

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
ZONING COMMISSION**



**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF FINAL RULEMAKING
Z.C. CASE NO. 19-13¹**

**(Text Amendment – Subtitles B-G, I, J, & U of Title 11 DCMR regarding Alley Lots)
September 14, 2020**

The Zoning Commission for the District of Columbia (Commission), pursuant to its authority under § 1 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797), as amended; D.C. Official Code § 6-641.01 (2018 Repl.), and pursuant to § 6 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1206; D.C. Official Code § 2-505(c) (2016 Repl.)), hereby gives notice of the following amendment of the Zoning Regulations (Title 11 of the District of Columbia Municipal Regulations, Zoning Regulations of 2016, to which all references are made unless otherwise specified).

The text amendment clarifies the application of the requirements for alley lots, as follows:

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

Setdown

On June 28, 2019, the Office of Planning (OP) filed a petition proposing these changes that would clarify the regulations governing alley lots - including the minimum alley centerline setback, the process for converting alley tax lots to alley record lots, and the ability to hold limited performances or art shows in alley artist studios - and ensure consistent language across different subtitles. The OP setdown report included a graphic illustration of the existing alley tax lots that would be affected by the proposed text amendment.

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

¹ For Office of Zoning tracking only, this Notice of Final Rulemaking shall also be known as Z.C. Order No. 19-13.

OP submitted a July 6, 2020, hearing report (OP Hearing Report) that responded to the Commission's questions at its setdown meeting, specifically:

- The impact of the proposed text amendment on previous cases before the Board of Zoning Adjustment; and
- An analysis of the turning radii for vehicles and garage entry based on input from the District Department of Transportation, as well as an architect and transportation consultant experienced in designing and analyzing alley garages, that confirmed that a 15-foot alley width created by the 7.5-foot minimum alley centerline setback was adequate and sufficient for garage access;
- An explanation of the proposed limited artist performances.

The OP Hearing Report provided a breakdown of the existing alley lots that would be impacted by the proposed text amendment and proposed updated text that made minor changes to clarify the intent of the proposed text amendment.

ANC Reports

Advisory Neighborhood Commission (ANC) 6B submitted a June 22, 2020, report that supported the proposed text amendment because it would support the Mayor's Housing Equity Framework to add 3200 units to the Capitol Hill Planning Area by 2025 by:

- Increasing residential use on alleys;
- Aligning historic record lots and historic tax lots under the Zoning Regulations; and
- Allow artist studios to include limited performances.

ANC 6C submitted a July 13, 2020, report that supported the proposed text amendment but proposed the following revisions:

- The proposed 7.5-foot alley centerline setback for alley lots be extended to cover garages and accessory structures on non-alley lots (currently 12 ft.); and
- Including specific criteria, such as including traffic and parking for special exception relief for alley lot subdivisions in addition to reports from relevant agencies.

The Commission received public comments both opposed to and supporting the proposed text amendment, with several comments in support recommending changes that would reduce the current limitations on development of alley lots.

Public Hearing

At its July 13, 2020, public hearing, the Commission heard from:

- OP, which testified in support of the proposed text amendment and responded to the written comments in the record and to the Commission's questions;
- ANCs 6B and 6C, which testified in support, repeating the substance of their respective reports; and
- Members of the public, who testified in support of the proposed text amendment but proposing changes that would reduce the current limitations on development of alley lots.

The Commission noted that it favored consideration of many of the suggested revisions proposed by public comments and testimony but did not want to delay the proposed text amendment by

incorporating these revisions, which the Commission believed would require further analysis by OP. The Commission did agree with OP to incorporate ANC 6C's request to incorporate specific special exception criteria for traffic and parking into this proposed revision.

Proposed Action

At the close of the public hearing, the Commission voted to take **PROPOSED ACTION** to adopt the text advertised in the public hearing notice, as modified by the revisions proposed by the OP Hearing Report and the specific special exception criteria proposed by ANC 6C, and to authorize the publication of a Notice of Proposed Rulemaking:

VOTE (July 13, 2020): **5-0-0** (Anthony J. Hood, Robert E. Miller, Peter A. Shapiro, Peter G. May, Michael G. Turnbull to **APPROVE**)

Notice of Proposed Rulemaking

The Commission published the proposed amendment as a Notice of Proposed Rulemaking (NPR) in the *D.C. Register* (67 DCR 9532, *et seq.*) on August 7, 2020.

