

MEMORANDUM

TO: District of Columbia Zoning Commission

FROM: Matt Jesick, Development Review Specialist
Radhika Mohan, Deputy Director, Development Review, Historic Preservation and Urban Design *RCM*

DATE: March 2, 2026

SUBJECT: ZC #25-06 – OP Post-Hearing Report for a Proposed Text Amendment to Amend the Zoning Regulations Governing Alley Lots

I. BACKGROUND AND RECOMMENDATION

The Commission held a public hearing on this application on January 12, 2026. At the hearing the Office of Planning (OP) presented its draft of the zoning text amendments, and the Commission, the Office of the Attorney General, an ANC Commissioner, and members of the public provided feedback on the proposal. This memo responds to the comments from the hearing and the written record and presents changes to the draft text. OP recommends that the Commission **approve** the draft text presented in Exhibit 187, as modified by Exhibit 189 and this report.

II. RESPONSE TO COMMENTS

OP reviewed the feedback provided by the Commission and others, including written submissions to the record and testimony at the hearing, and in this memo responds to the major comments raised. Please refer to the table in Attachment 1, which describes changes proposed to the text amendment based on feedback from the hearing.

As part of this review, OP reached out to the Office of the Attorney General (OAG), the District Department of Transportation (DDOT), the Department of Energy and the Environment (DOEE), and the Zoning Administrator’s office (ZA) for their technical expertise, suggestions, and review of the updated draft text. Their responses are noted where applicable.

The Commission also asked specifically that FEMS respond in writing to comments at the hearing that the matter of right alley width for alley lot subdivision should be 15 feet, and that residential use be permitted on alleys of 15 feet in width as a matter of right, regardless of distance to the street. The FEMS response is included at Attachment 5.

The primary changes to the text amendment proposed at this time are:

1. Eliminate vehicle parking requirement for many uses on alley lots;
2. Increase matter of right (MOR) height for alley buildings to 25’ in zones where 20’ is the current maximum;

3. Revise the minimum pervious surface requirements;
4. Revise the minimum yard requirements in the R-1 and R-2 zones, where those alley lots abut the rear yard of a street-facing lot;
5. Update BZA standards for review of special exceptions on alley lots;
6. Update approval criteria for residential use where a special exception is required.

Smaller amendments include:

- Revise text to clarify that penthouses are permitted on alley buildings;
- Technical correction to Subtitle J to align wording with other subtitles;
- Technical amendment to Subtitle U to ensure internally consistent structure of subparagraphs;
- Conforming amendment to Subtitle X to align a section reference that is altered by the above changes.

III. ATTACHMENTS

1. Comment Response Table
2. Email from DDOT Regarding Elimination of Parking Requirement
3. Pervious Surface Requirements Comparison Table
4. OAG Email Regarding Updates to Text Amendment
5. FEMS Memo Regarding Alley Width Requirements
6. Draft Zoning Text Amended Since the Public Hearing

**Attachment 1
 Comment Response Table**

	Item	Relevant Sections	Previous Proposal – Public Hearing Report (Ex. 187)	Current Proposal – Post Hearing	Analysis
1	Parking	C § 704.2	No change to current parking regime: 1 space required per single family dwelling or flat; Parking required for other uses per C § 701; Existing special exception option still available, subject to BZA review of the criteria of C § 703.2.	No parking required for alley lot uses identified in Subtitle U §§ 600 and 601. Uses such as apartment buildings, office buildings, or retail uses would still have a parking requirement; Existing special exception option still available, subject to BZA review of the criteria of C § 703.2.	Through written and verbal feedback and testimony, the Commission, Councilmembers, ANCs, OAG, AIA, other organizations, and members of the public suggested that parking minimums could be eliminated for alley lots. OP therefore studied appropriate ways to amend the regulations to remove requirements for most alley lot uses, and proposes an exemption under C § 704.2. OP reviewed this change with DDOT, the ZA’s office, and OAG. DDOT has no objection to this amendment and stated in comments to OP that “As the alley lots are mostly located in areas considered walkable and transit-rich, and their build-out anticipated to be incremental and dispersed, the impacts [of the newly proposed text amendment] on the transportation network are expected to be minimal.” DDOT estimates that almost 90% of all alley lots are located within one half mile of a Metrorail station and/or one quarter mile of a High Frequency MetroBus route. DDOT’s emailed comments to OP can be found at Attachment 2.
2	MOR Building Height in R, RF, RA, and PDR zones, and certain MU zones	D, E, F, and G § 5100.2 J § 500.1	Change MOR height from 20’ to 22’	Change MOR height from 20’ to 25’	Through written and verbal feedback and testimony, the Commission, OAG, AIA, other organizations, and members of the public suggested that the matter of right height for alley buildings could be increased beyond the already-proposed 2-foot increase. Based on the architectural guidance provided by AIA in their memo (Exhibit 218), OP now proposes to change the MOR height maximum to 25’ in R, RF, RA, and PDR zones, and in MU zones where the MOR height is presently limited to 20’. According to the AIA, the extra height would allow for raised first floors, which could result in greater privacy for occupants. The AIA also states that

