

<i>ZC Exhibit #</i>	<i>Subtitle</i>	<i>Name</i>	<i>Date</i>	<i>Issue</i>	<i>Comment/Testimony</i>	<i>OP Response</i>
900	C	ANC 1D	6/9/2015	Parking	Remove the "grandfathering" of credit for nonexistent parking spaces from the new zoning regulations.	The NPRM addresses parking credits ("grandfathering") in a more direct manner and states that you use as a basis the assumption that the previous use had the minimum number of required parking spaces.
901	U	Law Office of G. Macy Nelson, LLC	7/2/2015	Large Format Retail	Endorse the new language that states that only large format retail stores that had been subject to LTR by the date the new Zoning Code takes effect are exempt from needing to secure a special exception and encourage the Zoning Commission to adopt this language specifically and to continue to support the proposal generally.	No action needed; OP recommends that the provision become final.
903	I	West End Citizens Assn.	9/25/2015	Downtown ---Credit Trade Areas	900.9--- Object to inclusion of Foggy-Bottom West End in Credit Trade Areas. Text should indicate old (TDR receiving zone) versus new (Credit trade area) boundaries	OP recommends the adoption of the downtown boundary as advertised. The new downtown zones would comprise most, but not all, of the area included in the Comprehensive Plan's Central Washington Area Element. The only Foggy Bottom area in the expanded D zone are the blocks now zoned C-4, C-3-C or SP-2, which are occupied by the World Bank, IMF, FDIC, Red Cross, Corcoran Gallery, AIA, Red Cross, DAR and 4 office buildings. No West End residential properties are proposed for inclusion within the new downtown zones, which stop east of New Hampshire Avenue.
903	I	West End Citizens Assn.	9/25/2015	Downtown ---D-zone boundaries	Sec. 100.1, 100.2(c), 101.2---- boundaries are too broad, encroach on residential areas, especially in Foggy Bottom-West End	OP recommends the adoption of the downtown boundary as advertised. The new downtown zones would comprise most, but not all, of the area included in the Comprehensive Plan's Central Washington Area Element. The only Foggy Bottom area in the expanded D zone are the blocks now zoned C-4, C-3-C or SP-2, which are occupied by the World Bank, IMF, FDIC, Red Cross, Corcoran Gallery, AIA, Red Cross, DAR and 4 office buildings. No West End residential properties are proposed for inclusion within the new downtown zones, which stop east of New Hampshire Avenue.
903	I	West End Citizens Assn.	9/25/2015	Downtown ---Height in D-5 zone	540.1---Objects to 130 ft. max except on the portion of Pennsylvania Avenue within the Pennsylvania Avenue subarea .	OP recommends the adoption of the advertised heights in the D-5 zone.
903	I	West End Citizens Assn.	9/25/2015	Downtown ---Parking	212.1, 543.1---Glad OP retained parking requirements West of 20th Street	Comment noted.
903	I	West End Citizens Association	8/25/2015	Expansion of D zones	page A-8, Sec 202.1 (e) Downtown (D) Zone - without any change in law, ZRR	
903	A, B, C, G, I, U, X, Y, Z	West End Citizens Association	8/25/2015	Redline	WECA continues to object to: 1)the absence of a section by section analysis, including Comp Plan directive; WECA has repeatedly asked for a redline version 2) Complexity and repetition of text	1) The Zoning Commission addressed the issue of a redline during its deliberations and stated that due to the comprehensive nature of the revisions, the entirety of the existing code would be redlined and replaced with updated text, and therefore, preparation of a redline document would not be productive. OP provided a Comp Plan review for the proposed changes in setdown report submitted into the record as exhibit 2 on August 30, 2013 and at each public hearing; 2) Repetition has been reduced in the text advertised as Notice of Proposed Rulemaking
903	B, C, G, I, U, X	West End Citizens Association	8/25/2015	Various	Sub B: Central Area - is this a new definition?; GFA vis-à-vis an interpretation from ZA; Story and roof structure/penthouse changes; Sub C: Supports parking west of 20th St in the D-5 zone; questions changes to penthouses; Sub G: Doesn't like the new zone name system because it no longer indicates a level of density; Sub I: Opposes the new D zones as being too broad and questions if it is consistent with Comp Plan; Supports parking west of 20th St in the D-5 zone; opposes 130' height permitted in D-5 and expansion of trade area into Foggy Bottom West End:	Sub B: Central Area is the same definition as in the current code; The ZA has authority to make interpretation Sub C: Appreciates the support for the parking requirements west of 20th St; Penthouse regulations are being reviewed as a separate case from the ZRR as case 14-13. Final action on amendments to the roof structure regulations is expected on Monday October 19, 2015, and any revisions will be incorporated into the ZRR; Sub G: New naming system accommodates new zones more easily because there is no implied density or intensity related to the numbering. The letter names more accurately reflect the type of zone ie RA = residential apartment; MU= mixed use;
903	Y	West End Citizens Association	8/25/2015		"page Y-57, Sec 604 4, BZA, Final Decision ad Effective Date of Decisions - The WECA feels that it is unfair to only allow the prevailing Party to an application or appeal to file a proposed order and for the other Parties not to either have that opportunity to file a proposed order or, more importantly, an opportunity to comment on a proposed order, i e, the WECA recommends deletion of the following sentence "No response to the proposed order may be submitted by any other party "	"OZ recommends keeping the language in the proposed regulations. The BZA and ZC have historically not wanted a back and forth response."
903	Y	West End Citizens Association	8/25/2015		"pages Y -41 & Z-45, Sec 409.1, BZA, Hearing Procedures Variance and Special Exception Applications and Sec 408.9, ZC, Public Hearing Procedures - The WECA requests that the witness order be revised to allow Parties in Opposition to testify right after Parties in Support and before all individuals in support, opposition, or undeclared, i e , to move Parties in Opposition to the application ahead of individuals and organization representatives in support of the application - often the Individuals and organizations includes many witnesses, thereby requiring the Opposition Parties to wait along time (often delayed to a day 2 hearing) to present their case and preventing the BZA and ZC from clearly hearing both principal support and opposition views	OZ takes no position and defers to the Commission on this recommendation.

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903	Y	West End Citizens Association	8/25/2015		"page Y-4, Sec 102 2, BZA, Organization - The WECA objects to "(or staff designee)" in the description of the BZA membership of 3 Mayoral appointees, a NCPC representative, and a ""member of the Zoning Commission (or staff designee) - a Zoning Commission Member (appointed by the Mayor and confirmed by the City Council), not a staff employee (presumably from the Office of Zoning), should be participating on any BZA case"	OZ recommends keeping the language in the proposed regulation text. This is from the DC Code.
903	Y	West End Citizens Association	8/25/2015		"pages Y-28-29, Sec 400.5, BZA, Review and Processing of Applications, and Sec 401.1, BZA, Expedited Review - The WECA recommends deletion of the provisions for a hearing "Unless waived by an applicant" and "An applicant may waive its right to a hearing" since a public hearing provides an opportunity for the affected public to be heard, i e , the absence of a hearing would be unfair to the public"	"OZ recommends keeping the language in the proposed regulations. This is the current expedited review process. "
903	Y	West End Citizens Association	8/25/2015		page Y-65, Sec 704 6, BZA, Modification of Significance - 10 days for a Party to submit written comments on a Modification of Significance is an insufficient time period for ANCs which only meet monthly, i e, 10 days is unfair, especially for Modifications of Significance	OZ recommends changing Section 302.2 to read as follows: 704.6 All requests for modifications of significance shall be served on all other parties to the original application at the same time as the request is filed with the Board. A party shall have ten (10) days within which to submit written comments that such party may have concerning the requested modification.
903	Y	West End Citizens Association	8/25/2015		pages Y-41 & Z-45 - see point #27 above	OZ takes no position and defers to the Commission on this recommendation.
903	Z	West End Citizens Association	8/25/2015		- page Z-26, Sec 302 10(c)(2)(A), ZC, Campus Plan/Further Processing- the WECA applauds the 10-year (versus recently approved 20-year George Washington University) campus plan period as more reasonable and realistic; - pages Z-32 & Z-47, Sec 400.7, ZC, Setdown Procedures Scheduling Contested Case Applications for Hearing and Sec 500.7, ZC, Setdown Procedures Scheduling Rulemaking Case Petitions for Hearing - the WECA applauds the new ANC Setdown Form which allows an ANC to provide feedback on whether a matter should be set down for a hearing "pages Z-42 & Z-51. Sec 405 5(e) and Sec 405 6(b). ZC. Referrals to and Reports of Public Agencies and Sec 504 4(b). ZC.	OZ thanks WECA.
903	Z	West End Citizens Association	8/25/2015		page Z-17, Sec 206 7, ZC, Submitting Comments for Filing Documents Electronically or by E-Mail - The WECA recommends deleting the requirement for all documents to be filed in PDF format since many members of the public do not have the technical capability to translate their submissions documents into a PDF file.	OZ recommends keeping the language in the proposed regulations. This is a document security issue. Documents must be in PDF. OZ has information on its website on how to PDF a document.
903	Z	West End Citizens Association	8/25/2015		page Z-40, Sec 404.10, ZC, Requesting Party Status - The WECA objects to the new provision stating "Replies to any opposition by the person requesting party status will not be accepted into the record" since it unfairly does not allow an organization requesting Party status to defend any erroneous information submitted by the Applicant or another participant in the case	OZ recommends keeping the language in the proposed regulations. The BZA and ZC have historically not wanted a back and forth response.
905	X	Under Secretary of State for Management Washington	8/31/2015	Chanceries	Amend Subtitle X, Chapter 2 § 201.4 to read: For the purpose of the Subtitle X § 201.3 determination, the “area” shall be the <u>area that the BZA determines most accurately depicts the existing mix of uses adjacent to the proposed location of the chancery square within which the proposed chancery is to be located, except that the Board of Zoning Adjustment at the request of an applicant, Secretary of State, or the Mayor of the District of Columbia may use a larger area if the Board of Zoning Adjustment finds the larger area provides a more accurate depiction of the existing mix of adjacent uses based on calculations of the land area devoted to existing uses including office.</u> Request a transition provision restricting building height within 30 feet of an abutting residential zoned lot. Propose adding the following transition provision as a new provision applicable only to C-2-A(MU-4) in Georgetown. New G 403.1(b): 1. For buildings in MU-4 that directly abut a residential lot zoned R-19 or R-20 (Georgetown) the maximum height of the building thirty feet (30') from the lot line of an immediately abutting residential lot shall be twenty-five feet (25'). Height shall be measured from the mid-point of the rear wall of the building. 2. The Board shall have the authority to grant relief by special exception from the above height and set back requirements upon a showing that there are unique conditions present which	The Office of Planning has no objection to amending the language advertised in the NPRM as requested by the DoS, with the small exception that OP does not recommend changing the phrase "Notwithstanding the foregoing" to "In addition" in the last sentence of Section 201.5.
907	G	Citizens Association of Georgetown	9/2/2015	Height	Request a transition provision restricting building height within 30 feet of an abutting residential zoned lot. Propose adding the following transition provision as a new provision applicable only to C-2-A(MU-4) in Georgetown. New G 403.1(b): 1. For buildings in MU-4 that directly abut a residential lot zoned R-19 or R-20 (Georgetown) the maximum height of the building thirty feet (30') from the lot line of an immediately abutting residential lot shall be twenty-five feet (25'). Height shall be measured from the mid-point of the rear wall of the building. 2. The Board shall have the authority to grant relief by special exception from the above height and set back requirements upon a showing that there are unique conditions present which	OP does not recommend inclusion of this provision. It was not considered at setdown or within the NPRM.
925	C	Stuart Cameron	9/14/2015	parking	Don't let the developers off the hook in constructing adequate parking spaces for the tenants of the new apartment or condo buildings. As I see it with the parking issue, there are three parties: the developers who would make more money from building living quarters than parking spaces; the government that loves to suck in more taxes from new residents and from more parking fines from motorists who park illegally because there are not enough legal spaces; and the public who will suffer from the lack of parking. Please put your support behind the public. I know the money for the developers and the government must be enticing but inadequate parking is already hurting the District residents. As a 75 year old retiree who has lived in DC	OP recommends the proposed changes as advertised in the Notice of Proposed Rulemaking.
935	U	ANC 2E	9/14/2015	Accessory Apartments Corner Stores	CAG supports the proposed deletion of the minimum lot size requirement for accessory apartments within a principal dwelling, and a reduction in the minimum total floor area from the 2,000 sq. ft. originally proposed. CAG disagrees with the proposed reduction in R-20 of the minimum total floor area to 1,200 sq. ft. CAG believes 1,750 sq. ft. would be an appropriate minimum in Georgetown. CAG believes that special exception review by the BZA would be appropriate for applications for any house less than 1,750 sq. ft. in Georgetown. CAG objects to 253.7 which expressly permits a new door to be created in the front of a house in the R-20 zone provided only	OP recommends the proposed changes as advertised in the Notice of Proposed Rulemaking. OP does not recommend additional restrictions be added to the R-19 and R-20 zones.

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940	H	ANC 6B	9/14/2015	neighborhood commercial	In testimony before the Zoning Commission on November 13, 2013, ANC 6B supported the conversion of the Eighth Street Overlay District to an NC-6 zone provided that the terms of this special zone include the same limitation on eating establishments as in the current district, namely that food and drinking establishment use be limited to 50% by lot frontage linear foot and fast food be further limited to half of the 50% of linear feet for eating establishments. ANC 6B requests that the text of Subtitle H should exempt the NC-6 zone from 1101.3(b)(1) or that section be amended to read: These uses shall occupy no more than 25% of the linear street frontage within a particular N zone (50% in the NC-6 zone), as measured along the lots.	OP recommends this change to correct the language so it reflects the existing provisions and restrictions of the 8th St overlay.
941		Sharon Jones	9/14/2015	affordable housing	I would like to express my concerns about re-writing DC's Zoning laws. I've been here in DC for 50 years and housing was affordable. The laws aren't fair to those who have paid taxes and worked to stay here. Its really frightening to see what's going on in DC. Other people who just moved here and who make 6 figures, are able to come in get loans and benefit from what we have already labored hard to keep. What about the low to middle income families don't we deserve to have fair & equal housing where we have lived all of our lives. My family came from Mississippi to Washington and worked hard for the Government more than 40 years. I was taught and also wittiness my parents working and that is where I got my work ethic.	The inclusionary zoning regulations ("IZ"), which require a certain level of affordable housing are being reviewed as a separate case from the ZRR. Changes to IZ are being considered as case 04-33G and a public hearing is scheduled for November 19, 2015. The city offers other housing programs and assistance, separate from IZ, through the Department of Housing and Community Affairs and the DC Housing Authority.
943		ANC 4A	9/16/2015	process	ANC 4A is requesting an extension to submit comments on the proposed Zoning Regulations Review to October 16th. ANC 4A met on September 1, 2015 but was unable to vote on this matter. ANC 4A will vote on this matter on October 6, 2015 at its regularly scheduled meeting.	The ZC agreed to the request.
950		Ward 4 Thrives	9/17/2015	process	It is hereby resolved that Ward 4 Thrives asks the Zoning Commission to reject the Zoning Regulations Review until and unless the following actions have been taken. Require the Office of Planning to demonstrate that all proposed zoning changes are warranted by findings that the existing zoning regulations are "inconsistent" or "potentially inconsistent" with the D.C. Comprehensive Plan Land Use Element, pursuant to the Implementation Element of the D.C. Comprehensive Plan. Require OP to provide all neighborhood civic and citizens groups and ANCs citywide the ANC-specific Development Standards Comparison Matrixes, comparing the heights, densities, lot occupancies, and required yard buffers of the proposed districts to the existing	•Existing regulations are not required to be found "inconsistent" with the Comp Plan before being amended; rather the standard is that amendments must be determined to be "not inconsistent with the Comp Plan"; •OP provided a Comp Plan review for the proposed changes in setdown report submitted into the record as exhibit 2 on August 30, 2013 and as part of each public hearing. The inclusionary zoning regulations ("IZ") are being reviewed as a separate case from the ZRR. Changes to IZ are being considered as case 04-33G and a public hearing is scheduled for November 19, 2015.
959	Y	ANC 1C	9/18/2015	BZA	ANC 1C recommends that the ZRR (08-06) adopt the Issuance of Orders submission date requirements for the Board of Zoning Adjustment (BZA) as used by the Zoning Commission, under 11-3028.5.	"OZ recommends keeping the language in the proposed regulation text. Orders are served the same day they are signed and filed in the record. 88% of BZA orders are served within 3.5 days of decision. OAG must ensure Full Orders are legally sufficient therefore these orders are more time consuming to issue."
959	G	ANC 1C	9/18/2015	Reed-Cooke	Requests the Zoning Commission, as regard at least to zones MU-4, MU-5, RC-2 and RC-3, the mixed use zones applicable to Adams Morgan, to restore the 60% and 80% lot occupancy maximums, provide for rear setback from the rear lot line for all portions of a building, and eliminate any increase in permissible non-residential FAR.	• MU-4 and MU-5: Lot Occupancy remains at 60% and 80% respectively (Sub G Sec 404); Rear setback minimum of 15 ft is required (Sub G Sec 405.2) • RC-2 and RC-3: Lot Occupancy remains at 60% and 80% respectively (Sub K Sec 703); Rear setback minimum of 15 ft is required (Sub K Sec 704.1) • There is a proposed increase in FAR of 0.5 for lots less than 10,000 sf in area- but eating and drinking uses cannot use the additional 0.5 FAR
959	E	ANC 1C	9/18/2015	RF-4 RF-5	Welcomes the proposed two new rowhouse zones RF-4 and RF-5, and urges the Zoning Commission to eliminate the proposed commercial and other non-residential uses, from the two new rowhouse zones RF-4 and -5 as well as from any RF-1 district resulting from future downzoning from and R-5 district. Incorporate all of the elements of its 14-11 order into the final order on ZRR at every point where the ZRR order deals with the successor zones to R-4 (i.e. RF-1, -2 and -3). It should inform the public of its intention to do so, taking any issues resolved by that Order out of further contention in the consideration of ZRR. Set an FAR limit of 1.8 for all structures in the proposed RF-4 and -5 zones.	•The changes in rowhouse regulations that resulted from case 14-11 have been incorporated into the ZRR, (Subtitle E §§ 303, 403 and 503, and Subtitle U §§ 301 and 320). Because case 14-11 was heard after the ZC took proposed action on the ZRR and decided after the Notice of Proposed Rulemaking for the ZRR was published, case 14-11 was incorporated after the publication of the ZRR but all changes will be included in any new zoning regulations. •A maximum FAR for the RF-4 and RF-5 zones was not advertised so is not recommended at this time.
959	C	ANC 1C	9/18/2015	roof structure	Incorporate into the ZRR text the side-wall setback formula provided in §411.18(3) of the pending Penthouse draft, amended so as to apply to any “detached dwelling, semi-detached dwelling, rowhouse or flat in any zone.”	The penthouse regulations are being reviewed as a separate case from the ZRR as case 14-13. Final action on amendments to the roof structure regulations is expected on Monday October 19, 2015, and any revisions will be incorporated into the ZRR.
959	C	ANC 1C	9/18/2015	roof structure	Limit the height and other dimensions of rowhouse roof structures by incorporating into the ZRR text §411.5 of the pending draft in the Penthouse case, and clarify that 30 square feet is the maximum floor area of roof structures covered by this provision	The penthouse regulations are being reviewed as a separate case from the ZRR as case 14-13. Final action on amendments to the roof structure regulations is expected on Monday October 19, 2015, and any revisions will be incorporated into the ZRR.
959	F	ANC 1C	9/18/2015	Uses	Commends OP and the Zoning Commission for having dropped the proposal to allow new commercial and office uses to intrude into residential neighborhoods under the new “RA” zoning. Urges the Zoning Commission to reject any suggestion that those uses be allowed in the RA zones in whole or in part. Notes, however, that in other respects, the proposed “RA” zoning is inadequate to protect those rowhouse neighborhoods from “pop-ups” and other grossly excessive over-redevelopment, and should be considered for downzoning in appropriate areas.	Thank you for your comments.
962	E, H	ANC 1A	9/18/2015	process	In order for ANC 1A to weigh in on ZC 08-06A in an informed manner today, the ANC is lacking key information necessary to do so. The ANC has not received any comprehensive reports, summaries, or redlined copies of the proposed rulemaking which document changes made and incorporated into the draft regulations during the past year, particularly as they relate to Subtitle E (RF-1) and Subtitle H (NC-7 & NC-8). Additionally, the ANC would like a report from OP outlining how ZC 14-11 and ZC 14-13 may impact the proposed RF-1 regulations. Lastly, ANC 1A requests an ANC-specific Development Standards Comparison Matrix (showing the heights, densities, lot occupancies, and require yard distances) of the current zoning districts versus the	•The Zoning Commission addressed the issue of a redline during its deliberations and stated that due to the comprehensive nature of the revisions, the entirety of the existing code would be redlined and replaced with updated text. Therefore, preparation of a redline document would not be productive. •The changes in rowhouse regulations that resulted from case 14-11 have been incorporated into the ZRR, (Subtitle E §§ 303, 403 and 503, and Subtitle U §§ 301 and 320). Because case 14-11 was heard after the ZC took proposed action on the ZRR and decided after the Notice of Proposed Rulemaking for the ZRR was published, case 14-11 was incorporated after the publication

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971	C	Sandy Shapiro	9/21/2015	parking	I am very concerned and upset about the proposed text for the revising of DC Zoning Changes, regarding the reduction of minimum parking requirements citywide - it flagrantly does not comport with DC's legally binding Comprehensive Plan which mandates that zoning policy and decision-making be based upon data. Most other citizens share the same disbelief. The decision to reduce parking requirements is not based on the level of demand for residential parking in various Ward 3 neighborhoods and will increase, rather than diminish the traffic. In the area of Friendship Heights, which is where I live, judging from all of the census data on vehicle ownership, the number of spaces that developers are currently required to	Comp Plan sections that guided the proposed revisions to the zoning regulations were part of the OP reports, exhibit 2 in the case file for 08-06A. OP recommends the proposed changes as advertised in the Notice of Proposed Rulemaking.
972	C	Howard Fox	9/21/2015	parking	I am writing to support smart-growth zoning, that will eliminate--or at least sharply reduce--parking requirements. We should be reducing auto dependency, for a more liveable city.	Thank you for your comments. OP recommends the proposed changes as advertised in the Notice of Proposed Rulemaking.
975		ANC 7F, Sheila Carson-Carr	9/21/2015	process	ANC-7F advises the Zoning Commission to extend the time to review the final language of the ZRR; With this extension of time, ANC-7F requests assistance to provide meaningful comment on the ZRR and thus requests the following information: 1) An ANC-7F specific Development Standards Comparison Matrix (showing the heights, densities, lot occupancies, and required yard distances) of the current zoning districts versus those found in the newly proposed districts in ANC-7F. We would like what ANC-1C & ANC-5A received from OP, by way of example see here: http://tinyurl.com/anc5a-matrix-zrr 2) A redline document showing how the language of the draft ZRR reviewed and voted on by the Zoning Commission in December 2014 may have	The ZC voted 5-0-0 at its Sept. 21, 2015 Regular Public Meeting to decline the request for translations and additional extensions after reviewing the level of outreach, public hearings, and extensions already granted. The Zoning Commission addressed the issue of a redline during its deliberations and stated that due to the comprehensive nature of the revisions, the entirety of the existing code would be redlined and replaced with updated text. Therefore, preparation of a redline document would not be productive. The Office of Planning has prepared comparison documents to aid in the review of the proposed regulations against the existing zoning. Copies of the ANC 7F Development Standards Comparison Matrix was provided to ANC
978	C, I	Thomas M. Chused, MD	9/22/2015	downtown height parking	I strongly object to the increase in allowable building height both downtown and in residential neighborhoods. Like Paris, our height restriction makes the city beautiful. Just look across the river at Virginia to see how ugly it would become. The reduction of parking requirements seems to be a sop to the developers at the expense of those of us who live and work in DC. Our public transportation system is not sufficiently robust to meet current requirements. The proposed reduction would aggravate the situation. Bikes are fine but not a sufficient answer to the need for transportation. Please give more consideration to the needs of DC residents and less to the developers desire to make money	Thank you for your comments
979	C, I	ANC 2A	9/22/2015	downtown height	Advisory Neighborhood Commission 2A (ANC-2A) requests that the Zoning Commission: (a) not expand either the definition of “downtown” or CEA into more of Foggy Bottom-West End; and (b) not allow for increases in currently allowable density, percent non-residential uses, and height in Foggy Bottom-West End.	The Central Employment Area (CEA) is not being expanded; the CEA is established by City Council or the Mayor through the Comprehensive Plan process or by consent; it is not established through zoning. The new D zones do not expand the Downtown. The new D zones relate directly to the high density land use categories of the Central Washington Area element of the Comprehensive Plan and do not extend or include areas within the West End or Foggy Bottom areas as identified as the Near Northwest Element of the Comprehensive Plan.
980	U	ANC 3/4G	9/23/2015	accessory apartments	Objects to the new provision of accessory apartments being allowed in accessory buildings, such as above a garage or storage building. However, this ANC is in favor of allowing accessory apartments in the principal building with the provisions being currently proposed in the regulations.	OP recommends the proposed text as advertised in the Notice of Proposed Rulemaking, with corrections for errors, typos and terminology.
980	Y	ANC 3/4G	9/23/2015	BZA	Y604.8 should be amended to read "For purposes of this chapter, a decision or order shall be and become final upon its filing in the record and service upon the parties within XXX days [45, 60, 90 days].	OZ recommends keeping the language in the proposed regulation text. Orders are served the same day they are signed and filed in the record. 88% of BZA orders are served within 3.5 days of decision.
980	B	ANC 3/4G	9/23/2015	definitions	The definition of cellar was not changed as requested by the ANC in 2013. Currently Cellar is defined as that portion of a story, the ceiling of which is less than four feet above the adjacent finished grade. We request that this be amended to read above the existing grade. Existing is easier to define than finished, which can be altered. The Cafritz building at 5333 Connecticut Avenue presents this anomalous situation, whereby what appears to be ground floor units might be re-cast as cellar units because of an artificial berm that will ring the area.	Existing is vague relative to time; the regs continue to use finished grade which is defined.
980	B	ANC 3/4G	9/23/2015	height	Favors an absolute height limit for residential buildings, with language such as that used for flat roofs in B308.3.	B308.3. is within the NPRM for final action.
980	B	ANC 3/4G	9/23/2015	height	Requests that both the building height and measurement of that height from grade be established by the street selected as the front of the building. We oppose the so called "mix-and-match" rule, preserved in the 2015 rewrite, allowing a building to select one street frontage to generate the height limit, but then apply that height limit to a different frontage that is "selected as the front of the building," thus allowing for a height limit that would be in excess of that permitted from either frontage.	The way height is measured has been changed to more accurately reflect the built height of a building; However, the “mix and match” is still proposed for final action. It reflects the long standing zoning practice and the wording of Section 7 of the federal 1910 Height Act which reads " ...If the building has more than one front, the height shall be measured from the elevation of the sidewalk opposite the middle of the front that will permit the of greater height..." (underline added).
980	C	ANC 3/4G	9/23/2015	parking	This table contains the minimum parking requirements for apartment buildings in residential zones, requiring 1 space per 3 dwelling units in excess of 4 units, except 1 per 2 dwellings units for any zone within Subtitles D or E...What this means along our Connecticut Avenue commercial corridor is that an apartment building with less than 4 units need provide no parking, and an apartment building with 9 units need provide only one parking space (one for the three units in excess of four, with the remaining two units not yielding an additional parking spot requirement). Disagrees with this relaxed parking requirement - it should be a simple rule of one parking space for every three units.	OP recommends the proposed text as advertised in the Notice of Proposed Rulemaking, with corrections for errors, typos and terminology.

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980	C	ANC 3/4G	9/23/2015	roof structure	Recommends that there be an absolute 10-foot extra height limit for any structure or other embellishment that sits above the roof on which it is located, whatever rooftop item might be called (spire, tower, dome, etc.)	OP is not making a recommendation on an absolute height for architectural embellishments and notes that most spires, steeples, towers, minarets and dome exceed ten feet.
981	C	Juliet G. Six	9/23/2015	parking	The Zoning Commission has adopted proposed zoning regulation changes as written by the D.C. Office of Planning. Citizens of the District feel that if adopted, this will impose major changes affecting what it is like to live in the District. Substantial changes are necessary to fix major flaws in the proposed rules. The proposed regulations do not reflect the height limits that are called for in the Comprehensive Plan. The Comprehensive Plan directed the Zoning Commission to reduce maximum allowable heights from 40 feet in low-density residential zones to reflect what currently the predominant height is in a neighborhood. Except for Georgetown, the Office of Planning has not done that. In certain cases, downtown buildings will be allowed to be 40	• 40 foot Height - ZC recently changed height in existing R-4 zones to 35 feet; this change and all changes made in case 14-11 will be incorporated into any final action; • The new D zones do not expand the Downtown. The new D zones relate directly to the high density land use categories of the Central Washington Area element of the Comprehensive Plan and do not extend or include areas within the West End or Foggy Bottom areas as identified as the Near Northwest Element of the Comprehensive Plan. • Parking is an evolving science: the proposed changes attempt to recognize the public investment in transit, the cost
982	H	John M. Goodman	9/23/2015	neighborhood commercial	I was a member of the Zoning Review Task Force and am Zoning and Development Chair of the Woodley Park Community Association (though these are my own comments). 1. The proposed text on Neighborhood Mixed Use Zones perpetuates a glitch in existing Neighborhood Commercial Overlay District regulations. According to former Zoning Administrator Crews, reading this glitch literally "would be to negate the purposes of the overlay district." For Woodley Park, both the current (§ 1307.4) and proposed (Subtitle H, § 600.6) rules make Connecticut Ave the only designated roadway in the Woodley Park NMU7. The rules then tie the eating and drinking establishment limitation to the "designated roadways" — the 25% linear	OP agrees with these comments and recommends the ZC adopt the proposed changes they represent. The current ZA has interpreted this to mean designated use area, but agrees that language could be clarified. ZA suggests adding a new section to identify the designated roadway as Connecticut, Calvert and 24th Street.
983	B	Parking Development Solutions	9/24/2015	definitions	Garage, Automated Parking: A building or other structure, OR PART THEREOF, in which parking is accomplished entirely by means of shuttles, platforms, dollies, OR OTHER and mechanisms to lift platforms as needed that move vehicles around and where such movement is controlled by computers. The facility may be self-service or it may be staffed to accept payment or observe operations where vehicles enter or exit the automated environment. May also be a public garage.	OP agrees and recommends the ZC adopt the proposed change.
983	C	Parking Development Solutions	9/24/2015	parking	Our approach, to date, has been to develop a definition of a use that would supplant the use now known as a “Mechanical Parking Garage.” Those uses, inherently, were stand-alone. While we could imagine a stand-alone automated parking garage, we expect the greatest application in the District of Columbia would be in situations where it is in a below grade garage as an alternative system of parking, not a distinct use in and of itself. As such, we would be pleased to submit language that would re-cast the concept as a system that would be authorized in any garage (or just those you specify). We stand ready to work with you, your staff, or staff in the Office of Planning as needed. Its approval in the context of building permits and zoning could	OP agrees and recommends the ZC adopt the proposed change.
983	H	Parking Development Solutions	9/24/2015	parking	In one place, at page H-47, there is a reference to “Automated Parking Garage” that we think is in error; we recommend that the subparagraph there be removed (§ 1109.1(c)(3)). We think this is a case of text substitution for “Mechanical Parking Garage” as that type would have warranted its appearance there.	OP agrees and recommends the ZC adopt the proposed change.
983		Parking Development Solutions	9/24/2015		We would like to offer one other idea to you, this being inspired by thoughtful provisions in the pending “Penthouse” case (ZC 14-13). Our focus is on its proposed sections 411 and 412, which would allow recently allowed occupancy of penthouses to be taken up as “minor modifications” of previously approved Planned Unit Development and design review cases. To us, the same should apply to automated parking in lieu of standard ramps and aisles, in this case with a referral not only to the Office of Planning but also the Department of Transportation. While you are officially familiar with the terms proposed in that rulemaking, these provisions are not yet in the case record of ZC 08-06A.	
984	B	Lindsley Williams	9/24/2015	definitions	Garage, Parking: Term proposed is identical to a current term but has opposite meaning as to square footage. Garage, Parking: Comment 1: The word “Public” implies ownership by a public entity, which is rare in DC Comment 2: If not retained as “Parking Garage,” perhaps “General Parking Garage” would be suitable. Garage, Public Storage: is eliminated, which means you can't have incidental service. I find considerable basis for expecting citizen, owner, and overall administrative confusion as old terms take on new meanings (and, for no clear purpose): instead, as in “repair garage” and “gasoline service station.” I recommend that when current and	OP agrees and recommends the ZC adopt the proposed change.
984	B, I, U	Lindsley Williams	9/24/2015	definitions use	I found "Car Wash" in definitions and five other places, all seeming to be just what was intended. But, I also found "carwash" six other places. Of these, three seem as if they would be what was intended if a space were added to separate “car” from “wash”, thus conforming to the defined term (pp. B-45, U-70, and U-98). For the other three, the context suggests that while washing and detailing by hand would be allowed, but a (mechanical) car wash would not, so maybe that text should be studied and something like "hand washing, polishing, and detailing of vehicles already parked on an incidental basis is permitted, but not a mechanized car washing facility" (pp. I-24, U-46, and U-58). You may also want to explore the definition of car wash itself.	OP agrees and will fix the terminology.
984	H, U	Lindsley Williams	9/24/2015	definitions use	As noted above, the use "public storage garage" would not continue if ZRR as proposed goes into effect. Yet it would be allowed thrice (pp. H-38, H-42, and U-57), and be banned/restricted twice (pp. U-65 and U-70). As expressed above, I think at least some of that term's thought, if not name, should continue as it allows, as two others now proposed would exclude, truly incidental services such as washing, polishing, detailing, inflating tires, jumping car batteries and even refueling electric vehicles at charging stations. While a cure here might be to soften the restriction on "service" in Public Garage (the term proposed): to me, incidental services need not be the exclusive realm of a Repair Garage or a Gasoline service station, forcing	OP agrees and will fix the terminology.
984	H	Lindsley Williams	9/24/2015	Uses	As noted earlier, the present rules put many limits on mechanical parking garages. And, the new term, “Automated Parking Garage,” can be seen as a successor. But, in one part of Subtitle H, Special Exception Uses (NC Use Group C, at page H-47, section 1109.1(c)(3)) automated parking garages are reference, inappropriately in my mind, as they bear no external similarity to the “mechanical parking garages” that were understandably limited in the corresponding portion of the existing zoning code.	OP agrees and will fix the terminology.

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984	H, U	Lindsley Williams	9/24/2015	Uses	In three instances, there are provisions about gasoline service stations accessory to a parking use (pp. H-38, U-65, and U-71). While such gasoline accessory uses existed in the past, I know of no such use in the District in this century, and I can't imagine one being developed as the mix of fuel and parking is too risky so insurance would be prohibitive, along with nasty fuel storage hassles from DDoE if no where else. The one at U-71 is tied to a relic of the past ("mechanical parking", again none left) so that whole text should be deleted as should those tied to other types of garages.	OP agrees and will fix the terminology.
984	K	Lindsley Williams	9/24/2015	Uses	I found this term twice (pp. K-58 and K-101); its meaning is not clear to me. Is it some unattended gas pump?	OP agrees and will fix the terminology.
984		Lindsley Williams	9/24/2015	uses	A full "Word" search of ZRR is needed to locate and fix instances where the term "parking garage" is meant to be the term now proposed, particularly if kept in the roster of proposed uses (which I earlier recommended against). The most egregious of these is in the definition of "gross floor area". There, one of the exclusions is ramps leading down to a "parking garage," the term ZRR proposes just the garages that are no larger than 900 square feet. Clearly not the intent, but there it is! A "fix" there is essential, perhaps as simple as "ramps leading down to areas of parking." The term "parking garage" shows up 26 times (in my Adobe search). likely a bit more with a Word search. Sometimes it means exactly what is proposed, but in other instances	OP agrees and will fix the terminology prior to final action.
985	C	Friendship Neighborhood Association	9/24/2015	parking	Many summaries of the ZRR have only mentioned that the minimum parking requirement will be lower near transit than far from transit, and they omit the fact that the draft regulations would result in major reductions in minimum parking requirements in many categories city-wide. The proposed changes are inconsistent with the Comprehensive Plan and will likely cause irreparable harm if adopted, whereas, there will be no harm associated with delaying any changes in the minimum parking requirements until they are revised to be consistent with the Comprehensive Plan and the Office of Planning provides reports and data to demonstrate that they will address future parking demand. As Mr. Parsons requested earlier, the	OP recommends the ZC adopt the amendments advertised in the Notice of Proposed Rule Making
986	C	Friendship Neighborhood Association	9/24/2015	parking	The Residential Parking Permit condition for reductions in the minimum parking requirement for multifamily housing that is near a bus route, but not near a Metrorail station or streetcar line, does not protect DC's neighborhoods from spillover parking as was envisioned in the deliberations by the Zoning Commission. It has very limited applicability, and is unlikely to prevent future residents from petitioning to be added to the RPP database. Further, it does nothing to address spillover parking from non-residential uses that take advantage of the reduction in the minimum parking requirement. Moreover, given the massive reductions in basic minimum parking requirements from our already low minimum parking requirements, this provision does	
987	U	Friendship Neighborhood Association	9/24/2015	corner Stores	Allowing additional non-residential uses in these residential zones has an impact on the diversity of neighborhood types and the viability of nearby commercial centers. The viability of the commercial centers depends on synergies. A concentration of retail and service storefronts in a compact strip is both attractive to consumers and protective of adjacent residential neighborhoods. This proposal also undercuts the basic purpose of zoning, since it eliminates some predictability about development in R-3 and R-4 neighborhoods. The current zoning creates neighborhoods in which rowhouse residents know that their neighbors will be rowhouse residents -- not commercial establishments.	
987	G	Friendship Neighborhood Association	9/24/2015	FAR	Subtitle G, §402.2 increases the maximum floor area that can be devoted to non-residential uses in the MU-4 and MU-5 zones (currently C-2-A and C-2-B). This change reduces the incentive to provide housing in a mixed use zone. It also, as drafted, increases the incentive to maximize the lot occupancy (since the amount of the increased non-residential FAR is related to lot occupancy). Many of the C-2-A zones, for example, are narrow mixed-use corridors next to low-density residential neighborhoods, this change increases the impact on nearby homes, with more non-residential use and an incentive for higher lot occupancy. The increase in the permitted non-residential floor area is inconsistent with the Comprehensive Plan policies to	
987	A	Friendship Neighborhood Association	9/24/2015	format	The renaming of the zone districts makes the regulations more difficult to use and obscures the relationship between different zone districts. It should be rejected.	OP recommends the ZC adopt the amendments advertised in the Notice of Proposed Rule Making
987	C	Friendship Neighborhood Association	9/24/2015	parking	The proposed mapping of areas eligible for a reduction in the minimum parking requirement and the depth of the permitted reduction in Subtitle C, Section 702 is inconsistent with the Comprehensive Plan. It should be rejected.	Parking is an evolving science; the proposed changes attempt to recognize the public investment in transit, the cost increases from requiring construction of parking in excess of building demand, and the changing manner of individual travel. The alternatives to parking are not simply bus or bike. There are increasing options for people to have access to individual vehicles for personal use through car-share and car services such as Zipcar, Car2Go, Getaround and Uber. These options provide on-demand alternatives to individual car ownership. Traditional car rental companies are also adapting to provide similar quick, short-term rentals. There is nothing to prohibit a builder from providing parking in excess of the minimum if the determine
987	B	Friendship Neighborhood Association	9/24/2015	Uses	The consolidation of uses into broad categories is inconsistent with the Comprehensive Plan and should be rejected.	There are both individual uses and use categories, the use of both is not inconsistent with the Comprehensive Plan. OP recommends the ZC adopt the amendments advertised in the Notice of Proposed Rule Making
988	U	Shepherd Park Citizens Association	9/24/2015	home occupation	We are concerned about the sheer number of uses that could possibly fall under the guise of Home Occupations and Businesses. This is, in our view, overly broad and could lead to increased acrimony among and between neighbors as well as disturb neighborhood cohesion. Therefore, we request the Home Occupation Permits be issued with and after a public hearing for the following uses: daytime care, lodging, tutoring and home sales. We understand the lodging category deals with traditional, long-term roomers. However, with the advent of the sharing economy, we believe that strict procedures need to be developed and enforced to regulate such activities as Airbnb as a business.	

