 - Include all the students, even DC public school students.
 - Do not count the DC public school students.
- OP Recommendation: Do not include DC public school students in Campus Plan student caps.

ZC Decision: _____

12) Clarify Student Counts (X §101.15(b))

- Setdown: Require a student count for every student on campus, including full time, part-time, foreign, certificate/non-degree, single course, night programs, and executive program students
- Public Comments:
 - Detailed count is too restrictive.
 - Support the detailed student count.
- OP Recommendation: Setdown: Require a full accounting of all students that use the campus.

ZC Decision: _____

CHANCERIES

1) Location:

- Setdown:
 - Remove the D overlay and allow foreign mission throughout the city
 - Regarding areas where a chancery is not otherwise allowed as a matter of right, establish criteria for the BZA use in determining whether a site is suitable for the location of a chancery
 - Establish a 50% threshold for determining whether a square is essentially a residential use area
 - A chancery proposing to locate in a property that has not been used as a chancery for three years shall require FM-BZA
 - The First transfer of a chancery
- Public Comments:
 - Department of State - letter attached
 - Criteria is too prescriptive and not in accordance with Foreign Missions Act
 - Strike section on a First Transfer of a chancery use (X 200.3(a)(2))
 - Proposes that for applications requesting to locate, replace, or expand a chancery in any Low to Medium Density Residential Zone only the BZA should determine what constitutes an “area” when considering if a site is suitable for chancery use
 - Proposes that based on the BZA determined “area” the presence of any office or institutional use should make an “area” suitable for a chancery
 - Strike references to “embassy”
 - Don’t use squares as the “area” basis for determining suitability of a site
 - Clarify BZA authority to grant other relief and public space issues
 - Do not include expiration of chancery orders
 - Community support for the 50% threshold, wants limits on what qualifies as an institutional use;
 - Retain the BZA flexibility to determine parking levels as is in the existing regulations
- OAG comment “general statement that the draft (as modified and attached) remains legally sufficient”
- OP Recommendation:
 - Modify the setdown text to strike references to the First transfer and embassy
 - Have the BZA promulgate rules to be included within the Zoning Regulations that determine an “area” as being a square for purposes of determining “any other area” as acceptable pursuant to § 4306 (b) of the Foreign Missions Act
 - Keep “more than 50%” as the basis of office or institutional uses within the area.
 - Keep the uses limited to office or institutional, and clarify that these do not include home occupations, accessory uses to principal residential use or residential CBIF.

ZC Decision: _____

FOREIGN MISSION ACT

22 U.S.C.

United States Code, 2012 Edition

Title 22 - FOREIGN RELATIONS AND INTERCOURSE

CHAPTER 53 - AUTHORITIES RELATING TO THE REGULATION OF FOREIGN MISSIONS

From the U.S. Government Printing Office, www.gpo.gov

§4306. LOCATION OF FOREIGN MISSIONS IN THE DISTRICT OF COLUMBIA

(a) Section as governing location, replacement, or expansion

The location, replacement, or expansion of chanceries in the District of Columbia shall be subject to this section.

(b) Acceptable areas; limitations and conditions

- (1) A chancery shall be permitted to locate as a matter of right in any area which is zoned commercial, industrial, waterfront, or mixed-use (CR).
- (2) A chancery shall also be permitted to locate—
 - (A) in any area which is zoned medium-high or high density residential, and
 - (B) in any other area, determined on the basis of existing uses, which includes office or institutional uses, including but not limited to any area zoned mixed-use diplomatic or special purpose,subject to disapproval by the District of Columbia Board of Zoning Adjustment in accordance with this section.
- (3) In each of the areas described in paragraphs (1) and (2), the limitations and conditions applicable to chanceries shall not exceed those applicable to other office or institutional uses in that area.

(c) Filing of application with Board of Zoning Adjustment; publication of notice; public participation; final determination

- (1) If a foreign mission wishes to locate a chancery in an area described in subsection (b)(2) of this section, or wishes to appeal an administrative decision relating to a chancery based in whole or in part upon any zoning map or regulation, it shall file an application with the Board of Zoning Adjustment which shall publish notice of that application in the District of Columbia Register.
- (2) Regulations issued to carry out this section shall provide appropriate opportunities for participation by the public in proceedings concerning the location, replacement, or expansion of chanceries.
- (3) A final determination concerning the location, replacement, or expansion of a chancery shall be made not later than six months after the date of the filing of an application with respect to such location, replacement, or expansion. Such determination shall not be subject to the administrative proceedings of any other agency or official except as provided in this chapter.

(d) Criteria for determination

Any determination concerning the location of a chancery under subsection (b)(2) of this section, or concerning an appeal of an administrative decision with respect to a chancery based in whole or in part upon any zoning regulation or map, shall be based solely on the following criteria:

- (1) The international obligation of the United States to facilitate the provision of adequate and secure facilities for foreign missions in the Nation's Capital.
- (2) Historic preservation, as determined by the Board of Zoning Adjustment in carrying out this section; and in order to ensure compatibility with historic landmarks and districts, substantial compliance with District of Columbia and Federal regulations governing historic preservation shall be required with respect to new construction and to demolition of or alteration to historic landmarks.
- (3) The adequacy of off-street or other parking and the extent to which the area will be served by public transportation to reduce parking requirements, subject to such special security requirements as may be determined by the Secretary, after consultation with Federal agencies authorized to perform protective services.
- (4) The extent to which the area is capable of being adequately protected, as determined by the Secretary, after consultation with Federal agencies authorized to perform protective services.
- (5) The municipal interest, as determined by the Mayor of the District of Columbia.
- (6) The Federal interest, as determined by the Secretary.

(e) Consistency of regulations, proceedings, and other actions; review and comment by National Planning Commission

- (1) Regulations, proceedings, and other actions of the National Capital Planning Commission, the Zoning Commission for the District of Columbia, and the Board of Zoning Adjustment affecting the location, replacement, or expansion of chanceries shall be consistent with this section (including the criteria set out in subsection (d) of this section) and shall reflect the policy of this chapter.
- (2) Proposed actions of the Zoning Commission concerning implementation of this section shall be referred to the National Capital Planning Commission for review and comment.

(f) Rule-making nature of proceedings

Regulations issued to carry out this section shall provide for proceedings of a rule-making and not of an adjudicatory nature.

(g) Compliance with District of Columbia building and related codes

The Secretary shall require foreign missions to comply substantially with District of Columbia building and related codes in a manner determined by the Secretary to be not inconsistent with the international obligations of the United States.

(h) Approval of Board of Zoning Adjustment or Zoning Commission not required

Approval by the Board of Zoning Adjustment or the Zoning Commission or, except as provided in section 4305 of this title, by any other agency or official is not required—

- (1) for the location, replacement, or expansion of a chancery to the extent that authority to proceed, or rights or interests, with respect to such location,

replacement, or expansion were granted to or otherwise acquired by the foreign mission before October 1, 1982; or

- (2) for continuing use of a chancery by a foreign mission to the extent that the chancery was being used by a foreign mission on October 1, 1982.

(i) Membership on Zoning Commission and Board of Zoning Adjustment

- (1) The President may designate the Secretary of Defense, the Secretary of the Interior, or the Administrator of General Services (or such alternate as such official may from time to time designate) to serve as a member of the Zoning Commission in lieu of the Director of the National Park Service whenever the President determines that the Zoning Commission is performing functions concerning the implementation of this section.
- (2) Whenever the Board of Zoning Adjustment is performing functions regarding an application by a foreign mission with respect to the location, expansion, or replacement of a chancery—
 - (A) the representative from the Zoning Commission shall be the Director of the National Park Service or if another person has been designated under paragraph (1) of this subsection, the person so designated; and
 - (B) the representative from the National Capital Planning Commission shall be the Executive Director of that Commission.

(j) Application of other laws

Provisions of law (other than this chapter) applicable with respect to the location, replacement, or expansion of real property in the District of Columbia shall apply with respect to chanceries only to the extent that they are consistent with this section.

(Aug. 1, 1956, ch. 841, title II, §206, as added Pub. L. 97–241, title II, §202(b), Aug. 24, 1982, 96 Stat. 286.)

§ 4307. PREEMPTION

Notwithstanding any other law, no act of any Federal agency shall be effective to confer or deny any benefit with respect to any foreign mission contrary to this chapter. Nothing in section 4302, 4303, 4304, or 4305 of this title may be construed to preempt any State or municipal law or governmental authority regarding zoning, land use, health, safety, or welfare, except that a denial by the Secretary involving a benefit for a foreign mission within the jurisdiction of a particular State or local government shall be controlling

CREATION OF NEW ZONES

- Setdown:

SUBTITLE X CHAPTER 4

400 AMENDMENT TO CREATE A NEW ZONE

- 400.1 Applications for the creation of a new zone shall be consistent with the conditions of this section.
- 400.2 The new zone shall be for a well-defined geographic area with generally similar development characteristics and land use.
- 400.3 Proposed new zones shall not be inconsistent with the Comprehensive Plan or with applicable small area plans.
- 400.4 Proposed new zones shall not result in adverse impacts on the environment or adjacent lands.
- 400.5 Proposed new zones shall not result in the undue diminution of property rights.
- 400.6 Applications for a new zone shall be accompanied by the following:
 - (a) Evidence of significant community support for the zone including property owners within the defined area, relevant civic, community and business groups, the ANC, including the single member district representation; and
 - (b) Surveys, plats, maps, scaled elevations or similar information documenting any proposed changes to applicable development standards.
- 400.7 If the proposed new zone involves a reduction in any development standard or property right, opposition by any affected property owner shall be given **great consideration** and the opposing property owner shall not be required to meet the same burden as that of significant community support.

- Public Comments:
 - Support opportunity to create new zones
 - Delete 400.5 and the reference to diminution of property rights
 - New zones should not be used to restrict otherwise permitted density
- OP Recommendation: Setdown language with the following changes:
 - Re-phrase § 400.6 (a) to read:
*Evidence of significant community support for the zone; **such evidence may include** statements from ~~including~~ effected property owners within the defined area, resolutions from relevant civic, community and business groups, and the ANC, including the single member district representation;*
 - Add a § 400.6 (c) that reads:
A statement of the purpose and intent of the proposed new zone.

ZC Decision: _____

MIXED USE ZONES

Development Standard Comparison Tables are attached

1) Height and Number of Stories (G §§ 201, 301, 401, 50, 601, 701, 801, 901, 1001)

- Setdown:

	Existing Regulation	Proposed Regulation
	C-1	M-3
All Structures	• 40 feet • 3 stories	• 50 feet • 3 Stories
	C-2-A	M-4
All Structures	• 50 feet	• 50 feet
	C-2-B	M-5
All Structures	• 65 feet • 70 feet with IZ	• 65 feet • 70 feet with IZ
	C-2-C	M-6
All Structures	• 90 feet	• 90 feet
	C-3-A	M-7
All Structures	• 65 feet	• 65 feet
	C-3-B	M-8
All Structures	• 70 feet • 6	• 70 feet • n/a
	C-3-C	M-9
All Structures	• 90 feet	• 90 feet
	CR	M-10
All Structures	• 90 feet • 100 feet with IZ	• 90 feet • 100 feet with IZ
	SP -1	MU-1
• Residential with IZ • Pub Rec Center • All Other	• 70 feet • 45 feet • 65 feet	• 70 feet • 45 feet • 65 feet
	SP-2	MU-2
• Pub Rec Center • All Other	• 45 feet • 90 feet	• 45 feet • 90 feet
	W-0	MU-11
All Structures	• 40 feet	• 40 feet
	W-1	MU-12
• Buildings with IZ • All Other	• 50 feet • 45 feet	• 50 feet • 45 feet
	W-2	MU-13
• Buildings with IZ • All Other	• 60 feet • 80 feet	• 60 feet • 80 feet
	W-3	MU-14
• Buildings with IZ • All Other	• 100 feet • 90 feet	• 100 feet • 90 feet

Additional full zone comparisons attached.

- Public Comments:
 - Incorporate the adopted provisions of Chapter 4, Section 402 in Order No. 08-06-B, dated February 7, 2011. Portals Development Associates is most interested in retaining Section 402.4 as adopted in Order No. 08-06-B, which would insure that Maryland Avenue, SW can continue to be the point of measurement for the Portals.
- OP Recommendation: Setdown standards for heights without a story limit in the C-3-B zone, and the adopted provisions of Chapter 4, Section 402 in Order No. 08-06-B, dated February 7, 2011.

