

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA  
NOTICE OF PROPOSED RULEMAKING**

**Z.C. Case No. 25-06**

**Office of Planning**

**(Text Amendment to Subtitles B-G, I, J, U, and X to Regulations Governing Alley Lots)**

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(a) (2016 Repl.)), hereby gives notice of its intent to amend Subtitles B, C, D, E, F, G, I, J, U, and X 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), with the proposed text at the end of this notice.

**SETDOWN**

On May 19, 2025, the Office of Planning (OP) filed a petition (OP Setdown Report<sup>1</sup>) to the Commission proposing text amendments to facilitate the reuse of vacant or underutilized alley lots and to standardize and clarify existing alley lot regulations citywide (Exhibit [Ex.] 2). The OP Setdown Report provided background for the proposal stating that following a previous text amendment case<sup>2</sup> addressing alley lot rules, the Commission and the Board of Zoning Adjustment (BZA) requested that OP examine alley width requirements, alley lot subdivision and development standards, and potential for a special exception for subdivision relief. OP stated that, based on GIS, it estimates that there are approximately one thousand eight hundred ninety-seven (1,897) alley lots in the District, with the largest concentrations in older centrally located neighborhoods and fewer in neighborhoods located near the edge of the city. Nearly half of all alley lots, eight hundred eighty-seven (887), are located in the RF-1 zone; and many of the alley lots, six hundred sixty-one (661), have less than four hundred fifty square feet (450 s.f.) in area. The proposed amendments are intended to:

- Implement Comprehensive Plan policies that encourage infill development, efficient land utilization, innovative approaches to housing development, and new development matching the character of existing communities;
- Facilitate the use of vacant and underutilized alley lots where current regulations render use or development of properties infeasible; and
- Clarify the regulations to make them easier to use and administer.

(Ex. 2).

OP stated that primarily the proposed amendments would:

- Reduce the alley width requirement for subdivision of an alley lot;
- Establish a special exception process for alley lot subdivision relief from minimum requirements;
- Allow residential use on alleys lots in the R-1 and R-2 zones;

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<sup>1</sup> The OP Setdown report also served as the prehearing report required by Subtitle Z § 501.

<sup>2</sup> Z.C. Case No. 19-13, OP Text Amendment to Alley Lot Regulations.

- Allow a second residential unit within an alley lot building (i.e., an accessory dwelling unit or second principal unit depending on zone) based on the lot size;
- Reduce maximum lot occupancy for alley lots in R-1 and R-2 zones; and
- Increase yard requirements for alley lots in the R-1 zone.

To effectuate these changes OP proposed amendments in the main categories of alley lot subdivision, uses, and development standards to Subtitles B, C, D, E, F, G, I, J, and U (Ex. 2).

At its May 29, 2025 public meeting, the Commission expressed support for the proposed amendments and requested that OP provide additional information from the District Fire and Emergency Medical Services Department (FEMS) regarding the access and safety implications of the proposed amendments.

The Commission then voted to set down the petition for a public hearing.

### **OP Reports**

OP submitted a Setdown Report on May 19, 2025, and a Hearing Report on January 2, 2026 (hereinafter collectively, the OP Reports), which are summarized below regarding the Comprehensive Plan consistency analyses provided (Ex. 2, 187).

### **Comprehensive Plan**

The OP Reports conclude that, on balance, the proposal would not be inconsistent with the Comprehensive Plan, including when viewed through a racial equity lens, for the reasons discussed below.

*Citywide Elements* - The OP Reports conclude that the proposal would further policies of the Citywide Elements, including the Land Use, Housing, and Area Elements of the Comprehensive Plan. OP stated that the proposal addresses key equity issues, including allowing opportunities for new growth and balancing competing demands for finite land resources while minimizing impacts on adjacent residential property. OP noted that the proposal would facilitate infill development on vacant lots that create gaps in the District's urban fabric, and would facilitate the reuse of vacant lots that have been difficult to redevelop due to infrastructure or access problems, inadequate lot dimensions, fragmented or absentee ownership, or other constraints. OP stated that its proposal balances policies that seek to protect low-density and rowhouse residential neighborhoods with those that accommodate appropriate production of additional housing and a modest increase in density and more diverse housing types in residential neighborhoods. The proposal will further equity by expanding the production of housing and provide opportunities for all forms of housing throughout the District, by eliminating regulatory barriers to developing certain vacant lots, and by permitting housing to be developed in zones on lots where it is currently prohibited. The proposal thus identifies and removes unnecessary and burdensome regulations that impede important policy and regulatory goals (*Id.*).

OP also noted that many alley lots can be found in areas shown as Neighborhood Conservation Areas on the Generalized Policy Map. OP states that the proposal, intended to facilitate infill development on underutilized lots at a scale compatible with existing alley buildings and surrounding development, is consistent with Neighborhood Conservation Area guidelines, which

seek to conserve and enhance established neighborhoods without precluding development, particularly development that addresses city-wide housing needs (*Id.*).

### Racial Equity

*Community Outreach and Engagement* - The OP Reports state that alley lot owners had periodically provided feedback to OP since the approval of Z.C. Case No. 19-13,<sup>3</sup> and that OP began formal outreach to alley lot owners in October 2024. In April, October, and November 2025, OP held virtual open houses for ANC members, and had further engagement with alley owners and owner representatives. OP presented to individual ANCs that requested additional consultation, as well as other interested groups that requested a meeting. In total, OP held 15 meetings between October 2024 and December 2025. In addition, OP launched a project webpage through the OP website providing an overview of the proposal and various information; the webpage provided an email for submission of questions and comments. OP also solicited comments from other DC agencies, including the District Department of Transportation (DDOT), FEMS, the District Department of Energy and the Environment (DOEE), DC Water, and the Office of the Attorney General (OAG) (*Id.*).