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988	D	Shepherd Park Citizens Association	9/24/2015		Applaud the maintenance of the majority of zoning in Shepherd Park as R-1-B. We believe that this designation is entirely appropriate for our area and should help maintain its unique character. However, we are concerned about keeping the current zoning (R-2) for 12th Street NW between Hemlock and Fern Streets. This area is developed with single-family, detached houses on moderate sized lots like the rest of Shepherd Park. We know of no plans nor desire to construct semi-detached dwellings there and, in fact, none have been constructed there in over 50 years. Therefore, we request that this area be designated as R-1-B like the rest of Shepherd Park.	
989		JazmAn Rumbaut	9/24/2015	affordable housing	Affordable (truly affordable!) housing is a clear and basic need. As city leaders, you can build requirements for it in all parts of the city right into the city's plan, without unreasonable exceptions. When and if the ZRR is enacted, there will be absolutely no 'low-income' housing required in any developments in the newly expanded Downtown District, and other parts of the City. I see people sleeping on the streets of downtown DC. Sleeping on the streets. Driving the area to be even more upscale is obscene. Further, the ZRR is far too an important civic document to prevent all residents from commenting on, vet it has been published	
991	D, E, U	Matthew Yglesias	9/24/2015	accessory apartments	The accessory apartments rule should be a win-win-win for homeowners, renters, and disinterested city residents alike. For homeowners, the opportunity to garner additional rental income is a win. For those homeowners who choose not to lease out an accessory dwelling it will still be a win because the mere option to use their property in this way will increase its value in the event of a sale. For renters, it is a win because an increase in the supply of rental options will act to mitigate citywide rent increases and afford renters more options about which neighborhoods to live in. Last, for people like myself who own properties that are not directly impacted by the change it is still a win. Accessory dwellings mean more residents for the city.	OP agrees with this comment and continues to recommend the accessory apartment language as advertised in the Notice of Proposed Rulemaking.
991	C	Matthew Yglesias	9/24/2015	parking	Reducing regulatory parking minimums should be a no-brainer. The only flaw in this proposal — and I should hasten to add that it is a significant flaw — is that it is far too timid and has been excessively watered-down do to objections that do not withstand scrutiny. A place to park a car is a wonderful thing to have. I own a car myself, and like everyone else's car it is parked somewhere a majority of the time. Hence I deeply appreciate that there is demand for parking spaces in the city and that under any sensible policy framework our city will include many locations in which one can park a car. By the same token, smartphones are extremely useful and the vast majority of DC households own a smartphone. And just as car-owners need	Parking is an evolving science; the proposed changes attempt to recognize the public investment in transit, the cost increases from requiring construction of parking in excess of building demand, and the changing manner of individual travel. The alternatives to parking are not simply bus or bike. There are increasing options for people to have access to individual vehicles for personal use through car-share and car services such as Zipcar, Car2Go, Getaround and Uber. These options provide on-demand alternatives to individual car ownership. Traditional car rental companies are also adapting to provide similar quick, short-term rentals. There is nothing to prohibit a builder from providing parking in excess of the minimum if the determine
992	Y	ANC 3C	9/24/2015	BZA	Sec. 103.5 replaces 4 day notice of public meeting agenda with current requirement (3105.7) of 7 day notice. Four days is not reasonable public notice.	OZ recommends keeping the language in the proposed regulation text. This is public notice of the public meeting agenda items. Changes are continually being made. Currently, items are added in real-time, so notice will mostly be made well in advance
992	Y	ANC 3C	9/24/2015	BZA	Sec. 203 add that burden of proof is on applicant, which is currently required (3119.2), but has been deleted in this final version.	OZ recommends keeping the language in the proposed regulation text. This section is now in Subtitle X, Sections 901.3, 1002.2, and 1101.2.
992	Y	ANC 3C	9/24/2015	BZA	Sec. 302.17 replace 14 days with 7 days, which is current requirement (3115.1). It is an unreasonable burden to require ANCs that meet on a set monthly schedule to produce appeal responses 14 days before the hearing rather than the current 7 days in advance.	OZ recommends changing Section 302.17 and 302.18 to read as follows: This section conflicts with Section 502.8 which allows the ANC report to be filed 7 days in advance of the hearing. OZ recommends editing the sections to read as follows:
992	Y	ANC 3C	9/24/2015	BZA	Sec. 703.2 delete modifications of consequences from zoning order changes decided without public hearing because Sec. 703.5 defines the category broadly to include changes in conditions and design that could be among the most highly contentious issues considered during the hearing on the application. The parties should have an opportunity to be heard and not be subject to an unreasonable 10-day period to file opposition response. This requirement, Sec. 703.10, is particularly onerous for an ANC.	302.17 No later than seven (7) days before the public hearing, the appellee and persons with party status and the affected ANC OZ recommends changing revising the entire Subtitle Y Section 703 and 704 to be consistent with Subtitle Z 703 and 704. This includes removing references to a "modification of little or no consequence". The intent is to allow the Board to determine if an application is of consequence or significance, and if it is of consequence to establish a timeframe for responses.
992	Y	ANC 3C	9/24/2015	BZA	Sec. 704.6 Ten (10) days between notice and filing response is not adequate or reasonable for an ANC. It may be presumed that ANC has reviewed the original application and authorized a commissioner to represent it on the application. However, ANCs cannot be expected to have anticipated what modifications of consequence an applicant may request after the decision. It may be associated with some aspect of the application that was fine originally but that is not fine as modified and the ANC would have to vote at a public meeting to have the authority to offer a response. The timing of the response if limited to 10 days deprives the ANC of opportunity to represent the neighborhood on the matter.	OZ recommends changing Section 704.6 to read as follows: 704.6 All requests for modifications of significance shall be served on all other parties to the original application at the same time as the request is filed with the Board. A party shall have ten (10) days within which to submit written comments that such party may have concerning the requested modification.
992	Y	ANC 3C	9/24/2015	BZA ZC	Sec. 102.2 delete authorization for staff of Zoning Commission to serve on Board of Zoning Adjustment. The Zoning Commission has no staff, unless the Office of Zoning personnel are considered the staff, but there should be no delegation of this important function to staff. The DC members of the Zoning Commission are appointed by the mayor and confirmed by the Council after a public hearing and there is no similar process for staff to be vetted for their qualification to represent DC residents on this important regulatory body.	OZ recommends keeping the language in the proposed regulation text. This is from the DC Code.
992	X	ANC 3C	9/24/2015	Chanceries	Sec. 201 Chancery Use Criteria -Define “area” narrowly since this extraordinary authorization for a foreign government to avoid zone restrictions by essentially creating a geographic boundary that is more beneficial to establishing an undesirable use potentially undermines the intent of zone regulations. -Sec. 203.4 add ANC into application referrals	The NPRM reflects changes to the chancery use consistent with the Foreign Missions Act; the new text does not include a Diplomatic overlay thereby allowing chanceries to apply for location fairly throughout the city. OP recommends amending the language relative to an area proposed by the Dept of State.

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992	C	ANC 3C	9/24/2015	parking	708.4 delete because this permission allows a commercial use that is not a home occupation on residential property. In addition, it has potential to turn a rear yard into a parking lot since these spaces would be in addition to required spaces for the principal dwelling. It would add congestion to an alley that is used by residents and where commercial uses are not zoned. There are myriad locations for car-sharing from dedicated on street locations to dedicated spaces in every type of development. Promoting this commercial enterprise on residential property is unwarranted.	OP does not recommend this change. This is currently allowed in the existing regulations and has been brought forward into ZRR as is.
992	C	ANC 3C	9/24/2015	parking	Sec. 701 Minimum Vehicle Parking Requirements -Sec. 701.5 shows substantial reduction in requirement for multi-family buildings that would result in 66 to 85% reduction in parking spaces without any process that would permit the ANC and the community to protest. The Comprehensive Plan states that reductions in parking requirement can be considered if the specific circumstances of a neighborhood warrant the reduction. There has been no assessment of the transit use in our neighborhood or any consultation with us about our experience with parking demand where minimum parking requirements have been inadequate. We strongly oppose the unilateral matter of right reduction in parking and urge the Zoning Commission to	Parking is an evolving science; the proposed changes attempt to recognize the public investment in transit, the cost increases from requiring construction of parking in excess of building demand, and the changing manner of individual travel. The alternatives to parking are not simply bus or bike. There are increasing options for people to have access to individual vehicles for personal use through car-share and car services such as Zipcar, Car2Go, Getaround and Uber. These options provide on-demand alternatives to individual car ownership. Traditional car rental companies are also adapting to provide similar quick, short-term rentals. There is nothing to prohibit a builder from providing parking in excess of the minimum if the determine
992	C	ANC 3C	9/24/2015	parking	Sec. 701.8 (b) and (f) add that permission to locate required parking spaces off-site whether as matter of right or by special exception should partly be premised on the unavailability of the District’s Restricted Residential Parking Program at the on-site and offsite locations. This condition is necessary to protect adjacent and nearby properties from an increase in demand for scarce on street parking supply.	see above OP response
992	C	ANC 3C	9/24/2015	parking	Sec. 702.1(c) permits a 50% reduction in the substantially reduced minimum parking requirement for apartment buildings and commercial establishments based on proximity to metro or high frequency bus lines. The Office of Planning has reported that significant parts of ANC 3C would be affected by this provision. We oppose this provision and urge a special exception process to determine if reductions are warranted and, if so, what level of parking is appropriate based on neighborhood conditions of supply and demand. There have been no changes to public transit in ANC 3C and thus, no new transit use or vehicle use patterns that convince us that this matter of right reduction is reasonable or responsible. On the contrary, our experience is	see above OP response
992	C	ANC 3C	9/24/2015	parking	Sec. 703.2(f) should be deleted because it allows developers to base waiver of all or part of minimum parking requirements on the provision of a “significant proportion” of affordable housing units. First, this is a vague construct that begs for interpretation. Second, it declares that either low income residents don’t own cars or worse, they should not own cars. Many low income residents rely on cars, rather than public transportation, to travel to shift work, to take children to day care or schools away from the neighborhood or jobs, and to reach other necessary services that are often not found in low income neighborhoods.	see above OP response
992	X	ANC 3C	9/24/2015	school plan	Sec. 105 School Plan Requirements -105.2 add ANC into application referrals from Office of Zoning	
992	C	ANC 3C	9/24/2015	subdivision	Sec. 304 Subdivision - Rules of Measurement for Lot Width -Sec. 304.4 should be deleted. It would allow the creation of new lots for single family residences or flats that are only 40% the minimum required width for a lot in the zone. The absolute minimum could be as narrow as 14 feet! It is ludicrous to imagine that you could have a minimum lot width of, for example, 50 feet in an R-1-B zone as measured 30 feet back from the front of the lot (as ZRR is proposing) and a street frontage that is only 14 feet! These two provisions must be reconciled. We recommend that lot width should be measured at the front of the lot in order to preserve block character and not 30 feet back.	OP will review this provision in consultation with the ZA and Surveyor.
992	C	ANC 3C	9/24/2015	subdivision	Sec. 305 Theoretical Subdivisions -Sec. 305.4(c) should substitute measurement of height from “finished grade” to “natural grade” as is required throughout the zoning code. Indeed the follow provision, 305.4(d), clarifies that 305.4(c) would allow a different measurement method for theoretical lots than is required for standard lots in the same zone. Allowing the topography of a series of theoretical lots to be changed – usually to attain more height on at least one side of future structures is problematic and could alter the character of a block or neighborhood. A developer should expect building heights to rely on natural grade and if the developer wants to alter the grade to achieve more height than would be possible using the natural	OP does not recommend this change. In case 12-10, the ZC adopted clarifying language regarding measuring height and the term "finished grade" was used for measuring height in zones with a max building height of 40 feet.
992	C	ANC 3C	9/24/2015	Subtitle C	Sec. 201 General Provisions -Reinsert existing Sec. 2000.3 that in part states that “all uses and structures incompatible with permitted uses or structures shall be regulated strictly and permitted only under rigid controls.” The emphasis is necessary to direct the BZA and the zoning administrator to treat non-conforming uses and structures as anomalies that should ideally not be present in the zone. The absence of this provision from ZRR signals a change in policy that we don’t think is warranted or intended. We have experience with the ZA not applying the non-conforming regulations strictly and in two recent cases the potential effect was so serious that neighbors are appealing the ZA’s decision.	OP does not object to reinstating the sentence as requested.
992	C	ANC 3C	9/24/2015	Uses	Sec. 204 Non-Conforming Use -Sec. 204.1 add “ or intensity” at end of “A nonconforming use of land or structure shall not be extended in land area or gross floor area.” The intent is not to expand the use which can have negative impacts on permitted uses in the zone. Increasing the square footage is only one means of expanding the non-conforming use – the existing square footage could be rearranged to result in a much more intense use and that situation should be covered in the regulation.	OP agrees with this proposed change.
992	C	ANC 3C	9/24/2015	Uses	Sec. 204.8 delete and reinsert that changes in the non-conforming use will be reviewed by the BZA. If the intent is to rigidly control non-conforming uses, which has long been zoning policy and is endorsed in area elements of Comprehensive Plan, then the zoning code should not permit matter of right changes from one non-conforming use to another, even if within the same use category. By definition, these are uses incompatible with the zone and communities should have an opportunity to control them through a public regulatory process.	OP agrees with this proposed change.

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992	C	ANC 3C	9/24/2015	Uses	Sec. 204.9(e) reinsert “at least” between “within” and “hundred feet.” The intention is to require an applicant to show that change in non-conforming use will not adversely affect the character and future development of surrounding area. Applying that burden to an area less than a block long prohibits the BZA from really assessing the extent of a negative impact. For example, a non-conforming trash transfer station has an affect far beyond a ½ block. By inserting “at least” the BZA can effectively capture the degree of the geographic affect.	OP agrees with this proposed change. The change will reflect the language as it currently exists and was not intended to be dropped in the ZRR.
992	Z	ANC 3C	9/24/2015	ZC	Sec. 405.7 seems to separate the level of meaningfulness of great weight afforded to the Office of Planning comments on zoning cases and the great weight afforded to ANCs in Sec. 406.2. The former is vague about when Commission must honor the great weight of OP comments, but the latter provision clearly states that the ANC’s comments will only be given great weight after deliberations and the issuing of a proposed decision. It is only at a pro forma second vote, or final action, that the Commission would honor the ANC great weight requirement that is articulated in the Comprehensive Advisory Neighborhood Commissions Reform Amendment Act of 2000. The amendments state that “the issues and concerns raised in	OZ recommends changing Section 406.2 to read as follows: 406.2 The Commission shall give "great weight" to the written report of the ANC, pursuant to § 3 of the Comprehensive Advisory Neighborhood Commissions Reform Amendment Act of 2000, as amended, that is received at any time prior to the date of a Commission meeting to consider final action including any continuations thereof on the application.
992	Z	ANC 3C	9/24/2015	ZC	Sec. 504.5 and Sec. 505.1 present the same inconsistent treatment of great weight afforded to the Office of Planning and the Advisory Neighborhood Commissions. It effectively permits the Commission to ignore the ANC recommendations until all meaningful deliberations are finished and only the final rubber stamp of a decision is scheduled. This downgrading of ANC great weight versus Office of Planning great weight is not the intent of the authorizing law and the Commission should correct this second class treatment of ANCs before the ZRR is finalized.	OZ recommends changing Section 503.2 to read as follows: 505.1 The Commission shall give "great weight" to the written report of the ANC, pursuant to § 3 of the Comprehensive Advisory Neighborhood Commissions Reform Amendment Act of 2000, as amended, that is received at any time prior to the date of a Commission meeting to consider final action including any continuations thereof on the application.
992	Z	ANC 3C	9/24/2015	ZC	Sec. 703.1 delete authorization that petitions for modifications of consequence can be decided without public hearing on consent calendar. By definition, these petitions are material to the facts that led to the Commission’s decision on the original application in a contested case. Parties should have an opportunity on the public record to oppose changing conditions in the final order and/or altering exhibits that all parties and the Commission relied on. In addition, the example listed in Sec. 703.4 that “a change in position on an issue discussed by the Commission that affected its decision” should be deleted. This appears to be a reconsideration of the decision and it should not be allowed using modification rules.	"OZ recommends keeping the language in the proposed text with the following correction: 703.16 Responses for requests for modification of consequence significance shall be filed at the time specified by the Commission pursuant to Subtitle Z § 703.17.
992	Z	ANC 3C	9/24/2015	ZC	Sec. 703.6 add to list of examples of modifications of significance “change to public benefits or amenities or required covenants.”	Once a modification of consequence is submitted, the Commission will decide whether it requires hearing, and if not, they will "OZ recommends changing Section 703.6 to read as follows: 703.6 Examples of modifications of significance include, but are not limited to, a change in use or additional relief, change to public benefits and amenities or required covenants, or flexibility from the zoning regulations not previously approved."
993	I	Shaw-Dupont Citizens Alliance, Inc.	9/24/2015		SDCA believes it is fundamentally unfair that the proposed Downtown zoning districts are nearly and/or completely exempt from true affordable housing requirements. This is also in direct opposition to the position that Mayor Bowser has publically articulated to provide more affordable (and low income) housing that is desperately needed. This policy of exclusion does not meet the DC Comprehensive Plan's main goal of developing an Inclusive City and can be considered discriminatory based on class. Further development of appropriate affordable housing requirements based only on District of Columbia data should be developed and applied. Current use of amalgamated data that includes Virginia and Maryland does not represent the financial	The inclusionary zoning regulations ("IZ"), which require a level of affordable housing are being reviewed as a separate case from the ZRR. Changes to IZ are being considered as case 04-33G and a public hearing is scheduled for November 19, 2015. The city offers other housing programs and assistance, separate from IZ, through the Department of Housing and Community Affairs and the DC Housing Authority. The new D zones do not expand exemptions from the IZ requirements.
993		Shaw-Dupont Citizens Alliance, Inc.	9/24/2015		SDCA opposes the dramatic shift away from community-input for projects that currently require special exceptions and variances, in that the ZRR now makes many of these projects matter-of-right. This reduction in community oversight is not supported by the DC Comprehensive Plan.	
993		Shaw-Dupont Citizens Alliance, Inc.	9/24/2015		SDCA resolves to oppose any changes in any of the current zoning requirements regarding heights, densities, and lot occupancies and buffers as depicted in the ZRR for the any of the zone districts in the SDCA boundary area. If the Zoning Commission must compel changes onto the zone districts in our SDCA area, we request that the proposed zoning changes flow from actual, demonstrated findings that the current zoning regulations are “inconsistent”, or “potentially inconsistent” with the DC Comprehensive Plan Land Use Element, as to warrant these proposed changes pursuant to the Implementation Element of the DC Comprehensive Plan. We also want the ability to review the rationale used for determination, and to	Thank you for your comment.
993		Shaw-Dupont Citizens Alliance, Inc.	9/24/2015		SDCA supports transparent decision-making and requests that all neighborhoods citywide receive the ANC-specific Development Standards Comparison Matrix (showing the heights, densities, lot occupancies, and required yard distances) of the current zoning districts versus the proposed districts in any given ANC district, and that these documents are publically available on the web site. We understand that not all neighborhoods have received such a “targeted” matrix, and in the effort of clearly explaining the ZRR, all neighborhoods should receive one in an effort of openness and transparent planning. To support efforts of openness and transparency for the residents of the District of Columbia, SDCA recommends that a redline	Thank you for your comment.
994		Brandon T. Todd, Councilmember Ward 4	9/24/2015	process	I am writing this letter to respectfully request that the Zoning Commission extend its comment period on the Zoning Regulations Review (ZRR) to October 16, 2015. I understand that this has been a years-long process and that a lot of hard work has been put into the proposed regulations. Nevertheless, there are still a number of stakeholders who have not had an opportunity to opine on the most recent proposal. I commend the Zoning Commission for all of its work on the ZRR and thank you for considering this request.	The ZC voted 5-0-0 at its Sept. 21, 2015 Regular Public Meeting that there was extensive public outreach and several extensions, and declined the request for translation, and additional extensions and outreach.
995	D, E	Federation of Citizens Association	9/24/2015	accessory apartment	the proposed regulations will allow tenant suites by right in many instances: Internal tenant suites and external suites that are contained in existing accessory buildings, like garages, would be matter of right.	

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995	D, E	Federation of Citizens Association	9/24/2015	accessory buildings	the proposed regulations allow new external buildings to be built by right with approval needed only when rented. At that time tenant rentals would have to be approved by the Board of Zoning Adjustment and could have 2 floors, a height of 22 ft and a footprint of 900 square foot.	
995	Y, Z	Federation of Citizens Association	9/24/2015	BZA ZC	these regulations make much development allowable as a matter of right, which results in neighbors having no input or rights.	
995	I	Federation of Citizens Association	9/24/2015	downtown	the proposed regulations include dramatic changes to height limits: The proposed Zoning regulations do not retain the 3 story maximum height limit in low-density residential zones. Note that the Comprehensive Plan directed the Zoning Commission to reduce maximum allowable heights from 40 ft to reflect what is currently the predominate height in a neighborhood. OP has not done that except for Georgetown. Downtown buildings will be allowed to be 40 feet taller than is currently allowed. The area designated as downtown has been tripled in size.	
995	C	Federation of Citizens Association	9/24/2015	parking	the proposed regulations include dramatic changes in parking requirements: Substantially reduced parking requirements will increase competition from apartment residents and commercial patrons parking in residential neighborhoods adjacent to apartment buildings, schools, transit zones and downtown. The regulations will also increase parking costs, which will disproportionately and negatively impact lower-income residents. The census shows that in DC approximately 1 in 3 households are carless and 2 in 3 houses have at least 1 car. • Developers will not have to provide onsite parking for any use in a broadly defined downtown, which has been tripled in size to encompass the areas from the baseball stadium – along the river – 23d	
995		Federation of Citizens Association	9/24/2015	process	the proposed zoning regulations do not make zoning simpler and are inconsistent with the Comprehensive Plan as adopted by the District Council.	
995	C	Federation of Citizens Association	9/24/2015	transit	these regulations do not recognize that individuals are intermodal and often use cars to get to the Metro. these regulations relay heavily on the metro/rail system without providing for alternative transportation methods in the event of metro/rail failure or transit overload. these regulations should mandate safe and prevalent use of continuous bicycle lanes throughout the city, and also, adequate storage areas to encourage energy efficient transportation alternatives in addition to metro/rail. Efficient use of center medians could advance these efforts.	
995	D, E	Federation of Citizens Association	9/24/2015	Uses	commercial uses will be allowed by right in low density residential areas and will not be required to have parking except for daycare: • Accessory Uses (Home Occupations and Businesses): More than 175 types of businesses would be allowed as home-based occupations with a max of 8 clients per hour. • Commercial: In rowhouse zones (R-3 and R-4) Retail, Art Design and Creation, Food and Alcohol plus others if located 500 feet or more from a commercial zone, operating max 7 am - 10 pm, 4 employees max and no more than 6 such establishments could be within 500 ft of your house. Liquor could not be consumed on-site: food could not be cooked on-site.	
995	Z	Federation of Citizens Association	9/24/2015	ZC	the proposed regulations give great leeway to developers thereby leaving little to negotiate to attain more affordable units.	
996	D, E	Tenleytown Neighbors Association	9/24/2015	accessory apartment	the proposed regulations will allow tenant suites by right in many instances: Internal tenant suites and external suites that are contained in existing accessory buildings, like garages, would be matter of right.	
996	D, E	Tenleytown Neighbors Association	9/24/2015	accessory buildings	the proposed regulations allow new external buildings to be built by right with approval needed only when rented. At that time tenant rentals would have to be approved by the Board of Zoning Adjustment and could have 2 floors, a height of 22 ft and a footprint of 900 square foot.	
996	Y, Z	Tenleytown Neighbors Association	9/24/2015	BZA ZC	these regulations make much development allowable as a matter of right, which results in neighbors having no input or rights.	

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996	I	Tenleytown Neighbors Association	9/24/2015	downtown	the proposed regulations include dramatic changes to height limits: The proposed Zoning regulations do not retain the 3 story maximum height limit in low-density residential zones. Note that the Comprehensive Plan directed the Zoning Commission to reduce maximum allowable heights from 40 ft to reflect what is currently the predominate height in a neighborhood. OP has not done that except for Georgetown. Downtown buildings will be allowed to be 40 feet taller than is currently allowed. The area designated as downtown has been tripled in size.	
996	C	Tenleytown Neighbors Association	9/24/2015	parking	the proposed regulations include dramatic changes in parking requirements: Substantially reduced parking requirements will increase competition from apartment residents and commercial patrons parking in residential neighborhoods adjacent to apartment buildings, schools, transit zones and downtown. The regulations will also increase parking costs, which will disproportionately and negatively impact lower-income residents. The census shows that in DC approximately 1 in 3 households are carless and 2 in 3 houses have at least 1 car. • Developers will not have to provide onsite parking for any use in a broadly defined downtown, which has been tripled in size to encompass the areas from the baseball stadium – along the river – 23d	
996		Tenleytown Neighbors Association	9/24/2015	process	the Office of Planning has produced no studies in support of their proposed changes to zoning in DC. The proposals are purely ideologically driven.	
996		Tenleytown Neighbors Association	9/24/2015	process	the proposed zoning regulations do not make zoning simpler and are inconsistent with the Comprehensive Plan as adopted by the District Council.	
996	C	Tenleytown Neighbors Association	9/24/2015	transit	these regulations do not recognize that individuals are intermodal and often use cars to get to the Metro.	
996	D, E	Tenleytown Neighbors Association	9/24/2015	Uses	commercial uses will be allowed by right in low density residential areas and will not be required to have parking except for daycare: • Accessory Uses (Home Occupations and Businesses): More than 175 types of businesses would be allowed as home-based occupations with a max of 8 clients per hour. • Commercial: In rowhouse zones (R-3 and R-4) Retail, Art Design and Creation, Food and Alcohol plus others if located 500 feet or more from a commercial zone, operating max 7 am - 10 pm, 4 employees max and no more than 6 such establishments could be within 500 ft of your house. Liquor could not be consumed on-site: food could not be cooked on-site.	
996	Z	Tenleytown Neighbors Association	9/24/2015	ZC	the proposed regulations give great leeway to developers thereby leaving little to negotiate to attain more affordable units.	
997	E	Historic Mount Pleasant	9/25/2015	RF-4 RF-5	The major revision to the District’s Zoning Regulations now proposed as a result of the years long Zoning Regulations Rewrite (ZRR) do not incorporate amendments for R-4 zones approved by the Zoning Commission in June 2015. This is a serious omission which must be corrected before the ZRR takes effect. On November 7, 2013, Historic Mount Pleasant appealed to the Zoning Commission to eliminate the matter-of-right conversion authority affecting R-4 zones that was proposed to be continued under the ZRR for Residential Flat zones. Notwithstanding the interest initially shown by the Commission in providing such relief for the Mount Pleasant Historic District, the Commission ultimately voted to maintain the conversion	The changes in rowhouse regulations that resulted from case 14-11 will be reflected in the final order for the ZRR, (Subtitle E §§ 303, 403 and 503, and Subtitle U §§ 301 and 320). Because case 14-11 was heard after the ZC took proposed action on the ZRR and decided after the Notice of Proposed Rulemaking for the ZRR was published, case 14-11 was not shown in ZRR but all changes will be included.
998	I	DCBIA	9/25/2015	Downtown -- CLDs and TDRs vesting	Transfer of CLDs and TDRs should vest a property during a transition period of at least 6 months	Vesting will be considered by the Zoning Commission
998	A	DCBIA	9/25/2015	vesting effective date	As noted in our October 28, 2013 submission to the Zoning Commission, the effective date of the proposed Zoning Regulations is largely unknown, which provides a great deal of anxiety for DCBIA members as they contemplate new projects. We appreciate the proposed language in Subtitle A §102.3 which outlines the rights that will be vested in development projects that were approved by the Zoning Commission, the Board of Zoning Adjustment, the Historic Preservation Review Board, the Commission of Fine Arts, and the Office of Planning (for Large Tract Review projects). However, we believe that projects should also be able to vest their rights in two additional ways: (i) the filing of a foundation to grade permit; and (ii) the transfer of	
1003		DC Planning Access	9/25/2015	process	Press Release - Planners' Convenience Trumps Public Inclusion - District Officials Say Translating ZRR Too Costly and "Not Legally Required"	No response to press release.

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1004		ANC 5B	9/25/2015	process	ANC 5B request for a copy of the ANC 5B Development Standards Comparison Matrix (showing the heights, densities, lot occupancies, and required yard distances) of the current zoning districts versus those found in the newly proposed districts in ANC 5B. A redline document showing how the language of the draft ZRR reviewed and voted on by the Zoning Commission in December 2014 may have changed with that of the language published in the DC Register in May 2015. Printed maps of both the current DC zone map and the proposed zone map which visibly demonstrated how the current zone district are renamed and then remapped per the interrelated Zoning Case No. 08-06C (Map Amendment to Implement the Comorehensive	The Zoning Commission addressed the issue of a redline during its deliberations and stated that due to the comprehensive nature of the revisions, the entirety of the existing code would be redlined and replaced with updated text, and therefore, preparation of a redline document would not be productive. Maps will be prepared after the ZC takes final action on the text and names changes.
1005		Coalition for Smarter Growth	9/25/2015	parking accessory Apartments Corner Stores alley dwellings	We are eager to see the completion of the zoning update, which has been subject to a record amount of public review, input, comment, and years of analysis. I served on the Comprehensive Plan task force that finalized the plan update in 2006. I never imagined we would not be done with updated zoning regulations by now. During the span of these eight years, staff, Zoning Commissioners, ANC commissioners, Council members, and Mayors have come and gone. Tens of thousands of DC residents have moved in, moved out, been born or passed away. We must finish this job and move on to our next tasks of implementation. The next round of 10 year revisions to the Comprehensive Plan is starting. The Comorehensive Plan revisions	OP recommends the proposed text as advertised in the Notice of Proposed Rulemaking.
1006	D	Harlan Cohen	9/25/2015	accessory apartments	My other area of concerns involves proposed changes to the Zoning Regulations with respect of Accessory Dwelling Units, now retitled as Affordable Dwelling Units. In the District many of us live on small plots of land in built-up neighborhoods. Neighbors should have a right to object to new buildings near alleys and property lines may restrict neighbors' access to light and air and cause changes in surface water flow. Thus, current regulations with respect to Accessory/Affordable Dwelling Units should remain in place.	OP recommends the proposed text as advertised in the Notice of Proposed Rulemaking.
1006	C	Harlan Cohen	9/25/2015	parking	Proposed changes to minimum parking requirements do not reflect the reality of how people live and work in the District. Though some may wish to reduce the use of the automobile within the District, the proposed reduction in minimum requirements will neither have that effect nor reflect the needs of District residents. Even if many of us were able to use alternative modes of transportation, cars will still need parking places. If developers of new buildings are not required to provide adequate parking, users of these buildings will seek street parking, putting the parking burden unfairly onto the residents of the District of Columbia. Given crowding on Metro and its poor performance, it is unrealistic to reduce parking	OP recommends the proposed text as advertised in the Notice of Proposed Rulemaking.
1011	I	ANC 4D	9/25/2015	affordable housing	Extend the Inclusionary Zoning requirements to all zoning districts, including Downtown. It is discriminatory to officially exclude people from certain parts of the city by income - and ultimately by class and race.	The inclusionary zoning regulations ("IZ"), which require a set-aside of affordable housing, are being reviewed as case 04-33G, a separate case from the ZRR. A public hearing on case 04-33G is scheduled for Nov. 19, 2015. Neither the ZRR nor case 04-33G propose new exemptions from IZ and the new D zones will be subject to IZ.
1011		ANC 4D	9/25/2015	BZA ZC	Restore review requirements for all of the types of projects currently requiring special exception and variance review, as well as those additional types of projects for which the community had requested new review, such as the Large Retailer Special Exception. Test any expansions of MOR for consistency with the Comprehensive Plan.	All variances continue to require referral to ANCs; OP continues to recommend the special exception uses as setout in the Notice of Proposed Rulemaking.
1011		ANC 4D	9/25/2015	process	Make available both the current and proposed zoning maps to all neighborhood civic and citizens groups and ANCs to enable residents to perform side-by-side comparisons and to verify that new zone districts are mapped correctly in the related, but separate, Zoning Case No. 08-06C (Map Amendment to Implement the Comprehensive Revisions to the Zoning Regulations, including New Zone Names).	Maps will be produced by the Office of Zoning after the ZC takes final action on any changes to the text and zone names.
1011		ANC 4D	9/25/2015	process	Obtain written support for the final form of the ZRR from at least two-thirds of all ANCs citywide.	Each ANC is given its individual Great Weight by the ZC in any decision
1011		ANC 4D	9/25/2015	process	Require OP to demonstrate that all proposed zoning changes are warranted because the agency found that the existing zoning regulations are "inconsistent" or "potentially inconsistent" with the DC Comprehensive Plan Land Use Element, pursuant to the implementation Element of the DC Comprehensive Plan.	The standard is that amendments must be determined to be "not inconsistent with the Comp Plan"; OP provided a Comp Plan review for the proposed changes in set down report submitted into the record as exhibit 2 on August 30, 2013 and in each public hearing.
1011		ANC 4D	9/25/2015	process	Require OP to provide a redline document comparing the version of the ZRR text published in the DC Register in May 2015 to the version that was approved in December 2014 in order to make transparent the changes that have been wrought out of the public eye since the text was approved.	The Zoning Commission addressed the issue of a redline during its deliberations and stated that due to the comprehensive nature of the revisions, the entirety of the existing code would be redlined and replaced with updated text, and therefore, preparation of a redline document would not be productive.
1011		ANC 4D	9/25/2015	process	Require OP to provide to all neighborhood civic and citizens groups and ANCs citywide the ANC-specific Development Standards Comparison Matrixes, comparing the heights, densities, lot occupancies, and required yard buffers of the proposed districts to the existing zoning districts in the area covered by each ANC. Only a minority of ANCs (i.e., 5A and 1C) have been provided with such a targeted matrix.	These documents have been available in the case file and upon request