ZC Decision: _____

2) Floor Area Ratio (G §§ 203, 303, 403, 503, 601, 703, 803, 903, 1003)

- Setdown:
 - Allow the non-residential FAR to be increased by 0.5 in the C-2-A and C-2-B zones on small lots less than 10,000 sf in area; and
 - Require a minimum of FAR must be used only for PDR purposes in all PDR zones

Floor Area Ratio	Existing Regulation	Proposed Regulation
	C-1	M-3
• Total • Total with IZ • Non Res Max • Pub School	• 1.0 • 1.2 • 1.0 • 1.8	• 1.0 • 1.2 • 1.0 • 1.8
	C-2-A	M-4
• Total • Total with IZ • Non Residential Max	• 2.5 • 3.0 • 1.5	• 2.5 • 3.0 • 1.5; except for lots 10,000 sf or less which may have a 2.0 non-res FAR limited to ground floor & floor immediately above
	C-2-B	M-5
• Total • Total with IZ • Non Res Max	• 3.5 • 4.2 • 1.5	• 3.5 • 4.2 • 1.5; except for lots 10,000 sf or less which may have a 2.0 non-res FAR limited to ground floor & floor immediately above
	C-2-C	M-6
• Total • Total with IZ • Non Res Max	• 6.0 • 7.2 • 2.0	• 6.0 • 7.2 • 2.0
	C-3-A	M-7
• Total • Total with IZ • Non Res Max	• 4.0 • 4.8 • 2.5	• 4.0 • 4.8 • 2.5

	C-3-B	M-8
• Total	• 5.0	• 5.0
• Total with IZ	• 6.0	• 6.0
• Non Res Max	• 4.0	• 4.0
	C-3-C	M-9
• Total	• 6.5	• 6.5
• Total with IZ	• 7.8	• 7.8
• Non Res Max	• n/a	• n/a
	CR	M-10
• Total	• 6.0	• 6.0
• Total with IZ	• 7.2	• 7.2
• Non Res Max	• 3.0	• 3.0
	SP -1	MU-1
• Total	• 4.0	• 4.0
• Total with IZ	• 4.8	• 4.8
• Non Res Max	• 2.5	• 2.5
• Pub Rec Center	• 1.8	• 1.8
	SP-2	MU-2
• Total	• 6.0	• 6.0
• Total with IZ	• 7.2	• 7.2
• Non Res Max	• 3.5	• 3.5
• Pub Rec Center	• 1.8	• 1.8
	W-0	MU-11
• Rec Use, Marine, Yacht Club	• 0.75	• 0.75
• All Other	• 0.5	• 0.5
	W-1	MU-12
• Total	• 2.5	• 2.5
• Total with IZ	• 3.0	• 3.0
• Non Res Max	• 1.0	• 1.0
• Pub Rec Center	• 1.8	• 1.8
	W-2	MU-13
• Total	• 4.0	• 4.0
• Total with IZ	• 4.8	• 4.8
• Non Res Max	• 2.0	• 2.0
	W-3	MU-14
• Total	• 6.0	• 6.0
• Total with IZ	• 7.2	• 7.2
• Non Res Max	• 5.0	• 5.0
• Pub rec Center	• 1.8	• 1.8

Additional full zone comparisons attached.

- Public Comments:
 - Allow the additional 0.5 non-residential FAR for the C-2-A and C-2-B zones.
 - Do not allow the additional 0.5 non-residential FAR for the C-2-A and C-2-B zones.
- OP Recommendation: Setdown standards for FAR, including the additional 0.5 non-residential FAR for lots 10,000 sf or less in area in the C-2-A and C-2-B zones.

ZC Decision: _____

3) Rear Setback (G §§ 204, 305, 405, 506, 605, 704, 805, 905, 1005)

- Setdown:
 - Maintain existing rear setbacks except for the CR zone;
 - Standardize the CR rear setback with the similar medium and high density commercial zones at 2.5" per 1' of height and 12 foot minimum.

Rear Setback	Existing Regulation	Proposed Regulation
	C-1	M-3
All Structures	20 feet	20 feet
	C-2-A	M-4
All Structures	15 feet	15 feet
	C-2-B	M-5
All Structures	15 feet	15 feet
	C-2-C	M-6
All Structures	15 feet	15 feet
	C-3-A	M-7
All Structures	2.5"/1'; 12' min	2.5"/1'; 12' min
	C-3-B	M-8
All Structures	2.5"/1'; 12' min	2.5"/1'; 12' min
	C-3-C	M-9
All Structures	2.5"/1'; 12' min	2.5"/1'; 12' min
	CR	M-10
• Residential • All Other	• 3"/1'; 12' min • n/a	• 2.5"/1'; 12' min • n/a
	SP -1	MU-1
All Structures	2.5"/1'; 12' min	12' min
	SP-2	MU-2
All Structures	2.5"/1'; 12' min	12' min
	W-0	MU-11
• Residential • All Other	• 3"/1'; 12' min • n/a	• 2.5"/1'; 12' min • n/a
	W-1	MU-12
• Residential • All Other	• 3"/1'; 12' min • n/a	• 2.5"/1'; 12' min • n/a
	W-2	MU-13
• Residential • All Other	• 3"/1'; 12' min • n/a	• 2.5"/1'; 12' min • n/a
	W-3	MU-14
• Residential • All Other	• 3"/1'; 12' min • n/a	• 2.5"/1'; 12' min • n/a

Additional full zone comparisons attached.

- Public Comments:
 - Maintain the current practice of allowing a conforming courtyard to act as a rear yard in lieu of a rear yard for corner lots.

- OP Recommendation: Setdown standards for courtyard and maintain the current practice of allowing a conforming courtyard to act as a rear yard in lieu of a rear yard for corner lots.

ZC Decision: _____

4) Side Setback (G §§ 205, 306, 406, 506, 606, 704, 806, 906, 1006)

- Setdown:
 - Clarify that side setbacks are measured from the property line inward, instead of measured from the house out.
 - Maintain the minimum side setback for detached and semi-detached houses at 8 feet;
 - Maintain the “none required standard” but if provided standardize the setback for Hotels and “All Other” uses at 2” per 1’ of height or 5 feet minimum. This standardizes the uses and the zones.

Side Setback	Existing Regulation	Proposed Regulation
	C-1	M-3
• Detached House • Semi-det House • Hotel • All Other	• 8 feet • 8 feet • 0 or 3"/1' ; 8' min • 0 or 2"/1' ; 6' min	• 8 feet • 8 feet • 0 or 2"/1' ; 5' min • 0 or 2"/1' ; 5' min
	C-2-A	M-4
• Detached House • Semi-det House • Hotel • All Other	• 8 feet • 8 feet • 0 or 3"/1' ; 8' min • 0 or 2"/1' ; 6' min	• 8 feet • 8 feet • 0 or 2"/1' ; 5' min • 0 or 2"/1' ; 5' min
	C-2-B	M-5
• Detached House • Semi-det House • Hotel • All Other	• 8 feet • 8 feet • 0 or 3"/1' ; 8' min • 0 or 2"/1' ; 6' min	• 8 feet • 8 feet • 0 or 2"/1' ; 5' min • 0 or 2"/1' ; 5' min
	C-2-C	M-6
• Detached House • Semi-det House • Hotel • All Other	• 8 feet • 8 feet • 0 or 3"/1' ; 8' min • 0 or 2"/1' ; 6' min	• 8 feet • 8 feet • 0 or 2"/1' ; 5' min • 0 or 2"/1' ; 5' min
	C-3-A	M-7
• Detached House • Semi-det House • Hotel • All Other	• 8 feet • 8 feet • 0 or 3"/1' ; 8' min • 0 or 2"/1' ; 6' min	• 8 feet • 8 feet • 0 or 2"/1' ; 5' min • 0 or 2"/1' ; 5' min
	C-3-B	M-8
• Detached House • Semi-det House • All Other	• 8 feet • 8 feet • 0 or 2"/1' ; 6' min	• 8 feet • 8 feet • 0 or 2"/1' ; 5' min
	C-3-C	M-9
• Detached House	• 8 feet	• 8 feet

• Semi-det House • All Other	• 8 feet • 0 or 2"/1' ; 6' min	• 8 feet • 0 or 2"/1' ; 5' min
	CR	M-10
• Detached House • Semi-det House • All Other	None required but if provided: 3"/1' ; 8' min	• 8 feet • 8 feet • 0 or 2"/1' ; 5' min
	SP -1	MU-1
• Detached House • Semi-det House • All Other	• 8 feet • 8 feet • Non required but if provided 2"/1' (8' min)	• 8 feet • 8 feet • Non required but if provided 2"/1' (5' min)
	SP-2	MU-2
• Detached House • Semi-det House • All Other	• 8 feet • 8 feet • Non required but if provided 2"/1' (8' min)	• 8 feet • 8 feet • Non required but if provided 2"/1' (5' min)
	W-0	MU-11
All Uses	12 feet	12 feet
	W-1	MU-12
All Uses	12 feet	2.5"/1'; 5' min
	W-2	MU-13
All Uses	12 feet	2.5"/1'; 5' min
	W-3	MU-14
All Uses	12 feet	2.5"/1'; 5' min

Additional full zone comparisons attached.

- Public Comments:
 - Maintain the existing side setbacks
 - Adopt the proposed side setbacks
- OP Recommendation: Setdown standards for side setbacks, but reinstate the 12 foot minimum for the W zones.

ZC Decision: _____

5) Courts - Open (G § 101)

- Setdown: Standardize minimum open courts between zones:
 - Non-residential uses: use the CR zone standard of 2.5"/1' and a 6' minimum
 - Residential uses of 3 or fewer units use the building code standards
 - Residential uses of more than 3 units use the lower density standard of 4"/1' but with a minimum of 10 feet used in the CR zone

Courts -Open	Existing Regulation	Proposed Regulation
	C-1	M-3
• Nonresidential • Residential 3 or less units	None required but when provided: • 3"/1', 12' min • 4"/1'; 15' min	None required but when provided: • 2.5"/1'; 6' min • As Required by Building Code

• Residential > 3 units	• 4"/1'; 15' min	• 4"/1'; 10' min
	C-2-A	M-4
• Nonresidential • Residential 3 or less units • Residential > 3 units	None required but when provided: • 3"/1', 12' min • 4"/1'; 15' min • 4"/1'; 15' min	None required but when provided:: • 2.5"/1'; 6' min • As Required by Building Code • 4"/1'; 10' min
	C-2-B	M-5
• Nonresidential • Residential 3 or less units • Residential > 3 units	None required but when provided: • 3"/1', 12' min • 4"/1'; 15' min • 4"/1'; 15' min	None required but when provided:: • 2.5"/1'; 6' min • As Required by Building Code • 4"/1'; 10' min
	C-2-C	M-6
• Nonresidential • Residential 3 or less units • Residential > 3 units	None required but when provided: • 3"/1', 12' min • 4"/1'; 15' min • 4"/1'; 15' min	None required but when provided:: • 2.5"/1'; 6' min • As Required by Building Code • 4"/1'; 10' min
	C-3-A	M-7
• Nonresidential • Residential 3 or less units • Residential > 3 units	None required but when provided: • 250 sf min area • 350 sf min area • 350 sf min area	None required but when provided: • 250 sf min area • As Required by Building Code • 350 sf min area
	C-3-B	M-8
• Nonresidential • Residential 3 or less units • Residential > 3 units	When provided: • 3"/1', 12' min • 4"/1'; 15' min • 4"/1'; 15' min	When provided: • 2.5"/1'; 6' min • As Required by Building Code • 4"/1'; 10' min
	C-3-C	M-9
• Nonresidential • Residential 3 or less units • Residential > 3 units	None required but when provided: • 3"/1', 12' min • 4"/1'; 15' min • 4"/1'; 15' min	None required but when provided: • 2.5"/1'; 6' min • As Required by Building Code • 4"/1'; 10' min
	CR	M-10
• Nonresidential • Residential 3 or less units • Residential > 3 units	None required but when provided: • 2.5"/1', 6' min • 3"/1'; 10' min • 3"/1'; 10' min	None required but when provided: • 2.5"/1'; 6' min • As Required by Building Code • 4"/1'; 10' min
	SP -1	MU-1
• Nonresidential • Residential 3 or less units • Residential > 3 units	None required but when provided: • 3"/1', 12' min • 4"/1'; 15' min • 4"/1'; 15' min	None required but when provided: • 2.5"/1'; 6' min • As required by Building Code • 4"/1'; 10' min
	SP-2	MU-2
• Nonresidential • Residential 3 or less units • Residential > 3 units	None required but when provided: • 3"/1', 12' min • 4"/1'; 15' min • 4"/1'; 15' min	None required but when provided: • 2.5"/1'; 6' min • As required by Building Code • 4"/1'; 10' min
	W-0	MU-11
	None required but when provided:	None required but when provided:

- Residential, 3 or less units - Residential > 3 units - Hotel - All Other	4"/1'; 10' min 4"/1'; 10' min 3"/1', 10' min 2.5"/1', 6' min	- As Required by Building Code 4"/1'; 10' min 2.5"/1'; 6' min 2.5"/1'; 6' min
	W-1	MU-12
- Residential, 3 or less units - Residential > 3 units - Hotel - All Other	None required but when provided: 4"/1'; 10' min 4"/1'; 10' min 3"/1', 10' min 2.5"/1', 6' min	None required but when provided: - As Required by Building Code 4"/1'; 10' min 2.5"/1'; 6' min 2.5"/1'; 6' min
	W-2	MU-13
- Residential 3 or less units - Residential > 3 units - Hotel - All Other	None required but when provided: 4"/1'; 10' min 4"/1'; 10' min 3"/1', 10' min 2.5"/1', 6' min	None required but when provided: - As Required by Building Code 4"/1'; 10' min 2.5"/1'; 6' min 2.5"/1'; 6' min
	W-3	MU-14
- Residential, 3 or less units - Residential > 3 units - Hotel - All Other	None required but when provided: 4"/1'; 10' min 4"/1'; 10' min 3"/1', 10' min 2.5"/1', 6' min	None required but when provided: - As Required by Building Code 4"/1'; 10' min 2.5"/1'; 6' min 2.5"/1'; 6' min

Additional full zone comparisons attached.

- Public Comments:
 - None
- OP Recommendation: Setdown standards for minimum open court standards and rectify the text regarding court requirements for residential building with 3 or less units.

ZC Decision: _____

6) Courts – Closed (G § 101)

- Setdown:
 - Maintain the existing closed court minimums for non-residential uses and residential uses of more than 3 units;
 - For residential buildings with 3 or fewer units, use the Building Code for court minimums

Court – Closed	Existing Regulation	Proposed Regulation
	C-1	M-3
- Nonresidential - Residential 3 or less units - Residential > 3 units	None required but when provided: 250 sf min area 350 sf min area 350 sf min area	None required but when provided: 250 sf min area - As Required by Building Code 350 sf min area
	C-2-A	M-4
	None required but when provided:	None required but when provided:

• Nonresidential • Residential 3 or less units • Residential > 3 units	• 250 sf min area • 350 sf min area • 350 sf min area	• 250 sf min area • As Required by Building Code • 350 sf min area
	C-2-B	M-5
• Nonresidential • Residential 3 or less units • Residential > 3 units	None required but when provided: • 250 sf min area • 350 sf min area • 350 sf min area	None required but when provided: • 250 sf min area • As Required by Building Code • 350 sf min area
	C-2-C	M-6
• Nonresidential • Residential 3 or less units • Residential > 3 units	None required but when provided: • 250 sf min area • 350 sf min area • 350 sf min area	None required but when provided: • 250 sf min area • As Required by Building Code • 350 sf min area
	C-3-A	M-7
• Nonresidential • Residential 3 or less units • Residential > 3 units	None required but when provided: • 250 sf min area • 350 sf min area • 350 sf min area	None required but when provided: • 250 sf min area • As Required by Building Code • 350 sf min area
	C-3-B	M-8
• Nonresidential • Residential 3 or less units • Residential > 3 units	None required but when provided: • 250 sf min area • 350 sf min area • 350 sf min area	None required but when provided: • 250 sf min area • As Required by Building Code • 350 sf min area
	C-3-C	M-9
• Nonresidential • Residential 3 or less units • Residential > 3 units	None required but when provided: • 250 sf min area • 350 sf min area • 350 sf min area	None required but when provided: • 250 sf min area • As Required by Building Code • 350 sf min area
	CR	M-10
• Nonresidential • Residential 3 or less units • Residential > 3 units	None required but when provided: • 2.5"/1'; 12 min • 4"/1'; 15' min • 4"/1'; 15' min	None required but when provided: • 250 sf min area • As Required by Building Code • 350 sf min area
	SP -1	MU-1
• Nonresidential • Residential 3 or less units • Residential > 3 units	None required but when provided: • 250 sf min area • 350 sf min area • 350 sf min area	None required but when provided: • 250 sf min area • As required by Building Code • 350 sf min area
	SP-2	MU-2
• Nonresidential • Residential 3 or less units • Residential > 3 units	None required but when provided: • 250 sf min area • 350 sf min area • 350 sf min area	None required but when provided: • 250 sf min area • As required by Building Code • 350 sf min area
	W-0	MU-11
• Residential, 3 or less units • Residential > 3 units • Hotel	None required but when provided: • 350 sf min area • 350 sf min area • 350 sf min area	None required but when provided: • As Required by Building Cod • 350 sf min area • 250 sf min area

• All Other	• 250 sf min area	• 250 sf min area
	W-1	MU-12
• Residential, 3 or less units • Residential > 3 units • Hotel • All Other	None required but when provided: • 350 sf min area • 350 sf min area • 350 sf min area • 250 sf min area	None required but when provided: • As Required by Building Cod • 350 sf min area • 250 sf min area • 250 sf min area
	W-2	MU-13
• Residential, 3 or less units • Residential > 3 units • Hotel • All Other	None required but when provided: • 350 sf min area • 350 sf min area • 350 sf min area • 250 sf min area	None required but when provided: • As Required by Building Cod • 350 sf min area • 250 sf min area • 250 sf min area
	W-3	MU-14
• Residential, 3 or less units • Residential > 3 units • Hotel • All Other	None required but when provided: • 350 sf min area • 350 sf min area • 350 sf min area • 250 sf min area	None required but when provided: • As Required by Building Cod • 350 sf min area • 250 sf min area • 250 sf min area

Additional full zone comparisons attached.

- Public Comments:
 - Support for
- OP Recommendation: Setdown standards for minimum closed court standards and rectify the text regarding court requirements for residential building with 3 or less units.

ZC Decision: _____

7) Lot Occupancy (G §§ 201, 301, 404, 501, 601, 701, 801, 901, 1001)

- Setdown: Maintain the lot occupancy requirements in commercial/ mixed use zones, except in the W-2 and W-3 zones.

Residential LOT OCCUPANCY	Existing Regulation	Proposed Regulation As setdown
	C-1	MU-3
• Residential • All Other	• 60% • 100%	• 60% • 100%
	C-2-A	MU-4
• Residential • Residential with IZ • All Other	• 60 % • 75% • 100%	• 60% • 75% • 100%
	C-2-B	MU-5
• Residential • Residential with IZ • All Other	• 80 % • 80% • 100%	• 80% • 80% • 100%
	C-2-C	MU-6

• Residential • Residential with IZ • All Other	• 80 % • 90% • 100%	• 80% • 90% • 100%
	C-3-A	MU-7
• Residential • Residential with IZ • All Other	• 75 % • 80% • 100%	• 75% • 80% • 100%
	C-3-B	MU-8
All Buildings	100%	100%
	C-3-C	MU-9
All Buildings	100%	100%
	CR	MU-10
• Public Rec Center • Residential • Residential with IZ • All Other	• 20 % • 75 % • 100% • n/a	• 20 % • 75% • 100% • n/a
	SP -1	MU-1
• Residential • Residential with IZ • Pub Rec Center • All Other	• 80 % • 80% • 20 % • n/a	• 80 % • 80% • 20 % • n/a
	SP-2	MU-2
• Residential • Residential with IZ • Pub Rec Center • All Other	• 80 % • 90% • 20 % • n/a	• 80 % • 90% • 20 % • n/a
	W-0	MU-11
• Rec Use, Marine, Yacht Club • All Other	• 50 % • 25%	• 50 % • 25%
	W-1	MU-12
All Buildings	80%	80%
	W-2	MU-13
All Buildings	75 %	n/a
	W-3	MU-14
• Buildings with IZ • All Other	• 80 % • 75 %	n/a n/a

Additional full zone comparisons attached.

- Public Comments:
 - Keep a residential lot occupancy in those zones where it is now required.
- OP Recommendation: Keep residential lot occupancy in those zones where it is now required; require a lot occupancy in the W-2 and W-3 zones

ZC Decision: _____

8) Plazas M-10 and M-24 (CR) zones (G §§ 301, 307, 501, 504)

- Setdown:
 - Require a plaza but reduce percentage from 10% to 8%, and require a 10,000 sf minimum area.
- Public Comments:
 - None
- OP Recommendation: Setdown.

ZC Decision: _____

9) HR overlay

- The HR overlay was not included in Draft Text. The Comprehensive Plan calls for encouraging hotels in many areas of the city, not just as a selected overlay; Hotels are seen as part of a mix of uses and since 2000 have not been considered as residential uses; the area currently covered by the HR overlay is proposed to be within a D zone which would allow increases in height and density.
- Public Comments: None
- OP Recommendation: Do not include the HR overlay in the new text.

ZC Decision: _____

SUBTITLE K – SPECIAL PURPOSE ZONES

1) CHAPTER 1 – INTRODUCTION

No decision points.

2) CHAPTER 2 – SOUTHEAST FEDERAL CENTER (SEFC)

Note – The following are from comments received by the master developer, Exhibit 447:

2 a) Lot Occupancy within the SEFC

- Setdown: 75% maximum lot occupancy for residential buildings, unless retail is provided in which case 100% for ground and second floors is permitted (K §201).
- Public Comments:
 - Remove lot occupancy limit of 75% for residential development in the SEFC-1 (CR) zone.
- OP Recommendation: Retain the current 75% lot occupancy limit for residential development; also retain provision allowing 100% lot occupancy for the ground and second floors if the residential building is providing preferred retail uses.

ZC Decision:

2 b) Buildings and structures within the Waterfront Park area

- Setdown: Limit building and structures along the waterfront (K §204)
- Public Comments:
 - Provide a new section called Special Development Standards Applicable to the SEFC-4A Development Area, establishing new development parcels with a maximum FAR of 4.0 and no waterfront setback required.
- OP Recommendation: Retain the set down limitations on buildings and structures within the SEFC-4 zone. A request to add this new zone should be filed by the applicant as a separate, stand-alone modification to the SEFC zoning.

ZC Decision:

2 c) Limitation of Financial Service uses

- Setdown: Do not allow a Financial Service use on the intersection of two streets (K §205.1 (b))
- Public Comments:
 - Narrow this restriction to apply only to the intersection of First and N Streets.
- OP Recommendation: Do not allow a Financial Service use on the intersection of any two streets.

ZC Decision:

2 d) Special exception uses in the SEFC-1 (CR) zone

- Setdown: Establish a list of uses permitted by special exception, based on the current CG/CR provisions (K §206.2).
- Public Comments:
 - Permit Entertainment, Assembly and Performing Arts uses, and Medical Care uses, consistent with the CR (M-10) zone.
- OP Recommendation: Permit Entertainment, Assembly and Performing Arts uses by special exception.

ZC Decision:

2 e) Special exception uses in the SEFC-2 (R5E) and SEFC-3 (R5D) zones

- Setdown: Establish a list of uses permitted by special exception, based on the current CG/R5E and CG/R5D provisions (K §207.2)
- Public Comments:
 - Permit Daytime Care uses, consistent with the R5E (A-5) zone.
- OP Recommendation: Permit Daytime Care uses by special exception.

ZC Decision:

2 f) Design standards for retail space.

- Setdown: Require 50% of façade for preferred use space to be devoted to doors and clear glass window displays (K §207.3 (h)).
- Public Comments:
 - Limit this required to required preferred space only.
- OP Recommendation: Retain the provision for both required and other provided retail space, since this space generates bonus density – retain language as at set down.

ZC Decision:

2 g) Use permissions within the SEFC-4 (W-0, park) zone

- Setdown: Establish uses permitted by right and by special exception within both the development area (SEFC-4A) and the open space area (SEFC-4B) (K §208)
- Public Comments:
 - Within the open space area, also permit the serving of alcoholic beverages from a public food concession stand, and allow a yacht club.
- OP Recommendation: OP is not opposed to allowing the sale of alcoholic beverages; OP does not support a yacht club which could “privatize” portions of the waterfront – a marina and a boathouse are both currently permitted.