	Item	Relevant Sections	Previous Proposal – Public Hearing Report (Ex. 187)	Current Proposal – Post Hearing	Analysis
					“utilizing a crawlspace rather than a slab-on-grade foundation supports energy efficiency, promotes sustainability, and contributes to improved indoor air quality.”
2a	Building Height – conforming amendment	C § 1501; D, E, F, and G § 5100.2; I § 210.2; J § 500.1	n/a	Clarify penthouse rules to indicate that penthouses are permitted on alley lots, subject to the conditions of C § 1501.1, which limits the height, size, and use of the penthouse.	As part of staff’s examination of the rules governing height for alley lots, a potential conflict within the Regulations was identified. The Development Standards tables indicated that penthouses on alley buildings were permitted, while C § 1501.1 stated that penthouses on alley lots used for single family dwellings, flats, or conversions were not permitted. OP now proposes amendments to clarify that penthouses are permitted on alley buildings. In keeping with the intent of the existing regulations, the proposed text indicates that, as a matter of right, penthouses would not be permitted to extend above the MOR height allowance for the building. Special exceptions could be granted to go above that limit.
3	Pervious Surface in R, RF and RA zones	D, E, and F § 5100.2	Increase pervious surface requirement for alley lots from 10% to 25%. Existing special exception option still available, subject to BZA review of the criteria of § 5201.	Retain existing 10% pervious surface minimum for the smallest lots, but require 20% for lots equal to or greater than 2,000 sf. Existing special exception option still available, subject to BZA review of the criteria of § 5201.	<p>OP and DOEE’s initial proposal was based on feedback from our ANC outreach that indicated concern about flooding in alleys. Through written and verbal feedback and testimony, the Commission, AIA, other organizations, and members of the public suggested that the 25% requirement would be difficult to achieve on alley lots and could impair the development potential of those properties.</p> <p>OP worked with DOEE to arrive at the revised proposed text, which draws from the tiered approach that exists for street-facing lots in the RF zones and was suggested as a possible model by some of the submitted testimony. The proposed text attempts to find a middle ground by maintaining the 10% requirement for the smallest lots, but requiring 20% for lots equal to or larger than 2,000 sf. DOEE</p>

	Item	Relevant Sections	Previous Proposal – Public Hearing Report (Ex. 187)	Current Proposal – Post Hearing	Analysis
					<p>stated in conversations with OP that the revised proposal will help to reduce potential localized flooding and runoff from alley lot development during storm events. Special exception relief would still be possible.</p> <p>Please refer to the table at Attachment 3 for a comparison of street-facing lot existing pervious surface requirements and alley lot existing and proposed pervious surface requirements.</p>
4	Yard dimensions	D § 5100.2	<p>Increase yard requirements in R-1 and R-2 to 25’ and 20’, respectively, where they abut the rear yard of a street-facing lot.</p> <p>Other yards where abutting another lot would be 8’ and 5’, respectively. Existing special exception option still available, subject to BZA review of the criteria of § 5201.</p>	<p>Propose a reduced yard reqmt., relative to the previous proposal, in R-1 and R-2 to 15’ and 10’, respectively, where they abut the rear yard of a street-facing lot.</p> <p>Other yards where abutting another lot would be 8’ and 5’, respectively. Existing special exception option still available, subject to BZA review of the criteria of § 5201.</p>	<p>OP’s initial proposal was based on feedback received during our public outreach indicating a desire for greater open space where alley lots abut street-facing lots in low-density zones. Based on testimony and Commission feedback provided at the hearing, OP now proposes a revised yard requirement that should still provide greater open space in those zones relative to current standards, but simultaneously provide additional flexibility for the potential footprint for alley buildings. Special exception relief would still be possible.</p>
5	BZA Standards for Review	C § 306.5, I § 210.5 and U § 601.1(f)	<p>Include environmental impacts among items to be considered by the Board</p>	<p>In addition to previously proposed amendment, clarify review standards so that the BZA must</p>	<p>OAG recommended clarification of BZA standards for review, to provide certainty for the Board, staff, applicants and the public as to the criteria used to grant special exceptions. The present proposed text is based on OAG’s proposed text in Exhibit 185, p. 16, which is itself taken</p>

	Item	Relevant Sections	Previous Proposal – Public Hearing Report (Ex. 187)	Current Proposal – Post Hearing	Analysis
				find that there is no adverse impact to the nearby properties.	from existing Subtitle I § 210.5. OP worked with OAG to further refine the text, and OAG supports the draft as written. Please see OAG’s email indicating support of the text amendment in Attachment 4.
6	Special Exception Criteria for Residential Use	U § 601.1(f), and conforming amendment at X § 1001.3	[See text at Exhibit 187, p. 42]	Keep same intent of the proposed regulations, but with revised and simplified criteria.	<p>OAG recommended clarification of what provisions the BZA could waive by special exception and what additional requirements the applicant would still have to meet. OP agrees with OAG and revised the proposed text of U § 601.1(f)(1)-(3) in a manner similar to that proposed by OAG at Exhibit 185, pp. 14-15. OP worked with OAG to further refine the text, and OAG supports the draft as written. Please see OAG’s email indicating support of the text amendment in Attachment 4.</p> <p>In addition, OP had proposed amendments in Subtitle X to clarify the types of variances that certain relief would require. The updated text in Subtitle X simply reflects the change in section references to Subtitle U.</p>
7	Technical correction to wording of Subtitle J	J § 500.1(f)	GAR requirement: “As stated for the zone”.	Revise GAR requirement to state “As required by zone”.	The proposed language would match existing and proposed language in Subtitles G and I.
8	Technical correction to text of Subtitle U	U § 600.1(f)	[See text at Exhibit 187, pp. 39-40]	Keep same intent of proposed regulations, but slightly revised for internal consistency.	During staff’s internal review, it was noted that Subtitle U §§ 600.1(f)(3)-(5) were structured slightly differently from each other, despite conveying similar permissions. The text has been made internally consistent in its structure, and retains the intent for the residential use permissions in different zones.
9	Items reviewed but not changed (subdivision, accessory units,	-	-	-	Some oral and written testimony suggested other changes such as smaller MOR subdivision sizes; Reduced lot area requirements for MOR accessory units or two principal units; Apartment buildings as a possible use in RA zones; And

	Item	Relevant Sections	Previous Proposal – Public Hearing Report (Ex. 187)	Current Proposal – Post Hearing	Analysis
	apartment buildings; lot occupancy)				<p>increased lot occupancy in low density zones.</p> <p>The text amendment as proposed is a balance between expanding development potential for alley lots while also maintaining neighborhood character and minimizing the potential for unforeseen impacts. OP agrees that in some instances outcomes like smaller subdivisions, for example, would be appropriate. But we recommend that a special exception process is the appropriate mechanism through which those proposals could be evaluated.</p> <p>Overall, OP believes the proposed text amendment achieves the goals outlined in the public hearing report, Exhibit 187, namely:</p> <ul style="list-style-type: none"> • Implement the policies of the Comprehensive Plan, especially with regard to infill development, efficient land utilization, and innovative approaches to housing development in neighborhoods while also addressing safety issues; • Implement Plan policies which seek to match the character of new development to existing communities; • Facilitate the use of vacant or underutilized alley lots where current regulations render use or development of the properties infeasible; and • Clarify the Regulations where necessary to make them easier to use by the public, and easier to administer by the ZC, BZA, and staff.