ZC Exhibit #	Subtitle	Name	Date	Issue	Comment/Testimony	OP Response
1011		ANC 4D	9/25/2015	process	Translate the nearly 1,000 pages of the ZRR as well as all educational aids, including those enumerated above, into Spanish so that residents who speak the second-most-prevalent language in the District of Columbia can participate in molding this massive set of policy changes that will affect all neighborhoods. Provide at least 3 months' additional time, once the code and supporting educational materials have been published in Spanish, for community input before the Office of Planning responds to community input.	The ZC voted 5-0-0 at its Sept. 21, 2015 Regular Public Meeting to decline the request for translations and additional extensions after reviewing the level of outreach, public hearings, and extensions already granted.
1022	I	JBG Companies	9/25/2015	Downtown --GAR in D-5	208.1--GAR in D-5 should remain 0.2, not 0.3.	OP will correct
1022	I	JBG Companies	9/25/2015	Downtown --Non-required Parking Spaces	212.2--Current regulations, and the proposed parking regulations in Subtitle C, do no apply certain restrictions to parking spaces that are provided but are not required. This sections should be consistent with subtitle C.	212.2--Current regulations, and the proposed parking regulations in Subtitle C, do no apply certain restrictions to parking spaces that are provided but are not required. This sections should be consistent with subtitle C.
1022	I	JBG Companies	9/25/2015	Downtown --Special Exception review of large format retail	303.1 (d)-- Large format retail uses should not be subject to special exception review in the D-4 through D-8 zones	OP recommends the proposed text as advertised in the Notice of Proposed Rulemaking, with corrections for errors, typos and terminology.
1022	I	JBG Companies	9/25/2015	Downtown --Transition Period	Transition period of at least at least 6 months is appropriate, during and before which projects would be vested	Vesting will be considered by the Zoning Commission
1022	I	JBG	9/25/2015	GAR	Subtitle I, § 208.1: The Green Area Ratio (GAR) for buildings in the current C-3-C Zone is 0.2. The replacement zone for the C-3-C Zone is the D-5 Zone. The GAR has been inadvertently increased to 0.3 for the D-5 Zone. The GAR should be maintained at 0.2, which is consistent with the current regulations. Accordingly, we request that the Commission revise § 208.1 to state that GAR is 0.2 for the D-5 Zone.	OP agrees this is an error and the GAR should be 0.2
1022	I	JBG	9/25/2015	Large Format Retail	Subtitle I, § 303.1(4): This section requires special exception relief for large format retail uses. These types of retail uses are currently permitted in the existing C-3-C zone and are encouraged in many parts of the existing Downtown Development Overlay. These uses should not require special exception relief. The result will be to discourage department stores and other types of uses in the denser D zones counter to current policy initiatives of the District. Accordingly, we request that you revise § 303.1(4) to require a special exception for large format retail uses only in the D-1 through D-3 zones.	
1022	I	JBG	9/25/2015	parking	Subtitle I, § 212.2: This section applies parking requirements of Subtitle C, Chapter 7 to all required or provided parking spaces, including access and size. This requirement is a change from the current Zoning Regulations, which permit non-conforming spaces to be provided in a parking garage but do not permit such spaces to be counted for the zoning minimum. For example, tandem spaces are commonly provided in below-grade parking facilities, but only count as one space for zoning. This section would eliminate the ability for tandem spaces or other types of ize-compliant spaces to be provided above the minimum number of parking spaces required by zoning. Furthermore, sections of Subtitle C, Chapter 7 state in various places that the Request that the Zoning Commission consider a delayed effective date following the publication of the new regulations. A transition period of at least six months is necessary to protect the pre-permit investment of the development community.	
1022	A	JBG	9/25/2015	vesting effective date		
1023	U	Washington Humane Society	9/25/2015	uses	The Washington Humane Society requests that Animal Sales, Care and Boarding be added to the list of permitted uses that may achieve the maximum density of 3.5 FAR in the PDR-1 District. Animal Shelter use is a permitted use (Subtitle U, § 801.1(b)) and is fully appropriate and encouraged in the PDR District. In addition, Subtitle U § 801.1(b) of the ZRR provides that Animal Shelter use in the PDR District shall not abut a residential zone or property. This restriction is inconsistent with the text amendments that were adopted in February , 2015, in ZC Order No. 14-10. The Washington Humane Society requests that conforming changes be made to the ZRR to reflect the changes made in the Animal Shelter text amendment in ZC Order 14-10.	OP agrees with this recommendation.
1024	C	Sergei Mikhailov	9/25/2015	parking	We live in a Square that is landlocked. Street parking is our only option. We are very concerned about the cumulative effect of Subtitle C § 701.5, Subtitle C § 702, and lack of an equivalent to the current §11-2104 (a), which establishes buffers around residential zones to prevent “spillover” parking. We request the Zoning Commission to provide explicit protections for landlocked squares - those that are not serviced by a public alley. 1) ZRR should contain explicit protections for squares that are not serviced by public alleys - since those are most vulnerable to “spillover” parking problems. 2) ZRR is missing language preventing RPP eligibility for properties that use the 50% parking reduction under Subtitle C § 702. The Commission voted to	

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1025	D	Goulston and Storrs	9/25/2015	223	1601.1 Section 1601.1 seems to limit former Section 223 which allowed for special exception approval for additions to single family homes. The new section provides: The Board of Zoning Adjustment may grant special exception relief from the following development standards of this subtitle, subject to the provisions of this section and the general special exception criteria at Subtitle X: Lot occupancy; Setbacks; and Pervious surface. Under 223, the prior regulations allowed relief from minimum lot, lot occupancy, rear and side yard (which are covered by setbacks above). courts and section 2001.3. Unless modified, this section will now again require variance relief, rather than	OP agrees and recommends the ZC adopt the proposed change.
1025	A	Goulston and Storrs	9/25/2015	Administration and Enforcement	301.3(f) Add medical campus plan, "Buildings and structures approved as part of a campus, medical campus, or private school plan."	OP agrees and recommends the ZC adopt the proposed change.
1025	K	Goulston and Storrs	9/25/2015	Arts	801.4 Delete as unnecessary. Delete.	OP recommends the proposed text as advertised in the Notice of Proposed Rulemaking.
1025	K	Goulston and Storrs	9/25/2015	Arts	802.1(b) Subtitle C, Section 1002.5 now makes it clear that the FAR maximum in the individual zone controls for purposes of whether IZ and zone-based bonuses “stack.” Revise to allow use of IZ and ARTS bonuses (CLDs, retail, residential). Historically, the ARTS Overlay has been interpreted to allow a 0.5 FAR ARTS bonus above and beyond the maximum FAR permitted in the underlying zone with IZ. Also revise to codify the current interpretation that CLDs may be used to increase the maximum permitted density by 0.5 FAR. Revise as follows: “No building that uses bonus density shall achieve a maximum density in excess of the following: (1) 3.5 FAR in the ARTS-1 Zone. (2) 4.7 FAR in the ARTS-2 Zone. (3) 5.3 FAR in the ARTS-3 Zone. (4) 7.7	OP agrees and recommends the ZC adopt the proposed change.
1025	K	Goulston and Storrs	9/25/2015	Arts	802.2 Incorrect reference to old code number in table. Revise.	OP agrees and recommends the ZC adopt the proposed change.
1025	K	Goulston and Storrs	9/25/2015	Arts	811 and Subtitle U, Chapter 7 This section is very confusing. There is a separate set of “Arts” uses in Subtitle U, Chapter 7. Looking at the list, basically everything fits into “Arts, Design, and Creation,” “Entertainment, Assembly, and Performing Arts,” “Eating and Drinking Establishments,” and then some arts-related education, office, and retail uses. As a starting point, recommend paring down the list of uses Subtitle U, Chapter 7 to: Arts, Design, and Creation; Eating and Drinking Establishments; Entertainment, Assembly, and Performing Arts; Education (arts-related); Office (arts-related); Retail (arts-related); Service, General (arts-related). With a list that simple, consider nulling in directly to Subtitle K, Chapter 8. Revise	OP will review the ARTS uses for consistency between Subtitles K and U.
1025	K	Goulston and Storrs	9/25/2015	Arts	811.1 Unnecessary given that Parking in Subtitle C now allows shared use as a matter of right. That should trump this old regulation	OP recommends the proposed text as advertised in the Notice of Proposed Rulemaking.
1025	K	Goulston and Storrs	9/25/2015	Arts	811.2 All of the uses listed in Subtitle U, Chapter 7 appear to be already permitted as a matter of right in the MU-Use Group E Standards. Revise to eliminate reference to arts uses in Subtitle U, Chapter 7.	OP will review the ARTS uses for consistency between Subtitles K and U.
1025	K	Goulston and Storrs	9/25/2015	Arts	811.3 All of the uses listed in Subtitle U, Chapter 7 appear to be already permitted as a matter of right in the MU-Use Group F Standards. Revise to eliminate reference to arts uses in Subtitle U, Chapter 7.	OP will review the ARTS uses for consistency between Subtitles K and U.
1025	K	Goulston and Storrs	9/25/2015	Arts	811.4 All of the uses listed in Subtitle U, Chapter 7 appear to be already permitted as a matter of right in the MU-Use Group G Standards. Revise to eliminate reference to arts uses in Subtitle U, Chapter 7.	OP will review the ARTS uses for consistency between Subtitles K and U.
1025	K	Goulston and Storrs	9/25/2015	Arts	811.6 As written, this only permits arts-related uses to count toward the ground floor requirement. Revise to include retail/service as well as arts-related uses. “Arts use groups listed in Subtitle U § 700.1 The following use groups shall occupy no less than fifty percent . . .”Arts use groups listed in Subtitle U § 700.1 The following use groups shall occupy no less than fifty percent . . . a) Arts, Design, and Creation; b) Eating and Drinking Establishments; c) Entertainment, Assembly, and Performing Arts; d) Education (arts-related); e) Office (arts-related); f) Retail; g) Service, General; h) Service, Financial.	OP will review the ARTS uses for consistency between Subtitles K and U.

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1025	K	Goulston and Storrs	9/25/2015	Arts	811.7 Replace “hotel” with “lodging use”	OP agrees and recommends the ZC adopt the proposed change.
1025	K	Goulston and Storrs	9/25/2015	Arts	811.9 Unnecessary and duplicative language. Revise as follows: “Eating and Drinking Establishments Eating establishments, drinking establishments, or eating and drinking establishments (“eating and drinking establishments”) shall be subject to . . .”	OP agrees and recommends the ZC adopt the proposed change.
1025	Y	Goulston and Storrs	9/25/2015	BZA	206 Does not define a time deadline for filing in IZIS. Add a new section: “All filings submitted in IZIS on or before 11:59 pm shall be recorded as being received on the same day.”	<i>OZ recommends changing Section 206.10 to read as follows:</i> NEW 206.10 All filings submitted through IZIS on or before 11:59 pm shall be recorded as being received on the same day. Renumber the sections that follow.
1025	Y	Goulston and Storrs	9/25/2015	BZA	302.2 Not clear on when it can be confirmed that an appellant had notice of the appealed administrative decision. Need a definitive time by which it can be confirmed that an appellant did or should have and notice of administrative decision. Second sentence creates greater uncertainty about when a person has knowledge. Delete second sentence of the section: “A person shall not be imputed with having knowledge of the grant of a building permit or certificate of occupancy by the mere issuance of the permit or certificate or its placement in a public file or website, unless there is evidence that the person routinely viewed the file or website on or about the time that the permit or certificate was issued.”	<i>OZ recommends changing Section 302.2 to read as follows:</i> 302.2 A zoning appeal shall be filed within sixty (60) days from the date the person appealing the administrative decision had notice or knowledge of the decision complained of, or reasonably should have had notice or knowledge of the decision complained of, whichever is earlier. A person shall not be imputed with having knowledge of the grant of a building permit or certificate of occupancy by the mere issuance of the permit or certificate or its placement in a public file or website, unless
1025	Y	Goulston and Storrs	9/25/2015	BZA	702.1 Unclear if conditions in BZA order for a phased project supersede this time limit, if the BZA’s intent is to allow more time. Add the following phrase at the end of the last sentence: “... unless the BZA Order says otherwise.”	OZ recommends keeping the language in the proposed regulation text.
1025	K	Goulston and Storrs	9/25/2015	Capitol Gateway	502.3, 503.3, 504.3(f) Same comment as 201.1: Double negative. Also, 503.3 lacks a reference to maximum permitted non-residential density. Revise second sentence as follows “Non-rResidential floor area shall be the total GFA of the building not dedicated to uses in one of the following categories: (a) Residential; (b) Emergency Shelter; (c) Lodging; or (d) Education Uses that are operated or chartered by the District Government. All other uses shall be deemed non-residential uses.	OP agrees and recommends the ZC adopt the proposed change.
1025	K	Goulston and Storrs	9/25/2015	Capitol Gateway	504.4 Existing regulations allow Height Act height to accommodate bonus density; proposed language only allows Height Act height with CLDs. Revise to conform with current regulations. The maximum permitted height in the CG-4 zone shall be as follows: (a) The maximum permitted height in the CG-4 zone shall be ninety feet (90 ft.). (b) Notwithstanding the foregoing, the maximum permitted height shall be that permitted under the Height Act for any site receiving combined lot density within the CG-4 Zone or for any site utilizing bonus density pursuant to Section 504.3 of this subtitle or Subtitle C, Chapter 10: . . .	OP agrees and recommends the ZC adopt the proposed change.
1025	K	Goulston and Storrs	9/25/2015	Capitol Gateway	505.3(c) The bonus density should be permitted beyond the IZ bonus; it should be a 5.8 FAR, not a 5. Revise: (c)The Zoning Commission may grant bonus density for residential development in a building or a combined lot development, using a guideline of 1.0 FAR in excess of the normally-allowed maximum of 4.0 4.8 FAR, provided that...	OP agrees and recommends the ZC adopt the proposed change.
1025	K	Goulston and Storrs	9/25/2015	Capitol Gateway	508.5, 509.1 Add a map showing designated streets	OP agrees and recommends the ZC adopt the proposed change.
1025	K	Goulston and Storrs	9/25/2015	Capitol Gateway	509 Need consistency in references to “preferred”, “designated”, and “required” uses	OP agrees and recommends the ZC adopt the proposed change.
1025	K	Goulston and Storrs	9/25/2015	Capitol Gateway	509.2, 516.2(a) Missing typical ground floor uses such as animal sales and medical care. Revise to add Animal Sales and Medical Care.	OP will review use permissions in Subtitle K to ensure consistency with existing use permissions in Title 11.

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1025	K	Goulston and Storrs	9/25/2015	Capitol Gateway	511 CLDs are no longer allowed in all of CG but limited to CG-4. Regulations should be revised to align with current regulations, which allow CLDs to transfer use requirements across entire CG Overlay. Two (2) or more lots within the CG Zones may be combined for the purpose of allocating residential and nonresidential uses regardless of the normal limitation on floor area by uses on each lot; provided, that the aggregate residential and nonresidential floor area shall not exceed the matter-of-right maximum height or density of the underlying zone district(s), except when bonus density is being constructed, subject to the following: (a) Within the CG-4 District, the residential and nonresidential floor area on each individual parcel shall not exceed a	OP agrees and recommends the ZC adopt the proposed change.
1025	K	Goulston and Storrs	9/25/2015	Capitol Gateway	513.3(b) Revise to line up with new use group categories. "...with the identified preferred uses specifically being residential, hotel or inn, cultural, entertainment, retail or service uses Residential; Lodging; Arts, Design, and Creation; Entertainment, Assembly and Performing Arts; Retail; Service, General; and Service, Financial."	OP agrees and recommends the ZC adopt the proposed change.
1025	K	Goulston and Storrs	9/25/2015	Capitol Gateway	513.8 Delete as unnecessary. Delete.	OP agrees and recommends the ZC adopt the proposed change.
1025	K	Goulston and Storrs	9/25/2015	Capitol Gateway	514.2 Delete all three provisions as unnecessary. Delete.	OP agrees and recommends the ZC adopt the proposed change.
1025	Y	Goulston and Storrs	9/25/2015	Cross-reference error	525.2-- reference does not make sense	OP will correct reference. Should be "525.2"
1025	B	Goulston and Storrs	9/25/2015	Definitions	Courtyard (Court) - The proposed regulations eliminate the concept that some special architectural treatments should be allowed and not be considered to create a court. Revise: Courtyard: An uncovered area, starring at or above grade, where two (2) walls of the same building with windows will face each other. A court shall not include an indentation, recess, or decorative architectural treatment of the exterior wall of a building which opens onto a street, yard, alley, or court.	The proposed language reflects what was defined as a "court niche" in Title 11. OP does not recommend that this concept be brought forward.
1025	B	Goulston and Storrs	9/25/2015	Definitions	Delete Apartment House - Apartment building is defined as having 5 or more units, while apartment house is defined as having three or more units.	OP agrees with these comments and will ensure consistency throughout the draft text with respect to definitions.
1025	B	Goulston and Storrs	9/25/2015	Definitions	Embassy - Needs definition	OP recommends that the following definition be included: "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."
1025	B	Goulston and Storrs	9/25/2015	Definitions	Floor Area, Gross - Incorrect cross reference, Should be cross reference to Sections 304 and 305.	OP recommends that the cross reference be revised to Sections 303 and 304.
1025	B	Goulston and Storrs	9/25/2015	Definitions	Garage, Public - Appears to duplicate "Garage, Parking" and is unnecessary. Delete.	OP will ensure consistency throughout the draft text with respect to definitions.
1025	B	Goulston and Storrs	9/25/2015	Definitions	Hotel - The definition of "commercial adjuncts" includes certain uses that are no longer common (e.g. cigar shops) and fails to include uses that have become common (e.g. clothing stores, toy stores, spas, and so on. It also fails to reflect the new "use categories." Recommend revisions. Revise as follows: Commercial adjuncts – eating and drinking, retail, and general and financial service establishments customarily incidental and subordinate to hotel use.	OP recommends the proposed text as advertised in the Notice of Proposed Rulemaking.

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1025	B	Goulston and Storrs	9/25/2015	Definitions	Inn - Need to add back definition to cover category of transient use with less than 30 rooms	OP recommends the proposed text as advertised in the Notice of Proposed Rulemaking.
1025	B	Goulston and Storrs	9/25/2015	Definitions	Lot Line, Rear - Current definition means that buildings can have multiple rear yards because any lot line that is not a street lot line or does not intersect with a street becomes a rear lot line. Revise back to old definition.	OP agrees with this comment and recommends that the existing definition and concepts be applied to rear lot lines.
1025	B	Goulston and Storrs	9/25/2015	Definitions	Lot, Flag - Delete if term is not used.	OP recommends the proposed text as advertised in the Notice of Proposed Rulemaking.
1025	B	Goulston and Storrs	9/25/2015	Definitions	Lot, Interior - Language is inconsistent with other definitions and is unintentionally broad. Revise to “A lot that abuts only one (1) street.”	OP agrees and recommends the ZC adopt the proposed change.
1025	B	Goulston and Storrs	9/25/2015	Definitions	Lot, Through - Current definition fails to capture through lots that abut two streets, but only abut one street for part of the width of the lot. Revise back to old definition.	OP agrees with this comment and recommends that the existing definition and concepts be applied to through lots.
1025	B	Goulston and Storrs	9/25/2015	Definitions	Main Floor - Definition fails to reflect current interpretations and BZA decisions that buildings can have multiple main floors. Revise to add: "A building may have more than one main floor."	
1025	B	Goulston and Storrs	9/25/2015	Definitions	Parking Space, Structured - Definition captures below-grade parking as well as above-grade parking. Revise definition to reflect that structured parking is only parking located above grade.	OP will review the parking related definitions for consistency.
1025	B	Goulston and Storrs	9/25/2015	Definitions	Setbacks and Yards - Pick one concept or the other and revert back to the old way of defining and measuring side and rear yards. Revise and delete as needed.	OP agrees with this comment and recommends that the existing definitions and concepts be applied to setbacks and yards.
1025	B	Goulston and Storrs	9/25/2015	Definitions	Since the definitions and rules of measurement are intertwined, the proposed definitions should include cross references to the applicable rules of measurement.	OP agrees with these comments and recommends the inclusion of cross references in the definitions.
1025	B	Goulston and Storrs	9/25/2015	Definitions	The definitions and rules of measurement need to be reviewed carefully to make sure that they are consistent but not duplicative. As an example, the rules of measurement for height and gross floor area repeat language in the definitions. As another example, the definition of “Building, Separate” is duplicative of Section 309.	OP agrees with these comments and will ensure that the definitions and rules of measurement are consistent and not duplicative.
1025	B	Goulston and Storrs	9/25/2015	Definitions	The diagrams in the definitions and rules of measurement need to be revised to be consistent with the definitions. For example, Figure B § 304.4 refers to height of 6 feet, rather than 4 feet, to illustrate the perimeter wall method.	OP agrees with these comments and will provide updated diagrams in the final text.

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1025	B	Goulston and Storrs	9/25/2015	Definitions	The proposed definitions retain existing definitions but also include new definitions. They need to be carefully reviewed to eliminate old concepts that have been replaced by new concepts. As examples: “apartment building” appears to have replaced “apartment house”, “setbacks” (rear, side, etc) have replaced “yards”, and “courtyards” have replaced “courts”.	OP agrees with these comments and will ensure consistency throughout the draft text with respect to definitions.
1025	B	Goulston and Storrs	9/25/2015	Definitions	The proposed new scheme for lot lines and setbacks needs significant work. As applied, it creates multiple issues for key concepts such as rear setbacks and through lots. We strongly recommend reverting to the old definitions and concepts, which generally work well and have stood the test of time for over five decades. We agree that established interpretations of the rules of measurement for such concepts should be included.	OP agrees with these comments and recommends that the existing definitions and concepts be applied to lot lines and setbacks.
1025	B	Goulston and Storrs	9/25/2015	Definitions	The use regulations reference the concept of “multiple dwelling” as a permitted use (see Subtitle U, § 401.1(d)(1)) but do not define what a “multiple dwelling” is. Also, the proposed regulations eliminate the concept of dormitories altogether. Many modern student housing meets the technical definition of “apartment building” but some may lack kitchen or bathroom facilities within the room. Recommend defining “multiple dwelling” to include apartment buildings as well as other type of multiple dwelling uses, such as dormitories. even if the living units do not technically meet the definition of “dwelling unit.” This will allow dormitories to be	OP agrees with these comments and will ensure consistency throughout the draft text with respect to definitions.
1025	I	Goulston & Storrs		Downtown ---	517.2 --Cannot exceed 90 feet on portion of a site occupied by a historic landmark or contributing building. Section is also inconsistent with Section 200.2.	OP will revise to clarify that restriction applies only to the area within the footprint of the historic structure
1025	I	Goulston & Storrs	9/25/2015	Downtown ---	555.1--There should be no limit on density for residential or when credits are used. Revise the mirror language in 569.1	OP recommends the advertised language for height in D-6 zone. The zone is equivalent to the existing C-4 zone, not the DD C-4 zone, and, unlike what the comment suggests, was not intended to have the same density as the D-6-R or D-7 zones.
1025	I	Goulston & Storrs	9/25/2015	Downtown ---	555.2 -- Delete (language should be incorporated into new 555.1).	All prior drafts of the D-6 zone retained existing density permissions in the covered areas. OP will delete Sections 555.2 and 555.4 to correct the language to reflect that the densities currently permitted by-right for residential and non-residential uses will be the same in the new D-6 zone .
1025	I	Goulston & Storrs	9/25/2015	Downtown ---	555.4 -- Non-residential density is limited to 6.5 FAR. This is an error. The area affected by this subsection is the old C-4 Zone. The limit should be 8.5 FAR for sites that front on a street less than 110 feet wide and 10.0 FAR for sites that front on a street of at least 110 feet in width.	All prior drafts of the D-6 zone retained existing density permissions in the covered areas. OP will delete Sections 555.2 and 555.4 to correct the language to reflect that the densities currently permitted by-right for residential and non-residential uses will be the same in the new D-6 zone .
1025	I	Goulston & Storrs	9/25/2015	Downtown ---	576.2 -- unspecified cross reference error	reference to Subtitle X, Chapter 9 and Subtitle Sec.581.8 will be examined corrected as appropriate
1025	I	Goulston & Storrs	9/25/2015	Downtown ---	600-- General comment – it is hard to follow the design requirements with all of the blank space/page breaks. It may make sense to break each new section on a separate page so that the maps are aligned with each heading.	Final formatting will be determined upon final approval and publication
1025	I	Goulston & Storrs	9/25/2015	Downtown ---	Need to clarify that both “general services” and “financial services” count towards the ground floor use requirement.	Will be examined
1025	I	Goulston & Storrs	9/25/2015	Downtown ---	601.2 (c)--Wrong crossreference – should be to 601.2(a).	reference to 603.3 will be changed to 601.2(a)

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1025	I	Goulston & Storrs	9/25/2015	Downtown ---	612--mis-spelling	all spellings of principle will be changed to principal for Mount Vernon Triangle Principal Interseccion sub-area
1025	I	Goulston & Storrs	9/25/2015	Downtown ---Alley Lots	210 -- 30’ height limit with setbacks from any residential. OK if accessed thru 24 foot alley or 15 foot alley within 300 feet of a street. However, ZA or Building Code official can determine that access to dwelling is insufficient and send to BZA for Special Exception. The ZA/Building Code official section seems fraught with potential issues given the lack of certainty for owners. Recommend revising or deleting.	OP recommends the adoption of the advertised language in Section 210, with the following correction from "7 feet" to "7.5 feet" for Sec. 210.1 (c): "A building or structure on an alley lot shall be set-back at least seven and one-half feet (7.5 ft.) from the centerline of all alleys the alley lot." abuts.
1025	I	Goulston & Storrs	9/25/2015	Downtown ---Animal care and boarding	303.1(a), 303.1(i)--Why should animal care and boarding use require special exception Downtown? Also, delete veterinary care item – duplicative	OP recommends the proposed text as advertised in the Notice of Proposed Rulemaking, with corrections for errors, typos and terminology.
1025	I	Goulston & Storrs	9/25/2015	Downtown ---Designated Other Street Term; Clarification of type of review.	525.5Clarify wording: - What is a “designated other street segment”? Should probably be revised to say a “building with frontage on one of the following designated street segments” . - Should be more specific about what review process is contemplated – presumably, it is Zoning Commission review pursuant to Subtitle I, Chapter 7.	"Designated Other Street Segment" refers to designated streets that are not classified as Primary or Secondary. Throughout Subtitle I these segments are illustrated on maps and classified in tables. Previously considered terms have included. "Designated Tertiary Street Segment" . The term requires clarification on its first use, in this section. The review to which the section refers is variance review. Section should read: "If a building in the D-4 zone fronts on a designated other street segment, as described in I Section 600 and illustrated in I Section 603, and if the Zoning Commission grants variance relief permitting the buildings height to exceed ninety feet (90 ft.)... "
1025	I	Goulston & Storrs	9/25/2015	Downtown ---Distinctions between the nature of a zone versus the nature of an overlay.	General comment --As written, this section suggests that the zone only applies when triggered. However, since it is a zone, and not an overlay, it needs to apply all the time. Therefore, a distinction needs to be drawn between the provisions of this zone that automatically apply (e.g. development standards, ability to use density credits) and the provisions of this zone that are triggered (e.g. residential, use, and design requirements). Revise to state: the requirements (residential, use and design) are only triggered by certain levels of construction, or if opted in by the property owner; and the development standards, permissions, and incentives (such as the ability to use Density Credits to expand) are an automatic right that is not subject to 303.1(b), 303.1(h)--Make eating and drinking and retail uses matter of right in all Downtown Zones, up to a 0.5 FAR or 1.0 FAR limit. Should not need permission to seek such uses Downtown.	OP will examine comments and revise, if needed, to clarify. With respect to the ability to opt into requirements if they are not triggered, OP is not prepared to recommend this at this time.
1025	I	Goulston & Storrs	9/25/2015	Downtown ---Eating and drinking uses		OP recommends the proposed text as advertised in the Notice of Proposed Rulemaking, with corrections for errors, typos and terminology. The comprehensive plan encourages residential uses downtown and special exception provisions are sometimes appropriate to ensure a variety of neighborhood environment in the relatively dense area.
1025	I	Goulston & Storrs	9/25/2015	Downtown ---GAR change error	208 -- GAR requirement should remain at 0.2, not change to 0.3	OP will correct.
1025	I	Goulston & Storrs	9/25/2015	Downtown ---Height Maximums Downtown	532.1, 540.1, 548.1, 556.1, 563.1, 577.1---Revise to allow Height Act maximum. As worded this limits height of buildings on 100-foot wide, such as 6 th Street, NW, streets to 110 feet.	This will be corrected within the D-4-R, D-5, D-5-R, D-6, D-6-R and D-8 zones by noting that, unless otherwise restricted to a lesser height by a section governing the particular zone or a sub-area that includes that zone, the maximum permitted height for a building measuring its height from a street with a right of way less than 110 feet shall be the height permitted by the Height Act.
1025	I	Goulston & Storrs	9/25/2015	Downtown ---Housing Requirement on part of old convention center site	101.2, Figure 1 --Square 374, Lot 44 removed from Housing Priority Area by ZC 08-23 and should so remain	OP will correct
1025	I	Goulston & Storrs	9/25/2015	Downtown ---Legacy TDRs and Legacy CLDs	900.2, 900.4 -- Legacy CLDs should be able to be utilized in any trade area to protect their value, as legacy TDRs are. Revise Section 900.2 to delete Section 801.1(e) and revise Section 900.4 to add Section 801.1(e).	OP recommends the advertised distinction be maintained between where Legacy TDRs can be used and where Legacy CLDs can be used. This has been extensively discussed with involved parties and relates to existing distinctions between TDRs and CLDs, to ensuring ensuring a mix of uses within a given area or neighborhood, and to ensuring that Legacy TDRs maintain value when merged into a Credit system that subsumes both TDRs and CLS. In general, CLDs and Legacy CLDs are intended primarily to ensure that a mix of preferred uses are provided within a specific area or neighborhood while providing some flexibilitiy as to the exact location where those uses are provided within the area or neighborhood. TDRs and Legacy TDRs relate are intended
1025	I	Goulston & Storrs	9/25/2015	Downtown ---Lodging and office uses	304.1 (and, OP notes, indirectly in reference to D-1-R zone) -- Lodging and office uses should be permitted as a matter of right in all Downtown zones. The residential use requirements will effectively preclude entirely commercial use in certain zones.	As adverstised, commercial uses such as offices are permitted in all zones other than the D-1-R zone, which is intended to be the equivalent of the existing R-5-E zone, but with permission for ground floor retail as long as at least 2.0 FAR is provided. OP recommends the D-1-R zone not be amended to permit office uses. OP will study the lodgin comment further. As advertised, it would be permitted as a home occupation in R zones; as a special exception in the MU-Use Group A; by-right in the MU-Use Groups C, D and E; and by right in PDR zones.

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1025	I	Goulston & Storrs	9/25/2015	Downtown ---Proper location for listing of downtown use permissions	302 -- Set up a new provision in Subtitle U that lists the matter of right uses for the Downtown Zones. Revise to add additional matter of right uses as listed in Section 302.2.	OP will examine if clarification or revision is needed.
1025	I	Goulston & Storrs	9/25/2015	Downtown ---Rear setbacks/yards -- Exemption for lots fronting on at least 3 streets	205 -- Lacks a provision eliminating the rear yard requirement for lots fronting on three or more streets.	OP will give this further study. As advertised the R and PDR sections, but not the MU or NC zones, permit the rear yard on a lot fronting on three or more streets to be measured from the centerline of the street abutting the lot at the rear of the structure.
1025	I	Goulston & Storrs	9/25/2015	Downtown ---Rear Yard and historic buildings	205.3 --Clarify to address applicability of rear setback requirements to additions to historic resources. Add "including any addition thereto" to end of section.	Additions to historic structures are not now explicitly exempt from rear yard requirements. OP recommends the adoption of the advertised language for this section.
1025	I	Goulston & Storrs	9/25/2015	Downtown ---Rear Yard language	205.1 (b)The rear yard section is overly complex and serves no clear purpose.	OP agrees it is overly complex. OP recommends the advertised language be adopted, and that OP be instructed to reword subsection 205.1(b) to maintain the same requirements but with language that is parallel to the rear yard language in other subtitles. The diagram will be re-draw, if a diagram remains needed.
1025	I	Goulston & Storrs	9/25/2015	Downtown ---Relationship Between PUDs and Credits. "By-right" in relation to densities achievable through credits.	211 --Clarify that PUDs do not need to buy credits for density above the matter-of-right limits. Establish and define “matter-of-right” means maximum permitted with any credits to the maximum extent feasible (i.e. 211.1(c)), and confirm that 20% bonus in Subtitle U, § 303.3 is on top of this number.	Credits provisions are by-right in that they have rules, and are required to be evaluated against those rules, but credits are not discretionary. OP examine whether clarification is needed for term "by-right" or "matter of right" in relation to credits. OP will also will examine PUD provisions to clarify the relationship between increased densities achievable through PUDs and those achievld through credits.
1025	I	Goulston & Storrs	9/25/2015	Downtown ---Re-transfer of legacy TDRs/CLDs	900 --Need to address “legacy” TDRs or CLDs that are vested in a site but no longer needed and are being resold. They should maintain legacy status and be able to be used in any trading area.	OP will examine
1025	I	Goulston & Storrs	9/25/2015	Downtown ---Review of buidlings in D-3 zone in relation to Capitol security	522 --Language as written arguably requires special exception review for a balcony, terrace or roof deck at any height. Should be revised to clarify that such review is required only for a balcony, terrace, or roof structure located above the 90-foot height. Revise as follows: “A new building or building addition that is taller than ninety feet (90 ft) or that has a balcony, terrace, or roof deck located above ninety feet (90 ft.)....”	This section reflects existing language and is intended to enhance security near the Capitol building. The wording is somewhat ambiguous. OP will consult with the Architect of the Capitol about the appropriate height above which a balcony, terrace or roof deck should be reviewed under the provisions of Sec. 605, and will clarify or revise as appropriate.
1025	I	Goulston & Storrs	9/25/2015	Downtown ---Special Exception review waiver of rear setback requirements.	205.4--Rear yard waiver: the special exception standards have always been unclear and difficult to interpret. The building code governs the required distance between openings and should address concerns about distance between windows. Delete 205.4(a)-(c).	OP recommends the adoption of the advertised language for this section.
1025	I	Goulston & Storrs	9/25/2015	Downtown ---Student housing	200 --Clarify it qualifies as residential in downtown zones	It was not OZ's intention that "student housing" enable the generation of bonus density. OP will examine whether a clarification is needed to Sec 200 or other sections.
1025	I	Goulston & Storrs	9/25/2015	Downtown ---TDR/CLD conversion	806--Unlike TDRs, CLDs are not memorialized by a covenant before they are transferred. This section needs to allow for the conversion of existing CLDs that have not transferred.	OP will examine further, but notes that distinction between "unallocated" versus "unused" CLDs is intended to address this. The difference in terminology is explained under comment # 1043.
1025	I	Goulston & Storrs	9/25/2015	Downtown ---Vehicle entrances to buildings	401.1 -- Current language permits vehicular access if an entrance is “required” by DDOT. DDOT technically doesn’t require access to be located in certain locations. They do, however, “approve” the location. A Special Exception should not be required if DDOT has approved the access. Revision suggested. Vehicular access to a garage in a street facade is permitted only if: (a) no access through a 15 foot wide alley; or (b) entrance approved (rather than required) by DDOT; or	OP will wether it is apprpriate to substitue "approved" for "required". Otherwise OP recommends the proposed text as advertised in the proposed rulemaking for Section 401

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1025	A	Goulston and Storrs	9/25/2015	Effective Date	Recommend 6 month dual applicability similar to Building Code transition.	OP supports a 6 month transition period with dual applicability.
1025	G	Goulston and Storrs	9/25/2015	FAR	302 In section 302 for MU-1/MU-2, we believe that the density chart is incorrect. SP-2 allowed 6 max FAR.	OP agrees and recommends the ZC adopt the proposed change.
1025	X	Goulston and Storrs	9/25/2015	General Procedures	103.5 Should include continuing care retirement community	OP will revise to read as follows: A medical campus may include hospitals, clinics, primary care, medical office buildings, nursing and convalescence care facilities and <u>continuing care retirement communities</u> , related and shared parking and loading facilities, and ancillary retail and services that are customarily incidental to the uses.
1025	W	Goulston and Storrs	9/25/2015	H Street	112.1(c) Proposed regulations exclude Square 1050 and Reservations 15P, Q, R and 213 from H Street Overlay, whereas those areas are included in the existing regulations	OP will revise to read as follows: (c) H Street Northeast Arts Sub-district (NC-14 and NC-15) encompasses properties fronting on H Street, NE in Squares 1003, 1004, 1026, 1027, 1049N, 1049 from 12 th to 15 th Streets, NE, <u>and Reservations 15P, 15Q, 15R and 213 and Square 1050</u> .
1025	K	Goulston and Storrs	9/25/2015	Hill East	400.7 Map is unreadable and lacks delineation of the four zones. Revise.	OP agrees and recommends the ZC adopt the proposed change.
1025	K	Goulston and Storrs	9/25/2015	Hill East	403 Add a provision clarifying that the HE zone is a “mixed-use zone” for purposes of the Height Act (similar to 215.2 and 223.2). Revise.	OP agrees and recommends the ZC adopt the proposed change.
1025	K	Goulston and Storrs	9/25/2015	Hill East	403.4, 403.5, 403.6 Delete as unnecessary. Delete.	OP recommends the proposed text as advertised in the Notice of Proposed Rulemaking.
1025	K	Goulston and Storrs	9/25/2015	Hill East	408.1, 408.2, 408.3 Delete as unnecessary. Delete.	OP recommends the proposed text as advertised in the Notice of Proposed Rulemaking.
1025	C	Goulston and Storrs	9/25/2015	IZ	General Comment: multiple changes hard to track with changes also being undertaken in 04-33G. Keep IZ as is in current regulations for purposes of ZRR and make all changes in 04-33G.	OP agrees and recommends the ZC adopt the proposed change. Any changes to IZ should be reflected in the rulemaking.
1025	C	Goulston and Storrs	9/25/2015	IZ	1001.2 The exemption for additions less than 50% is missing. (But 1001.4 references the concept.)	OP agrees and recommends that the referenced exemption language should be included.
1025	C	Goulston and Storrs	9/25/2015	IZ	1001.7 Allows for “opting in” to IZ, but it has an incorrect cross reference	OP agrees and recommends the ZC adopt the proposed change.