No comments to the NPR were received in the thirty (30)-day period required by Section 6 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1206, as amended; D.C. Official Code § 2-505 (2013 Repl.).)

National Capital Planning Commission (“NCPC”)

The Commission referred the proposed amendment to the National Capital Planning Commission (NCPC) on July 14, 2020, for the thirty (30)-day review period required by § 492 of the District Charter.

NCPC filed a report dated September 2, 2020, stating that it had determined, pursuant to delegated authority, that the proposed amendment was not inconsistent with the federal elements of the Comprehensive Plan and would not adversely impact any identified federal interests. (Exhibit 30.)

“Great Weight” to the Recommendations of OP

The Commission must give “great weight” to the recommendations of OP pursuant to § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (D.C. Law 8-163; D.C. Official Code § 6-623.04 (2018 Repl.) and Subtitle Z § 405.8. (*Metropole Condo. Ass’n v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1087 (D.C. 2016).)

The Commission finds OP's recommendation that the Commission take action to adopt the text amendment persuasive and concurs in that judgment.

“Great Weight” to the Written Report of the ANCs

The Commission must give great weight to the issues and concerns raised in the written report of an affected ANC that was approved by the full ANC at a properly noticed public meeting pursuant to § 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d) (2012 Repl.)) and Subtitle Z § 406.2. To satisfy the great weight requirement, the Commission must articulate with particularity and precision the reasons why an affected ANC does or does not offer persuasive advice under the circumstances.

(*Metropole Condo. Ass'n v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1087 (D.C. 2016).) The District of Columbia Court of Appeals has interpreted the phrase “issues and concerns” to “encompass only legally relevant issues and concerns.” (*Wheeler v. District of Columbia Board of Zoning Adjustment*, 395 A.2d 85, 91 n.10 (1978) (citation omitted).)

The Commission finds ANC 6B’s report persuasive in its support for the text amendment as supporting expanded residential opportunities in the District and concurs in that judgment.

The Commission finds ANC 6C’s report persuasive in its support for the text amendment as well as its suggestion to retain specific special exception criteria and concurs in that judgment. The Commission does not find persuasive ANC 6C’s proposal to extend the seven and one-half foot (7.5 ft.) alley centerline setback for alley lots to accessory buildings on non-alley lots because that is outside of the text amendment’s focus on alley lots and more appropriate to a future text amendment on accessory buildings.

Final Action

At its September 14, 2020, public meeting, the Zoning Commission voted to take **FINAL ACTION** and to authorize the publication of a Notice of Final Rulemaking:

VOTE (September 14, 2020): 5-0-0 (Robert E. Miller, Peter G. May, Anthony J. Hood, Peter A. Shapiro, Michael G. Turnbull to **APPROVE**)

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

The following amendments to the text of the Zoning Regulations are hereby adopted.

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

Subsection 100.2, of § 100, DEFINITIONS, of Chapter 1, DEFINITIONS, of Subtitle B, DEFINITIONS, RULES OF MEASUREMENT, AND USE CATEGORIES, is amended by revising the definitions of “Alley” and “Lot, Alley,” by adding a new definition of “Lot Line, Alley,” and by reordering in alphabetical order, to read as follows:

...²

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

...

² The use of this and other ellipses indicate that other provisions exist in the subsection being amended and that the amendment of the provisions does not signify an intent to repeal.

Lot: The land bounded by definite lines that, when occupied or to be occupied by a building or structure and accessory buildings, includes the open spaces required under this title. A lot may or may not be the land so recorded on the records of the Surveyor of the District of Columbia.

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

Lot Line, Street: A lot line that abuts a street.

Lot Lines: The lines bounding a lot as defined in this section.

Lot Occupancy: The percentage of the total area of a lot that is occupied by the total building area of all buildings on the lot.

Lot of Record: A lot recorded on the records of the Surveyor of the District of Columbia.

Lot Width: The distance between the side lot lines, measured along the building line; except that, in the case of an irregularly shaped lot, the width of the lot shall be the average distance between the side lot lines. When the building line is on a skew, the width of the lot shall be the distance between side lot lines perpendicular to the axis of the lot taken where either side lot line intersects the building line.