OP stated that it received general support for the proposed amendments but feedback resulted in some changes to OP's proposal, both before and after setdown. Other suggestions were not incorporated into OP's proposal (*Id.*).

*Disaggregated Race and Ethnicity Data* - OP provided Districtwide disaggregated race and ethnicity data regarding population, housing cost burden, and housing tenure for the 2012-2016 and 2019-2023 time periods. OP noted that it does not anticipate the proposed amendments will result in direct or indirect displacement of tenants or residents as the intent of the proposal is to encourage additional development of vacant or underutilized lots, and such development is unlikely to be at a scale that would significantly impact a surrounding neighborhood. OP also noted that the proposed amendments could result in additional market rate housing development; given the typically smaller scale of dwellings on alley lots, it is possible that the total cost of the units could be lower than dwellings on nearby street-facing lots, which would typically be larger. OP further stated that the proposed amendments could result in the creation of new infrastructure. The zoning changes, if they result in new development, could improve the security and physical appearance of some alleys and alley lots, which can sometimes be overgrown and neglected, or even used as illegal dumping grounds (*Id.*).

### OP Hearing Report

The OP Hearing Report (Ex. 187) provided a response to the Commission's request for feedback from FEMS regarding the proposal. In its meeting with OP, FEMS expressed concern with OP's proposal to reduce the matter of right alley width for a subdivision to fifteen feet (15 ft.). FEMS expressed support to leave the matter of right alley width at twenty-four feet (24 ft.), and to allow subdivision by special exception for alleys less than twenty-four feet (24 ft.), in width to enable FEMS and community review. OP stated that FEMS had described the importance of the ability

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<sup>3</sup> Text amendments to the alley lot regulations approved in this case became final and effective on October 30, 2020 when Z.C. Order No. 19-13 was published in the *District of Columbia Register* (67 DCR 012690- 012706).

to review building proposals on a case-by-case basis, as individual alleys may differ in their configurations, as would the ability to safely access them with fire-fighting equipment.

The OP Hearing Report stated that DDOT indicated in discussions with OP that it had no concerns and supported adoption of the proposal. The OP Hearing Report contained DOEE's written comments concerning the proposal. DOEE requested that OP's proposed GAR requirement be removed, and also recommended increasing the pervious surface requirement from ten percent (10%) to twenty-five percent (25%), to assist in reducing stormwater runoff. The OP Hearing Report states that DC Water emailed OP stating that it had no comments on the proposal.

The OP Hearing Report stated OP made the following changes to the proposed text between set down and the OP Hearing Report:

- Subtitle C § 306.1(a) – Eliminate the proposal to reduce the matter of right alley width for a subdivision to fifteen feet (15 ft.) and instead retain the existing twenty-four foot (24 ft.)-foot matter of right alley width standard;
- Subtitle C § 306.1(d) – Move minimum lot area from individual subtitle development standard tables to Subtitle C;
- Subtitle C § 306.1(d) – Specify that in any R-2, R-3, and RF zones, the minimum lot area shall be the minimum required, regardless of building type;
- Subtitle U § 600.1(f)(6) and I § 210.4(b) – Eliminate the proposal to reduce the matter of right alley width for all residential uses to fifteen feet (15 ft.) and instead retain the existing standard, which includes a special exception for alleys not meeting the matter of right standard;
- Subtitle D, E, and F § 5201; G § 5200; I § 210 – Allow alley buildings up to twenty-two feet (22 ft.) as a matter-of-right, but add height to the list of development standards for alley lots for which the BZA can grant relief as a special exception. Maximum height through a special exception would be thirty-five feet (35 ft.) and three (3) stories in residential zones, and forty feet (40 ft.) and four (4) stories in commercial zones;
- Subtitle D, E, F, and G § 5100; I § 210 – Refine the purpose statements proposed for each alley lot regulation section;
- Subtitle D, E, F, and G § 5100; I § 210; J § 500 – Rear and side yard provisions in the development standard tables were combined and further clarifications were made;
- Subtitle D § 5100 – Require larger yards for R-2-zoned alley lots;
- Subtitle D and E § 5100 – Add a line to the development standard tables to clarify that front setback rules do not apply on alley lots;
- Subtitle D, E, and F § 5100 – Increase pervious surface requirements for alley lots in the R and RF zones to twenty-five percent (25%), and keep pervious surface requirement for single- and two-family dwelling units in alley lots;
- Subtitle U §§ 600 and 601 – Limit residential uses on R-2-zoned alley lots to those alley lots existing as of the effective date of the proposed alley regulations; and
- Subtitle X § 1001.3(d) – Add language to the examples of area variances to clarify that some aspects of relief from alley use regulations can be reviewed as area variances, and others must be reviewed as use variances.

(Ex. 187).

### OP First Supplemental Report

On January 6, 2026, OP filed a Supplemental Report (OP First Supplemental Report, Ex. 189) correcting the text of Subtitle U § 600.1(f)(6) that appeared on page 40 in the OP Hearing Report. Specifically, the report corrected the text of Subtitle U § 600.1(f)(6) consistent with FEMS' preference to maintain the matter of right alley width standards for residential use on alley lots. The only change to the existing zoning text was to renumber a subsection (Ex. 189).