Attachment 2
Email from DDOT Regarding Elimination of Parking Requirement

Jesick, Matthew (OP)

From: Ozberk, Erkin (DDOT)
Sent: Thursday, February 19, 2026 3:32 PM
To: Jesick, Matthew (OP)
Cc: Hagen, Noah (DDOT); Bridges, Kelsey (DDOT)
Subject: ZC Case No. 25-06 Post-Hearing Memo

Follow Up Flag: Follow up
Flag Status: Flagged

Good Afternoon Matt,

Based on our past coordination on ZC Case No. 25-06, DDOT shared we had no objection to the proposal put forward to the Zoning Commission, as referenced in OP's 1/2/26 Report ([Exhibit 187](#)). Following public testimony at the 1/12/26 Hearing for ZC Case No. 25-06, OP requested if DDOT had a position on a further amendment to the zoning language, specifically Subtitle C, Sec. 702.4, regarding eliminating parking requirements on applicable alley lots.

Based on the map provided by OP of applicable alley lots, 1701 of 1894 (89.8%) fall within one half mile of a Metrorail station and/or one quarter mile of a High Frequency MetroBus route. As the alley lots are mostly located in areas considered walkable and transit-rich, and their build-out anticipated to be incremental and dispersed, the impacts on the transportation network are expected to be minimal. DDOT does not object to the proposal for having no required vehicle parking for the uses listed in Subtitle U Sections 600 and 601 on an alley lot and supports this further amendment.

Please feel free to include this email in your post-hearing submission to the Zoning Commission.

Thank you,

Erkin

Erkin Ozberk (he/him)
Development Review Program Manager
Neighborhood Planning Branch

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Attachment 3
Pervious Surface Requirements Comparison Table

Minimum Pervious Surface Requirements					
		= Original text amendment but now revised			= Post-hearing proposal
Zone	Lot Area	Existing – Street-Facing Lots*	Existing – Alley Lots	Alley Lots – Proposed in original text amendment draft	Alley Lots – Proposed – Post Hearing
R-1	Any	50%	10%	25%	
R-2	Any	30%	10%	25%	
R-3	Any	20%	10%	25%	
All R Zones	< 2,000 sf				10%
All R Zones	= or > 2,000 sf				20%
RF					
	< 1,800 sf	0%	10%	25%	10%
	= > 1,800 but < 2,000 sf	10%	10%	25%	10%
	= or > 2,000 sf	20%	10%	25%	20%
RA					
	Any	n/a [GAR applies]	10%	25%	
	< 2,000 sf				10%
	= or > 2,000 sf				20%

* Note: No changes proposed to street-facing-lot standards for Pervious Surface or GAR.

Attachment 4
OAG Email Regarding Updates to Text Amendment

Jesick, Matthew (OP)

From: Cain, Alexandra (OAG)
Sent: Wednesday, February 25, 2026 3:44 PM
To: Jesick, Matthew (OP)
Subject: Re: Alley Lots - Draft Text

Good Afternoon Matt,

OAG has reviewed OP's revised language for ZC Case No. 25-06 (Alley Lots) which will be included in OP's March 2nd Report to the Zoning Commission. OAG commends OP for its work on this case, particularly the way in which the revised language responds to comments provided by members of the public, District agencies including OAG, and the Zoning Commission. In particular OAG is very supportive of the changes exempting alley lots from parking requirements, and further clarifications to the development standards and special exception criteria. OAG believes that the revised amendment will facilitate development of alley lots throughout the District with critically needed residential units, while ensuring compatibility with the surrounding neighborhoods.

OAG supports the revised language of the amendment and again, commends OP on its hard work and responsiveness.

Regards,

Alexandra L. Cain, AICP
Special Counsel for Equitable Land Use
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Attachment 5
FEMS Memo Regarding Alley Width Requirements



Government of the District of Columbia
Fire and Emergency Medical Services Department



John A. Donnelly, Sr.
Fire and EMS Chief

FIRE PREVENTION DIVISION

ATTN: DC Office of Planning

The Fire and Emergency Medical Services Department (FEMS) Fire Prevention Division reviewed the Office of Planning’s proposed zoning text amendment for alley lot regulations (ZC #25-06), including the original proposal to permit matter of right subdivisions, and matter of right residential use in all cases, on alleys of 15 feet in width.

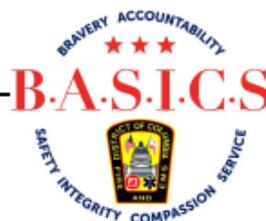
A 15-foot alley width as a matter of right is not supported and will not be approved by this Office due to operational and safety disadvantages associated with fire apparatus access and deployment.

DC Fire Department apparatus require sufficient width for safe maneuvering, including adequate turning radius and positioning to place vehicles into proper operating locations. This includes the deployment of outriggers on ladder trucks, which extend beyond the body of the vehicle to provide stabilization for raising and operating the main aerial ladder. Engine companies also require sufficient space for hose deployment operations.

In addition, adequate clearance is necessary to allow apparatus doors to fully open for crew members to safely exit the vehicle. Compartment doors must also be opened to access equipment, which further increases the effective operating width of the apparatus during emergency response.

The Fire Prevention Division does support the existing special exception process for reviewing residential uses on alleys that do not meet the matter of right standard, as well as the proposed special exception for subdivisions on alleys that do not meet the matter of right standard.