ZC Decision:

2 h) Combined lot provisions in the SEFC-4 (W-0) zone

- Setdown: As existing, permit combined lot transfer of density from the open space area to the development parcel (K §209)
- Public Comments:

- Delete this provision.
- OP Recommendation: OP has requested clarification from the development why they would want this permission deleted, but is not opposed to doing so.

ZC Decision:

3) CHAPTER 3 – UNION STATION NORTH (USN):

No decision points.

4) CHAPTER 4 – HILL EAST (HE)

4 a) Health Care uses

- Setdown: Permit Health Care uses by special exception, subject to usage and location criteria, consistent with current zoning (K §414.7)
- Public Comments:
 - Allow health care uses as a matter of right.
- OP Recommendation: Continue to permit Health Care uses by special exception.

ZC Decision:

5) CHAPTER 5 – CAPITOL GATEWAY (CG)

5 a) Required ground floor retail

- Setdown: For consistency with provisions in the rest of the city, for designated streets, require .5 FAR be devoted to preferred uses, and establish a 25% maximum of General or Service uses (currently 35% of ground floor to be devoted to specified preferred uses). (K §522.3)
- OP Recommendation: For designated streets, require .5 FAR be devoted to preferred uses, and establish a 25% maximum of General or Service uses.

ZC Decision:

5 b) Design of required ground floor retail

- Setdown: Retain the current minimum floor to ceiling height of 14 feet, but for consistent with similar requirements in other parts of the city, require this height for only the front 36 feet of the building (K §§523.2, 523.4, & 523.5)
- OP Recommendation: Require a minimum floor to ceiling height of 14 feet for the front 36 feet of the building.

ZC Decision:

6) CHAPTER 6 – SAINT ELIZABETHS (StE)

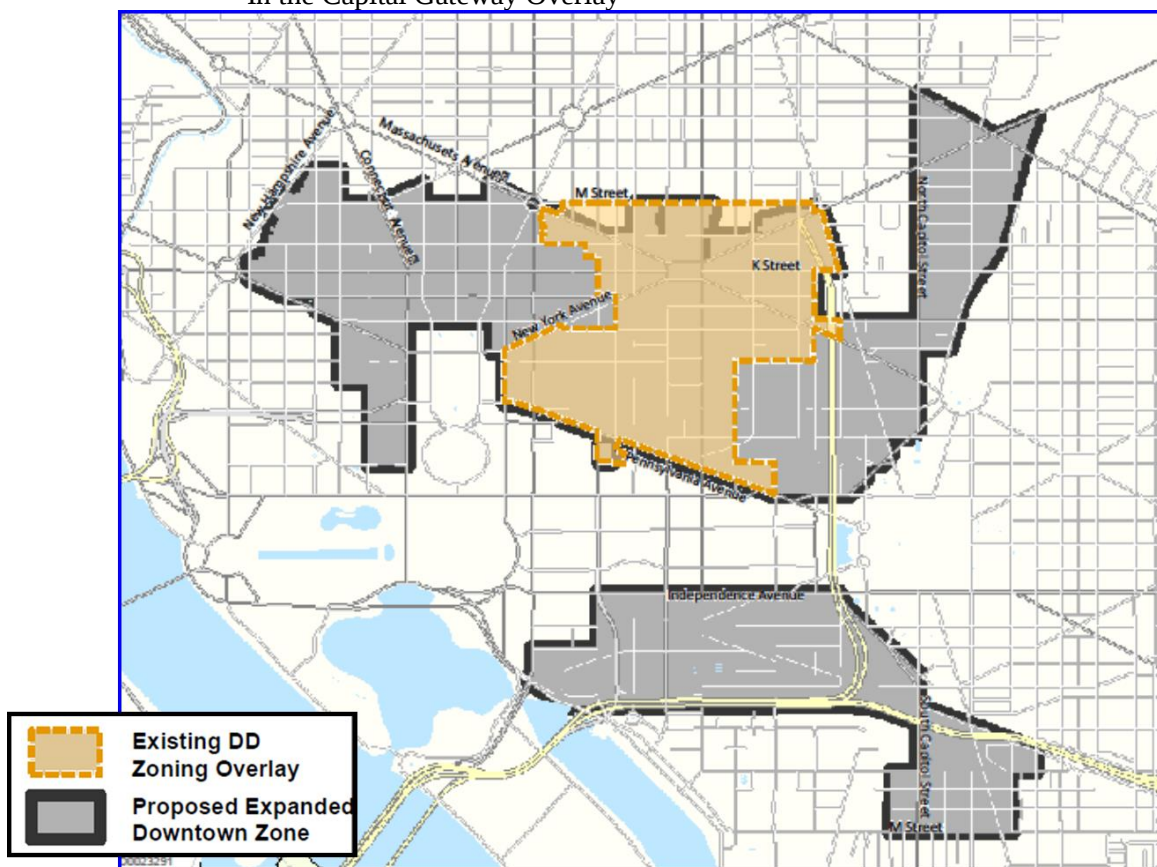
No decision points.

Downtown

1. AREAS WHERE EXISTING DD TOOLS SHALL BE APPLIED

1A) Expand Area of Tool Application

- Setdown: Include:
 - Existing DD;
 - TDR Receiving Areas;
 - Comp Plan High Density Areas adjacent to DD and TDR receiving areas, with the exception of properties
 - Adjacent to Connecticut Avenue north of Rhode Island Avenue;
 - South of Pennsylvania Avenue, NW between 19th and 22nd Streets.
 - In the Capital Gateway Overlay



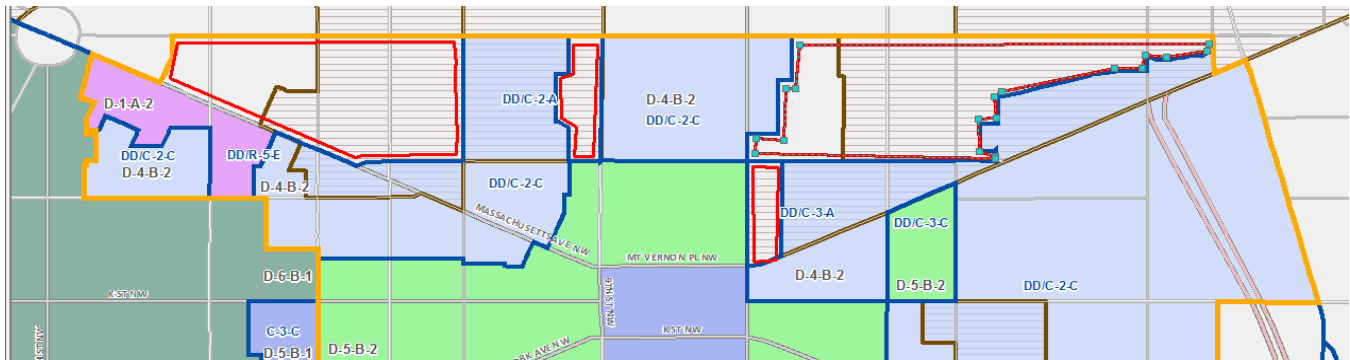
- Public Comments:
 - Support Setdown Proposal
 - Do Not Expand Area
 - Do Not Include Area West of 20th Street north of Pennsylvania Avenue
 - Do Not Include Area West of 17th Street south of Pennsylvania Avenue
 - Do Not Include Square 116, bounded by M/N/19th/20th Streets, NW in Dupont Circle Overlay.
 - Do Not Include Areas west of South Capitol Street
 - Correct proposed zoning of Hay Adams hotel at 16th and H Streets, NW to eliminate proposed residential requirement

- Options:
 - Expand as Set Down, with correction
 - Expand, but eliminate one of more of areas noted in public comments
- OP Recommendation: Adopt as set down, and correct proposed zoning of Hay Adams hotel

ZC Decision: _____

1B): Remove D Zone Areas Not Designated for High Density

- Setdown: Exclude non-high density DD areas.
- Public Comments: No Comments
- OP Recommendation: Adopt as Set down



Areas Outlined in Red Are Not Shown as High-Density in Comprehensive Plan

ZC Decision: _____

2. METHOD OF REGULATION

2A) Continue to Regulate by Zone and, for Certain Areas, by Both Zone and Location

2A-i.) Zone Names

- Setdown: Consolidate 17 zone names into 11 zone names
- Public Comments:
 - Four digit names are too complex
 - OP Recommendation: Change Names to be more in align with naming format of other zones; , adding an “R” to identify where residential is required.

Existing Zone Name	Setdown Zone Name September 9, 2013	Alternate Zone Name July 10, 2014
Subtitle I - Downtown		
R-5-E in expanded downtown zone, DD/R-5-E; DD/Chinatown/R-5-E	D-1-A-2	D-1
SP-2 in expanded downtown zone	D-2-B-1	D-2
HR/C-3-C/TDR; C-3-C/Downtown East TDR	D-3-B-1	D-3
C-3-C/non-TDR in expanded downtown	D-4-B-1	D-4

zone; HR/C-3-C/non-TDR		
DD/C-2-C/HPA (housing priority area); DD/C-2-C/MVT/HPA	D-4-B-2	D-4-R
CG/C-3-C/TDR; C-3-C/TDR other than Downtown East TDR; DD/C-3-C/non-HPA C-3-C, I to M, SW	D-5-B-1	D-5
DD/C-3-C/HPA; DD/C-3-C/MVT/HPA	D-5-B-2	D-5-R
C-4/non HPA in expanded downtown zone DD/C-4	D-6-B-1	D-6
DD/C-4/HPA	D-6-B-2	D-6-R
C-5	D-7-B-1	D-7
C-3-C /non-TDR Federal Properties in Federal Triangle South	D-8-B-1	D-8

ZC Decision: _____

2A-ii.) Geographic Sub-Areas

- Setdown:
 - Retain provisions of existing DD Retail, Arts, Chinatown, and Mount Vernon Triangle sub-areas
 - Regulate sub-areas by street frontages instead of by Squares and Lots
 - Add sub-areas for preferred use and design:
 - Connecticut Avenue between K Street and Rhode Island Avenue, NW
 - Add sub-area for 1st Street, NE between K Street and Florida Avenue NE
 - CG area incorporated in D zones
 - Areas where location-based regulations are now in zone-based regulations.
 - 700 to 900 blocks of south side M Street, NW
 - Pennsylvania Avenue, NW
 - North side of M Street, SE and SW in CG Overlay and M Street;
- Public Comments: Proposed regulations do not adequately reflect previous urban design studies for South Capitol Street [NCPC]
- OP Recommendation:
 - Adopt as set down, AND
 - Expand boundaries of proposed M and South Capitol Streets Sub-Area to include all property between I and M Streets, SW that fronts on the west side of South Capitol Street or M Street, SW