### NOTICE

Pursuant to Subtitle Z § 502, the Office of Zoning (OZ) sent notice of the November 13, 2025 public hearing on August 19, 2025 (Ex. 47) and published notice of the public hearing in the August 29, 2025 *District of Columbia Register* (72 DCR 009289 *et seq.*) as well as on the calendar on OZ's website. (Ex. 46, 48.) The Commission published notice in the November 7, 2025 *District of Columbia Register* (72 DCR 012463 *et seq.*) that the public hearing was rescheduled to January 12, 2026.

### COMMENTS

Prior to the January 12, 2026 public hearing, the Commission received several letters in support of the proposal (Ex. 6–46,<sup>4</sup> 49–146, 148–163, 165–170, 172–186, 188, 190–206, 208–224, 226–229, 231–232). Many of the letters in support recommended amendments to the proposal to:

- Eliminate parking mandates for alley dwellings;
- Align unit limits with the limits of their zones; and
- Align height limits of alley dwellings with their zones.

A smaller number of letters in support stated that OP should reconsider increasing pervious surface requirements for alley lots; and OP should increase matter-of-right building height for alley lots from the proposed twenty-two feet (22 ft.) to twenty-five feet (25 ft.) (*See American Institute of Architects letter, Ex. 218*).

Many letters stated that the proposed text amendments align with the District's goal to support equitable and inclusive growth, that alley lots increase safety through active usages and enhance community character, and that the amendments would help make more efficient use of underutilized land in neighborhoods.

In addition to members of the public, the Commission received letters in support from ANCs and District agencies. The following summarizes the main points raised in the letters but is not intended to be an exhaustive list of every issue raised.

ANC 1A – ANC 1A submitted a report stating that at a public and properly noticed public meeting on December 17, 2025, with a quorum of 10 of 10 Commissioners present, ANC 1A voted 10-0-0 to support the OP Setdown Report. ANC 1A asked the Commission to (Ex. 186):

- Allow parking flexibility for alley homes rather than impose arbitrary mandates;
- Align unit limits with the underlying zone; and
- Align height limits to the underlying zone.

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<sup>4</sup> Both the August 19, 2025 Public Hearing Notice, and August 20, 2025 Letter in Support by Matthew Bank, are labeled as Ex. 46 on the docket.

ANC 2E – ANC 2E submitted a report stating that at a public and properly noticed public meeting on November 3, 2025, with a quorum of 8 of 8 Commissioners present, ANC 2E voted 8-0-0 to support the OP Setdown Report. ANC 2E asked the Commission to direct OP to do the following:

- Clarify whether the proposed amended Section U 600.1 would enable the use of alley dwellings for short-term rentals as an accessory use;
- Confirm that the proposal will allow for no more than two stories with no penthouse option, including special exception; and
- Confirm whether parking is allowed.

(Ex. 177.)

ANC 3E – ANC 3E submitted a report stating that at a public and properly noticed public meeting on October 9, 2025, with a quorum of 7 of 7 Commissioners present, ANC 3E voted 7-0-0 to support the OP Setdown Report, if OP removes parking minimums for alley lots. (Ex. 175.)

ANC 4D – ANC 4D submitted a report indicating its support for the OP Setdown Report. ANC 4D asked the Commission to:

- Allow parking flexibility for alley homes;
- Align unit limits with the underlying zone; and
- Align height limits to the underlying zone.

(Ex. 181.)

ANC 6B – ANC 6B submitted a report stating that at a public and properly noticed public meeting on October 15, 2025, with a quorum present, ANC 6B voted to support the OP Setdown Report. ANC 6B asked the Commission to:

- Remove parking mandates for alley dwellings;
- Align unit limits with those of street-facing homes; and
- Ease alley height alignment limits.

(Ex. 182.)

ANC 6C – ANC 6C submitted a report stating that at a public and properly noticed public meeting on September 10, 2025, with a quorum of 7 of 7 Commissioners present, ANC 6C voted 7-0 to support the OP Setdown Report. ANC 6C stated that:

- Reducing the matter of right alley width subdivision width to fifteen feet (15 ft.) would increase the usability of alley lots and that because FEMS is experienced with dealing with ten (10) and twelve feet (12 ft.) wide alley, adding a special exception requirement is an unnecessary barrier to housing;
- Increasing matter of right alley structure height to twenty-two feet (22 ft.) will ease challenges associated with constructing housing; and
- ANC 6C supports allowing two units as a matter of right on alley lots one thousand eight hundred square feet (1,800 sq. ft.) or larger and as a special exception on smaller lots.

(Ex. 231).

Office of the Attorney General – OAG stated its overall support of the OP Reports:

- No objection to return to twenty-four foot (24 ft.) minimum alley width for subdivisions and residential uses, but continues to recommend greater clarity for special exception relief related to reduction in alley width and proximity requirements;
- Supports clarification to minimum lot dimensions in R and RF zones to tie them to the minimum required by the zone, rather than building type;
- Supports special exception relief for allowing additional height;
- Supports clarification that front setback rules do not apply to alley lots;
- Supports clarification to variance types for alley lots;

OAG recommended that OP continue to review development standards to assess potential for greater flexibility and to review special exception requirements and agency reviews to ensure clarity and efficiency. (Ex. 184, 207.) OAG noted its concern that some of the proposed changes impose additional, overly burdensome regulations on alley lots, and OAG provided specific suggestions for amended text. (See OAG proposed language, Ex. 185.)