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

Lot, Corner: A lot fronting on two (2) or more streets at their junction, with the streets forming with each other an angle of forty-five degrees (45°) up to and including one hundred thirty-five degrees (135 °).

Lot, Interior: A lot other than a corner lot or a triangular lot.

Lot, Theoretical: A lot determined by dividing the subdivided into theoretical building sites.

Lot, Through: An interior lot having frontage on two (2) or more streets where the streets differ in direction by forty-five degrees (45°).

Lot, Triangular: A lot fronting on two (2) streets at their junction, the streets, forming with each other an angle of less than forty-five degrees (45°).

Main Floor: The floor of the story in which the principal entrance of a building is located.

...

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

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

...

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

Section 308, RULES OF MEASUREMENT FOR BUILDING HEIGHT: RESIDENTIAL ZONES AS DEFINED IN SUBTITLE A § 101.9, of Chapter 3, GENERAL RULES OF MEASUREMENT, of Subtitle B, DEFINITIONS, RULES OF MEASUREMENT, AND USE CATEGORIES, is amended by revising §§ 308.1 and 308.2 and by adding a new § 308.9, to read as follows:

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

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

...

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

II. Amendments to Subtitle C, GENERAL RULES

Subsection 302.1 of § 302, SUBDIVISION REGULATIONS, of Chapter 3, SUBDIVISION, of Subtitle C, GENERAL RULES, is amended to read as follows:

- 302.1 Where a lot is divided, the division shall be effected in a manner that will not violate the provision of this title for yards, courts, other open space, minimum lot width, minimum lot area, floor area ratio, percentage of lot occupancy, parking spaces, or loading berths applicable to that lot or any lot created; except that:
- (a) A non-Alley Lot recorded as a tax lot with the Office of Tax and Revenue prior to May 12, 1958, which shared an underlying record lot with an Alley Tax Lot that has been converted to an Alley Record Lot under Subtitle C § 306.3, may be converted to a record lot without complying with these development standards; and
 - (b) A non-Alley Lot recorded as a tax lot with the Office of Tax and Revenue prior to September 6, 2016, which shared an underlying record lot with an Alley Tax Lot that has been converted to an Alley Record Lot under Subtitle C § 306.4, may be converted to a record lot if granted by the Board of Zoning Adjustment as a special exception pursuant to Subtitle X, Chapter 9.

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

- 303.1 All new record lots shall have at least one (1) street lot line on a public street or a public access easement approved by the District Department of Transportation, except that new Alley Record Lots shall instead comply with the rules of Subtitle C § 306.
- 303.2 Where a minimum lot width is required ...
- 303.3 Each new lot being created to be used and occupied by a single dwelling ...
- 303.5 Each new lot being created to be used and occupied by an apartment house ...

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

306 NEW ALLEY RECORD LOTS

306.1 A new Alley Record Lot shall:

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

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

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

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

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

- (a) The Alley Tax Lot connects to an improved public street through an improved alley or system of alleys that provides adequate public safety, and infrastructure availability; and
- (b) The Office of Zoning shall refer the application to the following agencies for their review and recommendation, if filed to the case record within the forty (40) day period established by Subtitle A § 211:
 - (1) Department of Transportation (DDOT);
 - (2) Department of Public Works (DPW);
 - (3) Metropolitan Police Department (MPD);
 - (4) Fire and Emergency Medical Services Department (FEMS);
 - (5) DC Water (WASA); and
 - (6) If a historic district or historic landmark is involved, the Historic Preservation Office (HPO).

Subsection 711.7 of § 711, ACCESS REQUIREMENTS, of Chapter 7, VEHICLE PARKING, of Subtitle C, GENERAL RULES, is revised to read as follows:

711.7 Except for Alley Lots, when parking spaces are provided within a building or structure, all vehicular entrances or exits shall be setback at least twelve feet (12 ft.) from the center line of any adjacent alley for a minimum height of ten feet (10 ft.).

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

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

CHAPTER 51, ALLEY LOT REGULATIONS (R)

Chapter 51, ALLEY LOT REGULATIONS (R), of Subtitle D, RESIDENTIAL HOUSE (R) ZONES, is amended by revising § 5100, GENERAL PROVISIONS, of Subtitle D, RESIDENTIAL HOUSE (R) ZONES, and by deleting §§ 5101 through 5107³, to read as follows:

³ Former § 5108 of Subtitle D was deleted effective with the July 3, 2020, publication in the *D.C. Register* of a Notice of Final rulemaking in Z.C. Case No. 19-14.