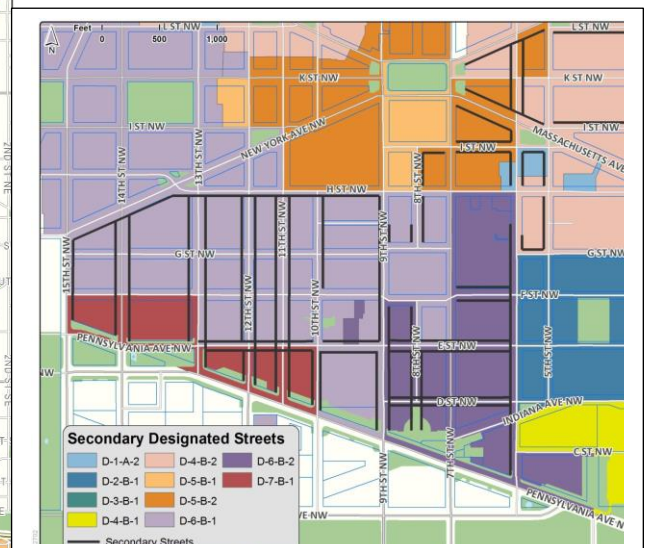
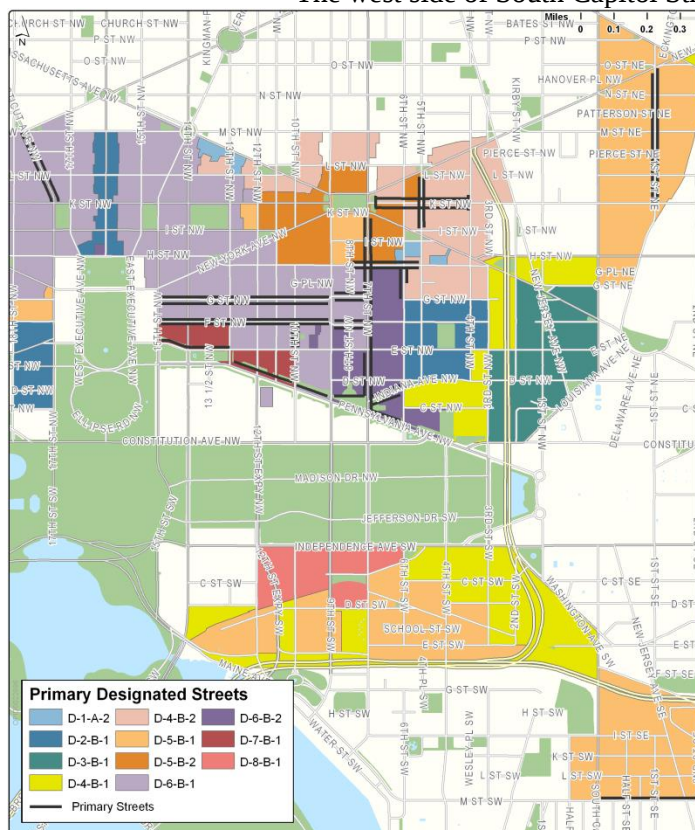
ZC Decision: _____

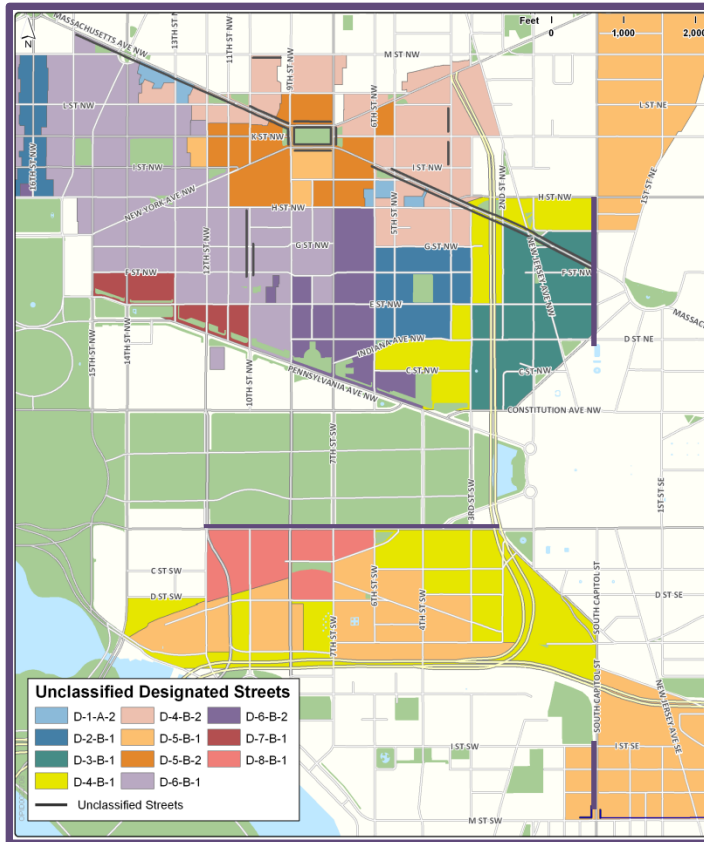
2A-iii.) Designated Streets (Primary, Secondary, Other Special)

- Setdown:
 - Establish a system of designating street frontages where special uses or design elements are required or prohibited
 - Designate as either Secondary or Primary Streets the frontages in existing DD zones and CG Overlay areas proposed for incorporation into D zones where adjacent buildings must

now provide a minimum amount of preferred uses and meet street-frontage design standards

- Designate as Primary Streets all streets where curb cuts are not now permitted
- Restrict parking or loading entrances on Primary Streets
- Designate as Primary Streets, the following two street frontages outside the existing DD:
 - Connecticut Avenue between K Street N.W. and Rhode Island Avenue, NW
 - 1st Street, NE between K Street, NE and Florida Avenue
- Designate as Unclassified Designated Streets the frontages that are not Primary or Secondary but now have existing requirements such as setbacks above certain heights (e.g., Massachusetts Ave.)
- **Public Comments:** Additional streets such as North and South Capitol Streets, Independence Avenue SW, and K Street, NW should have lower height restrictions and/or upper story setbacks (NCPC)
- **OP Recommendation:**
 - Adopt as Setdown, AND
 - Add the following streets as Unclassified Designated Streets with 1:1 setbacks above 110 feet.
 - The south side of Independence Avenue, SW between 2nd and 12th Streets, SW
 - North Capitol Street, NW south of H Street, NW
 - The west side of South Capitol Street between I and M Streets, SW





ZC Decision: _____

3. **DEVELOPMENT STANDARDS**

3A) General Height and FAR for Non-Historic Sites Not Otherwise Noted Below

- **Setdown:** As contained in Table 1 (page 5), including:
 - No FAR increases from existing limits without the provision of housing, other preferred uses, or the purchase of Credits (including converted TDRs or CLDs).
 - No Height increases without the provision of housing, other preferred uses, or the purchase of Credits (including converted TDRs or CLDs), with the following exceptions:
 - C-3-C/TDR receiving zones (proposed D-5) other than the Downtown East receiving zone, without FAR increases
 - The C-3-C zone on South Capitol Street SW between I and M Streets (proposed D-5), without FAR increases
 - The DD/C-3-C/HPA zone, where residential uses are already required (proposed D-5-R), without FAR increases
- **Public Comments:**
 - Height increases without FAR increases will encourage greater design flexibility
 - Support height increases in existing DD zone, but retain existing height (and FAR) limits outside of existing DD
 - Require design review for buildings in the D-5 zone that do not have preferred uses or Credits but that are taller than 110 feet
 - Require design review on South Capitol Street for buildings taller than 90 feet

- Increase both height and FAR for preferred uses and Credits in all proposed D zones
- Restrain heights on streets with vistas deemed to be in the national interest
- OP Recommendation: Adopt as set down, with the following changes:
 - Permit height increases on the blocks of South Capitol Street between I and M Streets, SE only with
 - 15 foot setbacks on the west side,
 - 1:1 setbacks above 110 feet
 - NCPC review

ZC Decision: _____

|

Table 1. Comparison of Base (Non-Preferred Uses, no Credits) Densities/Heights and Maximum Densities/Heights Between Existing and Proposed Zones in Proposed D Zone Area											
EXISTING ZONE	FAR, Base Non-Residential, No Preferred Uses or Credits	MAX FAR, non-PUD, w/residential, preferred uses, IZ, TDRs or CLDs, on Streets ≥ 110' wide	MAX FAR, non-PUD, w/residential, preferred uses, IZ, TDRs or CLDs, on Streets ≥ 110' wide	HEIGHT, Base, Non-Residential or w/out Preferred Uses	MAX HEIGHT, non-PUD, w/residential, preferred uses, IZ, TDRs or CLDs, on Streets < 110' wide	MAX FAR, non-PUD, w/residential, preferred uses, IZ, TDRs or CLDs, on Streets < 110' wide	MAX FAR, non-PUD, w/residential, preferred uses, IZ, TDRs or CLDs, on Streets ≥ 110' wide	HEIGHT, Base, Non-Residential, or w/out Preferred Uses	MAX HEIGHT, non-PUD, w/residential, preferred uses, IZ, TDRs or CLDs, on Streets ≥ 110' wide	PROPOSED ZONE	MAX HEIGHT, non-PUD, w/residential, preferred uses, IZ, TDRs or CLDs, on Streets ≥ 110' wide
DD/R-5-E	0	6	6	90	90	6	6	90	90	D-1-R	90
DD/C-2-A	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	not Comp	n/a
SP-2	3.5	7.2	7.2	90	90	3.5	7.2	90	90	D-2	90
HR/SP-2	4.2, if/2.0 res or hotel	8.6	8.6	90	110	3.5	7.2	90	90	D-2	90
HR/C-3-C/TDR	6.5	8.5	10	90	110	6.5	9	110	110	D-3	110
C-3-C/TDR	6.5	9	9	90	110	6.5	9	110	110	D-3	110
C-3-C (not in FTS SW or So, Cap St. I to M SW)	6.5	7.8	7.8	90	90	6.5	7.8	90	90	D-4	90
HR/C-3-C	6.5	8.5	8.5	90	110	6.5	7.8	90	90	D-4	90
DD/C-2-C (HPA)	3.5	as height & bulk permit	as height & bulk permit	90	110	3.5	as height & bulk permit	as height & bulk permit	110/130	D-4-R	130
C-3-C/TDR other than Downtown East	6.5	9	10	90	110	6.5	as height & bulk permit	as height & bulk permit	110/130	D-5	130
Cg/C-3-C/TDR	6.5	9	10	90	110	6.5	as height & bulk permit	as height & bulk permit	110/130	D-5	130
C-3-C/I to M SW	6.5	7.8	7.8	90	90	6.5	as height & bulk permit	as height & bulk permit	110/130	D-5	130 w/ set-backs @ 110
DD/C-3-C (non-HPA)	6.5	as height & bulk permit	as height & bulk permit	90	110	6.5	as height & bulk permit	as height & bulk permit	110/130	D-5	130
DD/C-3-C (HPA)	6	as height & bulk permit	as height & bulk permit	90	110	6	as height & bulk permit	as height & bulk permit	110/130	D-5-R	130
C-4	8.5/10.0	8.5	10	110	110	8.5/10	as height & bulk permit	as height & bulk permit	110/130	D-6	130
DD/C-4	8.5/10	as height & bulk permit	as height & bulk permit	110	110	8.5/10	as height & bulk permit	as height & bulk permit	110/130	D-6	130
DD/C-4 (HPA)	10-Aug	as height & bulk permit	as height & bulk permit	110/130	110	8.0/10	as height & bulk permit	as height & bulk permit	110/130	D-6-R	130
DD/C-5	10	10	10	135/160	135/160	10	as height & bulk permit	as height & bulk permit	135/160	D-7	135/160
C-3-C (in FTS - SW)	6.5	7.8	7.8	90	90	6.5	as height & bulk permit	as height & bulk permit	90	D-8	130 w/ set-backs on Independence Ave.
											Indicates decrease from existing to proposed zones
											Indicates increase from existing to proposed zones