In addition, the Commission received two letters in opposition to the proposal from the same individual (Ex. 147, 164) and one letter containing general comments (Ex. 228). The opposition letters stated that the proposal would cause congestion and neighborhood disruption, and that District tax dollars should not be used to install water and sewage lines to service new alley dwellings.

### **PUBLIC HEARING**

At the January 12, 2026 public hearing, OP presented its proposal, as revised by the OP Hearing Report (Ex. 187) and the OP First Supplemental Report (Ex. 189). OP noted that its revised proposal was the result of continued review with stakeholders such as ANCs, members of the public, alley lot owners, and government agencies. OP stated that although it could not come up with a firm estimate for the number of housing units that may be produced by the proposal, the lots most likely to develop new housing units are vacant lots, and five hundred eleven (511) of those lots meet the minimum size threshold of four hundred fifty square feet (450 sq. ft.). OP highlighted some of the major proposed amendments and Comprehensive Plan policies identified and described in further detail in the OP Reports. OP also explained that due to life and safety concerns expressed by FEMS, OP now proposes to maintain the existing alley width subdivision requirements but stressed that it continues to propose a special exception for subdivisions, and that the existing special exception for residential use would remain. In response to comments received concerning pervious surface requirements, OP offered to continue to engage stakeholders and come back to the Commission with a new resolution to present. OP also explained that it chose not to eliminate parking requirements because a parking special exception already exists and that case-by-case review was more appropriate. In response to the Commission's questions, OP explained that it proposed a twenty-two foot (22 ft.) matter of right height limit for alley buildings to align the permission to that of accessory buildings (January 12, 2026 Hearing Transcript [Tr.] at 7–14.)

The Commission heard testimony in support of the proposal, primarily citing the proposal's potential to increase housing production and to reduce unnecessary and burdensome regulations. Some proponents advocated for eliminating parking minimums, reducing the alley lot subdivision

matter of right width to fifteen feet (15 ft.), addressing setbacks, increasing matter of right height limits, and reducing the proposed pervious surface requirement (Tr. at 29–102).

The Commission did not hear any testimony in opposition. However, it heard undeclared testimony from the Committee of 100. The Committee of 100 stated that OP’s proposal would not meaningfully increase housing availability, and that it supports the proposed twenty-two-foot (22 ft.) height maximum for by-right development with greater height approved through special exception. The Committee of 100 also expressed its support to retain the existing twenty-four-foot (24 ft.) matter of right alley subdivision width. (Tr. 103–107).

At the conclusion of the public hearing, the Commission asked OP to provide a post-hearing submission addressing the following questions and issues identified during the public hearing:

- A response by FEMS on its concerns with reducing the alley lot subdivision matter of right width from twenty-four feet (24 ft.) to fifteen feet (15 ft.);
- Whether parking requirements could be eliminated;
- Whether the pervious surface requirement could be refined based on lot size;
- A response by OP to OAG’s recommendations;
- A response by OP to the suggestion to align unit and height limits with what the zone permits;
- Whether the lot area subdivision standards are too restrictive; and
- Whether the new rear yard requirement for alley lots is too restrictive.

#### OP Second Supplemental Report

In response to the Commission’s request for a post-hearing submission, OP filed a second Supplemental Report (OP Second Supplemental Report) on March 2, 2026. (Ex. 234.) Hereinafter, the OP First Supplemental Report and the OP Second Supplemental Report are collectively referred to as the OP Supplemental Reports.

The OP Second Supplemental Report contained six attachments. Attachment 1 is a Comment Response Table containing changes to the proposal that OP made based on feedback from the hearing and further review with OAG, DDOT, DOEE, and the Zoning Administrator’s (ZA) office. Attachment 2 is an email from DDOT regarding eliminating parking requirements. DDOT stated that it did not object to OP’s proposal to amend Subtitle C § 702.4 regarding eliminating parking requirements applicable on alley lots. DDOT observed that one thousand seven hundred one (1701) of one thousand eight hundred ninety-four (1894), or eighty-nine percent (89.9%) of applicable alley lots fall within one half mile of a Metrorail station and/or quarter mile of a High Frequency MetroBus route, so impacts on the transportation network are expected to be minimal. Attachment 3 contains a table comparing pervious surface requirements. Attachment 4 is an OAG email in support regarding updates to the proposal. Attachment 5 is a FEMS memo regarding alley width subdivision requirements, which explains that a fifteen-foot (15 ft.) matter of right standard could present operational and safety challenges to FEMS. And Attachment 6 is a copy of the draft zoning text amended since the January 12, 2026 public hearing. (Ex. 234).

The OP Second Supplemental Report stated OP made the following changes to the proposed text after the January 12, 2026 public hearing:

- Subtitle C § 702.4 – Eliminate parking requirements for alley lot uses identified in U §§ 600 and 601;
- Subtitle D, E, F, and G § 5100.2; J § 500.1 – Change matter of right alley building height to twenty-five feet (25 ft.) where twenty feet (20 ft.) is the current maximum (in its Setdown and Hearing Reports, OP previously proposed increasing the matter-of-right alley building height from twenty (20) to twenty-two feet (22 ft.));
- Subtitle C § 1501; D, E, F, and G § 5100.2; I § 210.2; J § 500.1 – Clarify penthouse rules to indicate that penthouses are permitted on alley lots, subject to C § 1501.1;
- Subtitle D, E, and F § 5100.2 – Retain existing ten percent (10%) pervious surface minimum for the smallest lots, but require twenty percent (20%) for lots equal to or greater than two thousand square feet (2,000 s.f.);
- Subtitle D § 5100.2 – Require fifteen-foot (15 ft.) and ten-foot (10 ft.) yard requirement in R-1 and R-2 zones, respectively, where they abut the rear yard of a street-facing lot;
- Subtitle C § 306.5; I § 210.5; U § 601.1(f) – Include environmental impacts among items to be considered by the BZA and clarify that the BZA must find that there is no adverse impact to nearby properties;
- Subtitle U § 601.1(f); X § 1001.3 – Clarified language concerning which provisions the BZA can waive by special exception and which additional requirements an applicant would still need to meet. The proposed amendment to Subtitle X reflects the change in section references to Subtitle U;
- Subtitle J § 500.1(f) – Technical correction to the wording of Subtitle J to match proposed and existing language in Subtitles G and I; and
- Subtitle U § 600.1(f) – Technical correction to the text of Subtitle U to be made internally consistent in its structure.