899 North Capitol Street, NE
Suite 3100
Washington, DC 20002



phone: (202) 673-3320
facsimile: (202) 462-0807
website: www.fems.dc.gov

For these requests, we will evaluate specific alleys on a case-by-case basis. A review of the proposed configuration will be considered, and an onsite evaluation will be conducted to determine whether safe access, positioning, and operational requirements can be met at widths less than the matter of right standard. If the site conditions support safe, effective, and efficient operations, the Fire Marshal would then consider approval of the special exception.

To be clear in our evaluation and determination for exemption, not all properties are suitable for reduced widths. Physical constraints such as light poles, utility obstructions, curb heights, garage setbacks, and other encroachments may prevent safe access and operation.

It is the Fire Department's, and specifically the Fire Prevention Division's policy to provide apparatus access to all residential and commercial properties within the District of Columbia. That is why we currently require a set 24-foot alley, to ensure the safest and most effective and efficient operations regarding life safety, incident stabilization and property conservation to the residents, visitors and structures within the District of Columbia.

For these reasons, a change from the required 24-foot alley widths to automatically allow for a 15-foot alley width without the request and approval of a variance will not be approved.

Regards,



Tony A. White, II
Assistant Fire Marshal

Attachment 6
Draft Zoning Text Amended Since the Public Hearing

Subtitle C – Section 306, Alley Lot Subdivision

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) Have alley frontage of not less than fourteen feet (14 ft); Minimum lot width standards prescribed in the zone do not apply;
- (d) Meet the lot area standards applicable for non-Alley Lots in the same zone, except that:
 - (1) In any R-2, R-3 and RF zones, the minimum area shall be the minimum required, regardless of building type; and
 - (2) If no minimum lot area standard is provided in the zone, the Alley Record Lot shall be a minimum of eighteen hundred square feet (1,800 sq. ft.) of lot area; and
- (e) 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);
 - (6) Department of Energy and the Environment (DOEE); and
 - ~~(7)~~ If a historic district or historic landmark is involved, the Historic Preservation Office (HPO).

306.5 A proposed subdivision of an alley lot that does not meet the requirements of Subtitle C § 306.1 may be approved by the Board of Zoning Adjustment as a special exception under Subtitle X, Chapter 9, and subject to the following requirements:

- (a) The requirements of Subtitle C § 306.1(e) shall still be met;
- (b) The lot or lots connect to an improved public street through an improved alley or system of alleys that provides adequate public safety, and infrastructure availability; and

- (c) 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);
 - (6) Department of Energy and the Environment (DOEE); and
 - (7) If a historic district or historic landmark is involved, the Historic Preservation Office (HPO).
- (d) The Board of Zoning Adjustment shall determine, after considering relevant agency comments concerning transportation and parking, waste management, public safety, water and sewer services, environmental impact, and historic preservation, if applicable, that granting the special exception would not result in undue adverse impacts to nearby properties.

Subtitle C – Section 702.4, Vehicle Parking Exemptions

702.4 Vehicle parking shall not be required:

- (a) For a building containing a single principal dwelling unit or flat within the R or RF zone, if the lot does not have access to an open, improved, and public alley with a right of way of ten feet (10 ft.) width minimum;
- (b) Within the D zones, except:
 - (1) Parking requirements applicable to a disposition lot as defined in the Urban Renewal Plan for the Downtown Urban Renewal Area shall be as specified in that plan; and
 - (2) Within the D-5 zone west of 20th Street N.W., parking shall be required in accordance with Subtitle C §§ 701.5 and 702.1;
- (c) Within the SEFC or USN zones;
- (d) On any property within the CG zones that has frontage on or is located east of South Capitol Street;
- (e) Within the MU-11 zone; ~~or~~
- (f) For structures erected on Kingman and Heritage Islands, for which the construction of parking spaces shall be prohibited except for handicap spaces; or
- (g) In all zones, any use on an alley lot listed as a matter of right or special exception use under Subtitle U §§ 600 and 601.

Subtitle C – Section 1501, Penthouse Uses

1501 USES

1501.1 A penthouse or rooftop structure may house mechanical equipment, or any use permitted within the zone, except that penthouse space shall be restricted as follows:

- (a) Within residential zones in which the building is limited to ~~thirty-five feet (35 ft.)~~ or a maximum of forty feet (40 ft.) ~~or less, maximum,~~ the penthouse use shall be limited to penthouse mechanical space and ancillary space associated with a rooftop deck, to a maximum area of twenty percent (20%) of the building roof area dedicated to rooftop unenclosed and uncovered deck, terrace, or recreation space;
- (b) Notwithstanding the requirements of paragraph (a), penthouse space shall only be permitted on the roof of a single household dwelling or flat in any zone, or on the roof of an apartment house converted pursuant to Subtitle U § 320.2, if it:
 - ~~(1) — Is not located on an alley lot;~~
 - (12) Is located entirely within the matter of right permitted height for the building, or the special exception permitted height for the building when authorized by the Board of Zoning Adjustment;
 - (23) Is a maximum of nine feet (9 ft.) in height and one (1) story; and
 - (34) Contains only stair or elevator access to the roof plus a maximum of thirty square feet (30 sq. ft.) of space ancillary to a rooftop deck or terrace;
- (c) Penthouse space that satisfies the requirements of paragraph (b) of this subsection except that it would not satisfy Subtitle C § 1501.1(b)(1) ~~be partially or entirely above the matter of right permitted height for the building,~~ shall only be permitted if approved by the Board of Zoning Adjustment as a special exception under Subtitle X, Chapter 9;
- (d) An eating and drinking establishment located within a penthouse habitable space, or on a rooftop deck on the highest roof of the building, shall only be permitted if approved by the Board of Zoning Adjustment as a special exception under Subtitle X, Chapter 9; or
- (e) On any building within an area bound by I Street, N.W., to the north; Constitution Avenue, N.W., to the south; 19th Street, N.W., to the west, and

13th Street, N.W., to the east, penthouse habitable space or publicly accessible rooftop deck on the highest roof of the building, shall be permitted only if approved by the Board of Zoning Adjustment as a special exception under Subtitle X, Chapter 9, after consultation with the US Secret Service to determine whether security concerns exist.