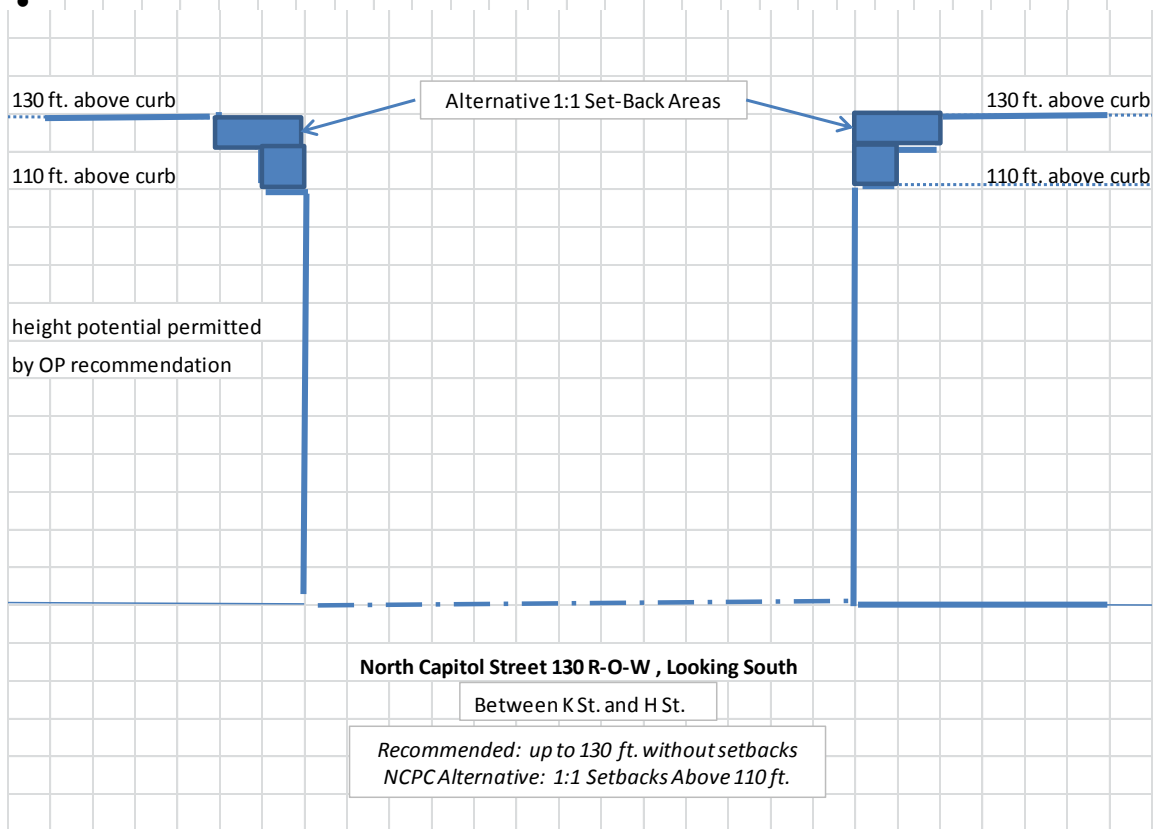
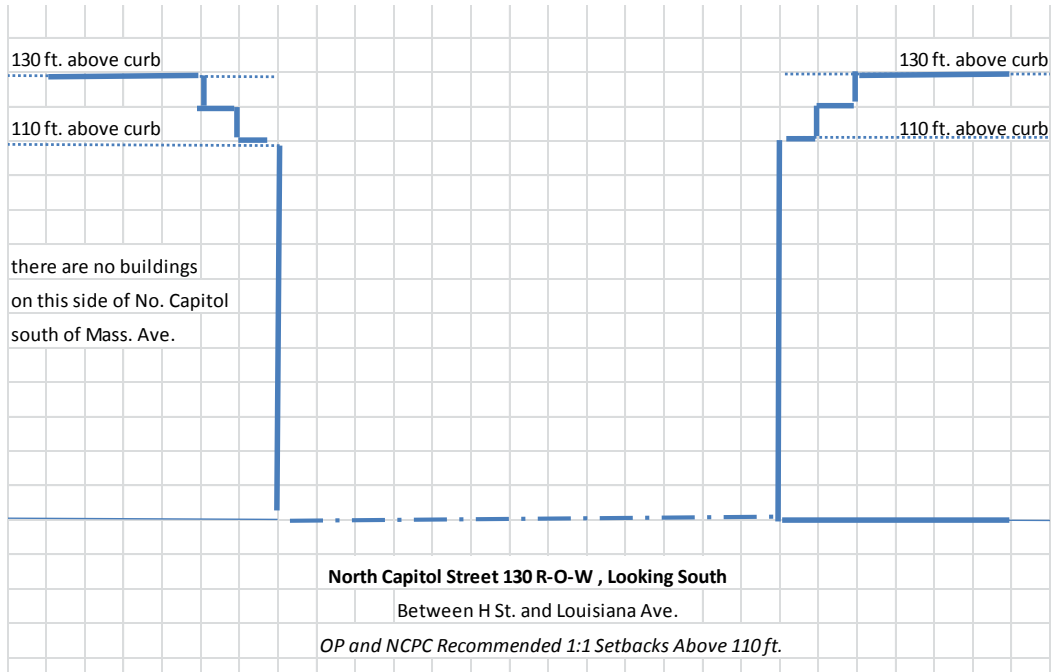
3B)-Height for Historic Properties and Locations Not Otherwise Noted Below

- Setdown: (I-§306.1) Limit to 90 feet the height of a building on the portion of a site occupied by a historic landmark or contributing building
 - In the D-1-R, D-2, D-3 zones
 - In the D-4 zone
 - In the D-5 zone
 - In the D-5-R zone
- Public Comments: The limitation reduces potential by-right building height by 20 feet and discretionary heights by up to 40 feet in the D-5 zone
- OP Recommendation:
 - In the D-1-R through D-5 and D-5-R zones, limit to 90 feet the height of a building on the portion of a site occupied by a historic landmark or contributing building unless a greater height is permitted as a special exception by the Board of Zoning Adjustment, and with the following additional criterion:
 - The application shall be sent to the Office of Planning for review and comment by the Historic Preservation Review Board staff on whether and where a height greater than 90 feet on the site would not be substantially detrimental to the historic property.

ZC Decision: _____

3C)- Height Adjacent to East Side of North Capitol Street between G Street, NE and Florida Avenue, NE and West Side of North Capitol Street between H Street, NE and D Street, NE

- Setdown: Adopt proposed new zones, retaining existing non-discretionary heights limits.
- Public Comments: Require 1:1 setback above 110 feet on North Capitol Street south of K Street
- OP Recommendation:
 - Adopt as Set-down, AND
 - Require 1:1 Setback above 110 feet along North Capitol Street between Louisiana Avenue and H Street, NW and designate section of North Capitol Street as an Unclassified Designated Street



ZC Decision: _____

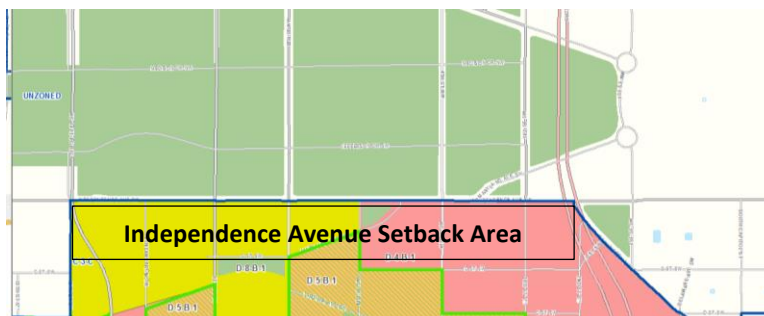
3D) Height Adjacent to the West Side of South Capitol Street between I and M Streets, SW

- Setdown: Between I Street, SW and a Point 200 feet north of the centerline of M Street, SW:
 - Include in the proposed D-5 zone all property bounded by N, M, Half and South Capitol Streets, SW --currently zoned C-3-C or CG/C-3-C
 - Increase non-discretionary height from 90 feet to 130 feet
- Public Comments:
 - Additional studies needed for implications of 130 foot height.
 - Do not permit 130 foot heights and increased densities without public input through a PUD
- OP Recommendation: (cf. illustration above, Sec. 2-A-ii)
 - Include in the proposed D-5 zone, the Squares bounded by So. Capitol, Half, I and M Streets, SW
 - Permit up to 130 feet of height
 - Require 1:1 setback above 110 feet
 - Require a 15 foot setback -for the entire length of building frontages on South Capitol Street
 - Prohibit entrances to parking or loading on facades facing South Capitol Street
 - Require design review and comment by NCPC for buildings taller than 110 feet through the expansion of the M St South and South Capitol Street subarea.
 - Designate this portion of South Capitol Street as an Other Unclassified Street.

ZC Decision: _____

3E). Height and Setback on South Side of Independence Avenue, SW between 2nd and 12th Streets, SW (subject to CFA review)

- Setdown: Increase permit non-discretionary height from 90 feet to 130 feet with no setbacks, through preferred-use bonuses
- Public Comments:
 - Require building face setback of 88 feet from centerline of Independence Avenue.
 - Permit up to 110 feet of height, plus 20 foot penthouse at 1:1 setback
- OP Recommendation:
 - Permit non-discretionary heights of up to 130 feet through preferred-uses or Credits bonuses,
 - Require a 1:1 setback above 110 feet
 - Require a building line setback of 88 feet from the centerline of Independence Ave.
 - Designate as an Unclassified Designated street.



ZC Decision: _____

3F) Height on Pennsylvania Avenue, NW (subject to CFA review)

- Setdown: Continue to permit 135 foot height for first 50 feet back from Pennsylvania Avenue and 160 feet thereafter in D-7 zone (i.e., north side between 10th and 15th Streets)
- Public Comments: Make consistent with PADC Plan
- OP Recommendation: Adopt as set down

ZC Decision: _____

3G) Height and Setbacks Adjacent to Residential Areas of West End

- Setdown: Eliminate existing requirement for structures in the current New Downtown TDR Receiving Zone to be setback at a 45 degree angle above 90 feet if they area adjacent to or across alley from an R zone lot, or from an MU zone west of 20th Street NW.
- Alternative: Retain existing set-back requirement for properties adjacent to an R Zone lot or from an MU Zone west of 20th Street NW.
- Public Comments: New buildings will be too tall
- OP Recommendation: Adopt Alternative

ZC Decision: _____

3H) Height in Proposed D-8 Zone (Federal Triangle South –subject to ZC, CFA, and, partially, to NCPC review)

- Setdown: Increase heights for what are now federal properties from 90 feet to the lesser of 130 feet or the width of the street right of way plus 20 feet.
- Public Comments:
 - Do not permit heights greater without re-dedication of former L'Enfant Streets and provision of preferred uses or purchase of Credits
 - Give NCPC design review of all projects
 - Permit height greater than 90 feet only through a PUD
 - Permit non-discretionary heights up to 130 feet to promote the sale of GSA land to the private sector for mixed use development.
- OP Recommendation:
 - Permit heights up to 130 feet or as limited by federal legislation, subject to the dedication or granting of public easements on the following segments of historic L'Enfant Streets as may be incorporated into the District of Columbia's highway plan:
 - Maryland Avenue between 9th and 12 Streets, SW,
 - C Street between 7th and 12th Streets, SW,
 - D Street between the L'Enfant Promenade/10th Street SW and 12th Street, SW
 - 12th Street, 11th Street and L'Enfant Promenade/10th Street, SW between Independence Avenue, SW and the former right of way of Maryland Avenue, SW AND
 - Before permitting access to heights over 110 feet, require Zoning Commission review and approval, and – for areas where there is no CFA involvement, the review and comment by the NCPC of the proposed development's congruence with the Comprehensive Plan, the Maryland Avenue Plan, and subsequent plans for the D-8 zone area.
- Alternative 1: Permit heights up to 130 feet or as limited by federal legislation, without historic street dedications or easements

- Alternative 2: Permit heights up to 130 feet or as limited by federal legislation only through Planned Unit Development Review.

ZC Decision: _____

3I) Non-Discretionary Densities, Not Involving Historic Properties, in Zones Other Than D-5 and D-8

- Setdown: See Table on page 5.
- Public Comments: Do not increase any non-discretionary or discretionary FARs for any zone
- OP Recommendation: Adopt as set down

ZC Decision: _____

3J) Non-Discretionary Densities, Not Involving Historic Properties, in the Proposed D-5 Zone

- Setdown: In the proposed D-5 zone (existing C-3-C/TDR) retain the existing 6.5 FAR for office-only uses and increase the FAR for residential and other preferred uses, or for Credits, from 10 FAR to an FAR limited only by height and bulk, consistent with other D zones.
- Public Comments: Do not increase densities
- OP Recommendation: Adopt as set down.