(*Id.*).

***“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 § 504.6; *Metropole Condo. Ass’n v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1087 (D.C. 2016)).

The Commission finds persuasive and concurs with the analyses in the OP Reports and the OP Supplemental Reports. The Commission agrees with the revisions to the proposed amendments that were made in the OP Hearing Report and the OP Supplemental Reports and concurs with OP’s recommendation that the Commission take proposed action to adopt the proposed amendments as revised. Specifically, the Commission is persuaded by OP’s Attachment 5 to the OP Second Supplemental Report, which explains that the proposed fifteen-foot (15 ft.) matter of right standard could present operational and safety challenges to FEMS therefore retaining the existing twenty-four-foot (24 ft.) matter of right standard, paired with a special exception process, strikes the appropriate balance by permitting development, while considering site-specific safety concerns. Further, the Commission does not agree with eliminating parking requirements altogether for all alley lots as suggested in many comments in the record. Rather the Commission finds OP’s proposal to eliminate parking requirements for alley lot uses identified in Subtitle U §§ 600 and 601, along with the existing special exception option still available subject to BZA review of the

criteria of Subtitle C § 703.2, to provide an appropriate balance. Additionally, the Commission agrees that changing matter of right height of alley buildings to twenty-five feet (25 ft.) will permit construction of alley buildings with greater privacy and more energy efficient buildings with crawl spaces without creating new development out of character with existing communities; and finds case-by-case special exception relief of up to thirty-five feet (35 ft.) in residential zones and forty feet (40 ft.) in commercial zones to be appropriate. The Commission also acknowledges the opposition comments to OP's original proposed increase to pervious surface requirements, and finds OP's revised tiered approach to strike the appropriate middle ground between reducing runoff and allowing sufficient development potential. The Commission finds that the proposal would not be inconsistent with the Comprehensive Plan as it would further policies of the Land Use, Housing, and Area Elements (*See Ex. 2, 187*). Further, the Commission is persuaded that the proposal would further Comprehensive Plan racial equity goals. The Commission finds that the OP Reports and OP Supplemental Reports demonstrate that OP conducted community outreach and engagement regarding the proposal with various community organizations and stakeholders, and utilized the input it received in drafting and revising the proposal. The Commission acknowledges that no direct or indirect displacement or other potential Comprehensive Plan inconsistencies have been identified, but finds any potential Comprehensive Plan inconsistencies to be outweighed by the Comprehensive Plan policies that would be advanced by the proposal. Specifically, policies that encourage infill development, efficient land utilization, innovative approaches to housing development, and new development matching the character of existing communities.

#### ***“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 § 505.1). 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. D.C. Bd. of Zoning Adjustment*, 395 A.2d 85, 91 n.10 (1978) (citation omitted)).

The Commission finds ANCs 1A, 2E, 3E, 4D, 6B, and 6C expressed the following issues and concerns listed below regarding OP's proposal. The list below is a collective list of all the issues and concerns raised followed by the Commission's response:

- Matter-of-right alley subdivision width standard should be reduced to fifteen feet (15 ft.) – The Commission does not find this advice persuasive for the reasons stated herein and in the OP Supplemental Reports. The Commission instead finds retaining the existing twenty-four-foot (24 ft.) standard, paired with special exception relief, appropriate to provide FEMS with safe alley access;
- Parking mandates should be eliminated for alley buildings – The Commission does not find this advice persuasive for the reasons stated herein and in the OP Supplemental Reports. The Commission instead finds OP's proposed elimination of parking requirements for specific alley lot uses coupled with the option for special exception relief appropriate;

- Unit limits should be aligned with the underlying zone – The Commission does not find this advice persuasive for the reasons stated herein and in the OP Supplemental Reports. Instead, the Commission finds OP’s proposal appropriately balances policy guidance for additional housing with policy guidance which seeks to match the character of new development to existing communities;
- Height limits should be aligned with the underlying zone – The Commission does not find this advice persuasive for the reasons stated herein and in the OP Supplemental Reports. The Commission finds that the proposed twenty-five-foot (25 ft.) matter of right standard coupled with the proposed special exception relief of thirty-five feet (35 ft.) and three (3) stories in residential zones and forty feet (40 ft.) and four (4) stories in commercial zones strikes the appropriate balance between reasonable housing development and an opportunity for review of potential impacts on adjacent lots and overall character;
- Two-story height and penthouse prohibition – The Commission does not find this advice persuasive for the reasons stated herein and in the OP Supplemental Reports; and
- Short-term rental clarification – The Commission notes that under Subtitle U § 600.1(g), short-term rental is a permitted accessory use to a principal residential use.