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1025	C	Goulston and Storrs	9/25/2015	IZ	1002.5 Clarifies that other bonus density may stack on top of the IZ bonus, subject to the total FAR maximum in that zone. Current regulations explicitly allow stacking in certain zones, but in other zones stacking has been interpreted to be permitted because the zone predated IZ. Must revise FAR maximums in other zones to ensure that both IZ and other bonuses continue to stack as permitted under current regulations.	OP agrees and recommends the ZC adopt the proposed change.
1025	C	Goulston and Storrs	9/25/2015	Loading	901.2 Edit to language - “The loading requirements must shall be met . . .”	OP agrees and recommends the ZC adopt the proposed change.
1025	C	Goulston and Storrs	9/25/2015	Loading	901.6 As written, suggests that you have to provide an additional loading berth for an addition even if the structure is otherwise “maxed out.” “The additional minimum loading berths and service/delivery spaces required shall be calculated based upon the entire gross floor area added of the combined structure.”	OP agrees and recommends the ZC adopt the proposed change.
1025	C	Goulston and Storrs	9/25/2015	Loading	903.1 Loading must now be located either in the building or in a rear yard or side yard. It is not allowed in other areas, except in PDR zones. Current regulations allow loading in “other areas” such as courts in the commercial and industrial zones. Add new provision to parallel existing regulations and allow loading to be located: “Elsewhere, in the NC, MU and D Zones and in the Zones created pursuant to Subtitle K.”	OP agrees and recommends the ZC adopt the proposed change.
1025	C	Goulston and Storrs	9/25/2015	Loading	903.1(c), 903.2 The reference to the MU zones seems unduly restrictive for zones like the CR and C-3-C Zone. Reference likely intended to be to the NC Zones. Replace MU with NC zone in both sections.	OP recommends the proposed text as advertised in the Notice of Proposed Rulemaking.
1025	C	Goulston and Storrs	9/25/2015	Loading	903.2 Incorrect crossreference. Change to 903.1?	OP agrees and recommends the ZC adopt the proposed change.
1025	C	Goulston and Storrs	9/25/2015	Loading	909 This section provides a very limited special exception review from the number, access, and screening requirements. Recommend consolidating into one provision encompassing all factors. Revise as follows: “The Board may grant, as a special exception, a full or partial reduction of the number of loading berths or service/delivery spaces . . . as well as modifications or waivers to the access, location, screening, or other requirements of this chapter . . . if, in addition to meeting the general requirements of Subtitle X, the applicant demonstrates that: (a) The only means by which a motor vehicle could access the lot is from a public street . . . (b) The loading berths . . . required for an addition to a historic structure . . . (c) The lot has unusual	OP agrees and recommends the ZC adopt the proposed change.
1025	H	Goulston and Storrs	9/25/2015	Neighborhood Commercial	702.1 Decreases permitted non-residential FAR to 2.5 from existing allowance. Amend section to read: “The maximum density in the NC-6 zone shall be 3.0 FAR. with a maximum non-residential density of 2.5 FAR.”	OP agrees and recommends the ZC adopt the proposed change.
1025	C	Goulston and Storrs	9/25/2015	Parking	701.10, 701.14 Conflicting provisions – one requires parking for so long as use exists, the other requires parking for so long as the structure exists. Parking is tied to use, not structure. Delete 701.14.	OP recommends the proposed text as advertised in the Notice of Proposed Rulemaking.
1025	C	Goulston and Storrs	9/25/2015	Parking	701.4 Only space devoted to vehicle and bike parking is excluded from parking requirements. Should be parallel to 709.1, 803.3 and 902.4, should simply state “gross floor area does not include floor area devoted to off-street parking or loading facilities, including aisles, ramps, and maneuvering spaces.” Given the language in 709.1, this provision is probably unnecessary.	OP agrees and recommends the ZC adopt the proposed change.
1025	C	Goulston and Storrs	9/25/2015	Parking	701.6 Only get one exemption for initial floor area—how does it work for residential and retail/office mixed-use buildings? Need to clarify whether mixed use residential and retail buildings get both the exemption for the first 4 residential units and the first 3000 SF of retail use.	OP agrees and recommends the ZC adopt clarifying language.

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1025	C	Goulston and Storrs	9/25/2015	Parking	702.3(a) No parking required in R and RF zones if a lot lacks access to a 10 ft+ wide alley. Poorly worded. Arguably exempts all uses (even those on large lots) from parking requirements altogether. Revise to clarify which uses don't have a parking minimum if they lack alley access (e.g. single family houses).	OP agrees and recommends the ZC adopt the proposed change.
1025	C	Goulston and Storrs	9/25/2015	Parking	702.3(d) Exemption for CG Overlay – language is unclear. Needs to be revised to parallel Subtitle K, 514.2(a): “On any property located within the CG Zones and has frontage on South Capitol Street or is located east of South Capitol Street.”	OP agrees and recommends the ZC adopt the proposed change.
1025	C	Goulston and Storrs	9/25/2015	Parking	707.2(b) Revise to add reference to the SEFC zone. “Within the D, SEFC, and CG zones . . .”	OP agrees and recommends the ZC adopt the proposed change.
1025	C	Goulston and Storrs	9/25/2015	Parking	711.1 Language regarding maneuvering is unnecessary – see 712.9(b). Delete second sentence.	OP agrees and recommends the ZC adopt the proposed change.
1025	C	Goulston and Storrs	9/25/2015	Parking	711.4 Permits automated parking garages, but is unclear whether a mechanical elevator is permitted. Clarify to state that a parking elevator is also allowed. “An automated parking garage, including an elevator providing access to parking spaces, . . .”	OP agrees and recommends the ZC adopt the proposed change.
1025	C	Goulston and Storrs	9/25/2015	Parking	711.7 Requires that vehicular entrances be set back from alley – is this just at the ground floor? Otherwise it will create funny notches in the backs of buildings. Clarify: “When access to parking spaces within a building is provided from an alley, the entrance to the parking garage shall be set back at least twelve feet (12 ft.) from the center line of the adjacent alley, for a minimum height of ___ feet (___ ft.).”	OP agrees and recommends the ZC adopt the proposed change.
1025	C	Goulston and Storrs	9/25/2015	Parking	711.8(b) Paving for driveway unnecessary because already covered in 713.1. Delete.	OP recommends the proposed text as advertised in the Notice of Proposed Rulemaking.
1025	C	Goulston and Storrs	9/25/2015	Parking	711.9(a) Rules for groups of 3+ rowhouses – prohibits direct access from street to parking in individual rowhouses. Unclear that intent is to create alley systems. Needs clarification. “Access to vehicle parking to individual rowhouses shall be from a public or private alley. Access to vehicle parking . . .”	OP agrees and recommends the ZC adopt the proposed change.
1025	C	Goulston and Storrs	9/25/2015	Parking	714.2(b) Should be revised to allow for gaps that open onto an alley. Revise to include reference to alley: “ . . . that open directly onto a street, sidewalk, or alley.”	OP agrees and recommends the ZC adopt the proposed change.
1025	C	Goulston and Storrs	9/25/2015	Plazas	1700.1 Lacks language indicating it only applies in a handful of zones. “The plaza standards only apply in designated zones. Plaza space required by specific zones”	OP agrees and recommends the ZC adopt the proposed change.
1025	K	Goulston and Storrs	9/25/2015	Reed-Cooke	715.1 List of individual uses does not line up with the new “use group” based approach to uses. Revise.	OP will review the uses for consistency between Subtitles K and U.

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1025	C	Goulston and Storrs	9/25/2015	Retaining Walls	1400.1 Applies to R-1 through R-3 and RF Zones. Clarify that it does not apply in other zones. Clarify and revise	Section 1400 limits the Retaining Wall Provisions to Low Density Residential Zones. OP recommends the proposed text as advertised in the Notice of Proposed Rulemaking.
1025	C	Goulston and Storrs	9/25/2015	Retaining Walls	1401.2 General limit of 6 feet in height, but 4 feet in other contexts. Large sites (e.g. campuses) often have much larger retaining walls due to topography. Will require special exception relief. Exempt campuses / private schools?	OP recommends the proposed text as advertised in the Notice of Proposed Rulemaking.
1025	C	Goulston and Storrs	9/25/2015	Roof Structures	1504, 1504.1 Error - Relief to from the requirements of this chapter . . .	OP agrees and recommends the ZC adopt the proposed change.
1025	B	Goulston and Storrs	9/25/2015	Rules of Measurement	304.1 Requires cross reference to definition of “Floor Area, Gross,” which elaborates on what is included and not included in GFA. Revise	OP agrees and recommends the ZC adopt the proposed change.
1025	B	Goulston and Storrs	9/25/2015	Rules of Measurement	304.2 Clarify that student housing is not a non-residential use (that is, student housing is a residential use for purposes of GFA and other residential-use related bonuses). Add: (g) Housing provided for students, faculty, or staff of a private school or college/ university education use.	OP agrees that student housing is a residential use for purposes of GFA; however OP does not recommend that student housing be considered a residential use for purposes of residential-use related bonuses.
1025	B	Goulston and Storrs	9/25/2015	Rules of Measurement	304.4 The figure incorrectly references 6 feet instead of 4 feet. Revise figure.	OP agrees and recommends the ZC adopt the proposed change.
1025	B	Goulston and Storrs	9/25/2015	Rules of Measurement	304.5 The text and figure both incorrectly reference 6 feet. Revise text and figure.	OP agrees and recommends the ZC adopt the proposed change.
1025	B	Goulston and Storrs	9/25/2015	Rules of Measurement	307 and 308 Portions duplicate the definition of height. Revise definition and rules of measurement to coordinate.	OP agrees and recommends the ZC adopt the proposed change.
1025	B	Goulston and Storrs	9/25/2015	Rules of Measurement	308.1 As written, the rules do not explicitly set forth how to measure height in the RC-1, CG-1, and D-1 Zones. Revise 308.1 to also include the RC-1, CG-1, and D-1 zones.	OP agrees and recommends the ZC adopt the proposed change.
1025	B	Goulston and Storrs	9/25/2015	Rules of Measurement	310 Language is duplicative of definition of “story.” Revise	OP agrees and recommends the ZC adopt the proposed change.
1025	B	Goulston and Storrs	9/25/2015	Rules of Measurement	312 Language is duplicative of (but not entirely consistent with) language in definition of Building Area. Revise and tighten language.	OP agrees and recommends the ZC adopt the proposed change.

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1025	B	Goulston and Storrs	9/25/2015	Rules of Measurement	317.1 Language should be revised to clarify that it only applies to projections on private property. Add: “For zones with a front setback requirement, the distance of all projection allowances . . . “	OP agrees and recommends the ZC adopt the proposed change.
1025	B	Goulston and Storrs	9/25/2015	Rules of Measurement	318-322 As discussed above, rear and side setbacks don’t work in practice for many lots. Revise to use old definitions of yards and accompanying established rules of measurement.	OP agrees with this recommended change.
1025	B	Goulston and Storrs	9/25/2015	Rules of Measurement	319 The proposed regulations eliminate an existing established concept—that lots fronting on three or more streets do not require a rear yard. Recommend adding in this concept. [319.3(e) or 319.7] No rear yard is required for a building that fronts on three or more streets.	OP agrees and recommends the ZC adopt the proposed change.
1025	B	Goulston and Storrs	9/25/2015	Rules of Measurement	323-324 Review to ensure that courtyard rules of measurement are not duplicative of definitions. Review and revise as needed.	OP agrees and recommends the ZC adopt the proposed change.
1025	B	Goulston and Storrs	9/25/2015	Rules of Measurement	325 “Plaza” is not defined. Add a definition for plaza.	OP recommends the proposed text as advertised in the Notice of Proposed Rulemaking. Plaza is not defined in the existing regulations and would default to the definition in Webster's.
1025	B	Goulston and Storrs	9/25/2015	Rules of Measurement	326.1 The current regulations do not require that a plaza be open and uncovered to the sky. Revise to eliminate this requirement.	OP recommends the proposed text as advertised in the Notice of Proposed Rulemaking.
1025	K	Goulston and Storrs	9/25/2015	SEFC	200 The SEFC Overlay essentially operates as a first-stage PUD. It was developed in 2003 to implement GSA’s plan to develop the property as a series of parcels with a certain mix, height, and density of uses. These parcels and densities assumed the constraints of the then-applicable zoning regulations (that is, public streets would not count toward FAR or lot occupancy, but private streets would count). Additional public-private agreements between the master developer and GSA as well as the District of Columbia are also based on these assumptions. The proposed regulation in Subtitle B, Section 301.2 will carve out private as well as public streets, thus reducing the maximum permitted density originally approved in Z.C. Case No. 03-06, as	OP agrees and recommends the ZC adopt the proposed change.
1025	K	Goulston and Storrs	9/25/2015	SEFC	200.10(c) Refers to specific uses rather than new use groups. “Parking for boathouses, marinas, yacht clubs, or other recreational uses Marine and Parks and Recreation uses shall be located . . . “	OP will review use permissions in Subtitle K to ensure consistency with existing use permissions in Title 11, as well as with Subtitles B and U in the final text.
1025	K	Goulston and Storrs	9/25/2015	SEFC	201.1 Double negative; allows hotel use to count as a residential use. Revise as follows “Non-rResidential floor area shall be the total GFA of the building not dedicated to uses in one of the following categories: (a) Residential; (b) Emergency Shelter; or (c) Lodging. All other uses shall be deemed non-residential uses.	OP agrees and recommends the ZC adopt the proposed change.
1025	K	Goulston and Storrs	9/25/2015	SEFC	202.1 Missing the Yards West Text Amendment approved in Z.C. Case No. 14-05. Update throughout Chapter 2.	OP agrees and recommends the ZC adopt the proposed change. The final text will reflect recent Text Amendments, including 14-05.
1025	K	Goulston and Storrs	9/25/2015	SEFC	214.1 Language contradicts original SEFC Overlay and restricts all nonresidential uses to 0.5 FAR per parcel. Revise as follows: “The maximum permitted density for building in the SEFC-2 zone shall be 6.0 FAR with a maximum density of 0.5 FAR for non-residential uses preferred uses as set forth in Section 236.1.	OP agrees and recommends the ZC adopt the proposed change.

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1025	K	Goulston and Storrs	9/25/2015	SEFC	215.4 Language is unnecessary because it simply restates the Height Act. Delete.	OP agrees and recommends the ZC adopt the proposed change.
1025	K	Goulston and Storrs	9/25/2015	SEFC	222.1 Same comment as 214.1. Revise as follows: “The maximum permitted density for building in the SEFC-3 zone shall be 3.5 FAR with a maximum density of 0.5 FAR for non-residential uses preferred uses as set forth in Section 236.1.	OP agrees and recommends the ZC adopt the proposed change.
1025	K	Goulston and Storrs	9/25/2015	SEFC	223.4 Language is unnecessary because it simply restates the Height Act. Delete.	OP agrees and recommends the ZC adopt the proposed change.
1025	K	Goulston and Storrs	9/25/2015	SEFC	236.1 Current overlay includes optical goods store, optical lab, optician and optometrist, physician or dentists offices as preferred uses. Add “Medical Care” to the list of preferred uses.	OP will review use permissions in Subtitle K to ensure consistency with existing use permissions in Title 11.
1025	K	Goulston and Storrs	9/25/2015	SEFC	236.2 Missing language. “Preferred uses shall be located on the ground floor and shall be street-oriented.”	OP agrees and recommends the ZC adopt the proposed change.
1025	K	Goulston and Storrs	9/25/2015	SEFC	237.4 Global Comment – the lists of uses should reflect the Use Groups, not individual uses.	OP will review use permissions in Subtitle K to ensure consistency with existing use permissions in Title 11, as well as with Subtitles B and U in the final text.
1025	K	Goulston and Storrs	9/25/2015	SEFC	237.4(a) Error – Automobile Rental Agency has been inadvertently included here. Use fits within “Motor Vehicle-Related” Use group. Delete phrase.	OP agrees and recommends the ZC adopt the proposed change.
1025	K	Goulston and Storrs	9/25/2015	SEFC	237.4(b) “Dental Lab” should probably fall under “Medical Care” use category. Delete section; Update definition of Medical Care in Subtitle B to include Dental Lab.	OP agrees and recommends the ZC adopt the proposed change.
1025	K	Goulston and Storrs	9/25/2015	SEFC	237.4(d) Hotel use not a defined use category. Replace “Hotel” with “Lodging”.	OP agrees and recommends the ZC adopt the proposed change.
1025	K	Goulston and Storrs	9/25/2015	SEFC	237.4(e) International Organization is not a defined use category. Delete.	OP agrees and recommends the ZC adopt the proposed change.
1025	K	Goulston and Storrs	9/25/2015	SEFC	237.4(f) and (g) Library and Museum are not defined use categories. Delete. Museum is already included through “entertainment, assembly, and performing arts”. Libraries are part of general institutional uses, but such uses should not require a special exception.	OP will review use permissions in Subtitle K to ensure consistency with existing use permissions in Title 11.

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1025	K	Goulston and Storrs	9/25/2015	SEFC	237.4(i) Wall is missing its separate bullet item. Separate out the wall as a separate item.	OP agrees and recommends the ZC adopt the proposed change.
1025	K	Goulston and Storrs	9/25/2015	SEFC	237.4(m), 237.4(n) Automobile sales and gas stations are not a separate use categories – they are both within the “motor-vehicle related” category. Delete both and replace with “Motor-Vehicle Related”.	OP recommends the proposed text as advertised in the Notice of Proposed Rulemaking.
1025	K	Goulston and Storrs	9/25/2015	SEFC	237.4(o) Should probably begin with “Parking” since that is the use category, then indicate that such use is limited to temporary lots. Revise as follows: “Parking: limited to temporary parking lot or garage . . . “	OP agrees and recommends the ZC adopt the proposed change.
1025	K	Goulston and Storrs	9/25/2015	SEFC	238 Global comment: should references to RA-5 Zone should be changed to just the “RA” Zone?	OP agrees and recommends the ZC adopt the proposed change.
1025	K	Goulston and Storrs	9/25/2015	SEFC	238.2(c) Prohibits sanitarium use – is this otherwise permitted in this zone?	OP will review use permissions in Subtitle K to ensure consistency with existing use permissions in Title 11.
1025	K	Goulston and Storrs	9/25/2015	SEFC	238.3 Clarification. Notwithstanding In addition to uses set forth in Subtitle K § 238.1 . . .	OP agrees and recommends the ZC adopt the proposed change.
1025	K	Goulston and Storrs	9/25/2015	SEFC	238.3(b) Current SEFC Overlay permits “arts, cultural, and hotel uses.” Change from uses to use group inadvertently deleted “cultural” uses. Add in “entertainment” use category to cover cultural uses. Revise as follows: “Uses within the arts, design, and creation, entertainment, assembly, and performing arts, and lodging use groups . . . “	OP will review uses for consistency between Subtitles K and U.
1025	C	Goulston and Storrs	9/25/2015	Subdivision	204.9(a) Does not address nonconforming uses in K Zones. Need to update to add in zones created pursuant to Subtitle K – perhaps between the MU and D zones.	OP agrees and recommends the ZC adopt the proposed change.
1025	C	Goulston and Storrs	9/25/2015	Subdivision	301.1 Preexisting record lots grandfathered as to lot dimension and size standards. Revise so language is parallel with 301.2: “. . . do not have to comply with the frontage, lot width, or lot area requirements . . . “	OP agrees and recommends the ZC adopt the proposed change.
1025	C	Goulston and Storrs	9/25/2015	Subdivision	301.2 Preexisting tax lots without an underlying record lot grandfathered for conversion to record lot as to frontage, lot width, or lot area. This is helpful, but what about a single tax lot that has multiple underlying record lots? Revise to clarify that multiple underlying record lots don’t count as an underlying record lot: “. . . and do not have any underlying record lot that is coterminous with the tax lot . . . “	OP recommends that this provision receive further study.
1025	C	Goulston and Storrs	9/25/2015	Subdivision	302.2(b) No separate lot required for campus / private school buildings – need to amend for Medical Campus Plans. Also recommend including PUDs as an exception. Revise 302.2(b) as follows: “. . . in conformance with an approved campus plan, medical campus plan, or private school plan.” Add 302.2(c): Buildings and structures erected in conformance with an approved planned unit development.	OP recommends that medical campus plans be included; however, OP does not recommend the inclusion of 302.2(c).

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1025	C	Goulston and Storrs	9/25/2015	Subdivision	303.2 In zones with a minimum lot width requirement, street frontage must be 75% of lot width requirement. However Sections 304.4 and 304.5 impose separate requirements under 304.4 and 304.5 for single household, flat, and apartment buildings that may be less than 75% of the lot width. Clarify that the more specific provisions trump the general provision: “Except as provided in Sections 304.4 and 304.5,”	OP agrees and recommends the ZC adopt the proposed change.
1025	C	Goulston and Storrs	9/25/2015	Subdivision	305.3 This provision requires a street dedication within theoretical subdivisions. The responsibility for determining whether public streets should be dedicated rests exclusively with the D.C. Council. Recommend revising to require that street networks meet minimum DDOT standards, but not require actual dedication: “Private driveways and streets shall be permitted, but any right-of way containing public utilities . . . shall be consistent with the applicable standards of the District Department of Transportation.”	OP agrees and recommends the ZC adopt the proposed change.
1025	C	Goulston and Storrs	9/25/2015	Subdivision	305.7 Missing words - “The proposed development . . . shall not be likely to have an adverse effect”	OP agrees and recommends the ZC adopt the proposed change.
1025	C	Goulston and Storrs	9/25/2015	Tree Protection	401.1 Lacks language indicating it only applies in a handful of zones. “The tree protection standards only apply in designated zones. The tree protection standards required by specific zones shall apply when”	OP agrees and recommends the ZC adopt the proposed change.
1025	C	Goulston and Storrs	9/25/2015	Urban Renewal Area	The zoning provisions that apply to the former Southwest Urban Renewal Area (Section 2521 of the current Zoning Regulations) have been inadvertently omitted from the proposed Zoning Regulations. They must be included in the proposed regulations – perhaps as a new chapter in Subtitle C.	OP agrees and recommends the ZC adopt the proposed change.
1025	B	Goulston and Storrs	9/25/2015	Uses	200.2(cc) Residential - For purposes of the Downtown Zone and other zones that incentivize residential development, student housing should count as a residential use. Revise Exceptions to add the following: “Notwithstanding the foregoing, when otherwise permitted in the underlying zone, student housing shall count as a residential use for purposes of any provision of this title that requires the provision of residential use, generates bonus density for provision of residential use, or otherwise incentivizes the creation and retention of residential use.”	OP recommends the proposed text as advertised in the Notice of Proposed Rulemaking.
1025	B	Goulston and Storrs	9/25/2015	Uses	200.2(q) Medical Care - This section is out of alphabetical order. Relocate to proper location.	OP agrees and recommends the ZC adopt the proposed change.
1025	U	Goulston and Storrs	9/25/2015	Uses	203.1(d) Seeming mistake that colleges/universities to be approved by BZA. Delete since campus plans and further processing must be approved by Zoning Commission pursuant to Z § 302.	OP recommends the proposed text as advertised in the Notice of Proposed Rulemaking.
1025	U	Goulston and Storrs	9/25/2015	Uses	301 Rooming house no longer permitted or defined use. Add section to permit rooming house.	OP recommends the proposed text as advertised in the Notice of Proposed Rulemaking. Rooming House is not being carried forward.
1025	U	Goulston and Storrs	9/25/2015	Uses	410 Unclear whether accessory dining rooms/restaurants are permitted in apartment houses. Add section allowing accessory dining rooms/restaurants in apartment houses	OP recommends the proposed text as advertised in the Notice of Proposed Rulemaking.
1025	U	Goulston and Storrs	9/25/2015	Uses	500.2 The table is missing the NC, D and almost all of the K zones. Should be updated to add them. Revise and update to add additional zones. Also add a note that “Specific additional use permissions and restrictions may be found in the individual zone.”	OP agrees and recommends the ZC adopt the proposed change.

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1025	U	Goulston and Storrs	9/25/2015	Uses	506.3 Reference to special exception review by the Zoning Commission is out of place here – origin was a specific provision limited to special exceptions attached to W-0 rezonings only. Add precatory language to beginning explaining: “For the review of any special exception use application related to a request to amend the Zoning Map to the MU-11 Zone,”	OP agrees and recommends the ZC adopt the proposed change.
1025	U	Goulston and Storrs	9/25/2015	Uses	508.1(e) Seeming conflict in use permissions. Special exception approval required for entertainment, assembly, and performing arts uses for MU zones use group C, but private/public theater for purpose of entertainment, assembly and performing arts is permitted in § 507.1(b)(7). Permit all entertainment, assembly, performing arts, private/public theater uses; no special exception required	OP will review use permissions to ensure consistency with existing use permissions in Title 11.
1025	U	Goulston and Storrs	9/25/2015	Uses	508.1(g) “Miscellaneous uses” is too broad and unclear. Again, the section has been wrenched out of its context as part of the use permissions in waterfront zones. Delete section or clarify.	OP will review use permissions to ensure consistency with existing use permissions in Title 11.
1025	U	Goulston and Storrs	9/25/2015	Uses	700.2 Residential and non-arts commercial uses (office, general retail, etc.) are not identified as being permitted. Add subsections allowing residential, office, and general retail uses.	OP will review use permissions to ensure consistency with existing use permissions in Title 11.
1025	U	Goulston and Storrs	9/25/2015	Uses	All Use definitions difficult to locate. Move all use definitions from Subtitle B to Subtitle U.	OP recommends the proposed text as advertised in the Notice of Proposed Rulemaking.
1025	U	Goulston and Storrs	9/25/2015	Uses	Chapter 7 Looking at the list, basically everything fits into “Arts, Design, and Creation,” “Entertainment, Assembly, and Performing Arts,” “Eating and Drinking Establishments,” and then some arts-related education, office, and retail uses. As a starting point, recommend paring down the list of uses Subtitle U, Chapter 7 to: Arts, Design, and Creation; Eating and Drinking Establishments; Entertainment, Assembly, and Performing Arts; Education (arts-related); Office (arts-related); Retail (arts-related); Service, General (arts-related). With a list that simple, consider pulling in directly to Subtitle K, Chapter 8. Revise Subtitle U. Chapter 7 or perhaps delete and integrate into this section.	OP will review the uses for consistency between Subtitles K and U.
1025	K	Goulston and Storrs	9/25/2015	USN	310 Delete as unnecessary – bike parking covered under Subtitle C, Chapter 8? Delete?	OP recommends the proposed text as advertised in the Notice of Proposed Rulemaking.
1025	K	Goulston and Storrs	9/25/2015	USN	318.1 Unnecessary – ANC is automatically a party. Delete	OP recommends the proposed text as advertised in the Notice of Proposed Rulemaking.
1025	A	Goulston and Storrs	9/25/2015	Vesting	102 Vesting should match language in 14-11 with the inclusion of a "foundation to grade permit" as well as proposed language regarding TDRs and CLDs.	OP agrees and recommends the ZC adopt the proposed change.
1025	A	Goulston	9/25/2015	vesting effective date	Include 102.2 "foundation to grade permit" and 102.3(e) "the use of TDRs or CLDs that have been transferred to the site prior to the effective date of this title." Provide for 6 month dual applicability. See submittal for specific comments.	
1025	C	Goulston and Storrs	9/25/2015	Waterfront	1102.4 Prohibits a variety of uses within a 100-year floodplain, including lodging, education, daytime care, hospital, and animal sales, care and boarding. Delete – Floodplain regulations are adequate to control use. Also, regulation is unclear whether it applies even if a property has been graded out of the floodplain.	OP recommends the proposed text as advertised in the Notice of Proposed Rulemaking.

ZC Exhibit #	Subtitle	Name	Date	Issue	Comment/Testimony	OP Response
1025	C	Goulston and Storrs	9/25/2015	Waterfront	1102.5(b) Revise to clarify that parking may be located off-site within 600 feet as a matter of right, per 701.8(b)	OP agrees and recommends the ZC adopt the proposed change.
1025	A	Goulston and Storrs	9/25/2015		304.2 Delete section - The provisions of this section seem subjective and not verifiable whereas the other provisions of this section are quantifiable. Puts the Zoning Administrator in the position of being judge and jury and arguably having to gather and review evidence. Section 304.1 already has language requiring the ZA to determine “that the deviation will not impair the purposes of the regulations.” That should be sufficient for a minor administrative determination.	OP recommends the proposed text as advertised in the Notice of Proposed Rulemaking.
1025	K	Goulston and Storrs	9/25/2015		Lists of uses in Subtitle K should be converted to use groups in Subtitle U. To the extent necessary, definitions of use groups and use permissions should be revised to conform to the individual uses identified in these special purpose zones.	OP will review the uses for consistency between Subtitles K and U.
1030	C	Vornado/Charles E. Smith	9/25/2015	bicycle parking	Vornado continues to be concerned with the amount of bicycle parking spaces that are required in the ZRR (Subtitle C, § 802) as the proposed amounts are significant and overly burdensome. For example, the proposed requirement for office use is 1 space for 2,500 square feet for long term spaces. This calculation results in more than double the number of bicycle parking spaces required under LEED. Vornado recommends that the number be changed to 1 space for 5,000 square feet for long term spaces. The result is still more parking spaces than is required by LEED but it is more reasonable for office use in the District.	
1030	I	Vornado/Charles E. Smith	9/25/2015	Downtown ---GAR	208.1--GAR in D-6 should remain 0.2, not 0.3.	OP will correct
1030	I	Vornado/Charles E. Smith	9/25/2015	Downtown --Non-required Parking Spaces	212.2--Current regulations, and the proposed parking regulations in Subtitle C, do no apply certain restrictions to parking spaces that are provided but are not required. This sections should be consistent with subtitle C.	Section will be revised to be consistent with subtitle C
1030	I	Vornado/Charles E. Smith	9/25/2015	FAR	Subtitle I, § 555.4: This provision limits the non-residential density in the D-6 Zone to 6.5 FAR. Currently, the permitted non-residential density for these properties (which are within the C-4 Zone) is 8.5 FAR or 10.0 FAR depending upon street frontage. See § 771.2 and § 771.5 of Title 11. Accordingly, § 554.1 should be deleted or should be amended to reflect the existing provision of Title 11.	
1030	I	Vornado/Charles E. Smith	9/25/2015	GAR	Subtitle I, § 208.1: The Green Area Ratio (GAR) for buildings in the current C-4 Zone is 0.2. The replacement zone for the C-4 Zone is the D-6 Zone. The GAR has been inadvertently increased to 0.3 for the D-6 Zone. The GAR should be maintained at 0.2, which is consistent with the current regulations. Accordingly, we request that the Commission revise § 208.1 to state that GAR is 0.2 for the D-6 Zone.	OP agrees that this is an error and the GAR should be 0.2
1030	I	Vornado/Charles E. Smith	9/25/2015	parking	Subtitle I, § 212.2: This section applies parking requirements of Subtitle C, Chapter 7 to all required or provided parking spaces, including access and size. This requirement is a change from the current Zoning Regulations, which permit non-conforming spaces to be provided in a parking garage but do not permit such spaces to be counted for the zoning minimum. For example, tandem spaces are commonly provided in below-grade parking facilities, but only count as one space for zoning. This section would eliminate the ability for tandem spaces or other types of non-compliant spaces to be provided above the minimum number of parking spaces required by zoning. Furthermore, sections of Subtitle C, Chapter 7 state in various places that the	
1030	A	Vornado/Charles E. Smith	9/25/2015	vesting effective date	First, we support the vesting provisions identified in Subtitle A. However, we request that the Zoning Commission consider a delayed effective date following the publication of the new regulations. A transition period of at least six months is necessary to protect the pre-permit investment of the development community. This delayed effective date is critical given the time it takes to design and develop a building. Specifically, because the ZRR has been ongoing for a long period of time, our company has chosen to design existing projects in accordance with the current Zoning Regulations due to uncertainty with the timing of ZRR. Vornado/Charles E. Smith has at least one project for which construction drawings are being prepared but for which a	
1036	I	Allison Prince for Events DC	9/25/2015	downtown	It appears that under the proposed mapping, the site of the Convention Center would be placed in two different zones each of which has a mandatory housing requirement. The final mapping should not impose a housing requirement on this site.	

ZC Exhibit #	Subtitle	Name	Date	Issue	Comment/Testimony	OP Response
1036	I	Allison Prince for Events DC	9/25/2015	Downtown ---Residential Requirement on Convention Center site	Site would be in two zones, each requiring housing. Housing should not be a requirement on site	OP recommends the proposed text as advertised. The proposed zoning reflects the existing zone and its residential requirements. The Convention Center could, as did the previous convention center, become subject to redevelopment in the long run. It is adjacent to or proximate to residential neighborhoods. OP is not aware of how the zoning shown would restrict Convention Center operations.
1037	U	PEPCO	9/25/2015	Uses	Utilities are defined much more broadly. Specifically, Subtitle B, § 200.2(f) defines "Basic Utilities" to include the "commercial or governmental generation, transmission, or distribution, or storage of energy, water, stormwater, cable, or telecommunication-related information." This definitely includes electric substations. Subtitle U then identifies those zones in which utilities are permitted as a matter-of-right. Despite the fact that an electric substation is currently permitted in a variety of districts under the Zoning Regulations, the proposed ZRR limits utilities as a matter of right only to the PDR zone (Subtitle U, § 801.1(z)) and to the STE Special Purpose Zone (Subtitle K, § 612.1(e)). All other electric substation use require special	
1039	D	Linda Schmitt	9/25/2015	low density residential	a) allow each ANC to decide what commercial activities are appropriate in their jurisdiction. b) stop the attack on parking. Our current rules should be retained. We are already well below the requirements of surrounding jurisdictions. c) keep the businesses in the commercial areas or allow some in residential by special permission not by right. Retain distinctions between residential and commercial areas. d) for certain businesses like day care, which require lots of activity in early AM and late afternoon, set standards to limit impact on street traffic and parking, perhaps limiting the number of pick-ups and drop-offs per hour. e) limit accessory dwelling rentals by allowing neighbors the opportunity to testify when the building is first being	OP recommends the proposed text as advertised in the Notice of Proposed Rulemaking, with corrections for errors, typos and terminology.
1040	G	Abigail Nichols, ANC 2B05	9/25/2015	Uses	The time frame for commenting on these extensive, controversial regulations is too short. Neighborhood groups and ANC's simply cannot study, organize, and reach consensus on regulations in six weeks. So much work has been done. Please allow the needed time for the citizens of the District to understand that is being done. I am embarrassed that my own comments are so narrowly focused on alcohol service. Thank you for correcting the earlier draft of regulations so that the possibility of retail alcohol service is no longer proposed for the new MU-15 zone. I understand that areas of the District to be covered by the new MU-15 zone are those now in SP-1 zones and that under the General Use Provisions found at Title II Chapter 5, alcohol retail is	Thank you for your comment's
1041	E	Betsy McDaniel	9/25/2015	RF-4 RF-5	As a Ward 5 resident, who spent much time advocating for reform in the R-4 zones to protect the character of DC's historic rowhouse neighborhoods and the quality of life of its residents, I urge you to ensure that the progress that has been made to bring the zoning regulations in line with the goals of the Comprehensive Plan, is not undone. Please incorporate the updated R-4 zoning regulations into the proposed text of the Zoning Regulations Review. Thank you for honoring the time and effort that we the Commission, Offices of Planning and Zoning, ANCs, and individual citizens have expended on this effort.	
1042	U	ANC 1B	9/25/2015	Large Format Retail	Additionally, the ANC recommends that the Zoning Commission adopt a policy whereby a developer who proposes to build a space for a large retailer must secure a special exception before proceeding allowing the ANC to exercise great weight on the development.	The Zoning Commission voted 5-0-0 to deny the request for translation, extension, and outreach at its September 21, 2015 Regular Public Meeting.
1042	X	ANC 1B	9/25/2015	PUD	ANC1B would also like to bring special attention to the section regarding Planned Unit Developments (PUDs) and the community benefits that are associated with them. By standardizing the PUD process and creating a point system that directly links increases of density to categories of community benefits, the ZRR has leveled the playing field. Residents will now have their voices heard from the beginning of the process, communities and developers can both negotiate from a position of knowledge and mutual expectations, and agreements that have been made will not be easily delayed, forgotten, or left partially met.	
1042		ANC 1B	9/25/2015	support	ANC1B recognizes and appreciates the multi-year project the Office of Planning and the Zoning Commission have undertaken with the Zoning Regulation Review (ZRR). The District has undergone many cycles of change since 1958 and it has required a great deal of effort and consideration to reflect those changes in our regulations. As these changes have occurred at different rates and in different patterns across the District, it is especially important that the ZRR reflect both a need for standardization and for recognition of the unique areas of our city. ANC1B feels that the ZRR has successfully met both of these disparate goals and in doing so has also made the zoning regulations easier to understand by increasing the number of diagrams and charts	The Zoning Commission voted 5-0-0 to deny the request for translation, extension, and outreach at its September 21, 2015 Regular Public Meeting.
1043	C	Holland & Knight	9/25/2015	alley lots	The proposed provisions related to the regulation of development on alley lots are more limiting than what currently exists. Retain current alley lot regulations.	
1043	B	Holland & Knight	9/25/2015	definition	B-30. Restaurant – the use of the term “prepared foods” should be avoided since that term is defined to mean food that is prepared by microwave, heating lamps, or toaster, on the premises of a prepared food shop and a restaurant is specifically defined as not being a prepared food shop.. Change “prepared food” to “food or meals”	
1043	B	Holland & Knight	9/25/2015	definition	B-32. Street Frontage – this definition should also clarify that when a lot abuts more than one street that the owner shall have the option to choose which is to be the front for purposes of measuring and applying required front, side, and rear yards..	