ZC Decision: _____

3K) Non-Discretionary Densities, Not Involving Historic Properties, in the Proposed D-8 Zone

- Setdown: In the proposed D-8 zone (existing C-3-C zone in Federal Triangle South)
 - Permit increases in non-discretionary density up to those permitted by height and bulk, subject to the following:
 - The re-dedication of former L'Enfant streets, consistent with an adopted street plan for the District of Columbia, and
 - Review by the Zoning Commission of the development plan, design and uses of new building construction or building expansion for structures that are or would be at least 9 FAR on a street right-of-way less than 110 feet wide or at least 10 FAR on a street right of way at least 110 feet wide.
 - Review by the National Capital Planning of the development plan for structures that are or would be at least 9 FAR on a street right-of-way less than 110 feet wide or at least 10 FAR on a street right of way at least 110 feet wide, for properties that are not within the review jurisdiction of the National Commission of Fine Arts (CFA)
- Public Comments:
 - Access to non-discretionary FAR increases in the proposed D-8 zone should not require the re-institution of former L'Enfant streets
 - The conversion of federal properties to private ownership and use, and access to bonus density, should be part of a master-development-oriented PUD process that focuses on achieving adequate infrastructure improvements as public benefits.
 - In the D-8 zone the proposed procedures for accessing additional non-discretionary density and height will discourage the conversion of federal land to private use

- The owner of property in the D-8 zone is not legally permitted to set physical or financial conditions for a property prior to sale.
- OP Recommendation: Adopt as set down, with the following changes
 - Tie the provisions for re-instituting form L'Enfant Street rights of way and accessing bonus density to the inclusion of such rights of way in the District's official highway plan;
 - Setback buildings facing Independence Avenue 88 feet from that street's centerline;
 - Require 1:1 setbacks above 110 feet for building walls facing Independence Avenue
 - Enable NCPC review and comment of the proposed development plans, for new buildings, or for expansions that would be at least 9 FAR on a street right-of-way less than 110 feet wide or at least 10 FAR on a street right of way at least 110 feet wide in areas where the CFA does not have review jurisdiction.
- Alternative: Require a PUD application for any development in the D-8 zone, with an emphasis on L'Enfant street re-openings and infrastructure investments as public benefits

ZC Decision: _____

3L) FAR and Mount Vernon Triangle Sub-Area Courtyards

- Setdown: Do not transfer provision existing provision that enables the GFA of certain courtyards covered by vegetative materials decreasing stormwater runoff or ambient heat build-up to be exempted from FAR calculations.
- Public Comments: None
- OP Recommendation: Do not transfer provision.
- Alternative: Retain Provision

ZC Decision: _____

3M) Historic and Pre-1936 Sites

- Setdown: (I-§308.3)
 - Continue to limit the FAR of a property containing a historic landmark or contributing building to a historic district to no more than 6.0 FAR
 - Limit the FAR of buildings on lots involved with Credit transactions to 6.0 in the D-1 and D-2 zones, 6.5 in the D-3-, D-5, and D-8 zones, 8.5 in the D-6 and D-7 zones for lots fronting on streets less than 110 feet wide and 10.0 for lots fronting on streets at least 110 feet wide.
 - Limit to 6.0 the FAR of a building that received its first Certificate of Occupancy before 1936
- Public Comments: Delete 1936 C of O provision
- OP Recommendation: Adopt with revisions:
 - Continue to limit the FAR of a property containing a historic landmark or contributing building to a historic district to no more than 6.0 FAR
 - Limit the FAR of buildings on lots involved with Credit transactions to 6.0 in the D-1 and D-2 zones, 6.5 in the D-3-, D-5, and D-8 zones, 8.5 in the D-6 and D-7 zones for lots fronting on streets less than 110 feet wide and 10.0 for lots fronting on streets at least 110 feet wide.

- For a building that received its first certificate of occupancy before 1936, an FAR of more than 6.0 shall be permitted as a special exception by the Board of Zoning Adjustment subject to the following additional criterion:
 - The application shall be transmitted to the Office of Planning for review and comment on the proposed construction's impact on the potential eligibility of the building for future historic designation.
- DELETE the proposal to Limit to 6.0 the FAR of a building that received its first Certificate of Occupancy before 1936

ZC Decision: _____

3N) Composite FAR for Historic Properties

- Setdown: The Setdown did not transfer an existing provision permitting multi-lot or combined lot developments within a single Square to average FARs in order to achieve a composite 6.0 FAR between or among lots with the limitation for historic landmarks or contributing buildings and properties in the same Square without that limitation.
- Public Comments: Retain existing provision
- OP Recommendation: Transfer the existing composite FAR provision to the proposed new regulations. (Existing § 1707.4 to proposed §308).

ZC Decision: _____

3 O) FAR for Historic Properties Employing Credits

- Setdown: Limit the FAR of buildings on lots involved with Credit transactions to 6.0 in the D-1 and D-2 zones, 6.5 in the D-3-, D-5, and D-8 zones, 8.5 in the D-6 and D-7 zones for lots fronting on streets less than 110 feet wide and 10.0 for lots fronting on streets at least 110 feet wide.
- Public Comments: none
- OP Recommendation: Adopt as set down

ZC Decision: _____

3P) New Communities

- Setdown: Continue to permit eligible New Communities projects to achieve
 - Up to 9.0 FAR in the D-3 zone and,
 - Up to 10 FAR in the D-4 through D-8 zones for buildings on rights of way at least 110 ft. wide
- Public Comments: None
- OP Recommendation: Adopt as set down.

ZC Decision: _____

4. USES

4A) Consolidate Use Categories and Requirements

- Setdown:

- Reorganize but Retain Existing Use Requirements and Permissions
- Create two consolidated use categories
- Classify retail uses by types of street classifications: Primary and Secondary – in order of descending requirements and restrictions in current DD regulations.
- Add Connecticut Avenue, N.W. between K Street and Rhode Island Avenue as a Primary Street
- Add 1st Street, NE between K Street and Florida Avenue as a Primary Street.
- Public Comments:
 - Include 1st Street NE as a retail-required street but adjust FAR requirement to respond to the deeper than typical Square and building depths on the west side of 1st Street.
 - Include Connecticut Avenue as a Primary Street.
- OP Recommendation:
 - Adopt as set down, BUT with following changes:
 - Apply retail requirement for 1st Street, NE between K Street and Florida Avenue to only the first 150 feet of ground floor depth from the 1st Street property line.
 - Consolidate two use categories into one; delete category designation from Zone name.

ZC Decision: _____

4B) ABC Regulatory Implications of Proposed D-1-R Zone

- Setdown: Classify the D-1-R zone (existing D-R-5-E zone) as a residential zone for Alcoholic Beverage Control (ABC) purposes
- Public Comments:
 - Address Use Permissions that generate excessive late night noise and loud behavior near residential buildings in D zones.
- OP Recommendation:
 - Adopt as set-down

ZC Decision: _____

4C) Inclusionary Zoning

- Setdown:
 - Require IZ in all areas where it is now required, including any expansion areas in the proposed D-zone areas near the West End, Foggy Bottom and South Capitol Street.
 - Retain existing IZ exemptions – e.g., DD zones, TDR receiving areas, C-4 zones.
- Public Comments:
 - Proposals remove IZ requirement from where it now exists.
 - Not all expansion areas include IZ requirements.
- OP Recommendation:
 - Adopt as set down, AND
 - Correct to include proposed D-8 zone (currently zoned C-3-C) in IZ requirements ZC

ZC Decision: _____

5. Design

5A) Build-To Lines

- Setdown: Apply existing Downtown area-wide design standards to all proposed Primary and Secondary Streets
- Public Comments: None

- OP Recommendation: Adopt as set down

ZC Decision: _____

5B) Set-Back Lines

- Setdown: Incorporate in the D zones, all the relevant ground floor setback requirements
- Public Comments: Require building face setback of 88 feet from centerline of Independence Avenue, SW on the south side of Independence Avenue between 2nd and 12th Streets
- OP Recommendation:
 - Adopt as set down AND
 - Between 2nd and 12th Streets, SW, require a setback of 88 feet from the centerline of Independence Avenue from the centerline of that avenue.

5C) Façade Openings for Access to Parking and Loading

- Setdown: In conjunction with other zone-based design regulations, permit vehicular entrances to garage or loading to be located on a public street-facing building façade in the D zones only if:
 - One of the following conditions are met:
 - Access is not possible through an at-least 15-foot wide alley system connecting to a public street
 - A street-facing entrance is required by DDOT
 - The building is governed by less restrictive regulations in the Mount Vernon Triangle sub-area
 - The entrance is approved by the BZA as a special exception subject to additional criteria regarding impracticality of alternatives, minimal impact on pedestrian traffic, and consistency with DDOT public space plans.
- Public Comments: Do not approve the restriction
- OP Recommendation: Adopt as set-down.

ZC Decision: _____

6. Design Review

6A) M Street SW and South Capitol Street Sub-Area

- Setdown: Require Zoning Commission review and approval of proposed design and uses of new building construction or building expansion for structures that are or would be at least 9 FAR on a street right-of-way less than 110 feet wide or at least 10 FAR on a street right of way at least 110 feet wide.
- Public Comments: The implications of the proposed zone for the sub-area have not been studied with respect to the framing of the U.S. Capitol
- OP Recommendation:
 - Adopt as set down, AND
 - Expand boundaries of sub-area to include the west side of South Capitol Street from I to M Streets, SW.
 - Require a 1:1 setback above 110 feet.
 - Require referral, review and comments for the National Capitol Planning Commission (NCPC) for all buildings subject to Zoning Commission review that are not within the Shipstead-Luce Act purview of the Commission of Fine Arts (CFA).

ZC Decision: _____

6B) Proposed D-8 Zone

- Setdown: Require Zoning Commission review and approval of proposed development plans for their congruence with the Comprehensive Plan, the Maryland Avenue Southwest Plan, and subsequent adopted plans for the area within or near the D-8 zone before a proposed development may access the proposed tools by which to achieve greater density or height within the proposed zone.
- Public Comments:
 - NCPC should have design review over proposals in the D-8 zone
 - Design should be reviewed through the PUD process.
- OP Recommendation:
 - Adopt as set-down, with the following refinements:
 - The Zoning Commission shall review and approve all proposed development plans for new buildings or expansions that would be at least 9 FAR on a street right-of-way less than 110 feet wide or at least 10 FAR on a street right of way at least 110 feet wide
 - NCPC shall review and comment on proposed development plans for new buildings or expansions that would be at least 9 FAR on a street right-of-way less than 110 feet wide or at least 10 FAR on a street right of way at least 110 feet wide, and in areas where the CFA does not have review jurisdiction.

ZC Decision: _____

7. Parking / Loading

- Setdown:
 - Eliminate mandatory parking requirements in proposed D zones.
 - Eliminate requirements for loading berths longer than 35 feet in D zones.
 - Public Comments: Do not eliminate all parking requirements for locations near residential in the West End and Foggy Bottom
- OP Recommendation
 - As set down and now located in Subtitle , BUT
 - With parking requirements in the proposed D zones west of 20th Street, NW as revised in Subtitle C.

8. Credits

8A) Credit Generation

- Setdown:
 - Permit Credits to be generated by residential, arts, public open spaces, historic structure rehabilitation, child development centers or homes, LSDBEs, and the conversion of unused TDRs or unassigned CLDs (*Cf. Attached Credit Generation Table*)
 - Permit Credits to be generated for the removal of intrusions determined to be incompatible with the historic L'Enfant Plan
 - Do Not Include D-1-R or D-2 zones (existing DD/R-5-E, SP-2, and HR/SP-2) in Credit System
- Public Comments:
 - Keep the provision allowing generation of Credits for the provision of open space and plazas in NoMA that meet specified criteria

- Allow Credit-generating NoMA open spaces and plazas to be closed to the public at 8 p.m. rather than 10 p.m.
- Allow Credits generated by Arts uses in the Downtown Arts Sub-Area to be traded for any Credit-generating uses in any Credit Trade area.
- OP Recommendation:
 - Adopt as set down, AND
 - correct to specify that the arts credits may be used to enable additional non-residential use on a property only within the Arts sub-area
 - DELETE section permitting the generation of Credits through the provision of Open Spaces or Plazas

ZC Decision: _____

8B) Duration of Credit Permissions

- Setdown:
 - The uses that generated Credits, other than those generated by open-space/plaza construction, must be maintained within the same Credit Trade Area and may not generate additional Credits
 - Purchased Credits expire upon use and retain no value
- Public Comments: If a building that achieved non-preferred GFA through Credit purchases no longer exists, do not require additional Credit purchases to re-erect the same amount of non-preferred uses.
- OP Recommendation:
 - If a building that achieved non-preferred GFA through Credit purchases no longer exists, the same amount of additional non-preferred uses that had previously existed on the site may be re-built on the site as long as the linked preferred-use GFA is covenanted.
 - Delete references to open-space/plaza Credit generation
- Alternative (not recommended): Adopt as set down, with or without deletion of references to Open Space/Plaza Credits as appropriate.

ZC Decision: _____

8C) Conversion of TDRs and CLDs to Credits

- Setdown: Require conversion of existing TDRs and CLDs to Credits within 3 Years
- Public Comments:
 - Eliminate Conversion Time Frame
 - Make consistent references to owners of TDRs and CLDs as “persons/entities owning ‘rights’ ” to TDRs or CLDs, rather than to “owners”
- OP Alternate: Eliminate conversion time frame.
- OP Recommendation: Adopt Alternate

ZC Decision: _____

8D) Credit Certification Process and Documentation

- Setdown:
 - Adopt core processes based on existing certification regulations for newly generated residential, arts or open space/plaza
 - Adopt additional regulations pertinent only to residential or arts uses, including existing escrow provisions

- Adopt separate process based on existing procedures for the generation of, escrow provisions for, and certification of historic preservation Credits
 - Adopt separate process for generation and certification of Credits for Child Development Centers and LSDBEs
- Public Comments:
 - Procedures are too complex and too costly to execute
 - Process is not transparent
 - Process does not allow for public understanding of the Credits market and values
- OP Recommendation
 - Adopt as set-down, AND request OP to return with clarifications and additional recommendations for simpler, more visible methods of certifying and recording Credits, their ownership, valuation and subsequent transactions.