**PROPOSED ACTION**

At the conclusion of the March 12, 2026 public meeting, the Zoning Commission voted to take **PROPOSED ACTION** to:

- Adopt the Petition, as revised by the OP Hearing Report and the OP Supplemental Reports; and
- Authorize the publication of a Notice of Proposed Rulemaking (NOPR).

**VOTE (March 12, 2026):**     **5-0-0**                    (Joseph S. Imamura, Anthony J. Hood, Robert E. Miller, Tammy Stidham, and Gwen Wright to **APPROVE**)

Final rulemaking action shall be taken not less than thirty (30) days from the date of publication of this notice of proposed rulemaking in the *District of Columbia Register*.

All persons desiring to comment on the subject matter of this proposed rulemaking action should file comments in writing no later than thirty (30) days after the date of publication of this notice in the *District of Columbia Register*. Comments should be filed with Sharon Schellin, Secretary to the Zoning Commission, Office of Zoning, through the Interactive Zoning Information System (IZIS) at <https://app.dcoz.dc.gov/Login.aspx>; however, written statements may also be submitted by mail to 441 4<sup>th</sup> Street, N.W., Suite 200-S, Washington, D.C. 20001; by e-mail to [zcsubmissions@dc.gov](mailto:zcsubmissions@dc.gov); or by fax to (202) 727-6072. Ms. Schellin may be contacted for inquiries by telephone at (202) 727-6311 or by email at [Sharon.Schellin@dc.gov](mailto:Sharon.Schellin@dc.gov). Copies of this proposed rulemaking action may be obtained at cost by writing to the above address.

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

**PROPOSED TEXT AMENDMENT**

The proposed amendments to the text of the Zoning Regulations are as follows) text to be deleted is marked in ~~bold and strikethrough~~ text; new text is shown in **bold and underline** text).

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

**A. Chapter 3 GENERAL RULES OF MEASUREMENT, § 308, RULES OF MEASUREMENT FOR BUILDING HEIGHT: RESIDENTIAL ZONES AS DEFINED IN SUBTITLE A § 101.9, is amended as follows: Amending § 308.2, deleting § 308.9, and renumbering § 308.10 to § 308.9 to read as follows:**

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, **or in the case of an alley lot, that is closest to an alley 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.

...<sup>5</sup>

~~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.~~

~~308.910~~ ....

**II. Amendments to Subtitle C GENERAL RULES**

**A. Chapter 3, SUBDIVISION, § 306, NEW ALLEY RECORD LOTS, is amended as follows: §§ 306.1 and 306.4 are amended and a new § 306.5 is added to read as follows:**

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) ...

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<sup>5</sup> The use of this and other ellipses indicate that other provisions exist in the subsection being amended and that the omission of the provisions does not signify an intent to repeal.

**(c) Have alley frontage of not less than fourteen feet (14 ft); Minimum lot width standards prescribed in the zone do not apply;**

**(de)** 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**

**(ed)** 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.

...  
306.4

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) ...

(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) ...

**(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.

B. Chapter 7, VEHICLE LOCATION, § 702, EXEMPTIONS FROM MINIMUM PARKING REQUIREMENTS, is amended as follows: § 702.4 is amended to read as follows:

702.4 Vehicle parking shall not be required:

- (a) ...
- (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.

C. Chapter 7, VEHICLE LOCATION, § 710, LOCATION RESTRICTIONS, is amended as follows: § 710.2 is amended to read as follows:

710.2 Vehicle parking spaces shall be located:

- (a) ...
- (c) On an open area of the lot, except:
  - (1) ...;

- (2) In any zone other than a PDR zone, surface parking spaces shall not be located between the front façade of a building, as extended for the full width of the front of the lot, and the front lot line; provided that a building used solely as a parking attendant shelter, or a building on an alley lot, shall not trigger this restriction;
- (3) ...

**C. Chapter 15, PENTHOUSES AND ROOFTOP STRUCTURES, § 1501, USES, is amended to read as follows: § 1501.1 is amended to read as follows:**

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) ...

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

**A. Chapter 51, ALLEY LOT REGULATIONS FOR RESIDENTIAL HOUSE (R) ZONES, § 5100, GENERAL PROVISIONS, is amended as follows: Add a new**

§ 5100.1, amend and renumber § 5100.1 to § 5100.2, and renumber § 5100.2 to § 5100.3, of § 5100 to read as follows:

**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.**

5100.21      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.**

<b>TABLE D § 5100.2<u>1</u>: ALLEY LOT DEVELOPMENT STANDARDS (R)</b>		
(a)	Maximum Height	<b><u>250</u></b> ft. and 2 stories, <del>including the penthouse</del>
(b)	<b><u>Maximum Lot Occupancy – Any R-1 or R-2 zone</u></b>	
	<b><u>Less than 3,000 sq. ft. of lot area</u></b>	<b><u>80%</u></b>
	<b><u>Less than 5,000 sq. ft. of lot area but greater than or equal to 3,000 sq. ft. of lot area</u></b>	<b><u>60%</u></b>
	<b><u>5,000 square feet of lot area or more</u></b>	<b><u>40%</u></b>
( <del>c</del> )	<b><u>Maximum Lot Occupancy – Any R-3 zone</u></b>	
	Less than 1,800 sq. ft. of lot area	<b><u>No maximum</u></b> N/A
	Between 1,800 and 2,000 sq. ft. of lot area	90%
	Over 2,000 sq. ft. of lot area	80%
( <del>d</del> )	<b><u>Minimum Rear Yard Dimensions</u></b>	
	<b><u>Any R-1 Zone</u></b>	<b><u>15 ft. from any lot line that is also the rear lot line of a street-facing lot;</u></b> <b><u>85 ft. from any other lot line abutting another lot of all abutting non-Alley Lots</u></b>
	<b><u>Any R-2 Zone</u></b>	<b><u>10 ft. from any lot line that is also the rear lot line of a street-facing lot;</u></b> <b><u>5 ft. from any other lot line abutting another lot</u></b>