Subtitle D – Chapter 51, R Zones Alley Lot Development Standards

CHAPTER 51 ALLEY LOT REGULATIONS FOR RESIDENTIAL HOUSE (R) ZONES

5100 GENERAL PROVISIONS

5100.1 The purposes of this section are to:

- (a) Facilitate the re-use of existing alley buildings and the use of vacant or underutilized alley lots;
- (b) Ensure that alley buildings are compatible with the surrounding built environment;
- (c) Provide for additional housing options and opportunities, and smaller-scale and low-impact non-residential uses; and
- (d) In low-density zones, ensure adequate open space consistent with those zones.

5100.2~~1~~ The following development standards shall apply to buildings and structures on Alley Record Lots in the R zones, and are intended to achieve the purposes of Subtitle D § 5100.1. The base zone development standards shall also apply except as specifically modified by this chapter. In the event of a conflict between the provisions of this chapter and other regulations of this title, the provisions of this chapter shall control.÷

TABLE D § 5100.21: ALLEY LOT DEVELOPMENT STANDARDS (R)		
(a)	Maximum Height	25 0 ft. and 2 stories, including the penthouse
(b)	Maximum Lot Occupancy – Any R-1 or R-2 zone	
	<u>Less than 3,000 sq. ft. of lot area</u>	<u>80%</u>
	<u>Less than 5,000 sq. ft. of lot area but greater than or equal to 3,000 sq. ft. of lot area</u>	<u>60%</u>
	<u>5,000 square feet of lot area or more</u>	<u>40%</u>
(c b)	Maximum Lot Occupancy – Any R-3 zone	
	Less than 1,800 sq. ft. of lot area	<u>No maximum</u> N/A
	Between 1,800 and 2,000 sq. ft. of lot area	90%
	Over 2,000 sq. ft. of lot area	80%
(d e)	Minimum Rear -Yard Dimensions	
	<u>Any R-1 Zone</u>	<u>15 ft. from any lot line that is also the rear lot line of a street-facing lot;</u> <u>85 ft. from any other lot line abutting another lot-of all abutting non-Alley Lots</u>

TABLE D § 5100.21: ALLEY LOT DEVELOPMENT STANDARDS (R)		
	<u>Any R-2 Zone</u>	<u>10 ft. from any lot line that is also the rear lot line of a street-facing lot;</u> <u>5 ft. from any other lot line abutting another lot</u>
	<u>Any R-3 Zone</u>	<u>5 ft. from any portion of a lot line that abuts any non-Alley Lot;</u> <u>None required for that portion of the Alley Lot that does not abut a non-Alley Lot.</u>
(d)	Minimum Side Yard	5 ft. from any lot line of all abutting non-Alley Lots
<u>(e)</u>	<u>Front Setback</u>	<u>N/A</u>
<u>(f)</u>	<u>Minimum Alley Centerline Setback</u>	<u>7.5 ft. from the centerline of all abutting alleys</u>
<u>(g)</u>	<u>Minimum Pervious Surface</u>	<u>10%</u>
	<u>Less than 2,000 sq. ft. of lot area</u> <u>2,000 sq. ft. of lot area or more</u>	<u>20%</u>

5100.32

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

Subtitle E – Chapter 51, RF Zones Alley Lot Development Standards

CHAPTER 51 ALLEY LOT REGULATIONS FOR RESIDENTIAL FLAT (RF) ZONES

5100 GENERAL PROVISIONS

5100.1 The purposes of this section are to:

- (a) Facilitate the re-use of existing alley buildings and the use of vacant or underutilized alley lots;
- (b) Ensure that alley buildings are compatible with the surrounding built environment; and
- (c) Provide for additional housing options and opportunities, and smaller-scale and low-impact non-residential uses.

5100.2~~1~~ The following development standards shall apply to buildings and structures on Alley Record Lots in the RF zones, and are intended to achieve the purposes of Subtitle E § 5100.1. The base zone development standards shall also apply except as specifically modified by this chapter. In the event of a conflict between the provisions of this chapter and other regulations of this title, the provisions of this chapter shall control.

TABLE E § 5100.21: ALLEY LOT DEVELOPMENT STANDARDS (RF)	
(a) Maximum Height	2 5 0 ft. and 2 stories, including the penthouse
(b) Maximum Lot Occupancy	
Less than 1,800 sq. ft. of lot area	<u>No maximum</u> N/A
<u>Less than 2,000 sq. ft. of lot area but greater than or equal to 1,800 sq. ft. of lot area</u> Between 1,800 and 2,000 sq. ft. of lot area	90%
Over 2,000 sq. ft. of lot area <u>or more</u>	80%
(c) Minimum Rear Yard <u>Dimensions</u>	5 ft. from any <u>portion of a lot line that abuts any of all abutting non-Alley Lots;</u> <u>None required for that portion of the Alley Lot that does not abut a non-Alley Lot.</u>
(d) Minimum Side Yard	5 ft. from any lot line of all abutting non-Alley Lots
<u>(d) Front Setback</u>	<u>N/A</u>
(e) Minimum Alley Centerline Setback	7.5 ft. from the centerline of all abutting alleys

TABLE E § 5100.21: ALLEY LOT DEVELOPMENT STANDARDS (RF)			
(f)	Minimum Pervious Surface	<u>Less than 2,000 sq. ft. of lot area</u>	10%
		<u>2,000 sq. ft. of lot area or more</u>	<u>20%</u>

5100.32 Uses on Alley Lots shall be as permitted in Subtitle U, Chapter 6.

Subtitle F – Chapter 51, RA Zones Alley Lot Development Standards

CHAPTER 51 ALLEY LOT REGULATIONS FOR RESIDENTIAL APARTMENT (RA) ZONES

5100 GENERAL PROVISIONS

5100.1 The purposes of this section are to:

- (a) Facilitate the re-use of existing alley buildings and the use of vacant or underutilized alley lots;
- (b) Ensure that alley buildings are compatible with the surrounding built environment; and
- (c) Provide for additional housing options and opportunities, and smaller-scale and low-impact non-residential uses.