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1043	B	Holland & Knight	9/25/2015	definition	B-47. Retail – corner stores should be included in the list of uses that would fall under the retail use category. It is not clear why this use would be explicitly excluded from this category. A corner store is a use that contains “goods commonly sold to individuals in small quantities for their direct use.”. Include corner stores in this use group	
1043	B	Holland & Knight	9/25/2015	definition	304. Both methodologies for measuring GFA should be consistent and use six (6) feet as the measurement distance.. Base both the perimeter method and grade-plane method of measuring GFA on a distance of 6 feet above finished grade or the point along the line for attached structures.	
1043	B	Holland & Knight	9/25/2015	definition	304.4(a). This provision is unclear as to whether the measurement is taken to the underside of the floor joists or floor slab, surface of the ground floor, or some other point? The measurement needs to be changed to 6 feet to be consistent with 304.5(b).. Remove “ground floor,” provide the necessary clarification regarding where the measurement is taken to, and make change to measurement requirement to reflect 6 feet. Revise to read: “(a) Measure the portions of the perimeter of the story located partially below finished grade that have a height greater than or equal to six (6) feet, when measured between the finished grade and the ground floor of the story above:	
1043	B	Holland & Knight	9/25/2015	definition	304.5(b). The provision should be clarified to indicate the point to which the measurement is taken. Is it to the underside of the floor joists or floor slab, surface of the ground floor, or some other point?. Remove “ground floor,” provide the necessary clarification regarding where the measurement is taken to, and make change to measurement requirement to reflect 6 feet. Revise to read: “(b) Determine the portion of this line where the distance between it, and the ground floor of the story directly above, is greater than or equal to six (6) feet;	
1043	B	Holland & Knight	9/25/2015	definition	307.4. The term “natural grade” should be changed to “finished grade” to be consistent with Section 307.2, and to account for typical site grading that is required during construction.. Change “natural grade” to “finished grade”	
1043	B	Holland & Knight	9/25/2015	definition	309.1. The wording of this provision precludes construction of a flat where the dwelling units are side-by-side, with separate entrances from the street (aka duplex) in a zone where a flat is permitted by-right without having to get a variance to allow multiple buildings on a single lot. Also, the requirement of Section 309(d)(2) for a connection to be a “space that is designed and used to provide free and unrestricted passage between separate portions of the building, such as an unrestricted doorway or walkway” is not feasible in a typical mixed use building where different tenants may control access using contemporary security systems and protocols such as with key fobs and scan cards. . Delete the first sentence of this provision and Section	
1043	B	Holland & Knight	9/25/2015	definition	310.3. The restriction on mezzanines above the third story should be removed. If a building is able to comply with the maximum permitted height and number of stories then it shouldn’t matter where the mezzanine is located within the building since it doesn’t count as a story wouldn’t increase the allowable height of the building.. Delete second sentence of this provision.	
1043	B	Holland & Knight	9/25/2015	definition	313 - 324. See general comment above regarding retention of existing regulations pertaining to the definition and methods for measuring side yards, rear yards, and courtyards.. Retain current definitions related to lot lines, yards, and courtyards and provisions pertaining to measurement of required yards, setbacks, and courts.	
1043	B	Holland & Knight	9/25/2015	definition	319.3(a). Requiring the measurement for rear setback / yard to be taken from the rear lot line into the lot is a reversal of current interpretation which is to measure from the rear line of the building outward toward the rear lot line. This interpretation has been consistently used by the BZA and the Zoning Administrator, and was upheld in Schonberger & Rebach v. BZA (DC Court of Appeals No. 06-AA-1454).. Retain current interpretation regarding measurement of rear yard	
1043	B	Holland & Knight	9/25/2015	definition	B-66. Table §317.4(d) – The description of the second and third width allowances for single projections, and the third allowance under multiple projections, is not clear. . Provide necessary clarification	
1043	B	Holland & Knight	9/25/2015	definition	The collection of new definitions related to lot lines, courts, and setbacks is substantially more complex than is necessary and it is not clear what the need is for such a drastic deviation from what currently exists. In addition, it appears as currently proposed these new definitions and measurement requirements will be difficult to apply universally. Retain current definitions related to lot lines, yards, and courtyards and provisions pertaining to measurement of required yards, setbacks, and courts.	

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1043	I	Holland and Knight	9/25/2015	Downtown ----approval of all-day commuter parking	306.6-- Requiring approval as variance is inconsistent with other ZRR sections. Should be Special exception.	Variance approval is required existing regulations and was transferred over to ZRR. OP recommends the proposed text as advertised in the Notice of Proposed Rulemaking, with corrections for references.
1043	I	Holland and Knight	9/25/2015	Downtown ---Chinatown subarea -- location within a building of retail/arts requirements	§ 609.5(a) and § 609.6(a) -- revise to retain current "FAR equivalent" rather than new "ground floor gross floor area.	OP recommends the proposed text as advertised in the Notice of Proposed Rulemaking, with corrections for errors, typos and terminology.
1043	I	Holland and Knight	9/25/2015	Downtown ---Chinatown subarea -- retail requirements when housing also required	609.5-- does not reflect 0.5 FAR reduction in retail requirement for properties required to provide housing	OP will correct by adding the following to Sec. 609.5(a)" provided that the requirement shall be 0.5 FAR equivalent for a building in the D-1-R, D-4-R, and D-5-R zones".
1043	I	Holland and Knight	9/25/2015	Downtown ---Composite FAR	200.2 The composite FAR is intended for both a multi-lot development and a single lot development in which the historic landmark or contributing building in a historic district sits only on a portion of a lot. RECOMMENDATION Delete the last phrase in § 200.2(d) to read as follows: “. . . to achieve a composite FAR for the entire development [de;ete remainder] if it is part of a multi-lot development.”	Will be corrected.
1043	I	Holland and Knight	9/25/2015	Downtown ----conversion of unallocated CLDs to Credits	801.1(e) --This provision references “conversion of unallocated CLD gross floor area” but does not specify if that includes CLD for which a covenant has been recorded or for properties/developments that qualify for CLD allocation under the current Zoning Regulations but have not yet located an allocation partner	The provision is definitely indended to cover the first two. OP will clarify whether the third scenario would be considered as unallocated CLDs or as potential new CLDs.
1043	I	Holland and Knight	9/25/2015	Downtown ----Credit instrument -- incorrect reference	805.6(b)-- update reference	Reference will be revised, to subtitle I Sec. 805.8(b)
1043	I	Holland and Knight	9/25/2015	Downtown ---Credits -- floor area v gross floor area	805.5(f), 807.13(e)--These section should be revised to clarify that calculations required are for “gross floor area”	Will be corrected
1043	I	Holland and Knight	9/25/2015	Downtown ---Credits -- generation ratios based on geographic location	802.2-- establishes credit generation at a base rate of 1 credit per 1 square foot of residential development, but for properties where residential is required, only for residential exceeding the requirement generates credits. This approach diminishes rights now provided properties in Housing Priority Areas A, B and C developed residentially. Currently properties north of Massachusetts Ave. developed for residential generate TDRs at a 1:1 ratio and properties south of Massachusetts generate TDRs at a 2:1 ratio, with generation in each location starting with the first SF of residential developed). They also generateCLD “rights” for residential square footage developed above the residential requirement. up to the matter of right maximum.	The differences in locationally-based ratios and the additional TDR provisions will be retained for all properties that have already generated TDRs or have CLD "rights" or that achieve either status before the vesting date of the new regulations. No rights will be lost. Sec. 802.2(b) also retains the generation of Credits at a 2:1 ratio for properties south of MA Ave. within Housing Priority Area B and, as noted below, OP will be correcting the text to retain the existing 2:1 ratio for properties in HPA C. The new Credit consolidates the existing TDR and CLD converts both types of existing rights at a 1:1 ratio.
1043	I	Holland and Knight	9/25/2015	Downtown ---Credits escrow formulas	805.7 -- Escrow formula reference at \$30 per square foot is twice the current requirement and significantly higher than current market pricing for TDR and CLD transactions. Consider replacing \$30 per square foot escrow with lower/current price (\$15 per square foot).	OP will study this further, but notes that, as currently, 805.7 provides for two formulas and permits the escrowed funds to be the lesser of the formula outcomes.
1043	I	Holland and Knight	9/25/2015	Downtown ---Densities in the D-6 zone	555.4 reduces non-residential densities currently permitted in what is now the C-4 zone by between 1.5 and 3.5, depending on street width.	All prior drafts of the D-6 zone retained existing density permissions in the covered areas. OP will delete Sections 555.2 and 555.4 to correct the language to reflect that the densities currently permitted by-right for residential and non-residential uses will be the same in the new D-6 zone
1043	I	Holland and Knight	9/25/2015	Downtown ---Footprint of historic preservation FAR restrictions	200.3 --- Limit the prohibition of not increasing existing FAR to that portion of the lot on which the historic landmark or contributing building in a historic district sits. RECOMMENDATION Revise § 200.3 to read as follows: “If a historic landmark or contributing building in a historic district has an existing density of more than 6.0 FAR on the portion of the lot within the historic structure’s footprint, it shall not increase its existing FAR within the historic structure’s footprint, but shall be permitted. . . .”	Suggested change is consistent with historic preservation zoning regulations' intentions and language in other sections. Will be incorporated.

ZC Exhibit #	Subtitle	Name	Date	Issue	Comment/Testimony	OP Response
1043	I	Holland and Knight	9/25/2015	Downtown ---Height limitations within footprint of historic landmark or contributing building.	503.3, 510.2, 517.2, 525.3, 532.4, 540.3, & 548.3 -- This provision limits height of building on the portion of the site on which a historic structure sits. We request that the Commission eliminate this provision for the D-5 and D-5-R zones. This provision has the impact of potentially reducing the existing permitted height of some properties by up to 40 feet, which is inconsistent with the Office of Planning's statement that it would maintain all existing entitlements. In addition, for those zones in which it is maintained, the language should be revised to be consistent with § 200.2. RECOMMENDATION Delete § 540.3 and § 548.3; revise the language to state that the height is only limited “on the portion of the lot within the historic structure’s footprint”.	OP will clarify language to ensure that, in all zones to which provision applies, it restricts only the area within the footprint of an historic landmark or contributing building. Otherwise OP recommends the proposed text as advertised with corrections for typos, errors and inconsistencies
1043	I	Holland and Knight	9/25/2015	Downtown ---Height limits for buildings employing Credits	532.2--Repeat section after 532.1, 540.1, 5481, 556.1, 563.1, & 577.1 or include in general provisions	This will be examined and either adjusted, or deleted as provision that is not needed to be made explicit.
1043	I	Holland and Knight	9/25/2015	Downtown ---Heights on streets with ROW widths of 100 feet.	532.1, 540.1, 5481, 556.1, 563.1, & 577.1 -- . The regulations do not provide for a height of 120 feet for buildings fronting on streets with a right of way width of 100, which is currently allowed and seen in parts of the existing DD Overlay. See § 1701.7 of Title 11.	This will be corrected within the D-4-R, D-5, D-5-R, D-6, D-6-R and D-8 zones by noting that, unless otherwise restricted to a lesser height by a section governing the particular zone or a sub-area that includes that zone, the maximum permitted height for a building measuring its height from a street with a right of way less than 110 feet shall be the height permitted by the Height Act.
1043	I	Holland and Knight	9/25/2015	Downtown ---Incorrect references	305.3	References to" 200.3 or 200.4" will be changed to "200.2 or 200.3"
1043	I	Holland and Knight	9/25/2015	Downtown ---incorrect references for arts uses	803.2(d) & 803.2€ --- References to Subtitle U are incorrect and need to be updated	Will be revised.
1043	I	Holland and Knight	9/25/2015	Downtown ---location of loading regulations	307--Should be with General Standards	The provisions of Sec. 307 will be moved to Chapter 2
1043	I	Holland and Knight	9/25/2015	Downtown ---reference accuracy	801.1(b)-- reference to definition of Arts-related space in U 720 is not longer accurate	OP will correct for errors, typos and terminology.
1043	I	Holland and Knight	9/25/2015	Downtown ---Reference for transfer of Credits	900.12(a) -- should reference be to 805.5 instead of 805.6?	OP will examine whether the reference should be to 805.5, 805.6 or 805.10 and will revise accordingly.
1043	I	Holland and Knight	9/25/2015	Downtown ---Requirement for parking and loading off of alley, if there is one	401.1 (a) eliminate requirement to provide parking and loading through alley, if one exists. Reduces flexibility for larger or more complex projects	OP recommends the proposed text as advertised in the Notice of Proposed Rulemaking, with corrections for errors, typos and terminology.
1043	I	Holland and Knight	9/25/2015	Downtown ---Requirements for unrequired parking spaces	212.2--Current regulations, and the proposed parking regulations in Subtitle C, do no apply certain restrictions to parking spaces that are provided but are not required. This sections should be consistent with subtitle C.	Section will be revised to be consistent with subtitle C
1043	I	Holland and Knight	9/25/2015	Downtown ---Special Exception review of large format retail	303-- Large format retail uses should not be subject to special exception review in the D-4 through D-8 zones	OP recommends the proposed text as advertised in the Notice of Proposed Rulemaking, with corrections for errors, typos and terminology.
1043	I	Holland and Knight	9/25/2015	Downtown ---TDRs and CLDs -- unallocated versus unused	806.1 With respect to section, what is the difference between "unallocated" TDRs and CLDs and "unused" TDRs and CLD's?	"Unallocated" refers to TDRs or CLDs that have been certified as having been generated and recorded pursuant to subtitle I Chapter 8 but have not had their generated rights transferred or linked to another property or ownership entity. "Unused" refers to TDRs or CLDs that have been allocated but are awaiting a use permitted by subtitle I chapter 9. OP will study further how there terms can be refined and made clearer.
1043	I	Holland and Knight	9/25/2015	Downtown ---Typo	208 -- The Green Area Ratio for buildings in the D Zone has been significantly increased. For the higher D Zones (i.e., those equal to or greater than existing C-3-C), the GAR should be maintained at 0.2, which is consistent with the current regulations. RECOMMENDATION Revise § 208.1 to state that GAR is 0.2 For D-4 through D-8 zones.	Will be corrected
1043	I	Holland and Knight	9/25/2015	Downtown ---unclear comment about TDRs and Credits	801.1(d)-- This provision addresses “conversions of TDRs or eligible square footage for which TDRs were not generated prior to effective date of [the ZRR]”.	Comment is correct
1043	I	Holland and Knight	9/25/2015	Downtown ---Unclear wording about generation of credits instruments	805.10, 807.16 -- Unclear what document is intended to be referenced as “instrument” in these provision. Is it the escrow agreement referenced in § 805.6(b) or the credit certificate itself (also referenced as “instrument at §§§ 805.2, 805.3, 805.5?)If reference is to the latter, this provision needs to be reconciled with § 805.1. What instrument in § 805.10 needs to be recorded prior to Zoning Administrator issuing a credit certificate? Further is "instrument" in 807.7 refering the the "credit certificate" or something else.	The term "instrument" is the same as the instrument described in Sec. 805.1 : i.e., a document recorded in the land records of the District of Columbia by which the Zoning Administrator acknowledges the generation of credits, after which recording the Zoning Adminstrator may issue a credit certificate, which also shall be recorded with the land records. OP will further study this to determine if additional cross-references or clarificationsare needed OP will provide them.
1043	I	Holland and Knight	9/25/2015	Downtown ---unnecessary duplication	306 -- duplicates 212	The provisions of section 306 will be moved incorporated into section 212
1043	I	Holland and Knight	9/25/2015	Downtown ---Use of Arts Credits -- insufficient clarity and potential redundancy	900.3 & 900.6 - Sections appear duplicative	OP will examine and correct as appropriate.

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1043	I	Holland and Knight	9/25/2015	Downtown ---Use of Credits -- Confusing terms	900.12(b)(c) & (d)-- References to “credit certificates”, “certificates of credit transfer”, “certificates of conversion” and “acknowledgment of credits instrument” are confusing and should be defined/differentiated.	OP will clarify.
1043	I	Holland and Knight	9/25/2015	Downtown ---Use of Credits --new credits/retransfer for conversions	900.17 -- Language in this section does not provide for scenario where non-residential use is later converted to residential. In that case, credits should be able to be retransferred as well as new credits generated for the conversion.	OP will examine
1043	A	Holland & Knight	9/25/2015	effective date	We request the Zoning Commission establish an extended effective date of at least six months from the date that the final ZRR is published in the DC Register. In the alternative, we recommend setting the effective date as the date when the new regulations are published in the DC Register but provide a ten month “opt-in” period that allows property owners to choose which version of the Zoning Regulations would apply to a project.	
1043	C	Holland & Knight	9/25/2015	General Rules	305.1. Reference to §302.1 should be changed to §302.2.	
1043	C	Holland & Knight	9/25/2015	General Rules	305.3. The prohibition on private streets should be eliminated as it is unnecessary and not relevant to any zoning issue. In addition, this restriction raises questions as to liability and maintenance, and ultimately while the street may be a dedicated public right-of-way it’s likely the District will require the owner to assume maintenance responsibilities, as is often the case today.. Delete this provision	
1043	C	Holland & Knight	9/25/2015	General Rules	502.1. Given the well-known fact that many areas of the city have soils with poor drainage, this section should allow [by-right] the ability for an owner to construct a storm water conveyance system that retains the same amount of water onsite that would otherwise percolate into the ground if drainage was better. These could include cisterns or below grade sumps that temporarily hold water and allow it to slowly seep into the ground. Since this meets the intent of the pervious surface regulations, owners should not be required to obtain a special exception. This by-right option should be allowed, perhaps with documentation from DOFF as to the sufficiency of the system. Without this option, owners could install nervous surfaces that	
1043	C	Holland & Knight	9/25/2015	General Rules	701.4, 803.2 & 902.4. The areas that are currently excluded from parking and loading calculations should be carried over into the new Zoning Regulations. In addition, areas that do not contribute to the occupancy load of the building such as elevator shafts, pipe chases and vent shafts, stairwells should be excluded. As should areas devoted to parking (vehicle and bicycle) and access to parking (ramps and drive aisles) regardless of the location within the building. Modify the necessary provisions to exclude all areas that are currently excluded under Sections 2118 and 2205 of the existing regulations, and exclude other areas that do not contribute to the occupancy load of a building. Make exclusions consistent across all sections in the proposed ZRR	
1043	C	Holland & Knight	9/25/2015	General Rules	715.5. The requirement that “all areas otherwise not used for ingress and egress, aisles, and parking spaces shall be landscaped” could require more than the 10% landscaping that is required under 715.2.. Remove this language and just require all end islands to be landscaped.	
1043	C	Holland & Knight	9/25/2015	General Rules	717.3(d). Reference to §712.6 and §712.7 is incorrect. Make necessary correction	
1043	C	Holland & Knight	9/25/2015	General Rules	802.1. The provisions relating to the quantity of long-term bicycle parking within office buildings should be reduced from 1 space per 2,500 square feet to 1 space per 7,500 square feet. For a typical 300,000 square foot office building, 120 bike spaces is excessive.. Revise provisions based on comment	
1043	C	Holland & Knight	9/25/2015	General Rules	901.1. The proposed loading requirement for lodging appears more burdensome and should be reevaluated. Currently, there is no loading requirement for hotels with less than 30 rooms, and for function space that is less than 10,000 square feet. By making everything based upon square footage, the inclusion of the area that would currently not be subject to loading could unnecessarily increase the required number of loading berths for the same hotel under the current regulations. For example, a hotel that has a total GFA of 200,000 sq ft, 200 rooms, and 10,000 sq ft of function space would currently need to provide two (2) 30-foot berths. Under the proposed ZRR, the same hotel would need to provide three (3) berths.. Adjust area ranges for	
1043	I	Holland & Knight	9/25/2015	Large Format Retail	As proposed, large format retail uses would only be permitted in Downtown Zones as a special exception pursuant to Subtitle I Section 303.1(d), subject to numerous conditions contained in Subtitle U Section 511.1(j). The Central Washington Element of the Comprehensive Plan supports the continued establishment of large scale retail uses in the downtown core (Policy CW-2.1.1). The Comprehensive Plan also supports additional large format retail anchors that can support development of smaller scale local retail (Policy CW-2.1.3). These types of retail destinations can strengthen existing downtown retail nodes, and are the types of uses that can oftentimes help establish a neighborhood retail node. Therefore, these types of uses should not be	

<i>ZC Exhibit #</i>	<i>Subtitle</i>	<i>Name</i>	<i>Date</i>	<i>Issue</i>	<i>Comment/Testimony</i>	<i>OP Response</i>
1043	G	Holland & Knight	9/25/2015	MU Zones	202.1. Rules for measurement of courtyards for mixed-use buildings are not included.. Insert from current Section 776.5 and 776.6.	
1043	G	Holland & Knight	9/25/2015	MU Zones	302. MU-2 total permitted density should be 6.0, rather than 2.5. Restore	
1043	G	Holland & Knight	9/25/2015	MU Zones	506.1. Section 506.1 tracks the language of current W-0 zone, but applies to current W-0 through W-3, as written.. Add a new section for the MU-12 through MU-14 zones that tracks existing Section 934.2	
1043	G	Holland & Knight	9/25/2015	MU Zones	507. This section provides a GAR for MU-11 (current W-0) through MU-14 (current W-3). However, there is no GAR requirement for the W-0 zone.. Revise this section to include only MU-12 through MU-14.	
1043	G	Holland & Knight	9/25/2015	MU Zones	602.4. This section applies to MU-10 zone, and should not be in Chapter 6.. Delete	
1043	G	Holland & Knight	9/25/2015	MU Zones	607.2. GAR for MU-21 should be 0.2, rather than 0.25. Revise	
1043	G	Holland & Knight	9/25/2015	MU Zones	902.1. Total permitted FAR in the MU-28 zone should be 4.8 (per existing Section 1563.6(a)(i)), and not 4.0. FAR with IZ should be 5.76. Revise	
1043	G	Holland & Knight	9/25/2015	MU Zones	902.1 & 903.1. For existing buildings in the MU-29 zone, the current height and bulk regulations should apply per current Section 1563.2. Revise	
1043	G	Holland & Knight	9/25/2015	MU Zones	1100.1 & 1100.2. What is the purpose of Section 1100.1, which requires all existing alley tax lots that are not currently record lots, to be converted into record lots? Section 1100.2 allows only those existing alley tax lots that were created prior to May 12, 1958 to be converted to record lots. The result is that alley tax lots created after May 12, 1958 are not able to comply with new Section 1100.1.. See general comment above regarding retention of existing regulations pertaining to the regulation of development on alley lots.	
1043	J	Holland & Knight	9/25/2015	PDR	205.1 & 207.1. The regulations are not clear as to whether the transition setback is required in addition to the rear setback, or whether the rear yard setback can be included in the transition setback area..	
1043	J	Holland & Knight	9/25/2015	PDR	207.4. Section 207.4 states that parking and loading cannot be located within the transition setback area. Moreover, Section 207.6 also requires the erection of a fence or brick or stone wall to extend along the required setback. Depending upon the size and shape of the lot, the transition setback area might be the only location to access and/or provide parking and/or loading. Also, Subtitle C Section 903.2, allows loading to be located on a lot that is adjacent to residential zones so long as they are six feet from a side lot line.. Amend Section 210 to allow relief from the requirements of Section 207 by special exception. Revise Section 400. if necessary, to include criteria for the BZA to consider for applications for relief from Section 207.	

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1043	J	Holland & Knight	9/25/2015	PDR	202.1. There are several uses that are appropriate for PDR zones that would be significantly limited as a result of the limits on FAR placed on “restricted uses.” These could include uses within the “Arts, Design, and Creation” use group such as an artist studio, kiln-firing, metal-working, wood –working, glass-blowing, uses with the “Animal Sales, Care, and Boarding” use group such as animal shelters, and uses within the “Agriculture, Large” use group such as greenhouses or horticultural nursery. In addition, the Ward 5 Works Plan, prepared by DCOP in August 2014, encourages “Make/Live Districts” in PDR zones, where certain industrial-type uses would be located on the ground floors of buildings with residential above. The plan states “with a	
1043		Holland & Knight	9/25/2015	process	An updated cross walk should be included in the final adopted version of the ZRR either as an appendix or issued as a separate document.	
1043	C	Holland & Knight	9/25/2015	rules of measurement	The collection of new definitions and rules for measurement related to lot lines, courts, and setbacks is substantially more complex than is necessary, and there appears to be no reason to move away from what currently exists. Furthermore, as demonstrated below regarding rear yard, some of these provisions are a vast departure from longstanding and well-established interpretations, and potentially could be difficult to apply universally in practice. Therefore, we recommend that the current definitions related to lot lines, rear and side yards, and courts be retained, as well as the existing rules for measuring required yards and courts.	
1043	C	Holland & Knight	9/25/2015	Subdivision	The prohibition on private streets contained within the theoretical subdivision provisions of Subtitle C Section 305 should be eliminated as it is unnecessary and not relevant to any zoning issue. Currently in Section 2516.6(a), any area of land within a theoretical subdivision that forms a covenanted means of ingress or egress must be excluded from the area of any theoretical lot. The current proposal under ZRR gives raises the question of whether these responsibilities would now rest with the District Department of Transportation. Past precedent would suggest that while the street(s) may be dedicated public rights-of- way, and therefore removed from the tax rolls. it is possible the District will still require the property owner to assume the cost	
1043	U	Holland & Knight	9/25/2015	uses	502. Matter of right uses currently permitted in SP that are not included in MU Use Group A include Art Gallery (not included in “art design and creation”); religious reading room; ticket office; public school; greenhouse or horticultural nursery, parking garage on an alley lot; other uses (including residential) that currently carry over from the residential zones; and other uses customary incidental and subordinate (as in Subtitle U Section 570(x) for MU-3; and accessory uses as permitted in current Section 502. Add a section to allow all uses currently permitted in R, RF and RA zones. Add other uses currently permitted as a matter of right in SP zones.	
1043	U	Holland & Knight	9/25/2015	uses	504. Special exception uses currently permitted in SP zones that are not permitted as special exceptions in MU Use Group A include parking lots; clerical/religious group residences . Restore these as permitted special exception uses.	
1043	U	Holland & Knight	9/25/2015	uses	504.1(j). This section is the equivalent of Section 518 of the existing Zoning Regulations which pertains to uses permitted in the current SP-2 District as a special exception. However, it appears as a result of making eating and drinking establishments a separate use group, these uses would not be permitted as a special exception in the proposed MU-2 zone, the SP-2 equivalent.. Modify Section 504.1(j) to include the eating and drinking establishment use group. This section would then pertain to the following: “Retail, service (general), and eating and drinking establishment uses subject to the following conditions.”	
1043	U	Holland & Knight	9/25/2015	uses	510.1. Certain uses currently permitted in existing C-1 are not permitted in MU Use Group D. Add a section to allow uses that are permitted in MU Use Group A, in Use Group D. Allow parking lots in Use Group D.	
1043	U	Holland & Knight	9/25/2015	uses	511. Certain uses permitted by special exception in C-1 are not permitted by special exception in MU Use Group D—bowling alleys; auto accessory sales. Restore those uses to the list of special exception uses.	
1043	U	Holland & Knight	9/25/2015	uses	513.1(a). Pet Shop, currently permitted by special exception in C-2, is not permitted by special exception in MU Use Group E. Revise Subtitle U Section 513.1(a) to allow Animal Sales, Care and Boarding	
1043	U	Holland & Knight	9/25/2015	uses	515. Fast food restaurant, mechanical parking garage and public swimming pool are permitted in C-3, but not included in MU Use Group F. Restore those uses in MU Use Group F	

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1043	U	Holland & Knight	9/25/2015	uses	516. Electric equipment facility is permitted by special exception in C-3 zone, but not included in special exception uses in MU Use Group F. Restore	
1043	A	Holland & Knight	9/25/2015	vesting	The vesting date under Section 102.3(b) should be set to the date of the application rather than the date of the public hearing. The date associated with Large Tract Review (LTR) should be set to the effective date that is established by the Zoning Commission considering the proposed ZRR was not published until May 2015. Since LTR is an administrative review and could entail matter-of-right projects, these developments should be allowed to vest under the regulations in place at the time the application is filed with DCOP. If a LTR development is not a matter-of-right project under the regulations in effective at the time of filing with the BZA or ZC, then it would be subject to the vesting provisions pertaining to BZA and ZC applications..	
1043		Holland & Knight	9/25/2015		There are several text amendments that have been recently adopted, or are currently under consideration, that are not reflected in the proposed ZRR text that will need to be incorporated in the final adopted ZRR. These include the recently approved amendments to the R-4 regulations (Z.C. 14-11), the creation of the C-2-B-1 District (Z.C. 14-16), and the changes to animal boarding (Z.C. 14-10). In addition, any updates to the penthouse regulations (Z.C. 14-13) and Inclusionary Zoning (Z.C. 04-33G) will need to be brought into ZRR at the conclusion of these cases.	Recent text amendments will be reflected in the final ZRR text.
1045	U	Capitol Hill Restoration Society	9/25/2015	corner stores	We still believe that the provisions for corner stores can only lead to mischief and urge you to drop those provisions. In the alternative, please exempt historic districts and landmarked buildings.	The ZC voted 5-0-0 at its Sept. 21, 2015 Regular Public Meeting that there was extensive public outreach and declined the request for translation, and additional extensions and outreach.
1045	G	Capitol Hill Restoration Society	9/25/2015	neighborhood commercial uses	We continue to support ANC 6B's request to correct the clear mistake in the wording of linear street frontage as it relates to the NC-6 zone and 8th Street SE. Despite previous requests, this error persists.	OP recommends this change to correct the language so it reflects the existing provisions and restrictions of the 8th St overlay.
1045	C, D	Larry Werner	9/25/2015	parking, accessory apartments	It's plainly obvious that there already are insufficient parking spaces in far too many neighborhoods. By definition adding more buildings and more people without off street parking requirements can't possibly improve the situation. It doesn't matter whether only 50% or 30% have vehicles. You'll still make a bad situation worse. And that's before we get to the problem of other City residents trying to drive into areas where there's no off street parking and finding either no spaces or, at "best", expensive paid parking that benefits developers but not residents. Please. Join me in some trips around our City and see for yourselves.	
1045	E	Capitol Hill Restoration Society	9/25/2015	RF zones	The RF-1 and RF-2 zones have no height limitations for flats. The language should reflect the recent changes and be 35 feet and 3 stories. By comparison, see the text on height for the RF-3 zone.	The changes in rowhouse regulations that resulted from case 14-11 have been incorporated into the ZRR, (Subtitle E §§ 303, 403 and 503, and Subtitle U §§ 301 and 320). Because case 14-11 was heard after the ZC took proposed action on the ZRR and decided after the Notice of Proposed Rulemaking for the ZRR was published, case 14-11 was incorporated after the publication of the ZRR but all changes will be included in any new zoning regulations.
1046	D	Alan Seeber	9/25/2015	height	Despite its significance to a number of DC neighborhoods, the ZRR fails to address McMansions. Reliance on designation as an historic district to prevent McMansions is an illusion: anyone with the right connections in this town can build a copper mansion wherever they want. Only the ZRR can prevent McMansions, merely by addressing two aspects: A. Footprint. The ZRR allows 40 percent lot coverage. I have a typical 6,500 sf R-1 lot upon which my typical house occupies no more than 1,000 sf. Coverage of 40 percent would allow a footprint of 2,600 sf – 2.5 times the existing footprint. A limitation of 30 percent lot coverage (R-1) makes more sense. B. Height. The ZRR continues to allow a house 40 feet high. But the height is not measured	
1046	C	Alan Seeber	9/25/2015	parking	Any car owned by a multi-family resident not parked underneath a residential structure (possibly containing hundreds of units) will be parked on residential (probably single-family) streets. We have not reached the end of massive multi-family construction. This argument isn't about traffic; it's about storage.	
1046	C	Alan Seeber	9/25/2015	parking	Comprehensive Plan requires that zoning policy and decision-making be based upon data, What specific evidence has the OP obtained from commercial establishments, Residents pay to park in addition to base rent. Developers are not going to return to renters or condo buyers a windfall conferred upon them by OP's ZRR.	
1048		Penn Branch Citizens/Civic Association	9/25/2015			

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1049	E	Penn Branch Citizens/Civic Association	9/25/2015	RF zones	Incorporate all of the elements of 14-11 order (which are now a part of the existing Zoning Regulations) into the final order on ZRR at every point where the ZRR order deals with the successor zones to R-4 -- RF-1, -2, and -3, and announce its decision to do so.	The changes in rowhouse regulations that resulted from case 14-11 have been incorporated into the ZRR, (Subtitle E §§ 303, 403 and 503, and Subtitle U §§ 301 and 320). Because case 14-11 was heard after the ZC took proposed action on the ZRR and decided after the Notice of Proposed Rulemaking for the ZRR was published, case 14-11 was incorporated after the publication of the ZRR but all changes will be included in any new zoning regulations.
1050	C	Judy Chesser	9/25/2015	parking	Do not reduce parking requirements without a comprehensive, District-wide plan for parking in DC. No such plan has been produced and no changes in parking minimums, such as reducing the requirement of 1 space for every 2 units near transit to less than 1 space for every 6 units, should be adopted for such a comprehensive plan is available.	Thank you for the comments.
1051	I et al.	Kiandra Willis	9/25/2015	Downtown ---affordable housing	".. I am asking the DC Zoning Commission, City Council and Mayro eliminate all current and proposed zoning reules in the District which *exempts* developers from the requirement to build low- and moderate-income housing in any parts of the City , including the Downtown District.	OP recommends the proposed text as advertised in the Notice of Proposed Rulemaking, with corrections for errors, typos and terminology. The inclusionary zoning regulations ("IZ"), which require a set-aside of affordable housing, are being reviewed as case 04-33G, a separate case from the ZRR. A public hearing on case 04-33G is scheduled for November 19, 2015. Neither the ZRR nor case 04-33G propose new exemptions from IZ and the new D zones will be subject to IZ.
1052	I	GSA	9/25/2015		GSA requests the following: 1) Large Government Uses be allowed as a matter of right and not by special exception as proposed in the NPRM 2) language that specifically excludes any Federally owned historic landmarks or contributing building(s) in a historic district(s) from any density limitation in any D zone (Sub I Sec 200/516.1). 3) clarification as to why properties in D-2 are not eligible to use credits. 4) Delete 303.1(c). If language is to be retained, GSA requests further definition of the term ‘large-scale government use’ and	OP does not recommend these changes, except for the clarification of 6); OP continues to recommends the proposed text as advertised in the Notice of Proposed Rulemaking. OP notes that • Federal land in federal use is not subject to zoning therefore the zoning proposed in Subtitle I will not impact or interfere with the operation of the federal government • The D zones were reviewed and drafted in consultation with NCPC to reflect the federal interest in the areas where the
1053	I	Committee of 100	9/25/2015	alleys	210.1(c) alley setback possible typo	OP will correct and ensure consistency with alley regulations in other sections
1053	Y	Committee of 100	9/25/2015	BZA	102.2 Delete authorization for staff of Zoning Commission to serve on Board of Zoning Adjustment. The Zoning Commission has no staff, unless the Office of Zoning personnel are considered the staff, but there should be no delegation of this important function to staff. The DC members of the Zoning Commission are appointed by the mayor and confirmed by the Council after a public hearing and there is no similar process for staff to be vetted for their qualifications to represent DC residents on this important regulatory body.	OZ recommends keeping the language in the proposed regulation text. This is from the DC Code.
1053	Y	Committee of 100	9/25/2015	BZA	102.7 Reword the second sentence to reflect current regulation (3129.6) requiring that members must have participated in, and voted on the decision, or read the record in order to vote on modification or extension of a decision order. Modifications and time extensions are material decisions. The public expects members to be fully aware of the record that resulted in original decision in order to make informed decisions that change the original decision.	OZ recommends keeping the language in the proposed regulation text.
1053	Y	Committee of 100	9/25/2015	BZA	103.5 Replace four (4) day notice of public meeting agenda with current requirement (3105.7) of seven (7) day notice. Four days is not reasonable public notice.	OZ recommends keeping the language in the proposed regulation text. This is public notice of the public meeting agenda items. Changes are continually being made. Currently, items are added in real-time, so notice will be made well in advance
1053	Y	Committee of 100	9/25/2015	BZA	203 Add burden of proof shall rest with the applicant, which is currently required (3119.2), and has been deleted in the NPRM Text.	OZ recommends keeping the language in the proposed regulation text. This item was not deleted, it is in Subtitle X Sections 901.3, 1002.2, and 1101.2.
1053	Y	Committee of 100	9/25/2015	BZA	302.17 Replace fourteen (14) days with seven (7) days, which is current requirement (3115.1). It is an unreasonable burden to require ANC's that meet on a set monthly schedule to produce appeal responses fourteen (14) days rather than the current seven (7) days in advance of the hearing.	OZ recommends changing Section 302.17 and 302.18 to read as follows: This section conflicts with Section 502.8 which allows the ANC report to be filed 7 days in advance of the hearing. OZ recommends editing the sections to read as follows: 302.17 No later than seven (7) days before the public hearing, the appellee and persons with party status and the affected ANC
1053	Y	Committee of 100	9/25/2015	BZA	405.2 Add ANC into application referrals from Office of Zoning.	OZ recommends keeping the language in the proposed regulation text. Referral to the ANC is under Section 400.4
1053	Y	Committee of 100	9/25/2015	BZA	703.2 Delete modifications of consequences from authorized list of consent calendar zoning order changes. Sec.703.5 defines the modifications of consequence category broadly to include changes in conditions and design that could be among the most highly contentious issues considered during an application hearing. The parties should have an opportunity to be heard and not be subject to an unreasonable ten (10) day period to file opposition response, which would be process if these significant changes could be approved on consent calendar.	OZ recommends changing revising the entire Subtitle Y Section 703 and 704 to be consistent with Subtitle Z 703 and 704. This includes removing references to a "modification of little or no consequence". The intent is to allow the Board to determine if an application is of consquence or significance, and if it is of consequence to establish a timeframe for responses.