5100 GENERAL PROVISIONS

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

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

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

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

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

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

CHAPTER 51, ALLEY LOT REGULATIONS (RF)

Chapter 51, ALLEY LOT REGULATIONS (RF), of Subtitle E, RESIDENTIAL FLAT (RF) ZONES, of Subtitle E, RESIDENTIAL FLAT (RF) ZONES, is amended by revising § 5100, GENERAL PROVISIONS, and by deleting §§ 5101 through 5107⁴, to read as follows:

5100 GENERAL PROVISIONS

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

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

(a) Maximum Height	20 ft. and 2 stories, including the penthouse
(b) Maximum Lot Occupancy	
Less than 1,800 sq. ft. of lot area	N/A
Between 1,800 and 2,000 sq. ft. of lot area	90%
Over 2,000 sq. ft. of lot area	80%

⁴ Former § 5108 of Subtitle E was deleted effective with the July 3, 2020, publication in the *D.C. Register* of a Notice of Final Rulemaking in Z.C. Case No. 19-14.

(c) Minimum Rear Yard	5 ft. from any lot line of all abutting non-Alley Lots
(d) Minimum Side Yard	5 ft. from any lot line of all abutting non-Alley Lots
(e) Minimum Alley Centerline Setback	7.5 ft. from the centerline of all abutting alleys
(f) Minimum Pervious Surface	10%

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

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

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

CHAPTER 51, ALLEY LOT REGULATIONS (RA)

Chapter 51, ALLEY LOT REGULATIONS (RA), of Subtitle F, RESIDENTIAL APARTMENT (RA) ZONES, is amended by revising § 5100, GENERAL PROVISIONS, and by deleting §§ 5101 through 5106⁵, to read as follows:

5100 GENERAL PROVISIONS

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

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

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

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

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

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

CHAPTER 11 ALLEY LOT REGULATIONS (MU)

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

⁵ Former § 5107 of Subtitle F was deleted effective with the July 3, 2020, publication in the *D.C. Register* of a Notice of Final Rulemaking in Z.C. Case No. 19-14.

1100 GENERAL PROVISIONS

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

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

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

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

VII. Amendments to Subtitle I, DOWNTOWN (D) ZONES

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

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

- (a) A building may not be constructed or converted to a single or multiple dwelling unit unless the lot is an Alley Record Lot and there is a minimum of four hundred and fifty square feet (450 sq. ft.) of lot area per unit; and
- (b) The Alley Lot has access to an improved public street as follows:
 - (1) Through an improved public alley or alleys with an alley width of not less than twenty-four feet (24 ft.) at any point between the Alley Lot and the street; or
 - (2) The public street is within three hundred (300) linear feet of the Alley Lot as measured along an improved public alley or alleys with an alley width of not less than fifteen feet (15 ft.) at any point.

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

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

CHAPTER 3, ALLEY LOT REGULATIONS (PDR)

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

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

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

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

IX. Amendments to Subtitle U, USE PERMISSIONS

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

CHAPTER 6, USE PERMISSIONS FOR ALLEY LOTS

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

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

- (a) Agricultural, both residential and large;
- (b) Artist studio inside a building, subject to the following conditions:
 - (1) An artist may teach one (1) or more apprentices;

- (2) Regular occupancy of the building shall be limited to one (1) artist and one (1) apprentice for each four hundred and fifty square feet (450 sq. ft.) of gross floor area;
 - (3) All operations and storage of materials shall occur inside the building;
 - (4) Incidental sales of artwork produced by the occupants of the studio shall be permitted within the studio;
 - (5) Noise volume shall be governed by the regulations of Title 20 DCMR (Environment);
 - (6) Rehearsals for performing arts may be undertaken in the artist studio; and
 - (7) A maximum of five (5) art shows or performances open to the public are permitted per calendar year, and occupancy for the art show or performance shall be governed by the regulations of Title 12-H (Fire Code).
- (c) Camping by the owner ...
 - (d) Community solar facility ...
 - (e) Parking, subject to the following conditions:
 - (1) Surface parking spaces for use by residents of the square;
 - (2) Not more than two (2) car-sharing spaces shall be permitted on any one Alley Lot; and
 - (3) Parking garage on an Alley Lot not containing another use shall meet the following conditions:
 - (A) No more than two (2) motor vehicles may be housed on the Alley Lot;
 - (B) The building may not exceed four hundred fifty square feet (450 sq. ft.); and
 - (C) The garage door shall open directly onto an alley; and
 - (f) Residential use, subject to the following conditions:

- (1) The Alley Lot is not wholly or partially within the R-1-A, R-1-B, R-2, R-6 through R-12, R-14 through R-16, or R-19 through R-21 zones;
- (2) A building may not be constructed as or converted to a dwelling unit unless the lot is an Alley Record Lot and there is a minimum of four hundred and fifty square feet (450 sq. ft.) of lot area;
- (3) The use shall be limited to one (1) dwelling unit per lot; accessory apartments are not permitted;
- (4) The Alley Lot has access to an improved public street as follows:
 - (A) Through an improved public alley or alleys with an alley width of not less than twenty-four feet (24 ft.) at any point between the lot and the public street; or
 - (B) The public street is within three hundred (300) linear feet of the Alley Lot as measured along an improved public alley ~~or~~ or alleys with an alley width of not less than fifteen feet (15 ft.) at any point; and
- (5) The dwelling unit may also contain a parking garage for use by residents of the dwelling.

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

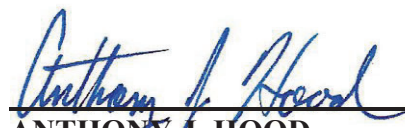
601.1 The following uses shall be permitted on an Alley Lot in the R, RF, and RA zones, as a special exception if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9, subject to any specific provisions of each section:

- (a) [RESERVED]
- (b) Artist studio not meeting the criteria of Subtitle U § 600.1(b), subject to the following conditions:
 - (1) Any use authorized in this section shall not be likely to become objectionable because of noise, traffic, or number of employees or visitors; and


- (2) The hours of active operation shall be arranged so as not to prove disturbing or otherwise objectionable to other properties in the square;
- (c) No camp or any temporary place ...
- (d) Community solar facility ...
- (e) Parking uses not meeting the criteria of Subtitle U § 600.1(e), subject to the following conditions:
 - (1) Any use authorized in this section shall not be likely to become objectionable because of noise, traffic, or number of employees or visitors; and
 - (2) The hours of active operation shall be arranged so as not to prove disturbing or otherwise objectionable to persons residing around the perimeter of the square in which the use is located;
- (f) Residential use not meeting the criteria of Subtitle U § 600.1(f), subject to the following conditions:
 - (1) The Alley Lot is not wholly or partially within the R-1-A, R-1-B, or R-2 zones;
 - (2) A building may not be constructed or converted for a dwelling unit unless the lot is an Alley Record Lot and there is a minimum of four hundred and fifty square feet (450 sq. ft.) of lot area;
 - (3) The use shall be limited to one (1) dwelling unit per lot; accessory apartments are not permitted;
 - (4) The Alley Lot connects to an improved public street through an improved alley or system of alleys that provides adequate public safety; and infrastructure availability;
 - (5) The Office of Zoning shall refer to the following agencies for their review and recommendation, if filed to the case record within the forty (40) day period established by Subtitle A § 211:
 - (A) Department of Transportation (DDOT);
 - (B) Department of Public Works (DPW);
 - (C) Metropolitan Police Department (MPD);

- (D) Fire and Emergency Medical Services Department (FEMS);
 - (E) DC Water (WASA); and
 - (F) If a historic district or historic landmark is involved, the Historic Preservation Office (HPO); and
- (6) The Board of Zoning Adjustment shall consider relevant agency comments concerning:
- (A) Public safety;
 - (B) Water and sewer services;
 - (C) Waste management;
 - (D) Traffic and parking;
 - (E) Historic preservation; and
- (g) Storage of wares or goods on an Alley Lot provided that the use shall be limited to the following:
- (1) No storage ...

In accordance with the provisions of Subtitle Z § 604.9, this Notice of Final Rulemaking shall become final and effective upon publication in the *D.C. Register*; that is, on October 30, 2020.



ANTHONY J. HOOD
CHAIRMAN
ZONING COMMISSION



SARA A. BARDIN
DIRECTOR
OFFICE OF ZONING