5100.2¹ The following development standards shall apply to buildings and structures on Alley Record Lots in RA zones, and are intended to achieve the purposes of Subtitle F § 5100.1. The base zone development standards shall also apply except as specifically modified by this chapter. In the event of a conflict between the provisions of this chapter and other regulations of this title, the provisions of this chapter shall control.²

TABLE F § 5100.1: ALLEY LOT DEVELOPMENT STANDARDS (RA)			
(a)	Maximum Height	<u>25</u> 0 ft. and 2 stories, including the penthouse	
(b)	<u>Lot Occupancy</u>		
	<u>Less than 1,800 sq. ft. of lot area</u>	<u>No maximum</u>	
	<u>Less than 2,000 sq. ft. but greater than or equal to 1,800 sq. ft. of lot area</u>	<u>90%</u>	
	<u>2,000 sq. ft. of lot area or more</u>	<u>80%</u>	
(c)	Minimum Rear-Yard <u>Dimensions</u>	5 ft. from any <u>portion of a lot line that abuts any</u> of all abutting non-Alley Lots; <u>None required for that portion of the Alley Lot that does not abut a non-Alley Lot.</u>	
(e)	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	<u>Less than 2,000 sq. ft. of lot area</u>	10%
		<u>2,000 sq. ft. of lot area or more</u>	<u>20%</u>

5100.3² Uses on Alley Lots shall be as permitted in Subtitle U, Chapter 6.

Subtitle G – Chapter 51, MU Zones Alley Lot Development Standards

CHAPTER 51 ALLEY LOT REGULATIONS FOR MIXED-USE (MU) ZONES

5100 GENERAL PROVISIONS

5100.1 The purposes of this section are to:

- (a) Facilitate the re-use of existing alley buildings and the use of vacant or underutilized alley lots;
- (b) Ensure that alley buildings are compatible with the surrounding built environment; and
- (c) Provide for additional housing options and opportunities, and commercial uses;

5100.2~~1~~ The following development standards shall apply to buildings and structures on Alley Record Lots in the MU zones, and are intended to achieve the purposes of G § 5100.1. The base zone development standards shall also apply except as specifically modified by this chapter. In the event of a conflict between the provisions of this chapter and other regulations of this title, the provisions of this chapter shall control.;

TABLE G § 5100.21: ALLEY LOT DEVELOPMENT STANDARDS (MU)	
(a) Maximum Height	
MU-6, MU-8, MU-9, MU-10, and MU-15 zones	30 ft. and 3 stories, including a penthouse or rooftop structure
All other MU zones	25 0 ft. and 2 stories, including the penthouse or rooftop structure
(b) <u>Maximum Lot Occupancy</u>	<u>No Maximum</u>
(c b) Minimum <u>Yard Dimensions</u> Rear Yard	5 ft. from any <u>portion of a lot line that abuts any of all abutting non-Alley Lots;</u> <u>None required for that portion of the Alley Lot that does not abut a non-Alley Lot.</u>
(c e) 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	As required by zone

5100.3~~2~~ Uses on Alley Lots shall be as permitted in Subtitle U, Chapter 6.

Subtitle I – Section 210, D Zones Alley Lot Development Standards

210 ALLEY LOTS

210.1 The purposes of this section are to:

- (a) Facilitate the re-use of existing alley buildings and the use of vacant or underutilized alley lots;
- (b) Ensure that alley buildings are compatible with the surrounding built environment; and
- (c) Provide for additional housing options and opportunities, and commercial uses;

210.2+ The following development standards shall apply to buildings and structures on Alley Record Lots ~~alley lots~~ in D zones, and are intended to achieve the purposes of Subtitle I § 210.1. The base zone development standards shall also apply except as specifically modified by this chapter. In the event of a conflict between the provisions of this chapter and other regulations of this title, the provisions of this chapter shall control.÷

<u>TABLE I § 210.2: ALLEY LOT DEVELOPMENT STANDARDS (D)</u>		
<u>(a)</u>	<u>Maximum Height</u>	<u>30 ft and 3 stories</u>
<u>(b)</u>	<u>Maximum Lot Occupancy</u>	<u>No Maximum</u>
<u>(c)</u>	<u>Minimum Yard Dimensions</u>	<u>5 ft. from any portion of a lot line that abuts any non-Alley Lot;</u> <u>None required for that portion of the Alley Lot that does not abut a non-Alley Lot.</u>
<u>(d)</u>	<u>Minimum Alley Centerline Setback</u>	<u>7.5 ft. from the centerline of all abutting alleys</u>
<u>(e)</u>	<u>Minimum Green Area Ratio</u>	<u>As required by zone</u>

~~(a) — A building or structure shall not exceed the lesser of thirty feet (30 ft.) or three (3) stories, including the penthouse, as measured from the ground level of a building wall fronting on an alley to which the alley building or structure is adjacent;~~

~~(b) — A building or structure on an alley lot shall be set back at least five feet (5 ft.) from any lot line of all abutting non-alley lots; and~~

~~(c) — A building or structure on an alley lot shall be setback at least seven and one half feet (7.5 ft.) from the centerline of all alleys the alley lot abuts.~~

210.32 With the exception of residential uses, a building or structure on an alley lot shall

be subject to the same permissions, conditions, and restrictions as matter-of-right, special exception, and prohibited uses as the zone in which the alley lot is located.

210.4~~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.