ZC Decision: _____

8E) Credit Trade Areas

- Setdown:
 - Include TDR Receiving Areas, areas where CLDs can be employed, and of proposed D zones
 - Establish 7 Credit Trade Areas based on geographic affinity and likely balance between Credit generation and absorption ability
- Public Comments: Redraw Credit Trade boundaries so Downtown Arts sub-area is within one Trade Area
- OP Recommendation: Adopt as set-down, with Franklin Square and Gallery Place/Judiciary Square Trade Areas adjusted to unify Downtown Arts sub-area in one Trade Area

ZC Decision: _____

8D) Areas Where Credits Can Be Used

- Setdown:
 - Credits may be used in D-3 through D-8 zones
 - Residential, Arts and Historic Credits may be used only within the Trade Areas in which they were generated
 - Open Space/Plaza Credits and converted TDRs may be used in any Credit Trade Area
- Public Comment: Allow Credits generated by Arts uses in the Downtown Arts Sub-Area to be traded for any Credit-generating uses in any Credit Trade area.
- OP Recommendation: Adopt as set down

ZC Decision: _____

8E) Limitation on Credits that Can Be Used to Reduce Residential Requirements

- Setdown: Unused TDRs may not be used to reduce residential requirements.
- Public Comments: None
- OP Recommendation: Only Credits generated by residential uses and unassigned CLDs that have been converted to Credits may be used to reduce residential requirements

ZC Decision: _____

8F) Amount of Credits That May be Accepted

- Setdown: Continue to limit the maximum residential FAR generated by Credits that may be accepted on a given lot:
 - For the D-3, D-4-, D-5, D-6, D-5 and D-8 zones the limit shall be the maximum non-residential FAR permitted without Credits
 - For the D-4-R zone up to 3.5 FAR may be accepted
 - For the D-5-R zone up to 6.0 FAR may be accepted
 - For the D-6-R zone, up to 8.0 FAR may be accepted
- Public Comments: None
- OP Recommendation: Adopt as set down

ZC Decision: _____

8G) Status of Used Credits

- Setdown: Credits expire upon use. Unused Credits may be transferred and used.
- Public Comments: None
- OP Recommendation: As set down

ZC Decision: _____

8F) Transfer of Credit Ownership

- Setdown: Establish procedures for transferring and recording new ownership of Credits
- Public Comments:
 - Procedures for existing D zones and expanded Credit areas would remain similar to the existing CLD covenant complexity
 - Procedures within existing TDR receiving areas could become more complicated for Credits
 - The recording and transfer process needs to be more transparent.
- OP Recommendation: Adopt as set-down, with permission to work with DCRA and OAG on subsequent administrative improvements.

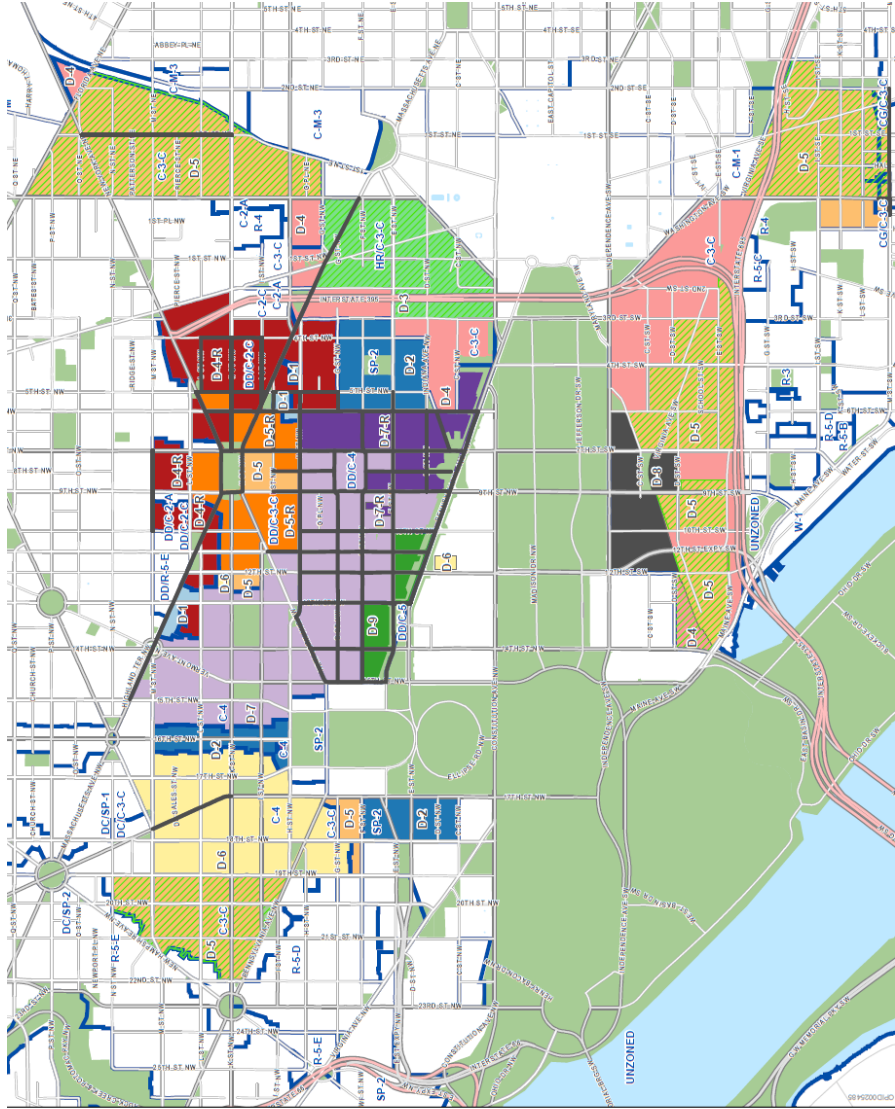
ZC Decision: _____

9. Planned Unit Developments

- OP Recommendation: In addition to following the PUD regulations in Subtitle X, a PUD in the D zones shall:
 - Be superior in achieving the purposes of the D zone Chapter and the Comprehensive Plan's Central Washington Area Element
 - Not be used to reduce D zone requirements for preferred uses
 - If within the D-3 through D-8 zones, demonstrate that Credits have been acquired to the maximum extent feasible prior to the PUD application.
- Public Comments: None
- OP Recommendation: As set down

ZC Decision: _____

Downtown ZRR




 Office of Planning ~ May 3, 2012
 Government of the District of Columbia
 This map was created for planning purposes
 from a variety of sources. It is neither a
 survey nor a legal document. Information
 shown on this map is not guaranteed to be
 verified with them where appropriate.

INDUSTRIAL ZONES

Development Standard Comparison Tables are attached

1) Height and Number of Stories (J § 202)

- Setdown:

	Existing Regulation	Proposed Regulation
	CM-1 and CM-1/LO	PDR-1
Height Number of Stories	• 40 feet • 3 stories	• 50 feet • n/a
	CM-1 / CAP	PDR-5
Height Number of Stories	• 40 feet • 3 stories	• 40 feet • 3 stories
	CM-1 / FT	PDR-6
Height Number of Stories	• 40 feet • 3 stories	• 40 feet • n/a
	CM-2	PDR-2
Height Number of Stories	• 60 feet • n/a	• 60 feet • n/a
	CM-3	PDR-3
Height Number of Stories	• 90 feet • n/a	• 90 feet • n/a
	M	PDR-4
Height Number of Stories	• 90 feet • n/a	• 90 feet • n/a
	M / FT	PDR-7
Height Number of Stories	• 90 feet • n/a	• 65 feet • n/a

- OP Recommendation: Setdown standards for height and number of stories. The setdown proposal reflects the standards approved by the ZC in case 08-06-D in May 2011 as part of the initial consideration of Subtitle J.

ZC Decision: _____

2) Floor Area Ratio (J § 205)

- Setdown:
 - Increase the FAR by 0.5 in the CM-1 and CM-2 zones; and
 - Require that a minimum of FAR must be used only for PDR purposes in all PDR zones

Floor Area Ratio	Existing Regulation	Proposed Regulation
	CM-1 and CM-1/LO	PDR-1
• Total • Total non-PDR	• 3.0 • 3.0	• 3.5 • 2.0; The difference between 3.5 and 2 may only be used for Prod, Distribution and Repair uses
	CM-1 / CAP	PDR-5
• Total • Total non-PDR	• 3.0 • 3.0	• 3.5 • 2.0; The difference between 3.5 and 2 can only be used Production, Distribution and Repair uses
	CM-1 / FT	PDR-6
• Total • Total non-PDR	• 3.0 • 3.0	• 3.5 • 2.0; The difference between 3.5 and 2 can only be used Production, Distribution and Repair uses
	CM-2	PDR-2
• Total • Total non-PDR	• 4.0 • 4.0	• 4.5 • 3.0; The difference between 4.5 and 3 may only be used for Prod, Distribution and Repair (PDR) uses
	CM-3	PDR-3
• Total • Total non-PDR	• 6.0 • 6.0	• 6.0 • 4.0; The difference between 6 and 4 may only be used for Prod, Distribution and Repair (PDR) uses
	M	PDR-4
• Total • Total non-PDR	• 6.0 • 6.0	• 6.0 • 1.0; The difference between 6 and 1 can only be used for Prod, Distribution and Repair (PDR) uses
	M / FT	PDR-7
• Total • Total non-PDR	• 6.0 • 6.0	• 6.0 • 1.0; The difference between 6 and 1 can only be used for Production, Distribution and Repair (PDR) uses

- Public Comments:
 - Allow any non-PDR use to use the total permitted FAR; do not restrict any FAR to only PDR uses.
- OP Recommendation: Setdown standards for FAR. The setdown proposal reflects the standards approved by the ZC in case 08-06-D in May 2011 as part of the initial consideration of Subtitle J.

ZC Decision: _____

3) Rear Setback (J § 207)

- Setdown: Increase the minimum rear setback from residentially zoned lands to 25 feet from 12 feet; would be applicable in all PDR zones.
- OP Recommendation: Setdown standards for rear setbacks.

ZC Decision: _____

4) Side Setback (J § 208)

- Setdown: Increase the minimum side setback from residentially zoned lands to 25 feet from 8 feet; would be applicable in all PDR zones.
- OP Recommendation: Setdown standards for side setbacks.

ZC Decision: _____

5) Transition Heights (J §203)

- Setdown: Establish a new transition of height when PDR zones abut residentially zoned lands. The transition requires a 1:1 setback starting at 10 feet above residential zone height, and would be measured from property line.
- OP Recommendation: Setdown standards for transitioning height when PDR zones abut residentially zoned lands.

ZC Decision: _____

6) Setback (Buffer) Requirements (J §209.2)

- Setdown: Require a 25 foot buffer between PDR zones and residentially zoned lands. The buffer includes landscape and fencing.
- Public Comments:
 - Support for buffer
- OP Recommendation: Setdown standards for setback buffer when PDR zones abut residentially zoned lands.

ZC Decision: _____

7) Uses (J Chapter 3)

- Setdown:
 - New Special Exception uses for night clubs and live entertainment venues. (J§303.5)
 - New matter of right use for veterinary hospital (J §303.2) and message therapy (J §302.9)
- Alternate: Additional special exceptions were setdown- repair garages (J -303.TBD)
- Public Comments:
 - Support for new special exceptions
- OP Recommendation: Setdown and Alternate special exceptions and matter of right uses.

ZC Decision: _____

8) Standards of External Effects (J §305 and §306)

- Setdown: Standards of External Effects were not called out because they are typically regulated by other city agencies.
- Alternate: Standards of External Effects are proposed to be included.
- Public Comments:
 - Support for inclusion of Standards of External Effects
- OP Recommendation: Alternate: Standards of External Effects with reference to other titles, and requirement for an External Effects Permit.

ZC Decision: _____