ZC Exhibit #	Subtitle	Name	Date	Issue	Comment/Testimony	OP Response
1053	Y	Committee of 100	9/25/2015	BZA	703.10 The time constraint in this regulation is especially onerous for an ANC.	OP recommends keeping the language in the proposed regulation text. This is the current process for minor modifications.
1053	Y	Committee of 100	9/25/2015	BZA	704 Add definition for Modifications of Consequence. See notation of missing definition under Subtitle B § 100.1(f).	OP recommends keeping the language in the proposed regulation text. See Subtitle Y Section 703.5 for the definition of a Modification of Consequence.
1053	Y	Committee of 100	9/25/2015	BZA	704.6 Ten (10) days between notice and filing response is not adequate or reasonable for an ANC. It may be presumed that ANC has reviewed the original application and authorized a commissioner to represent it on the application, however, ANCs cannot be expected to have anticipated what modifications of consequence an applicant may request after the decision. The modification may be associated with some aspect of the application that was fine originally but is not fine as modified. The ANC would have to vote at a public meeting to have the authority to offer a response. The timing of the response if limited to ten (10) days may deprive the ANC of opportunity to represent the neighborhood on the matter.	OP recommends changing Section 704.6 to read as follows: 704.6 All requests for modifications of significance shall be served on all other parties to the original application at the same time as the request is filed with the Board. A party shall have ten (10) days within which to submit written comments that such party may have concerning the requested modification.
1053	X	Committee of 100	9/25/2015	BZA/ZC	101.13 Add ANC into application referrals from Office of Zoning.	OP recommends keeping the language in the proposed regulation text. The ANC will be receiving a Notice of Intent 45 days before the case is filed, they will be served a copy of the application at the time of filing, and they will be receiving the notice of public hearing shortly after filing. OP recommends keeping the proposed regulation text.
1053	X	Committee of 100	9/25/2015	BZA/ZC	103.9 Add referral of PUD application to the ANC	OP recommends keeping the language in the proposed regulation text. The ANC will be receiving a Notice of Intent 45 days before the case is filed, they will be served a copy of the application at the time of filing, and they will be receiving the notice of public hearing shortly after filing. OP recommends keeping the proposed regulation text.
1053	X	Committee of 100	9/25/2015	BZA/ZC	105.2 Add ANC into application referrals from Office of Zoning.	OP recommends keeping the language in the proposed regulation text. The ANC will be receiving a Notice of Intent 45 days before the case is filed, they will be served a copy of the application at the time of filing, and they will be receiving the notice of public hearing shortly after filing. OP recommends keeping the proposed regulation text.
1053	X	Committee of 100	9/25/2015	BZA/ZC	203.4 Add ANC into application referrals from Office of Zoning.	OP recommends keeping the language in the proposed regulation text. ANC Referral is under Subtitle Z Section 400.4
1053	X	Committee of 100	9/25/2015	BZA/ZC	308.1 Add ANC into application referrals from Office of Zoning.	OP recommends keeping the language in the proposed regulation text. ANC Referral is under Subtitle Z Section 400.7
1053	I	Committee of 100	9/25/2015	development in alleys	210.5 - concern that "authorized building official" is too vague and could be applied to 3rd party inspectors	OP will examine and ensure consistency with other alley regulations
1053	I	Committee of 100	9/25/2015	Downtown ---affordable house and building rehabilitation	305.7(d) Delete requirement that rehabilitate building shall have been vacant or non-residential	This would be counterproductive. The point of the requirement is to encourage more affordable housing where there are now non-residential uses or vacancies, not to deplete market rate housing and replace it with affordable housing.
1053	I	Committee of 100	9/25/2015	Downtown ---affordable housing	100.2(g) add "including the development and preservation of affordable housing"	This is already implicit in the references to the policies in the Comprehensive Plan, but OP would have no objection to its inclusion.

<i>ZC Exhibit #</i>	<i>Subtitle</i>	<i>Name</i>	<i>Date</i>	<i>Issue</i>	<i>Comment/Testimony</i>	<i>OP Response</i>
1053	I	Committee of 100	9/25/2015	Downtown ---affordable housing production	200.4(a) density bonuses should be related to affordable housing production, not just housing production	The inclusionary zoning regulations ("IZ"), which require a set-aside of affordable housing, are being reviewed as case 04-33G, a separate case from the ZRR. A public hearing on case 04-33G is scheduled for November 19, 2015. Neither the ZRR nor case 04-33G propose new exemptions from IZ. Areas that will be newly within a downtown zone that are not now exempt from IZ will continue to be subject to IZ. The regulations now permit residential buildings in the D zones to achieve the maximum bulk permitted by the Height Act. Because there was no additional density that could be achieved in the DD due to Height Act restrictions, the DD was exemoted from IZ, which is predicated on permitting additional density in return for providing the
1053	I	Committee of 100	9/25/2015	Downtown ---Capitol Security Sub-Area	605.6(a)-- "Subsection doesn't make sense. Maybe something got dropped."	Will be corrected to the following: "(a) The lot has frontage on a designated street segment in the sub-area and the building has a proposed or existing height of ninety feet (90 ft.) or more"; and
1053	I	Committee of 100	9/25/2015	Downtown ---child care; affordable housing	801.1(f)-- Authorizes new credits for a licensed child development center in two sub-areas where the zones require minimum residential, but no IZ, and in a third zone where matter of right heights would range from one hundred thirty (130) to one hundred sixty (160) feet, but no IZ is required. The C100 asks the Zoning Commission to reconsider extending this additional profit incentive to developers with the condition that IZ apply and that affordable child care be offered. As aant to provide resources for the growing low income population to find housing in job centers and services, such as child care, that are affordable	This provision is carried over from successful existinghousing incentives . OP recommends the proposed text as advertised in the Notice of Proposed Rulemaking, with corrections for errors, typos and terminology. Neither the ZRR nor case 04-33G propose new exemptions from IZ and all areas that are newly within downtown zones and not already exempt from IZ will be subject to IZ.
1053	I	Committee of 100	9/25/2015	Downtown ---child development centers and residential uses	305.5--Add affordability provision to child development centers that may substitute for residential use requirements	OP will consider the feasibility of this suggestion.
1053	I	Committee of 100	9/25/2015	Downtown ---Credits	800--The ability of developers to generate credits to ensure the range of uses essential to a successful downtown, is an easily manipulated “gimmick” which guarantees certain outcomes for developers, but little predictability in the way of quantifiable outcomes for subject areas. The range of uses included in Chapter Eight, determined essential to the establishment of a successful downtown, need to be included by percentage in the Future Land Use Map of the Comprehensive Plan to ensure that an overabundance of credits generated in one use area do not result in the creation of an objectionable condition in another area.	The DD’s TDR and CLD provisions have assisted the creation of housing, arts, retail and other uses downtown. The Credit provisions combines these successful programs into a unified system and enables these preferred used tools to be applied to a broader area of central Washington. Individual Credit Trade Areas have limited boundaries to prevent the imbalances about which the commenter is concerned.
1053	I	Committee of 100	9/25/2015	Downtown ---Credits and affordable housing	802.1, 802.2(a) & (b)--"... add conditions to the unregulated and very lucrative credit system that link to the fulfillment of citywide housing needs." ...801.1(f)-- Authorizes new credits for a licensed child development center in two sub-areas where the zones require minimum residential, but no IZ, and in a third zone where matter of right heights would range from one hundred thirty (130) to one hundred sixty (160) feet, but no IZ is required. ... reconsider extending this additional profit incentive to developers with the condition that IZ apply and that affordable child care be offered. ...There are only three (3) of eleven (11) new downtown zones that do not exempt projects from IZ. This provision seems to acknowledge that it is the view	OP recommends the proposed text as advertised in the Notice of Proposed Rulemaking, with corrections for errors, typos and terminology. The inclusionary zoning regulations ("IZ"), which require a set-aside of affordable housing, are being reviewed as case 04-33G, a separate case from the ZRR. A public hearing on case 04-33G is scheduled for November 19, 2015. Neither the ZRR nor case 04-33G propose new exemptions from IZ and the new D zones will be subject to IZ.
1053	I	Committee of 100	9/25/2015	Downtown ---Credits; affordable housing.	801.1(a)--The regulation would authorize new credits in D-3 through D-8 zones for most residential development. Credits are treated as commodities which can be bought and sold as a means to avoid compliance with conditions that are the quid pro quo for gaining maximum density on a lot. The ZRR regulations pertaining to credits reward developers for constructing market rate housing, which is partly creating our affordable housing crisis. The C100 strongly urges the Zoning Commission to require the production of affordable housing (with specific guidelines about unit sizes and income eligibility) as a condition for the generation of new credits.	OP recommends the proposed text as advertised in the Notice of Proposed Rulemaking, with corrections for errors, typos and terminology. The inclusionary zoning regulations ("IZ"), which require a set-aside of affordable housing, are being reviewed as case 04-33G, a separate case from the ZRR. A public hearing on case 04-33G is scheduled for November 19, 2015. Neither the ZRR nor case 04-33G propose new exemptions from IZ and the new D zones will be subject to IZ.
1053	I	Committee of 100	9/25/2015	Downtown ---D-2 zone title	508 - Add "R" to zone title to residential priority	Only zones where residential is required, not just preferred, include R designations
1053	I	Committee of 100	9/25/2015	Downtown ---D-4-R wording	531.2 (c) - typo	Will be corrected
1053	I	Committee of 100	9/25/2015	Downtown ---D-5-R references	547.2(a)--remove reference to 200.4	References will be corrected to 200.2 and 200.3
1053	I	Committee of 100	9/25/2015	Downtown ---D-5-R references	547.2(b)-- remove reference to 305.2	Reference will be corrected to 305.3

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1053	I	Committee of 100	9/25/2015	Downtown ---D-5-R references	553.1 -- delete reference to 552.2	Reference will be corrected to 553.2
1053	I	Committee of 100	9/25/2015	Downtown ---D-8 zone height and Zoning Commission review	581.4 -- delete provision. Zoning Commission should not be precluded from addressing hieght in this sensitive area.	A principal objective of the zone is to encourage GSA to convert federal property to private property. This objective is aided by having predictable bonus density provisions, which enable GSA and potential private owners to more accurately judge the value of the land. Historic considerations, view corridors, stepbacks and setbacks are provided for by specific regulations in the proposed zone. Section 581.4 permits the Commission to reduce bonus density if there is not "compliance all applicable regulations".
1053	I	Committee of 100	9/25/2015	Downtown ---DHCD certification of off-site affordable housing assistance in lieu of on-site downtown market rate housing	305.7(e)(2) --waiver provision is too vague.	The new provision is stronger than the current DD language. The comment will be given further consideration.
1053	I	Committee of 100	9/25/2015	Downtown ---editorial comment	200.4 (d) -- "Does not make sense as a subsection of 200.4. Doesn't follow the lead in".	OP recommends the proposed text as advertised in the Notice of Proposed Rulemaking, with corrections for errors, typos and terminology.
1053	I	Committee of 100	9/25/2015	Downtown ---Grammar comment	569.1(a)--in sert "if"	OP will insert
1053	I	Committee of 100	9/25/2015	Downtown ---Height in D-4	525.1 -- incorrect reference	Reference should be to 525.2
1053	I	Committee of 100	9/25/2015	Downtown ---Height in D-4-R	532 - repeats comments under 531	See discussion above of Sec. 531 comment
1053	I	Committee of 100	9/25/2015	Downtown ---Heights and setbacks on PA Ave. in D-4	525.2(a) and (c)--incorrect reference and insufficient specifications for heights and setbacks on Pennsylvania Avenue	Heights and setbacks within the Pennsylvania Avenue subarea are governed by the PADC plan. References for heights and setbacks on Pennsylvania Avenue in the D-4 zone will be corrected and augmented
1053	I	Committee of 100	9/25/2015	Downtown ---Historic buildings and arts requirements	609.5(c) and 609.6(c) --Add contributing buildings within a historic district after “historic landmarks.”	The provision of arts uses is an important Downtown objective. The Historic Preservation Office does not find the arts requirement incompatible with contributing buildings.
1053	I	Committee of 100	9/25/2015	Downtown ---historic preservation	801.1(c), 807.2--change "priot to 1936" to "at least 50 years ago"	OP recommends the proposed text as advertised in the Notice of Proposed Rulemaking, with corrections for errors, typos and terminology. The ZRR nor case 04-33G propose new exemptions from IZ and all areas that are newly within downtown zones but not already eligible for greater density through a TDR receiving zone designation will be subject to IZ.
1053	I	Committee of 100	9/25/2015	Downtown ---Inappropriate reference in D-4-R	536.2 -- delete reference to design in this section covering uses	Will be reworded

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1053	I	Committee of 100	9/25/2015	Downtown ---Inappropriate reference in D-4-R	537.2 -- delete reference to 612.5	Will be deleted
1053	I	Committee of 100	9/25/2015	Downtown ---Inclusionary Zoning	All D zones should be subject to IZ, even those now exempt	The inclusionary zoning regulations ("IZ"), which require a set-aside of affordable housing, are being reviewed as case 04-33G, a separate case from the ZRR. A public hearing on case 04-33G is scheduled for November 19, 2015. Neither the ZRR nor case 04-33G propose new exemptions from IZ. Areas that will be newly within a downtown zone will be subject to IZ. The regulations now permit residential buildings in the D zones to achieve the maximum bulk permitted by the Height Act. Because there was no additional density that could be achieved in the DD due to Height Act restrictions, the DD was exempted from IZ, <u>which is predicated on permitting additional density in return for providing the required below-market rate housing. It would</u>
1053	I	Committee of 100	9/25/2015	Downtown ---inclusionary zoning	200.5 It should be required in D-zones	The regulations now permit residential buildings in the D zones to achieve the maximum bulk permitted by the Height Act. Because there was no additional density that could be achieved in the DD due to Height Act restrictions, the DD was exempted from IZ, which is predicated on permitting additional density in return for providing the required below-market rate housing. It would be inconsistent with the IZ principles established by the Zoning Commission to now require residential development in such zones to provide IZ units. IZ would continue to be required in all areas where it is now required, and in the new D-8 zone <u>if land is transferred from federal to private hands.</u>
1053	I	Committee of 100	9/25/2015	Downtown ---Inclusionary Zoning in D-8 zone	Subtitle C 1001.5(a)(5) is in conflict with Subtitle I section 576.3	This will be corrected. IZ would be required in the D-8 zone.
1053	I	Committee of 100	9/25/2015	Downtown ---Inconsistent wording	570.1, 570.1, 570.3 -- these sections use "confronting" when rest of subtitle uses "fronting on". Make consistent	Wording will be changed to fronting on
1053	I	Committee of 100	9/25/2015	Downtown ---Incorrect reference	609.8 --Should refer to 610.7 rather than 610.6	Will be corrected.
1053	I	Committee of 100	9/25/2015	Downtown ---Incorrect reference	610.5 --Reference to § 609.3 should be changed to § 609.5	Will be corrected to 609.6, not 609.5
1053	I	Committee of 100	9/25/2015	Downtown ---Incorrect reference	701.3--Section refers to §§ 702.4 and 702.5 but there is no § 702	702.4 reference will be corrected to 701.4
1053	I	Committee of 100	9/25/2015	Downtown ---Incorrect reference--Mount Vernon Triangle sub-area	611.13-- reference seems incorrect	Reference will be corrected to 610.7
1053	I	Committee of 100	9/25/2015	Downtown ---Independence Avenue heights	575.1, 577.3, 618 -- maximum height should be 90 feet.	OP recommends the adopted of the advertised heights and setbacks, which were developed in consultation with NCPC and have been given preliminary approval by Zoning Commission, which has two permanent federal seats
1053	I	Committee of 100	9/25/2015	Downtown ---Independence Avenue heights	618.5(a) and (b)--height should be limited to 90 feet	Proposed heights and setbacks were developed in consultation with NCPC and have been given preliminary approval by Zoning Commission, which has two permanent federal seats

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1053	I	Committee of 100	9/25/2015	Downtown ---Intentions of Subtitle	100.2 Allowing full zoning envelope development by-right undercuts design and use objectives	Development in the District is typically by-right
1053	I	Committee of 100	9/25/2015	Downtown ---IZ in downtown	531.4 et al.	See discussion above of IZ in existing DD zones. IZ would continue to apply where it does now and would be added to the new D-8 zone.
1053	I	Committee of 100	9/25/2015	Downtown ---market rate and affordable housing requirements	305.7(a)-- Require residential uses where they are not now required in the DD and require IZ	The inclusionary zoning regulations ("IZ"), which require a set-aside of affordable housing, are being reviewed as case 04-33G, a separate case from the ZRR. A public hearing on case 04-33G is scheduled for November 19, 2015. Neither the ZRR nor case 04-33G propose new exemptions from IZ. Areas that will be newly within a downtown zone and are not now exempted from IZ will continue to be subject to IZ. The regulations now permit residential buildings in the D zones to achieve the maximum bulk permitted by the Height Act. Because there was no additional density that could be achieved in the DD due to Height Act restrictions, the DD was exemoted from IZ, which is predicated on permitting additional density in return for providing the
1053	I	Committee of 100	9/25/2015	Downtown ---Massachusetts Avenue height references	532.3(a), 540.2(a)-- there are no height regulations in referenced 610; therefore reference is incorrect	Sec. 610 covers heights above which setbacks are required along Massachusetts Ave. and Mt. Vernon Square
1053	I	Committee of 100	9/25/2015	Downtown ---Massachusetts Avenue stepback language	610.7 - Description is "obscure"	Description clearly describes a 1:1 setback above 110 feet. OP recommends the proposed text as advertised in the Notice of Proposed Rulemaking, with corrections for errors, typos and terminology.
1053	I	Committee of 100	9/25/2015	Downtown ---motorcycle sales and repair	302.2 (c) and 303.1 (f) -- conflicts between by-right and special exception permissions.	OP will examine and ensure consistency
1053	I	Committee of 100	9/25/2015	Downtown ---No. Capitol Height Setbacks	525.2(d) delete reference to 617.7	Will be corrected.
1053	I	Committee of 100	9/25/2015	Downtown ---Objectives of Location-based regulations	600.3(c) -- "Very laudable objectives but it isn't clear that open spaces are being fostered".	Fostering open spaces remains an objective
1053	I	Committee of 100	9/25/2015	Downtown ---parking	212 -- Parking should be required downtown	There would be no limitation on providing parking in the D-zones and parking requirements are retained in the D-zones west of 20th St., NW. While Downtown is the center of the region's public transit system developers can provide parking if the marketplace indicates it is needed to attract residents or retain property values. OP recommends the proposed text as advertised in the Notice of Proposed Rulemaking, with corrections for errors, typos and terminology.
1053	I	Committee of 100	9/25/2015	Downtown ---partial exemption for existing residential building providing less than the required amount of residential	305.6 -- Retain partial exemption; Add prohibition on increasing non-residential and/or residential uses.	OP recommends the proposed text as advertised in the Notice of Proposed Rulemaking, with corrections for errors, typos and terminology.
1053	I	Committee of 100	9/25/2015	Downtown ---Pennsylvania Ave. Sub-Area height regulations	606.7-- Incorrect/inadeaute references to height permissions	Heights and setbacks within the Pennsylvania Avenue subarea are governed by the PADC plan. References for heights and setbacks on Pennsylvania Avenue will be corrected and augmented
1053	I	Committee of 100	9/25/2015	Downtown ---Punctuation corrections to improve clarity of provisions	need commas in 8 similarly structure subsections: 516.1 (c), 524.2(c), 531.1(c), 539.1(c), 547.1, 553.1, 569.1(c), and 576.1.	Agree and will correct.
1053	I	Committee of 100	9/25/2015	Downtown ---Redundancy in parking provisions	306.1, 306.2, 306.3, 306.4 and §5212.1, 212.2, 212.3, 212.4 are redundant. Require downtown parking.	OP will eliminate redundancies.
1053	I	Committee of 100	9/25/2015	Downtown ---reference to geographic locatoin within a zone	101.1 (a) Delete "regardless of the geogrp hic location of a property within a zone"	OP suggests changing "geographic location" to "sub-areas".
1053	I	Committee of 100	9/25/2015	Downtown ---residential requirements and older structures with specific characteristics	305.3(c)--Delete provision exempting non-residential structures built before 1991 and less than 7 stories tall from residential requirements.	This provision was transferred from the existing Section 1706.20 and is intended to help preserve smaller scale buildings that are not yet eligible for historic designation
1053	I	Committee of 100	9/25/2015	Downtown ---residential requirements for vacant structures	305.3(d)-- Delete residential exemption for vacant buildings that have less FAR than the minimum residential requirement are a covenanted to remain residential for at least 20 years.	The provision duplicates the existing Section 1706.10 and encourages the renovation of vacant buildings that are smaller than typical downtown buildings, but not historic. It encourages the provision of new housing for at least 20 years where none currently exists.
1053	I	Committee of 100	9/25/2015	Downtown ---So. Capitol St. setbacks	526.1--incorrect reference	Will be corrected to 616.6

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1053	I	Committee of 100	9/25/2015	Downtown ---South Capitol Street subarea language.	701.2(b)(3)--Something is missing in this subsection after “views and vistas around...” It doesn’t make sense	Will delete "around, including views"
1053	I	Committee of 100	9/25/2015	Downtown ---Subareas subject to design review	701.1--Add “and the Independence Avenue Sub-Area.”	This will be added. The language in 701.2 (a)(1) will be revised to the following: "Help achieve the objectives of the subarea, as set forth in Chapter 6, in which it is located; " .
1053	I	Committee of 100	9/25/2015	Downtown ---Typo	575.2 -- add space after "transportation"	Dash will be deleted and space added
1053	I	Committee of 100	9/25/2015	Downtown ---Typo	581.3(a)(3) -- "buildings or buildings" should be building or buildings	Will be corrected
1053	I	Committee of 100	9/25/2015	Downtown ---Typo	607.1 --hyphen needs to be deleted after “and.”	Will be corrected
1053	I	Committee of 100	9/25/2015	Downtown ---Typo	618 --table label incorrect	Will be corrected to 618.3
1053	I	Committee of 100	9/25/2015	Downtown ---unclear comment	556.2(b)-- typo and inappropriate assumption about housing	OP is not aware of there being a section 556.2(b)
1053	I	Committee of 100	9/25/2015	Downtown ---Unnecessary word in D-5 density section	539.1(c) -- delete enable	Will be deleted
1053	I	Committee of 100	9/25/2015	Downtown ---upper story setbacks in current CR zone	525.4 -- needs diagram	Provision transferred from existing regulations in response to comments by residents adjacent to CR zone. OP recommends the proposed text as advertised in the Notice of Proposed Rulemaking with corrections for errors, typos and terminology.
1053	I	Committee of 100	9/25/2015	Downtown ---wording about consistency with Comprehensive Plan	100.2 (c) Delete generally from generally consistent	OP suggests replacing with more typically used" not inconsistent with"
1053	I	Committee of 100	9/25/2015	Downtown ---Wording for other vehicular restrictions in the Mount Vernon Triangle subarea	611.10(a) -- This subsection is missing something—“on any side of the adjacent” doesn't make sense.	Will be corrected to: "No more than two (2) vehicular garage or loading entrance or exit driveways may be constructed adjacent to a public street on any side of a Square regulated by Section 611.10". The wording is necessitated by zoning not being permitted to regulate space beyond a property line and, therefore, needing to refer to vehicular entrances rather than
1053	I	Committee of 100	9/25/2015	Downtown ---Wording for vehicular entrance restrictions on the west Side of 5th Street in Mount Vernon Triangle subarea	611.9 -- This section seems garbled. Something clearly got dropped in the first line “between Street and L Street.” It talks about the following streets and has a colon but no subsections. Also should be an “s” on garage. Section needs to be reviewed and rewritten to make sense.	Will be corrected to transfer reference to between I (Eye) Stret and L Street. Colon will be replaced by period. "Garage" (singular) is correct as it modifies "entrances"
1053	I	Committee of 100	9/25/2015	Downtown ---zone height, density and affordable housing in D-4-R, D-5-R, D-6-R, D-3, D-5, D-6 and D-7 zones	531, 531.1, 547.2, 547.3 and others.-- bulk should not be the maximum permitted by Height Act, unless, perhaps affordable housing is required	The analysis is incorrect. This area already has a DD housing requirement. Residential uses are already permitted the maximum height and density achievable under th Height Act. There is no additional density that can be granted in return for an IZ requirment. Commercial buildings may already achieve an 11.5 FAR through combined lot transfer, which is effectively the highest FAR achievable under the Height Act.
1053	C	Committee of 100	9/25/2015	GAR	305.6 Add reference to the Comprehensive Plan Area Element and Future Land Use Map. 400.1 Add (d) Encourage the planting of new trees. 401.4 Subtitle X, add Chapter 9. 500.2 The minimum pervious surface percentage requirements defeat the purpose of the regulations. Remove percentages listed in 500.2(a)-(d) from the regulations.	
1053	I	Committee of 100	9/25/2015	height setbacks	201.3(d) -- incorrect references	Will be corrected.
1053	C	Committee of 100	9/25/2015	Non-conformities	Index Chapter 17 Plaza, Introduction, General Procedures missing “C.” Also missing “Subtitle C” from bottom of page 117. 201 Reinsert existing Sec. 2000.3 that in part states that “all uses and structures incompatible with permitted uses or structures shall be regulated strictly and permitted only under rigid controls.” The emphasis is necessary to direct the BZA and the zoning administrator to treat nonconforming uses and structures as anomalies that should ideally not be present in the zone. The absence of this provision from NPRM Text	
1053	C	Committee of 100	9/25/2015	Non-conformities	202 Impervious surface regulations do not appear to apply when considered under regulations addressing Destruction of Nonconforming Structures. Impervious surface regulations are not referenced in any of the sections.	
1053	C	Committee of 100	9/25/2015	Non-conformities	204.1 Add or intensity at end of “A nonconforming use of land or structure shall not be extended in land area or gross floor area.” The intent of the regulation is not to expand a use which would have negative impacts on permitted uses in the zone. Increasing the square footage is only one means of expanding the non-conforming use – the existing square footage could be rearranged to result in a much more intense use which needs to be made clear.	

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1053	C	Committee of 100	9/25/2015	Non-conformities	204.6 Clarify that a non-conforming use that was discontinued should be allowed to resume operations within a three (3) year period provided there was no intervening conforming use. 204.8 Add that changes in the non-conforming use will be reviewed by the BZA. If the intent is to rigidly control non-conforming uses, which has long been zoning policy and is endorsed in area elements of Comprehensive Plan, then the zoning code should not permit matter of right changes from one non-conforming use to another, even if within the same use category. By definition.	
1053	C	Committee of 100	9/25/2015	Non-conformities	204.9(e) Reinsert at least between “within” and “three hundred feet (300 ft.) of the site:” The intention is to require an applicant to show that change in non-conforming use will not adversely affect the character and future development of surrounding area. Applying that burden to an area less than a block long prohibits the BZA from really assessing the extent of a negative impact.	
1053	I	Committee of 100	9/25/2015	planning perspective concepts	101.1(c) & (d) - are in conflict	The existing DD have successfully employed the trading of preferred uses within limited areas in order to achieve a mix of uses.
1053	C	Committee of 100	9/25/2015	Subdivision	304.4 Delete. The regulation would allow the creation of new lots for single family residences or flats that are only 40% the minimum required width for a lot in the zone. The absolute minimum could be as narrow as 14 feet! For example, 50 feet in an R-1-B zone as measured 30 feet back from the front of the lot (as NPRM Text is proposing) and a street frontage that is only 14 feet! These two provisions must be reconciled. The C100 recommends that lot width should be measured at the front of the lot in order to preserve block character and not 30 feet back; and, the	
1053	I	Committee of 100	9/25/2015	upper story setbacks	201.1 c -- incorrect reference to 612	Will be corrected.
1053	Z	Committee of 100	9/25/2015	ZC	102.7 Strike second sentence that would treat decisions on petitions differently than the treatment of applications by allowing commissioners to vote with no knowledge of the case record that should form the foundation of the merits of extending or modifying an order.	OZ recommends keeping the language in the proposed regulation text.
1053	Z	Committee of 100	9/25/2015	ZC	103.2 Clarification is needed. The meetings of the Commission shall be open to the public: provided that, for the reasons..., the Commission may hold a closed meeting to receive advice from the OAG on legal matters, but only after the Commission meets in public session and votes in favor of entering into or scheduling a closed meeting.	OZ recommends changing Section 103.2 to read as follows: The meetings and hearings of the Commission shall be open to the public; provided that, for the reasons cited in § 405(b) of the D.C. Administrative Procedures Act, as amended by the Open Meetings Act, effective March 31, 2011 (D.C. Law 18-350; D.C. Official Code § 2-575(b)), including receiving advice from the Office of the Attorney General on legal matters and training, the Commission may hold a closed meeting, but only after the Commission meets in public session and votes in favor of
1053	Z	Committee of 100	9/25/2015	ZC	103.4(e) Subtitle Z § 1504 does not exist.	OZ recommends changing Section 103.4(e) to read as follows: Certify the zoning of a property upon the request of a member of the public subject to the payment of the fee set forth in Subtitle Z § 1604.
1053	Z	Committee of 100	9/25/2015	ZC	105.5 Add, or any other proceeding.	OZ recommends keeping the language in the proposed regulation text.
1053	Z	Committee of 100	9/25/2015	ZC	203 Add burden of proof shall rest with the applicant, which is currently required (3119.2), and has been deleted in the NPRM Text.	OZ recommends keeping the language in the proposed regulation text. This item was not deleted, it is in Subtitle X Sections 304.2, 308.6, 500.2, and 604.3.
1053	Z	Committee of 100	9/25/2015	ZC	206.10 Change the 3:00 p.m. to 5:00 p.m., which is the normal time associated with “close of business.”	OZ recommends keeping the proposed regulation text. There must be an allowance for processing the emailed file.
1053	Z	Committee of 100	9/25/2015	ZC	206.11 Change the hours in this regulation to reflect those proposed in § 206.10.	OZ recommends keeping the proposed regulation text. There must be an allowance for processing the emailed file.
1053	Z	Committee of 100	9/25/2015	ZC	300.11(g)(3) Add - The gross floor area and floor area ratio for each building and structure...for all structures on the entire site, including a breakdown for each use;	OZ has no position, OP?
1053	Z	Committee of 100	9/25/2015	ZC	300.12(f) Add retaining walls to detailed landscaping and grading plan elements to be included.	OZ has no position, OP?
1053	Z	Committee of 100	9/25/2015	ZC	301.10(h) Add retaining walls to the list of landscaping elements to be retained.	OZ has no position, OP?
1053	Z	Committee of 100	9/25/2015	ZC	302.10(e) Add – The number of student interns and student teachers to the list of those to be included in the employee count.1	OZ has no position, OP?

ZC Exhibit #	Subtitle	Name	Date	Issue	Comment/Testimony	OP Response
1053	Z	Committee of 100	9/25/2015	ZC	303.8(h) Add retaining walls to detailed landscaping and grading plan elements to be included.	OZ has no position, OP?
1053	Z	Committee of 100	9/25/2015	ZC	400.3 Add ANC into referral by Office of Zoning of a contested case provided the timing of the referral shall be different than that outlined in § 400.7. It is particularly important for ANCs to be notified early because this chapter authorizes design review and campus plan applications to skip setdown, a process that would involve the ANC at an early stage. Design review and campus plan applications not only skip this step, but they are scheduled for hearing immediately, giving ANCs limited time to review and react to an application that may be of significant interest to the community.	OZ recommends keeping the language in the proposed regulation text. The ANC will be receiving a Notice of Intent 45 days before the case is filed, they will be served a copy of the application at the time of filing, and they will be receiving the notice of public hearing shortly after setdown.
1053	Z	Committee of 100	9/25/2015	ZC	401.7 Add the affected ANC to those to whom the applicant shall provide a copy of the supplemental report.	OZ recommends keeping the language in the proposed regulation text. The applicant must serve a copy of everything on the affected ANC.
1053	Z	Committee of 100	9/25/2015	ZC	405.1 Add - As to those applications for which set down is not required ...a copy of the application shall be referred to the Office of Planning, affected ANC and other...review and comment.	OZ recommends keeping the language in the proposed regulation text. The ANC will be receiving a Notice of intent 45 days before the case is filed, they will be served a copy of the application at the time of filing, and they will be receiving the notice of public hearing shortly after filing.
1053	Z	Committee of 100	9/25/2015	ZC	405.7 Seems to separate the level of meaningfulness of great weight afforded to the Office of Planning comments on zoning cases and the great weight afforded to ANCs in § 406.2. The former is vague about when Commission must honor the great weight of OP comments, but the latter provision clearly states that the ANC’s comments will only be given great weight after deliberations and the issuing of a proposed decision. It is only at a pro forma second vote, or final action, that the Commission would honor the ANC great weight requirement that is articulated in the Comprehensive Advisory Neighborhood Commissions Reform Amendment Act of 2000. The amendments state that “the issues and concerns raised in recommendations of ANC shall	OZ recommends changing Section 406.2 to read as follows: 406.2 The Commission shall give "great weight" to the written report of the ANC, pursuant to § 3 of the Comprehensive Advisory Neighborhood Commissions Reform Amendment Act of 2000, as amended, that is received at any time prior to the date of a Commission meeting to consider final action including any continuations thereof on the application.
1053	Z	Committee of 100	9/25/2015	ZC	504.6 & 505.1 The same inconsistent treatment of great weight afforded to the Office of Planning and the Advisory Neighborhood Commissions is presented in these sections. It effectively permits the Commission to ignore the ANC recommendations until all meaningful deliberations are finished and only the final decision is scheduled. This downgrading of ANC great weight versus Office of Planning great weight is not the intent of the authorizing law and the Commission should correct this treatment of ANCs before the ZRR is finalized.	OZ recommends changing Section 406.2 to read as follows: 406.2 The Commission shall give "great weight" to the written report of the ANC, pursuant to § 3 of the Comprehensive Advisory Neighborhood Commissions Reform Amendment Act of 2000, as amended, that is received at any time prior to the date of a Commission meeting to consider final action including any continuations thereof on the application.
1053	Z	Committee of 100	9/25/2015	ZC	703.1 Delete authorization that petitions for modifications of consequence can be decided without public hearing on consent calendar. By definition, these petitions are material to the facts that led to the Commission’s decision on the original application in a contested case. Parties should have an opportunity on the public record to oppose changing conditions in the final order and/or altering exhibits upon which all parties and the Commission relied. In addition, the example listed in § 703.4 that “a change in position on an issue discussed by the Commission that affected its decision” should be deleted. This appears to be a reconsideration of the decision and it should not be allowed using modification rules.	OZ recommends changing revising the entire Subtitle Y Section 703 and 704 to be consistent with Subtitle Z 703 and 704. This includes removing references to a "modification of little or no consequence". The intent is to allow the Board to determine if an application is of consequence or significance, and if it is of consequence to establish a timeframe for responses.
1053	Z	Committee of 100	9/25/2015	ZC	703.6 Add change to public benefits or amenities or required covenants to list of examples of modifications of significance.	OZ has no position, OP/OAG?
1053	Z	Committee of 100	9/25/2015	ZC	705.5 Add no extensions will be approved for PUDs that would have been subject to IZ requirements if original PUD application was filed within one (1) year prior to the publication of proposed new IZ regulations. Extensions could be considered if petition includes voluntary compliance with existing IZ requirements. No additional bonus density will be considered.	OZ has no position, OP?
1053	Z	Committee of 100	9/25/2015	ZC	1601.7 Typo – An applicants for a modification---	OZ recommends changing Section 1601.7 to read as follows: 1601.7 An application for a modification to an approved required or voluntary design review shall pay the same hearing fee as stated in Subtitle Z § 1601.6 at the time the application is filed.
1053	Z	Committee of 100	9/25/2015	ZC	1602.2 Add only low and moderate income projects receiving federal funding will be defined using HUD definitions. Low and moderate income developments receiving DC funding or complying with DC affordable housing requirements will be defined using DC Council definitions based on DC median family income levels. There is no federal law that requires DC to use HUD income definitions when administering DC affordable housing programs. It is only programs receiving federal funding that must use the HUD definitions. It is incumbent on the Zoning Commission to orient zoning affordable housing provisions to actual DC resident incomes and not undercut the production of affordable housing by using Fairfax and Montgomery County income	OZ has no position, OP?
1053	A	Committee of 100	9/25/2015		101.4 (a) The 1958 Code refers to “larger yards;” the Notice of Proposed Rulemaking Case No. 08-06A Zoning Regulation Review (NPRM Text), refers to “larger setbacks,” which facilitates the change in place for measuring setbacks. 101.4 (c) The changes to text in section (a) may be in conflict with this section, “Require a greater percentage of the lot to be unoccupied.” The rear yard measurement would be taken from the rear of the lot inward. vs. current practice which is to measure from the rear of the building.	

ZC Exhibit #	Subtitle	Name	Date	Issue	Comment/Testimony	OP Response
1053	A	Committee of 100	9/25/2015		200 Code Organization needs to include a guide/cross walk which identifies “specific” residential zones, neighborhoods and/or geographic areas.	
1053	A	Committee of 100	9/25/2015		301.3 Subtitle K, add § 238.	
1053	B	Committee of 100	9/25/2015		100.1 Missing or Incomplete Definition(s) or Illustration Needed a. Abut, (Adjacent and/or Confront) – definition missing. b. Affordable Housing - the definition is insufficient; also, a basis for this definition is needed. The Zoning Commission should define the eligibility criteria using District-specific median family income levels, which it has the authority to do and which would focus affordable housing zoning regulations on addressing the actual DC population with affordable housing needs.	
1053	B	Committee of 100	9/25/2015		“May” should be “shall.”	
1053	B	Committee of 100	9/25/2015		310.3 “...A mezzanine shall not be permitted above a third floor in those zones that have a three (3) story limit.” This section does not prohibit mezzanines between the first and second floor or the second and third floor – it only addresses the space above a third floor. Recommend: A mezzanine shall count as a story in zones which have a three (3) story limit.	
1053	B	Committee of 100	9/25/2015		319.4 (b) Add reference to C – Chapter 14, Retaining Walls. 320.1 (b) Reword side setback regulation: Provide a setback that ensures a minimum yard for pedestrian access, privacy, and safe access for building maintenance 322.1 (b) Add reference to C – Chapter 14, Retaining Walls.	
1053	C	Committee of 100	9/25/2015		305.4(c) Substitute measurement of height from “finished grade” to “natural grade” as is required throughout the zoning code. Allowing the topography of a series of theoretical lots to be changed – usually to attain more height on at least one side of future structures - is problematic and could alter the character of a block or neighborhood. Building heights should rely on natural grade. If the grade is to be altered to achieve more height than would be possible using the natural grade, this should be part of the special exception proceeding.	
1053	C	Committee of 100	9/25/2015		600 Green Area Ratio - In general, C100 recommends this chapter be expanded to include specific references in Title 11 to regulations which address responsibilities for management, implementation and enforcement by individual District agencies such as DOEE and DDOT. The GAR lacks an articulated scientific basis for its elaborate “point” system for trees and shrubs; and, lacks overall rational implementation basis. Areas of the Downtown (Subtitle I), which has been significantly expanded, permit lot line to lot	
1053	C	Committee of 100	9/25/2015		701.8 (b) & (f) Add that permission to locate required parking spaces off-site whether as matter of right or by special exception should partly be premised on the unavailability, now and in the future, of the District’s Restricted Residential Parking Program at the on-site and off-site locations, to protect adjacent and nearby properties from an increase in demand for scarce on street parking supply	
1053	C	Committee of 100	9/25/2015		703.2(f) Delete. The regulation allows developers to base waiver of all or part of minimum parking requirements on the provision of a “significant proportion” of affordable housing units. The regulation declares that either low income residents don’t own cars or worse, they should not own cars. Many low income residents rely on cars, rather than public transportation, to travel to shift work, to take children to day care or schools away from the neighborhood or jobs, and to reach other necessary services that are often not found in low income neighborhoods. This provision is	
1053	C	Committee of 100	9/25/2015		707.3(a)(2) Delete. Trees have nothing to do with transportation demand management features. 708.4 Delete. This permission allows a commercial use that is not a home occupation on residential property. It has potential to turn a rear yard into a parking lot since these spaces would be in addition to required spaces for the principal dwelling; and, would add congestion to an alley that is used by residents and where commercial uses are not planned.	