TABLE D § 5100.24: ALLEY LOT DEVELOPMENT STANDARDS (R)		
	<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>
<del>(d)</del>	<del>Minimum Side Yard</del>	<del>N/A</del>
<del>(e)</del>	<del>Front Setback</del>	<del>N/A</del>
<del>(fe)</del>	Minimum Alley Centerline Setback	7.5 ft. from the centerline of all abutting alleys
<del>(gf)</del>	Minimum Pervious Surface	10%
		20%

5100.32 ...

**B. Chapter 52, RELIEF FROM REQUIRED DEVELOPMENT STANDARDS FOR R ZONES, § 5201, SPECIAL EXCEPTION RELIEF FROM CERTAIN REQUIRED DEVELOPMENT STANDARDS, is amended as follows: §§ 5201.3, 5201.6, and 5201.7 are amended to read as follows:**

5201.3 For a new or enlarged ~~principal~~ building on an Alley Record Lot, the Board of Zoning Adjustment may grant relief from the following development standards as a special exception, subject to the provisions of this section and the general special exception criteria at Subtitle X, Chapter 9:

- (a) Height, to a maximum of thirty five feet (35 ft.) and three (3) stories;
- (b) Lot occupancy;
- (c) Yards, including alley centerline setback; and
- (~~db~~) Pervious surface.

...

5201.6 This section shall not be used to permit the introduction or expansion of a nonconforming use, lot occupancy beyond what is authorized in this section, height, or number of stories, as a special exception, except as permitted for alley lots pursuant to D § 5201.3.

5201.7 Where an application requests relief from the alley centerline setback requirements under this section, or relief from any alley lot provision of D § 5201.3, the Office of Zoning shall refer the application to the following agencies for their review and recommendations, to be filed in the case record within the forty- (40) day period established by Subtitle A § 211:

- (a) ...

**(e) Department of Energy and the Environment (DOEE); and**

**(fe)** If a historic district or historic landmark is involved, the Historic Preservation Office (HPO).

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

**A. Chapter 51, ALLEY LOT REGULATIONS FOR RESIDENTIAL FLAT (RF) ZONES, § 5100, GENERAL PROVISIONS, is amended as follows: Add a new § 5100.1, amend and renumber § 5100.1 to 5100.2, and renumber 5100.2 to 5100.3, of § 5100 to read as follows:**

**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** 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.**

<b>TABLE E § 5100.2: ALLEY LOT DEVELOPMENT STANDARDS (RF)</b>	
(a) Maximum Height	<b><u>250</u></b> ft. and 2 stories, <del>including the penthouse</del>
(b) Maximum Lot Occupancy	
Less than 1,800 sq. ft. of lot area	<b><u>No maximum</u></b> <del>N/A</del>
<b><u>Less than 2,000 sq. ft. of lot area but greater than or equal to 1,800 sq. ft. of lot area</u></b> <del>Between 1,800 and 2,000 sq. ft. of lot area</del>	90%
<del>Over</del> <b><u>Over</u></b> 2,000 sq. ft. of lot area <b><u>or more</u></b>	80%
(c) Minimum <del>Rear</del> Yard <b><u>Dimensions</u></b>	5 ft. from any <b><u>portion of a</u></b> lot line <b><u>that abuts any of all abutting</u></b> non-Alley Lots;  <b><u>None required for that portion of the Alley Lot that does not abut a non-Alley Lot.</u></b>

TABLE E § 5100.24: ALLEY LOT DEVELOPMENT STANDARDS (RF)		
(d)	<b>Minimum Side Yard</b>	<b>5 ft. from any lot line of all abutting non-Alley Lots</b>
(d)	<b>Front Setback</b>	<b>N/A</b>
(e)	Minimum Alley Centerline Setback	7.5 ft. from the centerline of all abutting alleys
(f)	Minimum Pervious Surface	<b>Less than 2,000 sq. ft. of lot area</b>
		<b>2,000 sq. ft. of lot area or more</b>
		10%
		<b>20%</b>

5100.32 ...

**B. Chapter 52, RELIEF FROM REQUIRED DEVELOPMENT STANDARDS FOR RF-ZONES, is amended as follows: §§ 5201.3, 5201.6, and 5201.7 are amended to read as follows:**

5201.3 For a new or enlarged building on an Alley Record Lot, the Board of Zoning Adjustment may grant relief from the following development standards as a special exception, subject to the provisions of this section and the general special exception criteria at Subtitle X, Chapter 9:

- (a) **Height, to a maximum of thirty five feet (35 ft.) and three (3) stories;**
- (b) **Lot occupancy;**
- (c)      Yards, including alley centerline setback; and
- (~~d~~) Pervious surface.

...

5201.6 This section shall not be used to permit the introduction or expansion of a nonconforming use, lot occupancy beyond what is authorized in this section, height, or number of stories, as a special exception, **except as permitted for alley lots pursuant to E § 5201.3.**

5201.7 Where an application requests relief from the alley centerline setback requirements under this section, **or relief from any alley lot provision of E § 5201.3,** the Office of Zoning shall refer the application to the following agencies for their review and recommendations, to be filed in the case record within the forty- (40) day period established by Subtitle A § 211:

- (a) ...
- (e) **Department of Energy and the Environment (DOEE);** and

- (fe) If a historic district or historic landmark is involved, the Historic Preservation Office (HPO).