~~210.4 The residential dwelling shall meet all building code requirements for a permanent residential structure.~~

210.5 A residential use on an alley lot not meeting the access requirements of Subtitle I § 210.4(b) may be permitted by special exception if approved by the Board of Zoning Adjustment subject to Subtitle X, Chapter 9, and subject to If the Zoning Administrator or other authorized building official determines that the access from a proposed dwelling on an alley lot is insufficient to provide the intended public safety, hygiene, or other building code requirement, the application for the residential dwelling shall be referred to the Board of Zoning Adjustment for consideration as a special exception under Subtitle X, Chapter 9 with the following additional criteria:

- (a) 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);

(6) Department of Energy and the Environment (DOEE); and

(7) If a historic district or historic landmark is involved, the Historic Preservation Office (HPO); and

(b~~a~~) The Board of Zoning Adjustment shall determines, after considering relevant agency comments concerning transportation and parking, waste management, public safety, water and sewer services, environmental impact, and historic preservation, if applicable, that: ~~waste management, traffic and parking, and public safety relating to fire concerns, there is no adverse impact to the adjoining properties; and~~

(1) Adequate public utilities and services can be provided to the alley lot dwelling and nearby properties;

(2) Granting the special exception would not adversely impact the public health and safety of the residents of the alley lot dwelling or nearby properties; and

(3) Granting the special exception would not result in undue adverse impacts to nearby properties.

~~(b) — The Board of Zoning Adjustment determines that adequate public utilities and safety can be provided for the residents of the proposed dwelling and adjoining buildings.~~

210.6 The Board of Zoning Adjustment may grant as a special exception under Subtitle X, Chapter 9, and subject to the conditions of this subsection, a maximum building height of up to forty feet (40 ft.) and four (4) stories for a new or enlarged building on an Alley Record Lot, subject to the following conditions:

(a) The proposed building shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular:

(1) The light and air available to abutting or adjacent properties shall not be unduly affected;

(2) The privacy of use and enjoyment of abutting or adjacent properties shall not be unduly compromised; and

(3) The proposed building, as viewed from the street, alley, and other public way, shall not substantially visually intrude upon the character, scale and pattern of nearby buildings to a degree that

would substantially adversely effect the use or enjoyment of any abutting or adjacent property;

- (b) In demonstrating compliance with paragraph (a), the applicant shall use graphical representations such as plans, photographs, or elevation and section drawings sufficient to represent the relationship of the proposed building's height to abutting or adjacent buildings and views from public ways; and
- (c) The Board of Zoning Adjustment may require special treatment in the way of design, screening, exterior or interior lighting, building materials, or other features for the protection of adjacent or nearby properties, or to maintain the general character of the nearby area.

Subtitle J – Chapter 5, PDR Zones Alley Lot Development Standards

CHAPTER 5 ALLEY LOT REGULATIONS (PDR)

500 GENERAL PROVISIONS

500.1 The following development standards shall apply to buildings on Alley Record Lots in PDR zones. The base zone development standards shall also apply except as specifically modified by this chapter. In the event of a conflict between the provisions of this chapter and other regulations of this title, the provisions of this chapter shall control.

(a) Maximum Height	
If the alley lot is located in a square with R or RF zoned properties	250 ft., including the penthouse
All other alley lots	30 ft., including the penthouse
(b) <u>Maximum Lot Occupancy</u>	<u>No Maximum</u>
(c) (b) Minimum <u>Yard Dimensions</u> Rear Yard	5 ft. from any <u>portion of a lot line that abuts any</u> of all abutting non-Alley Lots; <u>None required for that portion of the Alley Lot that does not abut a non-Alley Lot.</u>
(e) 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) <u>Transition setbacks</u>	<u>As required by zone</u>
(f) <u>Green Area Ratio</u>	<u>As required by zone</u>

Subtitle U – Chapter 6, Alley Lot Use Permissions

600 MATTER-OF-RIGHT USES ON ALLEY LOTS (R, RF, AND RA)

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 of an alley lot on the alley lot in a tent, wagon, van, automobile, truck, or trailer, subject to the following conditions:
 - (1) The use shall be located so that it is not likely to become objectionable to adjoining and nearby property because of noise, traffic, parking, lighting, sanitation, or otherwise objectionable conditions;
 - (2) Open fires shall not be permitted; and

- (3) The use shall not be for more than two (2) consecutive weeks and no more than one (1) month per calendar year;
- (d) Community solar facility, subject to the following conditions:
 - (1) Roof-mounted solar array of any size; or
 - (2) Ground-mounted solar array, subject to the following requirements:
 - (A) Measures no greater than twenty feet (20 ft.) in height;
 - (B) Has an aggregate panel face area of one-and-one half (1.5) acres or less;
 - (C) Meets the yard and height development standards of the zone; and
 - (D) Where the panels are sited no less than forty feet (40 ft.), including any intervening street or alley, from an adjacent property in the R, RF, or RA-1 zone.
- (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 limitations:

~~(1) The Alley Lot is not wholly or partially within any of the R-1 or R-2 zones;~~

~~(12)~~ 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;

(2) In any R-1 or R-2 zone, a residential use is permitted only on an alley record lot existing as of [EFFECTIVE DATE OF THE REGULATIONS], or an alley record lot subdivided from an alley lot existing as of [EFFECTIVE DATE OF THE REGULATIONS], or an alley lot existing as of [EFFECTIVE DATE OF THE REGULATIONS] and expanded in land area to form a new alley record lot;

(3) In any R zone, the use shall be limited to one (1) principal dwelling unit, except that one (1) accessory apartment shall be permitted, per lot; accessory apartments are not permitted subject to the conditions of U § 253 and the following lot area minimums;

TABLE U § 600(f)(2): MINIMUM LOT AREA FOR MATTER OF RIGHT ACCESSORY APARTMENT ON AN ALLEY LOT	
<u>Zone</u>	<u>Lot Area Minimum (sq. ft.)</u>
<u>Any R-1A zone</u>	<u>7,500</u>
<u>Any R-1B zone</u>	<u>5,000</u>
<u>Any R-2 zone</u>	<u>3,000</u>
<u>Any R-3 zone</u>	<u>2,000</u>

(4) In any RF zone, the use shall be limited to one principal dwelling unit, except that two principal units shall be permitted on lots that have 1,800 square feet of lot area or more;

(5) In any RA zone, the use shall be limited to two principal dwelling units;

~~(6)~~ 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 no

or alleys with an alley width of not less than fifteen feet (15 ft.) at any point; and

(~~7~~ 5) ~~A~~The dwelling unit may also contain a parking garage for use by residents of the dwelling.