<i>ZC Exhibit #</i>	<i>Subtitle</i>	<i>Name</i>	<i>Date</i>	<i>Issue</i>	<i>Comment/Testimony</i>	<i>OP Response</i>
1053	C	Committee of 100	9/25/2015		1000 Based in part on the setdown of text amendments to revise some features of IZ and the informative report from the Office of Planning about the limited success of the IZ program, the C100 urges the Zoning Commission to remove this section from the NPRM Text and to consider amendments to the entire program in a comprehensive manner. Notwithstanding that recommendation, C100 has the following comments about Case No. 08-06A and B version of Inclusionary Zoning .	
1053	C	Committee of 100	9/25/2015		1000.1(a) The definition of Affordable Housing – “do not exceed thirty percent (30%) of the targeted household income ranges - is not reflected in the listed program purposes. More emphasis is placed on “bonus density” and “incentivizing” than on the desired affordable housing outcome. [The IZ Program has produced limited amounts of rental housing (and practically no ownership housing) which are significantly not leased and that are available primarily to residents who can afford market rate housing. As designed, the program is not meeting the main purposes of the	
1053	C	Committee of 100	9/25/2015		1000.2 Reword first sentence: It is the intent of the Zoning Commission to promulgate such regulations as are necessary and to establish the minimum obligation of property owners applying for building permits or certificates of occupancy under an IZ Program. [The regulation, as proposed, deprives the Zoning Commission of using its full authority to create zoning regulations to create affordable housing, including defining which subset of low income residents benefit. That delegation has not served the program well. The Zoning Commission should consider using its	
1053	C	Committee of 100	9/25/2015		1001.2(a) The regulation does not include all of the downtown zones. It is not supportable to continue to exempt downtown residential development from requirement to provide affordable housing. Zoning Commission should not condone exempting developers from IZ requirements in most of the downtown zones, an area that is providing most of the new residential construction.	
1053	C	Committee of 100	9/25/2015		1001.2 (b) Add “or rehabilitations of office buildings to residential uses that would result in (10) ten or more dwelling units.” Inclusionary zoning program must adapt to current housing development trends. Office building vacancies are rising and these buildings are being converted to residential use. In the future new housing stock will include these rehabs and IZ Program must include them in order to guarantee that a percentage of all new housing will be affordable housing.	
1053	C	Committee of 100	9/25/2015		1001.5 (5) Delete. All downtown zones should be required to comply with IZ requirements.	
1053	C	Committee of 100	9/25/2015		1001.5(d)(1) Exemption is not in the current IZ law and it makes sense to include it in NPRM Text but the last sentence of this provision that begins with “The term low-income household...”should be deleted. [The federally funded District affordable housing programs, exempted here, exchange subsidies for planning and building housing in compliance with federal requirements. Among those requirements is that the Housing and Urban Development (HUD) regional median family income figures be used to determine the eligible program beneficiaries. Those income figures are	
1053	C	Committee of 100	9/25/2015		1001.7 Delete. The regulation allows foreign missions to benefit from bonus densities and adjustments without providing affordable housing. This is not in current law and there is no reason to include it here.	
1053	C	Committee of 100	9/25/2015		1003.1 Reconsider. The proposed text amendment will increase the set-aside to a uniform 12%. The C100 agrees that the set-aside is too low to meet the critical demand for affordable housing and is out of balance with the bonus densities provided. C100 does not necessarily agree that 12% is the right set-aside but this is an example of why the IZ section of NPRM Text should be pulled and reconsidered comprehensively	
1053	C	Committee of 100	9/25/2015		1005.1 An indirect way of saying IZ is not producing the type of units needed for low income DC residents. This provision should require the type of units we need to meet the affordable housing crisis rather than leave that determination up to developers who are creating market rate units for DC residents of much higher incomes. The Zoning Commission should require a schedule of unit types that is not based on the market but is based on affordable needs, which may mean two bedroom or three bedroom units even if they are not included as part of the market rate unit offerings. IZ is based on square footage and there is no reason that the set aside square footage cannot be configured into larger units.	
1053	C	Committee of 100	9/25/2015		1006.1 Delete. The basis for the establishment of an economic need to comply with IZ off-site is weak.	
1053	C	Committee of 100	9/25/2015		1006.2(a)(b) & (c) In practice, condo fees are undermining the goals of IZ. While they are built into the approved purchase price of units or an acceptable rent there are no controls over how these fees will escalate. The Zoning Commission should determine a reasonable cap on condo fees or an allowable annual percentage increase that will apply to the IZ units. It is predictable that Class A residential buildings that feature spas, party rooms, pools, concierges, and other amenities will continue to upgrade to meet tenant’s desires but this competitive practice should not affect the affordability of IZ units. And a developer’s desire to serve a high ncome community should not absolve the developer from addressing the city’s affordable	
1053	C	Committee of 100	9/25/2015		1007.2 Add which type of variance waives the IZ requirements. The Zoning Commission should consider both an area and use variance.	
1053	C	Committee of 100	9/25/2015		1100.2 Include a map which shows the area included in the one hundred 100-year flood plain	

ZC Exhibit #	Subtitle	Name	Date	Issue	Comment/Testimony	OP Response
1053	C	Committee of 100	9/25/2015		1102.3 Allows matter of right 500 foot buildings on waterfront lots. This is incompatible with the building densities planned throughout the District, and would remove waterfront views potentially for blocks. While a selling point for residential developers, it would deprive the city literal and visual access to one of our major assets and unique features. Such mass should not be permitted.	
					1501.5 Typo – “dooms” should be “domes.”	
	D				Index: Recommend adding a zone name conversion table for residential zones which have been assigned zone numbers in the NPRM Text. NOTE: Add reference to Subtitle W for each residential zone included in Subtitle D. The specific zone boundaries, squares and lots for exiting Overlay residential zone districts in Subtitle D is missing. The term “Overlay” has been removed from NPRM Text, a protection neighborhoods fought hard to establish. The need to keep all aspects of the overlay districts contained in one section of the regulations has been noted in testimony before the Zoning Commission and the DC Council. Subtitle W lists these residential zones, however, they appear out of context without a cross reference to Subtitle W in Subtitle D.	
1054		Andrea Rosen	9/25/2015	process	Need for translation, OP has not made good-faith effort to provide vigorous outreach; changes will result in destruction of smaller/older/cheaper buildings that are home to low- and moderate-income residents and small businesses." Changes to the rowhouse zones from case 14-11 are not included in the advertised draft; ZRR has tripled the size of downtown with no requirement for low-income housing; proof must be provided of the congruency of each change with the Comprehensive Plan; ZRR should win approval by a super-majority of ANCs.	•The ZC voted 5-0-0 at its Sept. 21, 2015 Regular Public Meeting to decline the request for translations and additional extensions after reviewing the level of outreach, public hearings, and extensions already granted. •The changes in rowhouse regulations that resulted from case 14-11 have been incorporated into the ZRR. Because case 14-11 was heard after the ZC took proposed action on the ZRR and decided after the Notice of Proposed Rulemaking for the ZRR was published, case 14-11 was incorporated after the publication of the ZRR but all changes will be included in any new zoning regulations.
1055	U	Ann Mladinov, ANC 3B01	9/25/2015	BZA	I believe the current zoning provisions also include some additional language governing development in the Naval Observatory Overlay District in a separate section, Special Exceptions (NO) §1533: 1533.1 In an application for a special exception in the NO Overlay District, the Board of Zoning Adjustment shall consider, in addition to the criteria in § 1304 and in other chapters of this title, whether the proposed development is compatible with the: (a) Present and proposed development within and adjacent to the NO Overlay District; (b) Goals, objectives, and policies pertaining to Federal facilities, as found in the <u>Comprehensive Plan and the Master Plans for the Federal facilities within the NO Overlay District: and (c) Role, mission, and</u>	The Special Exception criteria for the Naval Observatory zones are found in Subtitle D, Section 1603; Subtitle F, Section 1103; and Subtitle G, Section 1202.
1055	I	Ann Mladinov, ANC 3B01	9/25/2015	IZ	It sounds like an excellent idea to simplify the names and number of zones in the central area, and make it easier to understand and pursue the goal of developing constructive uses downtown, including arts, housing, and child care. It also sounds positive to identify specific downtown areas that are eligible to receive development rights transferred from other development sites in the central area under the Transfer Development Rights (TDR) program. I hope this will prevent developers of downtown sites to shift responsibilities for inclusionary zoning to outlying areas that already have significant amounts of affordable housing. <u>Increasing availability of affordable housing is a priority for many residents as well as a challenge. The city has committed to</u>	Thank you for your supportive comments.
1055	U	Ann Mladinov, ANC 3B01	9/25/2015	lighting	I am surprised that I cannot find any references to restrictions on lighting on the exterior of buildings or lighting that would be emitted (“spill”) from the interior of developments proposed in what have formerly been designated as NO zones, including the commercial district along Wisconsin Avenue in Glover Park that adjoins the Naval Observatory on the western edge (formerly C-2-A/NO, redesignated MU-27 in the ZRR).	OP contemplated and presented draft text regulating "light spill" to the Zoning Commission (See Exhibit 725 dated June 16, 2014); however, the ZC determined that the issue required further study and agreed that it should be brought forward as a separate case.
1055	W	Ann Mladinov, ANC 3B01	9/25/2015	Mapping	I do not see any sections in the proposed Subtitle W that describe the boundaries of the newly created zones that were formerly identified as part of the Naval Observatory Overlay District: R11 formerly R-1-A/NO and R-1-A/NO/TSP/D R12 formerly R-1-B/NO and R-1-B/NO/D R13 formerly R-3/NO RA-6 formerly R-5-A/NO MU-27 formerly C-2-A/NO I wonder if the description of those zone boundaries was intentionally left out of the ZRR or if that might be the result of an oversight?	
1055	C	Ann Mladinov, ANC 3B01	9/25/2015	parking	A. Base the test for “transit corridors” on actual transit service and plans for service; B. Require Developers to Present Affirmative Evidence of High Capacity Public Transit; C. Amend Streetcar Provision to Refer to Operations, not just Construction Contracts; D. Rebuttable Presumption; E. Providing Flexibility to Update the Corridors	

ZC Exhibit #	Subtitle	Name	Date	Issue	Comment/Testimony	OP Response
1055	C	Ann Mladinov, ANC 3B01	9/25/2015	parking	A. § 702.1 (b) Within one-quarter mile (0.25 mi.) of streetcar line that is currently in operation or for which a construction contract has been awarded; or is missing the word “a” before “streetcar”	OP agrees and recommends the ZC adopt the proposed change.
1055	C	Ann Mladinov, ANC 3B01	9/25/2015	parking	§ 710.2 (b) (1) Between a building restriction line and a front lot line <u>line</u> .	OP agrees and recommends the ZC adopt the proposed change.
1055	U	Ann Mladinov, ANC 3B01	9/25/2015	uses	I trust that the restrictions on proximity to residential zones in that section would preclude a firearms retail establishment in MU-27, because the Naval Observatory itself is zoned R, as are most of the surrounding zones. I hope that no firearms retail sales establishments would be allowed in the areas adjoining the Naval Observatory and the Vice President’s residence.	
1056		ANC 3B	9/25/2015	support	ANC supports the December 2012 Office of Planning zoning code draft that will let Glover Park, Cathedral Heights, and the District of Columbia grow in a sustainable way while meeting the needs of current and future residents of all ages; Now, therefore be it further resolved that the ANC 3B asks the Zoning Commission to adopt the December 2012 draft zoning code proposal.	Thank you for your comments.
1058		Khadijah Watson ANC SMD 8B01	9/25/2015	process	My experience with regards to the ZRR is one of disappointment and frustration. As an East of the river resident, mother, grandmother, and ANC commissioner, I witnessed the Office of Planning disregard our concerns and present confusing information despite the number of meetings they claim to have held. These were sheerly proforma meetings to check off the boxes, not about good informative back-and forth engagement. I witnessed the special direct relationship between the Office of Planning and the Georgetown neighborhood where their ANC received preferential treatment during the ZRR review. My ANC and my neighbors didn’t get direct relationship between the Office of Planning and the Georgetown neighborhood where	The set down reports and public hearing presentation address the Comp Plan sections.
1060	D	Woodley Park Community Association	9/25/2015	accessory apartments	As we near the final stages of the zoning regulations rewrite process, the Woodley Park Community Association wants to ensure that our strong support for Auxiliary dwelling units or Auxiliary accessory apartments.	Thank you for your comments; OP continues to recommend the proposed changes as advertised in the Notice of Proposed Rulemaking.
1061	I	Sullivan & Barros	9/25/2015	Downtown ---Vesting	include vesting period of at least 6 months from date of adoption	The vesting provisions will be discussed and determined by the Zoning Commission. The suggested time frames seem reasonable to OP.
1061	I	Sullivan & Barros	9/25/2015	Downtown ---Vesting	Vest following projects for which applications have been filed prior to the effective date of the new regs: BZA cases, PUDs, accepted HPRB or CFA concept review applications, substantially complete building permit applications accepted by DCRA.	The vesting provisions will be discussed and determined by the Zoning Commission. The suggested time frames seem reasonable to OP.
1061	A	Sullivan & Barros, LLP	9/25/2015	vesting effective date	We are writing to join with others in requesting a sufficient vesting period for the effective date of the new Regulations, including a delay in the effective date of at least six (6) months from the date of adoption. In addition, we suggest that vested rights be accorded to the following: . Projects for which a BZA or PUD application have been filed prior to the effective date of the new Regulations. . Projects for which an application to the HPRB or the CFA for concept review has been accepted prior to the effective date of the new Regulations.	
1064	F	Kalorama Citizens Association	9/25/2015	Mixed use zones	The Kalorama Citizens Association • Again commends OP and the Zoning Commission for having dropped provisions allowing nonprofit office uses in large historic buildings, as well as “corner store” commercial and other non-residential uses, uses in RA zones, • Urges the Commission to reject any suggestion that they be reinstated in whole or in part, and • Urges the Commission, as a matter of clear and user-friendly drafting, to relocate §U-420.1(c) to §U-401(a).	OP thanks KCA and reiterates that there are no plans to reintroduce corner stores in the RA zones. U-420.1 (c) specifically states they shall not be permitted in the RA zones, but clarifying language can be added to 401.1 (a) to state any use, "not including corner stores." OP recommends this change to 401.1 (a).
1064	G and K	Kalorama Citizens Association	9/25/2015	Mixed use zones	The Kalorama Citizens Association Calls on the Zoning Commission, as regard at least zones MU-4, MU-5, RC-2 and RC-3, to • restore the 60% lot occupancy maximum for all buildings, • provide for rear setback from the rear lot line for all portions of a building, and • eliminate any increase in permissible non-residential FAR.	There is no change in the existing lot occupancy percentages. Current lot occupancies are identified in the current code Chapter 7, section 772.1 and are limiting only to a "building devoted to a residential use, including accessory buildings but excluding hotels.." - no change has been proposed in the ZRR to these lot occupancy standards. • The proposed draft allows for an increase in FAR from 1.5 to 2.0 for the RC-2 (C-2-A) and RC-3 (C-2-B) zones but it is limited to lots smaller than 10,000 sf. The use of this increased FAR may not be used for eating or drinking uses.

ZC Exhibit #	Subtitle	Name	Date	Issue	Comment/Testimony	OP Response
1064	E	Kalorama Citizens Association	9/25/2015	RF zones	The Kalorama Citizens Association • Continues to welcome the proposed two new rowhouse zones RF-4 and RF-5, • Welcomes the elimination from the proposed RF zones of non-profit office use of large historic buildings previously proposed, • Welcomes the elimination of commercial and other non-residential “corner store” uses from the proposed two new rowhouse zones RF-4 and -5;	•The changes in rowhouse regulations that resulted from case 14-11 have been incorporated into the ZRR, (Subtitle E §§ 303, 403 and 503, and Subtitle U §§ 301 and 320). Because case 14-11 was heard after the ZC took proposed action on the ZRR and decided after the Notice of Proposed Rulemaking for the ZRR was published, case 14-11 was incorporated after the publication of the ZRR but all changes will be included in any new zoning regulations. •A maximum FAR for the RF-4 and RF-5 zones was not advertised so is not recommended at this time.
1064	C	Kalorama Citizens Association	9/25/2015	roof structure	Kalorama Citizens Association urges the Zoning Commission • to prohibit matter-of-right roof structures on any “detached dwelling, semi-detached dwelling, rowhouse or flat in any zone, and limit the height and other dimensions of rowhouse roof structures allowed by special exception, by incorporating into the ZRR text §411.5 of the pending draft in the Penthouse case, and clarifying that 30 square feet is the maximum floor area of roof structures covered by this provision; and • to incorporate into the ZRR text the side-wall setback formula provided in §411.18(3) of the pending Penthouse draft.	Roof Structures and Penthouses are being considered through a separate case, case 04-13; Once the ZC decides that case the changes will be incorporated into the new ZRR.
1065	Y, Z	John Lawrence Hargrove	9/25/2015	Remands	Subsequently, identical one-page chapters were added to Subtitles Y and Z to “provide regulations for the Board [Commission] to follow” when a case is remanded (Y Ch. 8, Z Ch. 9). Unfortunately these Chapters do no reliably address any of the problems noted: • They do not address delay at all. If the Commission does not exercise the self-discipline needed to devise reasonable scheduling rules for these special cases, it is reasonable to expect that some will still be allowed to languish in limbo, subjecting the agency concerned to contempt and ridicule and the parties to additional cost and lingering uncertainty.	OZ defers to the Commission on the recommendation to set deadlines for processing remands. OZ recommends keeping the language in the proposed regulations about noticing parties. Sections 901.2 and 901.3 provide for a procedural order that would outline how the Board/Commission will proceed. This procedural order would be served on parties and would act as notice for any meeting or hearing.
1069	C	Jo-Ann Neuhaus	9/25/2015	Downtown ---	Subtitle C, Sec 1902.3 -- Inappropriate to totally eliminate parking requirement downtown. Downtown residents may not use cars as much as people living outside downtown but that do use them (estimated at 50%) and need a place to store them. It is structurally difficult to retrofit a building for parking so retaining some requirement would ability to at least partially address any future impalance between number of residents and number of their vehicles. Requesting inclusion of a minimum parking requirement downtown, especially for residential, but also for those physically unable to use public transit.	There would be no limitation on providing parking in the D-zones and parking requirements are retained in the D-zones west of 20th St., NW. While Downtown is the center of the region's public transit system developers can provide parking if the marketplace indicates it is needed to attract residents or retain property values. OP recommends the proposed text as advertised in the Notice of Proposed Rulemaking.
1069	I	Jo-Ann Neuhaus	9/25/2015	Downtown ---FBI site zoning	Designating the site with D-6-B-A zoning, rather than D-7-B-1, is inconsistent with the PADC Plan.	The site is designated D-7 in the current proposals.
1069	C	Jo-Ann Neuhaus	9/25/2015	Downtown ---Loading	Subtitle C, Secs. 2101.8 and 2103.3 -- The following should be required for buildings with residential units, and for mixed-use buildings sharing loading facilities with commercial uses. Require: a loading zone, a short-term parking space for loading in garage, driveway or other space near a door; a loading dock. Needed for apartment buidling residents unloading of purchases, young children, etc.	OP has discussed and addressed loading requirements with DDOT and recommends the proposed text as advertised in the Notice of Proposed Rulemaking
1069	I	Jo-Ann Neuhaus	9/25/2015	Downtown ---Protection of downtown residences from excessive noise, etc.	Modify regs to treat "residential uses" in D-zones the same as in R-zones elsewhere.	The only existing residential-use-only zones within either the existing DD or the proposed D-zone boundaries are the R-5-E and DD/R-5-E zones. These would become the D-1 zone, where the proposals would require review of ABC permits to follow the rules that apply to residential districts
1069	I	Jo-Ann Neuhaus	9/25/2015	Downtown ---Revise arts uses	Delete day care centers and nightclub-equivalents from the arts use category as giving bonuses for them in the Arts sub-area undercuts Arts objectives.	These uses were transferred-in from existing regulations
1070		Dupont Circle Association	9/25/2015		On September 24 the Board of the Dupont Circle Citizens Association Renewed its opposition to the ZRR. See attached resolution of the full membership of our organization from May 2013. We not further, that the Georgetown Citizens Association received special treatment in addressing the ZRR, and that our association received no information whatsoever. We find that the deletion of IZ requirements from downtown is unacceptable. <i>Resubmission of comments from May, 2013, not update or amended to reflect the current proposal.</i>	The inclusionary zoning regulations ("IZ"), which require a set-aside of affordable housing, are being reviewed as case 04-33G, a separate case from the ZRR. A public hearing on case 04-33G is scheduled for November 19, 2015. Neither the ZRR nor case 04-33G proposes new exemptions from IZ and the new D zones will be subject to IZ.
1071	K	Larry Hargrove	9/25/2015	Mixed use zones	I am writing to associate myself with the comments on these subtitles submitted by Kalorama Citizens Association as well as the similar comments of ANC1C, with further elaboration on only the following two points made by each of these organizations: 1. Both organizations renew their objections to various measures downgrading the residential components of our mixed-use zoning in Adams Morgan, found in Subtitle G and, for the Reed-Cooke neighborhood, Subtitle K. As I have previously pointed out to the Commission, this C2A and C2B zoning, with the development standards and height limits that it currently carries, is	OP recommends the proposed text as advertised in the Notice of Proposed Rulemaking, with corrections for errors, typos and terminology.
1071	E	Larry Hargrove	9/25/2015	R-4 conversions	As to Subtitle E, I urge the Commission to heed the pleas to simply incorporate the provisions of the final Order in case no. 14-11 into the ZRR final Order, and to make it clear in advance that that is to be done, taking issues resolved by the 14-11 Order out of contention in ZRR. In my view that is the only way consistent with rational rulemaking procedure to resolve the predicament created by having two conflicting proposed final texts on the table simultaneously.	The changes in rowhouse regulations that resulted from case 14-11 will be reflected in the final order for the ZRR, (Subtitle E §§ 303, 403 and 503, and Subtitle U §§ 301 and 320). Because case 14-11 was heard after the ZC took proposed action on the ZRR and decided after the Notice of Proposed Rulemaking for the ZRR was published, case 14-11 was not shown in ZRR but all changes will be included.

ZC Exhibit #	Subtitle	Name	Date	Issue	Comment/Testimony	OP Response
1072	C	Joyce Rice-Saunders and John Saunders	9/25/2015	Parking	Recommendations/Options to resolve parking congestion: 1. Restricted Permit Parking for Homeowners -- Establish restricted on-street parking sections for homeowners only at all times (seven days a week Sunday-Saturday). Homeowners who opt for this convenience would pay an additional fee for signage installation and special parking permits. Parking for the rest of the block would continue to be enforced under the current RPP and visitor parking rules. This type of restricted parking is allowed on Capitol Hill on D Street SE between First and Second Streets SE and on residential	
1073	C	Kathy Henderson ANC SMD 5D05	9/25/2015	Parking	Despite considerable focus on the revised parking recommendations there is still much room for improvement. It is not clear from the draft document that the minimum parking recommendations are standardized based on best practices in urban environments similar to the District of Columbia. The parking recommendations appear to the average citizen to be subjective and painfully restrictive. Is there a practical standard for one space per 1000 feet in an urban environment with similar density to the District of Columbia? What is the impact of this recommendation? Are there studies that we can reference regarding how this parking minimum affects neighborhoods and resident behavior. Do we know whether or not such parking minimums	Parking is an evolving science; the proposed changes attempt to recognize the public investment in transit, the cost increases from requiring construction of parking in excess of building demand, and the changing manner of individual travel. The alternatives to parking are not simply bus or bike. There are increasing options for people to have access to individual vehicles for personal use through car-share and car services such as Zipcar, Car2Go, Getaround and Uber. These options provide on-demand alternatives to individual car ownership. Traditional car rental companies are also adapting to provide similar quick, short-term rentals. There is nothing to prohibit a builder from providing parking in excess of the minimum if the determine
1073		Kathy Henderson ANC SMD 5D05	9/25/2015	Process	1. The overall rewrite process did not underscore the level of transparency and inclusion that befits an undertaking of this magnitude. Communities throughout the city expressed vastly differing levels of familiarity with the process and actual participation in the discussion. 2. Some of the revised codes and classifications represent an improvement while others are somewhat confusing. The revised residential classifications are pretty straightforward while other classifications are less clear. 4. While I support the need for updating our zoning codes I believe we should continue to receive input from residents for at	The ZC voted 5-0-0 at its Sept. 21, 2015 Regular Public Meeting to decline the request for translations and additional extensions after reviewing the level of outreach, public hearings, and extensions already granted.
1074	I	Donohoe Company	9/25/2015	Downtown	In addition, we address the density permitted in the D-6 zone. In § 555.1 of proposed Subtitle I, the maximum permitted FAR is specified as either 8.5 or 10.0, depending upon the width of the street abutting the property. However, § 555.4 limits the density to 6.5 FAR unless credits are used. Currently, the permitted non-residential density for these properties (which are within the C-4 zone) is 8.5 FAR or 10.0 FAR depending upon street frontage, with no requirement to utilize credits to reach the maximum density. See § 777.1 and § 771.5 of Title 11. It is our understanding that the proposal to include C-4 properties in D-6 was not intended to require the acquisition of credits	
1074	I	Donohoe Company	9/25/2015	Downtown ---	Sec. 555 reduces current by-right densities in the existing C-4 zone by requiring the purchase of Credits.	This will be corrected.
1074	I	Donohoe Company	9/25/2015	Downtown ---Vesting in D-8 zone	Support vesting proposal; request the provision become effective at least 6 months afer the effective date of the regulations to ensure a substially-design project can acquire building permits under the regulations in place when it was designed.	The vesting provisions will be discussed and determined by the Zoning Commission. The suggested time frames seem reasonable to OP.
1074	A	Donohoe Company	9/25/2015	vesting effective date	We support the vesting provisions identified in Subtitle A. However, we request that the Zoning Commission consider a delayed effective date following the publication of the new regulations. A transition period of at least six months is necessary to protect the pre-permit investment of the development community. This delayed effective date is critical given the time it takes to design and develop a building. Specifically, because the ZRR has been ongoing for a long period of time, our company has chosen to design existing projects in accordance with the current Zoning Regulations due to uncertainty with the timing of ZRR. Vornado/Charles F. Smith has at least one project for which construction drawings are being prepared but for which a	
1075	I	Eillen McCarthy	9/25/2015	Downtown ---D-8 zone	Zone does not adequately address infrastructure needs; does not leverage additional height/density with publicly beneficial objectives -- particularly residential use. Better to keep existing zoning and develop area through PUDs.	Among other objectives, the D-8 zone is intended to encourage GSA to convert its holdings to private property and for that property to be developed with a mix of uses and the reservation of land for future roadways. It is OP's understanding that GSA is not legally able to link its pricing determinations to the kind of discretionary FAR and height approvals involved in the PUD process. OP is concerned that without predictable rules to help determine future value, GSA will not sell its land for private development. If GSA were able to adjust its final sales prices to reflect an increase in FAR resulting from a PUD, OP would have recommend the D-8 zone area be developed through the PUD process.
1075	I	Eillen McCarthy	9/25/2015	Downtown ---D-8 zone	Sec. 575.2 prohibits bldgs from being constructed in historic street ROW's if they have been incorporated in District Highway Pla, but not if they haven't been so-incorporated.	OP recommends deleting the requirement for incorporation in the Highway Plan and reliance on the Special Exception provisions of Sec. 581, which references specific streets recommended for maintenance and/or re-opening, until completion of work with DDOT to establish specific boundaries for the re-establishment of rights of ways.
1075	I	Eillen McCarthy	9/25/2015	Downtown ---D-8 zone	Requiring ROW dedication but not street construction will not lead to sound mixed-use development	While the zone assumes infrastructure construction will be enabled by several approaches, including a combination of tax leveraging and developer contributions, the proposed zoning alone is not intended to guarantee the provision of such infrastructure. The primary objective is to ensure the protection of existing historic rights of way during future building development and the re-opening of such rights of way when buildings atop them are demolished.
1075	I	Eillen McCarthy	9/25/2015	Downtown ---D-8 zone	576.5 seems to allow FAR calculations to include streets that have been closed.	This was not intended. OP will examine this and correct it if necessary.

<i>ZC Exhibit #</i>	<i>Subtitle</i>	<i>Name</i>	<i>Date</i>	<i>Issue</i>	<i>Comment/Testimony</i>	<i>OP Response</i>
1075	I	Ellen McCarthy	9/25/2015	Downtown ---D-8 zone	The Commission would not be able to deny height beyond 90 feet if FAR does not exceed 6.5 and no construction occurs within historic street rights of way	The comment is accurate.
1075	I	Ellen McCarthy	9/25/2015	Downtown ---D-8 zone	Why does Sec. 572.2 permit construction 25' above right of way grades?	OP has examined this further and suggests it be eliminated
1075	I	Ellen McCarthy	9/25/2015	Downtown ---D-8 zone	Sec. 581.2 (b)(3) is inconsistent with the Maryland Avenue SAP	This will be corrected.
1075	I	Ellen McCarthy	9/25/2015	Downtown ---D-8 zone	Sec. 576.4 refers to non-existent Sec. 581.8	This will be corrected.
1076	K	Reed Cooke Neighborhood Association	9/25/2015	Reed-Cooke	710.1: “The provisions of X Chapter 3 of this title shall not operate to permit a planned unit development in the RC zones to exceed the floor area ratio and height standards of K §§ 701 and 702”. RCNA believes this provision should be deleted and replaced with 1402.2 of the current Reed-Cooke Overlay “For the purpose of this chapter, no Planned Unit Development shall exceed the matter-of-right height, bulk, and area requirements of the underlying district”	The ZRR has located all the PUD standards into the one PUD chapter (Sub X Chapter 3) to ensure applicants area aware that there are very specific limitations for certain zones.
1076	K	Reed Cooke Neighborhood Association	9/25/2015	Reed-Cooke	Paragraph 711: does not allow corner store usage in a RA zone. Subtitle F governs Adams Morgan and Subtitle U authorizes corner stores usage being in contradiction with the other subtitles	Corner Stores are not allowed in any RA (R-5 equivalent) zone.
1076	K	Reed Cooke Neighborhood Association	9/25/2015	Reed-Cooke	RCNA has noticed that the updated ZC proposed action Dec 2014 Subtitle K for the Reed Cooke Overlay is showing some major boost in development mostly for commercial instead of residential. We have noticed some contradictions in the text such as Accessory building is moving towards greater density when the Overlay is very strict about small and medium density; The increase of FAR for commercial is not acceptable.	The proposed draft allows for an increase in FAR from 1.5 to 2.0 for the RC-2 (C-2-A) and RC-3 (C-2-B) zones but it is limited to lots smaller than 10,000 sf. The use of this increased FAR may not be used for eating or drinking uses.
1076	K	Reed Cooke Neighborhood Association	9/25/2015	Reed-Cooke	RCNA is asking the ZC to include the two maps with the lots number in Subtitle K.	Maps will be produced by the Office of Zoning after the ZC takes final action on any changes to the text and zone names.
1076	K	Reed Cooke Neighborhood Association	9/25/2015	Reed-Cooke	RCNA is asking the Zoning Commission and the Office of Planning to reinsert that provision §1400.1 in Chapter 7 Reed-Cooke in 700 Purpose and Intent (RC) as a sub-title 700.1	The geographic boundaries of the zones and overlays are located in Subtitle W. The referenced §1400.1 of the current code is in Sub W Section 114. The boundaries of the RC zones will match exactly the RC overlay.
1076	K	Reed Cooke Neighborhood Association	9/25/2015	Reed-Cooke	RCNA is concerned about the faith of Inclusionary Zoning in the city, especially downtown where OP is planning on tripling the size into exclusive housing and office space, if ZRR is enacted as is. That policy goes against the Comprehensive Plan. IZ is an important part of the zoning regulations for moderate or low income affordability and in the Reed Cooke Overlay	OP agrees about the importance of the inclusionary zoning ("IZ") regulations. The IZ regulations are being reviewed as case 04-33G, a separate case from the ZRR. A public hearing on case 04-33G is scheduled for November 19, 2015. Neither the ZRR nor case 04-33G proposes new exemptions from IZ.
1076	K	Reed Cooke Neighborhood Association	9/25/2015	Reed-Cooke	RCNA is joining ANC and KCA to object to the new requirement lot occupancy; 703.1: should not be allowed to be pushed to 100%	There is no change in the existing lot occupancy percentages. Current lot occupancies are identified in the current code Chapter 7, section 772.1 and are limiting only to a "building devoted to a residential use, including accessory buildings but excluding hotels.." - no change has been proposed in the ZRR to these lot occupancy standards.

ZC Exhibit #	Subtitle	Name	Date	Issue	Comment/Testimony	OP Response
1076	K	Reed Cooke Neighborhood Association	9/25/2015	Reed-Cooke	RCNA is reinstating and supporting ANC and KCA resolutions on Subtitle E, F, G, K, Height and setback of roof of row/house structures RCNA is reinstating and supporting ANC and KCA resolutions against corner stores as it in all Adams Morgan regulations	Thank you for the comments.
1076	K	Reed Cooke Neighborhood Association	9/25/2015	Reed-Cooke	RCNA is wondering if there is a desire to eliminate the overlay and encloses the Reed Cooke neighborhood as a whole in one neighborhood when the RCO is currently regulated and protected against massive and commercial development. OP has not contacted the Reed-Cooke Neighborhood Association to discuss and clarify the new proposal and if the new text satisfies RCNA	The base zone and overlay are embodied into one zone called the RC zones. The protections, regulations and permissions of the RC overlay remain the same and are located in one chapter of Subtitle K.
1076	K	Reed Cooke Neighborhood Association	9/25/2015	Reed-Cooke	RCNA objects to the immediately previous draft limited to the increase in nonresidential FAR for lots of 10,000sf or less to the first and second floors; the current draft retains that provision, but adds a requirement, only for the two Reed-Cooke mixed use zones, that the "use shall not include eating or drinking uses"	OP heard concern about the expansion of eating and drinking uses into these smaller properties and proposed the limitation.
1076	K	Reed Cooke Neighborhood Association	9/25/2015	Reed-Cooke	the Reed Cooke Neighborhood Association would like to see the title of the proposed Subtitle K in reference to the Reed Cooke Overlay with the following title “Reed-Cooke Overlay District”, as it was named in 2014. The term Overlay should be preserved and not replaced by the term Zone. Overlays make sense and are necessary	The use of the term overlay would be misleading in the ZRR; There are no overlays proposed in the ZRR rather the overlays and merged with the base zones into one zone.
1077		ANC 7F, Sheila Carson-Carr	9/25/2015	Process	Advisory Neighborhood Commission 7F would like to weigh in on the massive overhaul to zoning that will affect all of our ANC-area members. Despite the ruling by the Zoning Commission on September 21, 2015 that denied our ANC time to weigh in, we reiterate this request. Given that Advisory Neighborhood Commission 7F did not receive the information from the Office of Planning until 10:40 am today. ANC-7F is seeking an extension of time until October 22. The ANC do not again October 21. That would give <u>Planning time to explain the information they shared, and then allow time for our community to digest this information and</u>	The ZC voted 5-0-0 at its Sept. 21, 2015 Regular Public Meeting to decline the request for translations and additional extensions after reviewing the level of outreach, public hearings, and extensions already granted.
1078	D	Pat Taylor	9/25/2015	Alley lots	Subtitle D-43 greatly expands the number of alley lots which can be built upon. As alley lots have not been buildable upon for many decades, this change amounts to a substantial taking of the airspace, light, view and use rights of current homeowners whose lots back up to alley lots. In light this taking of these homeowners' property rights, they deserve stronger protection of their rights than that provided by the "special exception" provision. I urge change in 1508.1 from "Special Exception" to "Variance", in order to provide stronger protection for the airspace, view, light and use rights of the house owners abutting alley lots. <u>The "special exception" is very weak protection against the maior taking of the property rights of households</u>	OP recommendation: 1) Delete the provision that allows A & T lots to be made record lots as a m-o-r; 2) Uses - maintain the uses and matter of right options except for making an A&T lot a record lot. OP recommends the special exception standard because a special exception must result in a determination of no adverse impact to adjoining properties which is the appropriate standard for development.
1079	I	Marya McQuirter	9/25/2015	Downtown ---Affordable Housing	There should be no exemptions in any part of District, including Downtown from a requirement to build affordable housing	The regulations now permit residential buildings in the D zones to achieve the maximum bulk permitted by the Height Act. Because there was no additional density that could be achieved in the DD due to Height Act restrictions, the DD was exempted from IZ, which is predicated on permitting additional density in return for providing the required below-market rate housing. It would be inconsistent with the IZ principles established by the Zoning Commission to now require residential development in such zones to provide IZ units. IZ would continue to be required in all areas where it is now required, and in the new D-8 zone <u>if land is transferred from federal to private hands.</u>
1080	D	Jessica Scheer	9/25/2015	accessory apartments	My husband and I have lived in the Hawthorne neighborhood for the past 23 years. Our in-law suite has been used by relatives for the past few years and was remodeled to be fully up to code. Both of us will be retiring June 2016 and we have an urgent financial need to rent our up-to-code in-law suite/English Basement apartment at that time to supplement our retirement income. All of our immediate neighbors agree with us that older and long-time residents add considerable stability and friendliness to our neighborhood. <u>We believe that manv current and future residents of our neighborhood have or will have a similar need at retirement. when</u>	OP appreciates the supportive comments.
1081	I	Michelle Stearn	9/25/2015	Downtown ---Affordable Housing	Not enough affordable housing required in proposed D zone	The regulations now permit residential buildings in the D zones to achieve the maximum bulk permitted by the Height Act. Because there was no additional density that could be achieved in the DD due to Height Act restrictions, the DD was exempted from IZ, which is predicated on permitting additional density in return for providing the required below-market rate housing. It would be inconsistent with the IZ principles established by the Zoning Commission to now require residential development in such zones to provide IZ units. IZ would continue to be required in all areas where it is now required, and in the new D-8 zone <u>if land is transferred from federal to private hands.</u>
1082	I	DC for Reasonable Development	9/25/2015	Downtown ---D-zone boundaries	Proposed boundaries and impacts not adequately studied	OP recommends the proposed text as advertised in the Notice of Proposed Rulemaking, with corrections for errors, typos and terminology.
1082		DC for Reasonable Development	9/25/2015	Process	During the Zoning Regulations Rewrite process (ZRR), DC Office of Planning proposed to triple the area size of downtown and expand the boundaries of the existing “DD Overlay” to a new “Proposed Expanded Downtown Zone.” See Attachment 1. The ZRR would also eliminate any parking requirements for downtown development. The proposal to expand downtown is being offered by OP with little analysis of the myriad of adverse impacts this idea represents. <u>If downtown is expanded further west, east and south, you will see a further reduction in affordable housing options in this</u>	The new D zones relate directly to the high density land use categories of the Central Washington Area element of the Comprehensive Plan and do not extend or include areas within the West End or Foggy Bottom areas as identified as the Near Northwest Element of the Comprehensive Plan.

ZC Exhibit #	Subtitle	Name	Date	Issue	Comment/Testimony	OP Response
1082		DC for Reasonable Development	9/25/2015	Process	Obvious Questions for DC's "Planners" Why is OP seeking to change the zoning regulations to triple the area of downtown without real-world study and science to substantiate this proposal? Without these studies, proposals like the expansion of downtown are not getting the special attention they deserve in order to protect the public interest. Why is it acceptable for OP to push to expand downtown when they know it does not seek social justice needs like more affordable housing?	The new D zones relate directly to the high density land use categories of the Central Washington Area element of the Comprehensive Plan and do not extend or include areas within the West End or Foggy Bottom areas as identified as the Near Northwest Element of the Comprehensive Plan.
1083		DC for Reasonable Development	9/25/2015	Affordable housing	The definition of "affordable housing" vis-à-vis the DC Municipal Regulations, and governing DC Code, is significantly askew, the results of which benefit only a fraction of DC's longtime families and residents who need affordable housing, and who need it now. First, the term "affordable" must be uniformly defined across all applicable DC regulations, including the zoning regulations. All applicable DC affordable housing regulations must change to reflect much higher required levels of affordable housing production, and ensure units are sized for families, and available for all residents living at incomes across a spectrum of affordability. W	The inclusionary zoning regulations ("IZ"), which require a set-aside of affordable housing, are being reviewed as case 04-33G, a separate case from the ZRR. A public hearing on case 04-33G is scheduled for November 19, 2015.
1084		DC for Reasonable Development	9/25/2015	Affordable housing	The City Can Reasonably Provide A Spectrum of Affordable Housing Units with the Objective to Protect and Grow DC's Economic and Cultural Diversity. Here's How: 1) Redefine affordable housing • 0-50% AMI = "Affordable Housing" • 50-80% AMI = "Workforce Housing"	The inclusionary zoning regulations ("IZ"), which require a set-aside of affordable housing, are being reviewed as case 04-33G, a separate case from the ZRR. A public hearing on case 04-33G is scheduled for November 19, 2015.
1085		DC for Reasonable Development	9/25/2015	Process	Lack of Due Process • Uneven treatment of neighborhoods around DC See the "Tale of Two Cities" Press Release (Attachment 1) As admitted, the Georgetown neighbors received direct hands on help from the Office of Planning over the course of more than one year in developing special rules that protect Georgetown from the one-size-fits-all proposed zoning changes that may affect all other	The ZC voted 5-0-0 at its Sept. 21, 2015 Regular Public Meeting to decline the request for translations and additional extensions after reviewing the level of outreach, public hearings, and extensions already granted. The Zoning map will be prepared after any final action on the zoning text and new zone names.
1085		DC for Reasonable Development	9/25/2015	Process	Substantial Changes & Complication The Office of Planning and Zoning Commissioners have postured to the general public that the impetus of the ZRR is to simply reformat the existing zoning rules to make things easier to use and less complicated to understand. They have done the opposite. The ZRR represents significant zoning changes of substance, and is a longer more complicated reformatting than the existing code. For example, the code is approximately 250+ pages longer. Many of the current zone districts will be split up into many sub-	A review of the Comp Plan and relevant sections for amending the Zoning Regulations was included in setdown report
1085		DC for Reasonable Development	9/25/2015	Process	The rationale of the above proposed substantive changes must be relayed to the public in a clear and direct way, supported by data, so that the decision-makers, the Council, and the public can determine the efficacy of the Office of Planning's work which will impact us all directly. But more importantly, we need the rationale and supporting data for OP's proposed changes in the ZRR to determine their efficacy against the DC Comprehensive Plan and the DC Law, particularly DC Code Section 6-641.02.	
1086		DC for Reasonable Development	9/25/2015	process	The Zoning Rewrite Regulations contradicts major planning ethics and protocols. The public has received inaccurate and unclear information about the proposed zoning changes. No science or studies back up philosophical changes to the code. There is not understanding of the long-ranging consequences or interrelatedness of the impacts from the proposed zoning changes. No redline document has ever been produced to show the transition from the proposed changes to the new changes. The so-called "crosswalks" are not a	
1087	I et al.	DC for Reasonable Development	9/25/2015	Downtown ---Affordable Housing	There should be no exemptions in any part of District, including Downtown from a requirement to build affordable housing	The inclusionary zoning regulations ("IZ"), which require a set-aside of affordable housing, are being reviewed as case 04-33G, a separate case from the ZRR. A public hearing on case 04-33G is scheduled for November 19, 2015. Neither the ZRR nor case 04-33G propose new exemptions from IZ. Areas that will be newly within a downtown zone and that are not now exempt from IZ will continue to be subject to IZ. The regulations now permit residential buildings in the D zones to achieve the maximum bulk permitted by the Height Act. Because there was no additional density that could be achieved in the DD due to Height Act restrictions, the DD was exempted from IZ, which is predicated on permitting additional density in return for providing the
1087	I	DC for Reasonable Development	9/25/2015	Housing, Downtown	Petition to support BUILDING AN INCLUSIVE CITY - The DC Zoning Commission, City Council, and Mayor eliminate all current and proposed zoning rules in the District which exempts developers from the requirement to build low- and moderate-income housing in any parts of the City, including the Downtown District. (petition with 21 signatures dated 9/20/15)	
1088	U	7 individual comments	various	accessory apartment	253 Opposed to accessory apartment provisions.	OP appreciates the comment.
1088	U	55 individual comments	various	accessory apartment	253 Support for accessory apartment provisions.	OP appreciates the supportive comments.

ZC Exhibit #	Subtitle	Name	Date	Issue	Comment/Testimony	OP Response
1088	U	Ben Giliberti	9/24/2015	accessory apartment	253.7 Finally, While the 2900 block of 28th St is presently located just outside the boundary of the Old Woodley Park Historic District, we are now working with the HPO to obtain historic district status presently. We would especially like to maintain the the status quo and preserve the historic character of our block while this process is pending	OP appreciates the comment.
1088	U	Robert J. Rooney	9/24/2015	accessory apartment	253.7 I live in the 2900 block of 28th Street NW which is in an R-3 Zone. The proposed provision of 253.7dis highly detrimental to this block of row houses for both aesthetic and the construction requirement of lengthy and deep retaining walls from the sidewalk to the house, passing beneath the concrete porches. At a minimum 253.7d should not apply as a blanket entitlement, especially in the Woodley Park "English Village" presently undergoing planning work with the HPO for designation as an historic district. This is one of Mr. Harry Wardmans finest residential works, indeed worthy of preservation rather than piecemeal dismantlement	OP appreciates the comment.
1088	U	Ben Giliberti	9/23/2015	accessory apartment	253.7 I live on the 2900 block of 28th St NW. Zoning is R-3. All of the houses except for two at the very end are situated on built up berms of land in front. Thus the street side of the "English basement"" is completely below ground. Access to the basement is presently provided through the ground level entrance on the alley. Section 253.7 d would appear to permit someone to dig a trench in the front of the house to expose the basement wall in order to add a new entrance on the street side. This would be highly detrimental to the historic character of the homes and of the block.	OP recommends the proposed text as advertised in the Notice of Proposed Rulemaking.
1088	U	Ben Giliberti	9/23/2015	accessory apartment	253.7c While 253.7c has been in ZRR for some time, d is an addition that must have been incorporated at last minute. I checked, and the ANC 3C commissioners were completely unaware of d until I pointed it out to them yesterday, and have not had time to consider it. In R-3 there are many row houses with below grade second entrances; I have no problem allowing that that practice to continue on those areas. I think it is madness to allow it on my block, where they have never been before, and would change the character of the street terribly	OP recommends the proposed text as advertised in the Notice of Proposed Rulemaking.
1088	U	Richard Hinds	9/3/2015 9/23/15	accessory apartment	253.8 In addition to roof decks I believe that subsection e should prohibit balconies or projecting windows. This prohibition is required for Section 253.11 to make sense. Otherwise balconies and projecting windows are a matter of right	OP recommends the proposed text as advertised in the Notice of Proposed Rulemaking.
1088	U	Richard Hinds	9/3/2015	accessory apartment	254.6 Subsection e should include R-19 as well as R-20.	OP agrees and recommends the ZC adopt the proposed change.
1088	U	Richard Hinds	9/3/2015	accessory apartment	254.7 Subsection e should be revised for simplicity by deleting the unnecessary repetition at the end . Specifically delete "shall not be deemed eligible for a corner store use" as redundant. Purely a drafting comment	OP agrees and recommends the ZC adopt the proposed change.
1088	D	Michael Cushman	9/24/2015	alley lot	900 I do not expect the BZA to protect my residences privacy, light and air from the a development project where alley dwellings are now a matter of right. The alley lot provisions got very little publicity, with the result that homeowners will be surprised. Savvy developers are aware and will move forward quickly when the new zoning regs are final. Parking required for alley lot residences? When the garage on an alley lot is converted to residences and the parking spaces are made to disappear -- will the new alley lot residence be required to have a parking space. The answer should be YES. One for one replacement.	OP recommends the proposed text as advertised in the Notice of Proposed Rulemaking.
1088	E	Michael Cushman	9/24/2015	alley lot	900 My comment is on the entirety of section 900 and also include sections 1000 special exceptions. Living next to an alley lot I am very concerned with the alley lot residences on alleys of 15 feet. Capitol Hill has many alleys of 15 feet with residences with non-conforming rear yards. The alley lot residence will be two stories tall and 25 feet away. Add a rooftop deck and I have NO PRIVACY left. Matter of right give me NO PROTECTION. I do not expect the BZA to protect my residences privacy, light and air from the a development project where alley dwellings are now a matter of right. The alley lot provisions got very little publicity, with the result that homeowners will be surprised.	OP recommends the proposed text as advertised in the Notice of Proposed Rulemaking.
1088	E	Nicholas Rubenstein	7/31/2015	alley lot	901.1 901.1 has a typo referring to R zones. Also, why is the RF alley lot language so much less comprehensive than the R alley lot section? It looks as though the 2014 version had the 2013 text accidentally replaced	OP agrees and recommends the ZC adopt the proposed change.
1088	U	Jay Austin	9/9/2015	alley lot	601.1 Regulations are needlessly restrictive and take dangerous steps toward criminalizing homelessness, which has not been DCs stance. Further, the camping-in-alley provisions address an hypothetical instance not known to exist today, creating bloated zoning rules right at the outset. New urban trends like the tiny house movement require flexibility in conceptions of space, and these revisions could curtail innovative possibilities that current and future DC residents have not yet thought of. Suggested removal of all new provisions relating to camping that target a small portion of DCs land-owning residents	OP appreciates the comment.

<i>ZC Exhibit #</i>	<i>Subtitle</i>	<i>Name</i>	<i>Date</i>	<i>Issue</i>	<i>Comment/Testimony</i>	<i>OP Response</i>
1088	A	Ellen McCarthy	9/25/2015	applicability	200 Properties owned by the Government of the United States and used for or intended to be used for a Federal public building or use should be further defined see proposed definition in Sect.100.2 to make clear that land owned by the federal government which is ground-leased or otherwise utilized for commercial or private residential development must be zoned.	OP recommends the proposed text as advertised in the Notice of Proposed Rulemaking.
1088	C	Matthew Dickens	9/25/2015	bicycle parking	800 I wholeheartedly support the bicycle parking requirements -- all buildings should have bicycle parking.	OP appreciates the comment.
1088	U	Stephen Feingold	9/24/2015	corner stores	254 Please approve the creation of corner stores in more neighborhoods. These stores fill an important niche in providing services within walking distance of homes and add greatly to the unique character of a neighborhood.	OP appreciates the comment.
1088	B	Ellen McCarthy	9/25/2015	definition	100.2 The regulations need a precise definition of "federal public building or use", as it is used in Section 208.1a. I would propose a definition such as "Federal public building or use - a structure used primarily for the conduct of official federal government business, services or functions. Uses such as food service may be permitted, but must be clearly accessory to the primary governmental use." Alternatively, it could be defined as a "structure in which services or functions primarily involved in the direct conduct of federal government business are provided, either by federal government personnel or contractors hired and supervised by federal government employees.	OP recommends the proposed text as advertised in the Notice of Proposed Rulemaking.
1088	B	Zachari Curtis	6/9/2015	definition	200 The definition of agriculture should include any/all stages in the on-site cultivation of fungi.	OP recommends the proposed text as advertised in the Notice of Proposed Rulemaking as the existing language would not preclude cultivation of fungi.
1088	B	Zachari Curtis	6/9/2015	definition	200.2 This definition should be rewritten to include all stages in the cultivation of fungi.	OP recommends the proposed text as advertised in the Notice of Proposed Rulemaking as the existing language would not preclude cultivation of fungi.
1088	C	55 individual comments	various	parking	700 General support for reduced minimum parking requirements.	OP appreciates the comment.
1088	C	2 individual comments	various	parking	700 Support for existing parking requirements. Opposed to any reduction in minimum required parking.	OP appreciates the comment.
1088	D	Martin Hardy	9/25/2015	pop ups	602 I am against tightening restrictions on height and "pop -ups". It does not make sense from a public policy point of view to restrict building even further in a capital city with a hub and spoke transportation system. Pop-ups should conform to appropriate aesthetic standards and review.	OP appreciates the comment and notes that pop-ups were address under a separate rulemaking 14-11.
1088	U	Sam Wetzel	9/25/2015	process	999 These incremental changes in our zoning regulations have been delayed for way too long. Please publish these regs without delay.	OP appreciates the comment.
1088	U	DC Homeowner	9/24/2015	process	General In the future, I request that commenters be required to state whether they are real estate agents, builders, construction companies or the like when commenting on provisions that affect our communities. A large number of the comments in favor of ADUs are quite similarly worded, and appear to be part of an organized industry effort to tilt the decision in ways that favor their interests, rather than that of residents. They do not speak for the people who live here	OP appreciates the comment.

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1088	U	David Alpert	9/23/2015	uses	301.1 301.1c1 and 301.e are contradictory. c1 says that a matter-of-right apartment must be in a building constructed before January 1, 2013, and then e explains a rule for buildings constructed later. OPs intention, as OP staff have explained it, is to allow later-constructed buildings to qualify but require a sort of vesting period of 5 years to discourage building an accessory building solely for the purpose of making an accessory apartment. This is a sensible proposal. Therefore, c1 should be deleted as it conflicts with e	OP agrees and recommends the ZC adopt the proposed change.
1088		Various comments via the ZRR Module	9/25/2015		See individual comments, as well as summaries under Exhibit 1088.	See individual comments, as well as summaries under Exhibit 1088.
1089		Larry Werner	9/25/2015		See exhibit 1045.	See exhibit 1045.
1090		ANC 5D	10/2/2015	Process	Request to Re-Open Record and Accept Late Filing of Report	Approved. Report must be filed by 3 PM on October 21, 2015.
1091	D, E	ANC 4A	10/14/2015	alley lots	ANC 4A recommends deletion of Chapter 6, which pertains to alleys.	
1091	Y	ANC 4A	10/14/2015	BZA	This section addresses the application requirements, party status, and ANC reports, hearing and meeting procedures. ANC 4A want to ensure that the ANCs and the general public have the opportunity to comment on any applications for waivers or special exceptions. ANC 4A do not believe that the ZRR provided adequate notice to the impacted communities and a fair opportunity for the ANCs to provide comments on the latest proposal. For all of these reasons, ANC 4A asks that you give great weight to ANC 4A's Resolution which incorporates these comments	OZ recommends keeping the language in the proposed regulations. The timeliness have not changed for ANC reporting. OZ uses the ANC Act as a guideline for its reporting requirements.
1091	C	ANC 4A	10/14/2015	Parking	ANC 4A is concerned about any proposed changes to the parking minimums.	
1091	C	ANC 4A	10/14/2015	Subdivision	ANC 4A recommends deletion of the subdivision chapter of Subtitle C.	OP appreciates the comment.
1091	U	ANC 4A	10/14/2015	uses	ANC 4A has concerns about use permissions in the residential house zones, including Production and Repair, Home Occupation, Chanceries, CBIFs, Health Care Facilities, Non-profits, Emergency Shelters, Government Uses, and Fairs, Circuses, and Carnivals.	OP is not proposing significant modifications to the use permissions in the residential zones with respect to the Use Groups listed in ANC 4A's comments.
1091	U	ANC 4A	10/14/2015	uses	ANC 4A opposes corner stores in the R-3 zone.	OP appreciates the comment.
1091		ANC 4A	10/14/2015		ANC 4A resolves, after consideration of the ZRR proposal at a duly noticed, regularly scheduled ANC 4A public meeting, the ANC 4A voted to oppose the ZRR proposal and submit comments for OZ and Mayor consideration.	OP appreciates the comment.

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1038, 1044, 1047, 1057, 1062, 1063, 1066, 1067, 1068		Marcy Wasilewski, Robert McDiarmid and Frances Francis, Jocelyn Dyer, Ralph Taylor, Rosalyn Dogget, Jeffrey B. Maletta, John B. Gordon, Diane B. Cunningham, Marilyn Sheneman,	9/25/2015	Chanceries	I am a resident of an R-1-B neighborhood in the District of Columbia to oppose the proposed changes to the zoning regulations that would eliminate many of the diplomatic overlay provisions and make it far easier for chanceries to locate in residential zones. Chanceries are an office use and their location in a residential neighborhood can have a dramatic negative effect on the character of the neighborhood, particularly traffic, parking and noise. Specifically, I object to permitting chanceries to locate in any block where the percentage of institutional use is at least 33%. I also object to permitting churches and schools, which are permitted to locate in residential zones as of right, to be included in	The NPRM reflects changes to the chancery use consistent with the Foreign Missions Act; the new text does not include a Diplomatic overlay thereby allowing chanceries to apply for location fairly throughout the city.
1060A	D	Woodley Park Community Association	9/25/2015	accessory apartments	...the association has supported relaxing the rules on accessory apartments. We hope that the Commission will listen to the community and the residents more affected by this change and permit these units in neighborhoods like ours. Given the number of rowhouses in our community, we support the change proposed in the erratum in OP's Hearing Report on Subtitle D that reduces the minimum lot size to permit an accessory apartment to 2,000 sq ft. as a 4,000 minimum would effectively prohibit them in our neighborhood. We also want to stress that we feel that the zoning for row houses should be uniform across all of Woodley Park. Inn the past different sides of Connecticut Avenue were treated differently.	Thank you for your comments; OP continues to recommend the proposed changes as advertised in the Notice of Proposed Rulemaking.
906, 908 - 919, 936, 958, 965, 968	C, D, E, U	Christopher Brewer, Alanna McKeeman, Georg, Bill Brower, Jared Alves, Nicholas Burger, ANC Commissioner 6B06, Maxime Devilliers, Charles Michael, Julie Coons, Denise Curry, Brandon Estela	9/2/2015	Parking Accessory Apartments Corner Stores	support for modernizing the long-overdue DC zoning code, favor a more walkable, sustainable and inclusive city; urge ZC to update to the DC zoning regulations to: 1. Reduce parking requirements, 2. Permit accessory apartments in low density residential neighborhoods, and 3. Allow corner stores; and process needs to conclude	Thank you for your comment.
920 - 922	I	NCPC	9/25/2015	Downtown --D-8 zone -- building compatibility with Smithsonian and Mall	Revise Sec. 581.2 to address complementarity of Independence Ave. buildings with Smithsonian	This area is already reviewed by CFA and would be reviewed by Zoning Commission under D-8 proposals
920 - 922	I	NCPC	9/25/2015	Downtown --D-8 zone -- construction in historic street right of ways	575.2 (a) (1) and 585.2 (a) (2)---Remove phrases the require a right of way to have been officially closed before construction above that right of way is prohibited.	As advertised, Sec. 575.2 precludes construction in almost all L'Enfant rights of way and in rights of way that have not been closed even if a building has been constructed in the right of way. OP will explore whether the advertised language would not sufficiently protect historic street rights of way.
920 - 922	I	NCPC	9/25/2015	Downtown --D-8 zone -- Independence Avenue review by NCPC	618.6 -- Independence Avenue sub-area: Require referral for projects with frontage on Independence Avenue between 6th and 12th Streets	Although this area is already reviewed by the CFA and would be reviewed by the Zoning Commission under the D-8 proposals, OP recommends adding the words "...and shall be referred to the National Capital Planning Commission for comment." at the end of subsection 618.6.
920 - 922	I	NCPC	9/25/2015	Downtown --D-8 zone - Original Smithsonian Building	Extensive rationale for why structures atop roof levels south of the Mall should not compete with the visual presence of the Smithsonian "castle" and other public buildings on the Mall, particularly as viewed from centerpoint of 10th St. axis and, for buildings on the south side of Independence Avenue, from the Mall itself	The advertised ZRR regulations reflect the multi-year consultation with NCPC on proposals affecting height, setbacks, etc. in these areas. Design of proposed projects on or adjacent to the Mall is currently, and would continued to be, reviewed by the Commission of Fine Arts (CFA), NCPC, or both. Design of buildings along Independence Avenue would also be reviewed by the Zoning Commission under the advertised ZRR regulations. OP recommends that Subtitle I, Section 577, which addresses height in the D-8 zone, be adopted as advertised, but that the advertised heights and setbacks for buildings facing Independence Avenue be adopted as advertised, and that, in Section 572.2(a), the phrase "...or within twenty-five (25) vertical feet of the
920 - 922	I	NCPC	9/25/2015	Downtown --D-8 zone-- construction 25 ft. above R-O-W	In Sec. 575.2(a) delete allownce to build 25 ft. or more above a right of way	OP favors such a deletion
920 - 922	I	NCPC	9/25/2015	Downtown --North Capitol Street review	617 -- Require Zoning Commission review of all projects on No. Capitol Street south of M Street.	OP recommends adoption of the advertised language for Section 717, the North Capitol Street subarea. The advertised language provides for upper story setbacks south of H Street in order to frame views of the Capitol.
920 - 922	I	NCPC	9/25/2015	Downtown --PA Ave. Sub-Area	608.1 - augment the objectives of the Pennsylvania Avenue sub-area to include "bridge the downtown with the National Mall and the monumental core" .	OP recommends adding the words "...and bridging the downtown with the National Mall and the monumental core" be to the end of advertised subsection 608.1
920, 921 and 922	I, X	NCPC	9/11/2015	Downtown, Chanceries	Eight federal comments/concerns - as outlined in Executive Director's Report, National Capital Planning Commission Final Action.	OP recommends the ZC adopt the recommendations of NCPC with the exception of the proposed text on chanceries. Regarding chanceries OP recommends the ZC include the language proposed by the Dept of State as responded to by OP in exhibit 905 above.

ZC Exhibit #	Subtitle	Name	Date	Issue	Comment/Testimony	OP Response
923, 924, 926-934, 937, 938, 939, 942, 944, 945, 946, 947, 948, 949, 951-957, 960 961.		Toni Tileva, Lucas Da Silva, Coy McKinney, Anna Woodbury, David Schwartzman, Irene Martinez, Jennifer Bryant, Allison Basile, Natalie Lino Stracuzzi, Ruchala, Justin Wood,, Nicholas Udu-egama, Amal Mimish.	9/18/2015	process	Requests for translation and extension filed before the ZC declined the request on Monday Sept. 21	The ZC voted 5-0-0 at its Sept. 21, 2015 Regular Public Meeting to decline the request for translations and additional extensions after reviewing the level of outreach, public hearings, and extensions already granted.
981, 995	I	Juliet Six; Federation of Citizens Associations	9/25/2015	Downtown --parking, boundaries, heights	Concern: lack of parking requirements downtown, expansion are area covered by downtown zones, up to 40 foot height increases in some downtown zones	For these areas of concern OP recommends the proposed text as advertised in the Notice of Proposed Rulemaking, with corrections for erros, typos and terminology.
989, 990, 999 - 1002, 1007 - 1010, 1012 - 1021, 1026 - 1029, 1031 - 1035	I	Jeanette Corley, Karen Fitzgerald, Leornard Watson, Carren Kaston, Lorraine Lockett-Amaechi, Tom Carmichael, Kyle Mulgrew, Justin Oxman, Daniel Wolkoff, Kirby Vining, erica Dave, Frin Fairbanks, Elizabeth	9/25/2015	Downtown ---affordable housing downtown	Affordable housing should be required throughout downtown	OP recommends the proposed text as advertised in the Notice of Proposed Rulemaking, with corrections for errors, typos and terminology. The inclusionary zoning regulations ("IZ"), which require a set-aside of affordable housing, are being reviewed as case 04-33G, a separate case from the ZRR. A public hearing on case 04-33G is scheduled for November 19, 2015. Neither the ZRR nor case 04-33G propose new exemptions from IZ and the new D zones will be subject to IZ.
992A	D, E	ANC 3C	9/24/2015	yards	Urges the Zoning Commission to prohibit accessory structures in the front yards and within the side yard allowance in all single family home residential zones	OP agrees with this recommendation and proposes to include language that allows garages and carport to be beside the main building but no closer than ten feet to the side property line as is in the current code.
992B	X	ANC 3C	9/24/2015	Chanceries	Urges the Zoning Commission to recognize that chanceries are office uses that are most appropriate in commercial zones that have good access to public transportation since chanceries are office uses that serve a large regional area; and that ANC 3C does not support allowing chanceries to locate, even by special exception, in low density residential zones where this type of use is in conflict with current permitted uses, including those by special exception; allowing the existence of schools or religious institutions or community-based uses to form the foundation for the introduction of chanceries into residential neighborhoods. ANC3C supports the concept of increasing the percentage of institutional uses in a square to 50% as the base	The NPRM reflects changes to the chancery use consistent with the Foreign Missions Act; the new text does not include a Diplomatic overlay thereby allowing chanceries to apply for location fairly throughout the city. OP recommends the amendments to defining area as submitted by the Department of State.
992C	C, D	ANC 3C	9/24/2015	tree and slope	(con't)• The TPP should contain some provision for intermittent monitoring the construction site to ensure compliance with the TPP 8) The period for delay for the granting of a permit following the removal or cutting of trees that would have been prohibited by D\$309.1 should remain seven (7) years. • The period of delay for the granting of a permit following the prohibited removal or cutting of trees has been reduced from seven (7) to five (5) years without explanation. (Subtitle D section 408.2, 509.3, 608.2) The penalty should remain seven years. Without substantial deterrence there is reduced incentive to abide by the requirements of the Zoning Regulations. 9) Zoning Regulations should contain a separate Chapter describing	These recommendations exceed the text as set down, as advertised for public hearing and as acted on by the Zoning Commission in the Notice of Proposed Rulemaking. Additionally the ZC has no authority over the Urban Forestry Administration. OP does not recommend these be incorporated into the Zoning Regulation; it is more appropriate to be considered by the Council as legislative amendments to the urban forest preservation program.
992C	C, D	ANC 3C	9/24/2015	tree and slope	(con't)• Because DCRA has no arborist on staff or any particular expertise, ZA should be required to rely on the guidance of UFA in assessing relative risk to a tree even if that risk is not quantifiable and the measure of risk is necessarily subjective. 6) Content of Application Subtitle D section 1704.3 • Plans should be required to use a uniform set of definitions that are consistent with those used by UFA and must at a minimum: • Identify all trees on the property and adjoining properties, either public or private. All standards that apply to trees on the property should also apply to trees on neighboring properties. • Identifv the type of tree because the capacity for a tree to sustain damage from construction will differ by tree and UFA can	These recommendations exceed the text as set down, as advertised for public hearing and as acted on by the Zoning Commission in the Notice of Proposed Rulemaking. Additionally the ZC has no authority over the Urban Forestry Administration. OP does not recommend these be incorporated into the Zoning Regulation; it is more appropriate to be considered by the Council as legislative amendments to the urban forest preservation program.
992C	C, D	ANC 3C	9/24/2015	tree and slope	(con't) • Accurately depict damage to the canopy of a tree caused by proposed construction. For example, the damage to the canopy of the tree should not exceed 25% in a given year. This could be part of a set of standards maintained by UFA, which could be used to evaluate applications. 7) A Tree Protection Plan (TPP) shall be created by International Society of Arboriculture (ISA) certified arborist and should contain provisions for maintaining the trees for a period of at least three years post construction. • The Commission should require a Tree Protection Plan that specifies tree protection practices under Subtitle D section 1704.1 not only during the period of construction, but also for a three year period following construction.	These recommendations exceed the text as set down, as advertised for public hearing and as acted on by the Zoning Commission in the Notice of Proposed Rulemaking. Additionally the ZC has no authority over the Urban Forestry Administration. OP does not recommend these be incorporated into the Zoning Regulation; it is more appropriate to be considered by the Council as legislative amendments to the urban forest preservation program.
992C	C, D	ANC 3C	9/24/2015	tree and slope	1) Zoning Regulations should require a uniform set of standards and definitions that apply to the protection of trees which are consistent with UFA standard and definitions Subtitle D Chapter 17 the UFA to maintain a clear set of standards and definitions to which applicants can refer in preparing their plans and which may be used by the ZA in assessing applications. The International Society of Arboriculture (ISA) and well respected Academic Institutions such as the Mississippi State University among others describe uniform and accepted definitions of such terms as • Critical Root Zone which is an area 1.5 feet /inch diameter of tree from the center of the tree which contains the root system critical to the survival of the tree. Tree survival is	These recommendations exceed the text as set down, as advertised for public hearing and as acted on by the Zoning Commission in the Notice of Proposed Rulemaking. Additionally the ZC has no authority over the Urban Forestry Administration. OP does not recommend these be incorporated into the Zoning Regulation; it is more appropriate to be considered by the Council as legislative amendments to the urban forest preservation program.
992D		ANC 3C	9/24/2015	process	ANC3C requests more time for residents to fully read the zoning proposals and inform the Zoning Commission of concerns and views	
992E	D	ANC 3C	9/24/2015	accessory buildings	In the absence of convincing data that supports the need, apartments in garages or accessory structures and non-residential uses, such as home occupations, in garages or accessory structures should not be permitted as a matter of right in low and moderate density residential zones in ANC 3C. The existing character of ANC 3C neighborhoods is built on community and respect for the quality of life of neighbors. In our experience preserving community is partly dependent on minimizing external uses that could negatively affect neighbors' quality of life. We do not want to transform our neighborhoods into 2-family zones, or locate home businesses outside the home, without neighborhood input and oversight.	

ZC Exhibit #	Subtitle	Name	Date	Issue	Comment/Testimony	OP Response
992E	D, E, U	ANC 3C	9/24/2015	corner stores	Corner food stores have potential to change neighborhood character in a positive or negative way so it is important that a neighborhood determine whether it wants to allow these new uses. Thus, the proposal to allow corner food stores in all R3 row house zones should not be approved without neighborhood oversight and approval. It is not appropriate to create this transformative use, which is only mentioned in the Comprehensive Plan as a use that should be controlled on Capitol Hill and in Georgetown, without direction from the Council and the expressed desire of neighborhoods that they would welcome this new use and under what conditions.	
992E	D	ANC 3C	9/24/2015	height	Increased height for garages and accessory structures should not be permitted in ANC 3C in low and moderate density residential zones where the increased size would affect light, air and privacy. We have not had any requests in ANC 3C for taller garages or accessory structures and we know of no Comprehensive Plan policies encouraging larger garages.	
992E	G	ANC 3C	9/24/2015	neighborhood commercial	Neighborhood commercial overlays and residential overlays are bottom-up zoning that should be honored. Therefore, the proposals from the Office of Planning to combine the underlying zone with an overlay into a single zone district should not be approved. The Comprehensive Plan encourages overlays, yet the Office of Planning has removed them. Overlays are created to distinguish neighborhood interests and needs from the citywide applied zone district provisions. They typically trump the citywide provisions when there is a conflict and their purposes and goals are the main standards for review of special exception requests. The Office of Planning proposal dilutes the purpose and goals by adding new provisions and they weaken the review	
992E	C	ANC 3C	9/24/2015	parking	Changing the minimum required parking formula for private schools from an intensity of use formula to a square footage formula should not be approved. The Office of Planning has provided no data or reason for changing this requirement, other than it wants only 2 formulas -- one based on residential units and another based on square footage. That desire ignores the impact. ANC 3C includes more than 5 large private schools. Parking is a consistent issue and is typically a major feature of special exception debates. It should be noted that the Office of Planning did no research to determine the effect of using square footage prior to offering it, and only did a limited survey of the change in the number of spaces required after several	
992E	C	ANC 3C	9/24/2015	parking	Parking requirement for multi-family residential zones and in zones replacing existing commercial zones should not be changed until the Office of Planning can present reliable data that the current requirement provides significant excess parking supply in ANC 3C. The DMV data shows that the number of cars registered in DC continues to increase. In our experience, renovated or new multi-family buildings do not provide as much off-street parking as there is demand and the demand for parking shifts to the adjoining residential neighborhood that typically has insufficient on-street parking to meet residential needs, in addition to other users, such as private schools and under-supplied commercial areas.	
992E	C	ANC 3C	9/24/2015	parking	Penalties for providing 1.5 times the minimum amount of parking required should not be approved. This is not a practical solution to congestion, which is primarily caused by commuters and not DC residents. While developer/owners may try to avoid building parking, there is no profit incentive for them to over build parking. More than likely, if more spaces than required are being built it is because there is a demonstrable need for off street parking in that neighborhood.	
992E	C	ANC 3C	9/24/2015	parking	Reductions in parking requirement based solely on proximity to frequent bus routes or a metro station should not be approved because there is a process currently available through the special exception procedure whereby a developer/owner requests a reduction in parking requirement; that process should be maintained. The Comprehensive Plan conditions consideration of reductions in parking requirements on a variety of factors existing in a neighborhood, not simply on a uniform distance from public transit. There must be context for right-sizing the creation of off-street parking supply. Neighborhoods must be able to participate in a process that considers the variety and intensity of uses, the supply versus demand for parking, and the	
992E	B, C	ANC 3C	9/24/2015	roof structure	Roof Structures for recreation use should not be permitted, except by special exception, in existing low-density R1 residential zones where rear and side yards are required, which typically provide recreation space that does not unduly impact nearby neighbors. Roof structures have potential to alter neighborhood character since roof top recreation structures are not currently allowed in low-density neighborhoods.	The penthouse regulations are being reviewed as a separate case from the ZRR as case 14-13. Final action on amendments to the roof structure regulations is expected on Monday October 19, 2015, and any revisions will be incorporated into the ZRR.
992E	U	ANC 3C	9/24/2015	Uses	Institutional uses in low and moderate density residential zones by special exception should not be approved. The proposal is vague. It does not describe what type of organization would be created for the social welfare of the community, what the intensity of use might be, why membership fees would be allowed, or whether parking and congestion issues could result. It is even unclear if the organization must be incorporated as a non-profit, and if property taxes would be waived. In our view, it is unwarranted to convert housing to an ill-defined non-residential use.	
999, 1000, 1001, 1002, 1007, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019.	I	Carole Lewis Anderson, S. Ousley, L. Murohy, P. Shoecraft, Rose Jaffe, Amal Mimish, Wendy Lehman, Claire Cooke, Basav Se, Joanne Fleming, Elizabeth Haney, Erin Fairbanks, Erica Dave, Kyle Mulgrew, Kirby Vining.	9/24/2015	affordable housing	1) ZRR unacceptable in its assignment of exclusivity in the Downtown District and other parts of the City; all current and proposed zoning rules which exempt developers from the requirement to build low- and moderate-income housing in any parts of the City should be eliminated; 2) ZRR ought to be translated and time offered to allow all DC residents to comment.	The inclusionary zoning regulations ("IZ"), which require a set-aside of affordable housing, are being reviewed as case 04-33G, a separate case from the ZRR. A public hearing on case 04-33G is scheduled for November 19, 2015. Neither the ZRR nor case 04-33G propose new exemptions from IZ and the new D zones will be subject to IZ. The ZC voted 5-0-0 at its Sept. 21, 2015 Regular Public Meeting to decline the request for translations and additional extensions after reviewing the level of outreach, public hearings, and extensions already granted.