(g) Short-Term Rental as an accessory use to a principal residential use.

(h) Home occupations, pursuant to U § 251.

601 SPECIAL EXCEPTION USES ON ALLEY LOTS (R, RF, AND RA)

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 of abode in any tent, wagon, van, automobile, truck, or trailer of any description shall be permitted on an alley lot when not accompanied by the property owner, unless approved as a special exception subject to the following conditions:

(1) The use shall be located so that it is not likely to become objectionable to adjoining and nearby property because of noise, traffic, parking, lighting, sanitation, or otherwise objectionable conditions;

(2) Open fires shall not be permitted; and

(3) The use shall not be approved for more than two (2) consecutive weeks and no more than one (1) month per calendar year;

- (d) Community solar facility not meeting the requirements of Subtitle U § 600.1(d), subject to the following:
 - (1) Provision of a landscaped area at least five feet (5 ft.) wide facing public space, residential use, or parks and recreation use, regardless of zone, that:
 - (A) Maintains as many existing native trees as possible;
 - (B) Includes a diverse mix of native trees, shrubs, and plants, and avoids planting a monoculture;
 - (C) Ensures all trees measure a minimum of six feet (6 ft.) in height at the time of planting; and
 - (2) The Application, including the landscape plan, shall be referred to the District Department of Energy and Environment for review and report;
- (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 any of the R-1 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;~~
 - (1) The Board of Zoning Adjustment shall not grant special exception relief from the requirements of Subtitle U § 600.1(f)(1)-(2);
 - (2) In any R zone, the Board of Zoning Adjustment may grant special exception relief from the lot area minimums of Subtitle U §

- 600.1(f)(3) required for one (1) accessory apartment per lot; The use shall be limited to a maximum of one (1) principal dwelling unit and one (1) accessory apartment per lot;
- (3) In any RF zone, ~~the~~ Board of Zoning Adjustment may grant special exception relief from the lot area minimum of Subtitle U § 600.1(f)(4) required for two (2) principal units per lot; The use shall be limited to a maximum of ~~two~~ ~~one (1)~~ principal dwelling units 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);
- (F) Department of Energy and the Environment (DOEE); and
- (~~G~~) If a historic district or historic landmark is involved, the Historic Preservation Office (HPO); and
- (~~7~~ 6) The Board of Zoning Adjustment shall determine, after considering relevant agency comments concerning transportation and parking, waste management, public safety, water and sewer services, environmental impact, and historic preservation, if applicable, that:
- (A) Adequate public utilities and services can be provided to the alley lot dwelling and nearby properties;
- (B) Granting the special exception would not adversely impact the public health and safety of the residents of the alley lot dwelling or nearby properties; and

(C) Granting the special exception would not result in undue adverse impacts to nearby properties. ~~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 use authorized in this section shall be located in a building containing more than twenty-five hundred square feet (2,500 sq. ft.) of gross floor area;
 - (2) Any use authorized in this section shall not be likely to become objectionable because of noise, traffic, or number of employees;
 - (3) The alley upon which the use is to be located shall be readily negotiable by any truck necessary for the proposed operation; and
 - (4) 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.

602 USES ON ALLEY LOTS IN THE NONRESIDENTIAL ZONES

- 602.1 Any matter-of-right use permitted within a zone in which an alley lot is located other than an R, RA, or RF zone shall be permitted as a matter of right use on the alley lot, subject to the same conditions or limitations.
- 602.2 Any special exception use permitted within the zone in which the alley lot is located shall be permitted as a special exception use on the alley lot, subject to the same conditions or limitations.
- 602.3 Any use not permitted within the zone in which the alley lot is located shall not be permitted on the alley lot, subject to any conditions or limitations.

602.4 Any use permitted as a matter of right pursuant to Subtitle U § 602.1 that does not comply with the required conditions for the matter-of-right use may apply for permission as a special exception.

Subtitle X, Section 1001 – Variance Types

1001 VARIANCE TYPES

1001.1 Variances are classified as area variances or use variances.

1001.2 An area variance is a request to deviate from an area requirement applicable to the zone district in which the property is located.

1001.3 Examples of area variances are requests to deviate from:

- (a) Requirements that affect the size, location, and placement of buildings and other structures such as height and FAR;
- (b) Minimum parking or loading requirements to an extent greater than what may be permitted by special exception;
- (c) Limitations on the extent to which the gross floor area of a building may be occupied by a matter of right non-residential use;
- (d) Limitations on the alteration or conversion of certain structures on alley lots as stated in Subtitle U § 601; [for residential uses specifically, the requirements of Subtitle U §§ 601.1\(f\)\(1\)](#);
- (e) The prohibition against certain enlargements and additions to nonconforming structures as stated at Subtitle C § 202;
- (f) Preconditions to the establishment of a matter of right or special exception use provided that the variance would not cause the proposed use to meet the definition of a more intense use; and
- (g) Notwithstanding paragraph (f) of this section, the minimum nine hundred square feet (900 sq. ft.) of land area per dwelling unit required by Subtitle U §§ 301.2(b), 301.5, and 320.2(b).

1001.4 A use variance is a request to permit:

- (a) A use that is not permitted matter of right or special exception in the zone district where the property is located;
- (b) A use that is expressly prohibited in the zone district where the property is located; or
- (c) An expansion of a nonconforming use prohibited by Subtitle C § 204.