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

- A. Chapter 51, ALLEY LOT REGULATIONS FOR RESIDENTIAL APARTMENT (RA) ZONES, § 5100, GENERAL PROVISIONS, is amended as follows: Add a new § 5100.1, amend and renumber § 5100.1 to 5100.2, and renumber 5100.2 to 5100.3, of § 5100 to read as follows:

**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** 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.**

(a)	Maximum Height	<del>25</del> 0 ft. and 2 stories, <del>including the penthouse</del>
<b>(b)</b>	<b><u>Lot Occupancy</u></b>	
	<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>
<b>(c)</b>	<b><u>Minimum Rear Yard Dimensions</u></b>	5 ft. from any <b><u>portion of a</u></b> lot line <b><u>that abuts any of all</u></b> <del>abutting</del> non-Alley Lots;  <b><u>None required for that portion of the Alley Lot that does not abut a non-Alley Lot.</u></b>
<b>(e)</b>	<b><u>Minimum Side Yard</u></b>	<b><u>5 ft. from any lot line of all abutting non-Alley Lots</u></b>
(d)	Minimum Alley Centerline Setback	7.5 ft. from the centerline of all abutting alleys
<b>(e)</b>	Minimum Per	<u>Less than 2,000 sq. ft. of lot area</u> 10% <u>2,000 sq. ft. of lot area or more</u> 20%
	vious Surface	

5100.~~32~~ Uses on Alley Lots shall be as permitted in Subtitle U, Chapter 6.

**B. Chapter 52, RELIEF FROM REQUIRED DEVELOPMENT STANDARDS FOR RA ZONES, § 5201 SPECIAL EXCEPTION RELIEF FROM CERTAIN REQUIRED DEVELOPMENT STANDARDS, is amended as follows: §§ 5201.3, 5201.6, and 5201.7 are amended to read as follows:**

5201.3 For a new or enlarged ~~principal~~-building on an Alley Record Lot, the Board of Zoning Adjustment may grant relief from the following development standards as a special exception, subject to the provisions of this section and the general special exception criteria at Subtitle X, Chapter 9:

(a) Height, to a maximum of thirty five feet (35 ft.) and three (3) stories;

(b) Lot occupancy;

(c)     Yards, including alley centerline setback; and

(~~db~~) ~~Green Area Ratio~~Pervious surface.

...

5201.6 This section shall not be used to permit the introduction or expansion of a nonconforming use, lot occupancy beyond what is authorized in this section, height, or number of stories, as a special exception, except as permitted for alley lots pursuant to F § 5201.3.

5201.7 Where an application requests relief from the alley centerline setback requirements under this section, or relief from any alley lot provision of F § 5201.3, the Office of Zoning shall refer the application to the following agencies for their review and recommendations, to be filed in the case record within the forty- (40) day period established by Subtitle A § 211:

(a) ...

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

(~~fe~~) If a historic district or historic landmark is involved, the Historic Preservation Office (HPO).

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

**A. Chapter 51, ALLEY LOT REGULATIONS FOR MIXED-USE (MU) ZONES, § 5100, GENERAL PROVISIONS, is amended as follows: Add a new § 5100.1, amend and renumber § 5100.1 to 5100.2, and renumber 5100.2 to 5100.3, of § 5100 to read as follows:**

**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.~~21~~      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.:**

<b>TABLE G § 5100.<del>21</del>: ALLEY LOT DEVELOPMENT STANDARDS (MU)</b>	
<b>(a)</b> Maximum Height	
MU-6, MU-8, MU-9, MU-10, and MU-15 zones	30 ft. and 3 stories, <del>including a penthouse or rooftop structure</del>
All other MU zones	<del>250</del> 50 ft. and 2 stories, <del>including the penthouse or rooftop structure</del>
<b>(b)</b> <b><u>Maximum Lot Occupancy</u></b>	<b><u>No Maximum</u></b>
<del>(c)</del> <b><u>Minimum Yard DimensionsRear Yard</u></b>	5 ft. from any <b><u>portion of a</u></b> lot line <b><u>that abuts any of all abutting</u></b> non-Alley Lots;  <b><u>None required for that portion of the Alley Lot that does not abut a non-Alley Lot.</u></b>
<del>(c)</del> <b><u>Minimum Side Yard</u></b>	<b><u>5 ft. from any lot line of all abutting non-Alley Lots</u></b>
(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.~~32~~      ...

**B.      Chapter 52, RELIEF FROM REQUIRED DEVELOPMENT STANDARDS FOR MIXED-USE (MU) ZONES, § 5200, GENERAL PROVISIONS, is amended by adding a new § 5200.3 to read as follows:**

**5200.3**      **Notwithstanding Subtitle G § 5200.1, 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.**

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

- A. Chapter 2, GENERAL DEVELOPMENT STANDARDS FOR DOWNTOWN (D) ZONES, § 210, ALLEY LOTS, is amended as follows: Add a new § 210.1, amend and renumber §§ 210.1-210.5, and add a new § 210.6 to read as follows:

**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.**

**210.21** 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.:**

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

~~(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 other 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.

~~210.43~~ 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 withthe 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 affect 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.**

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

**A. Chapter 5, ALLEY LOT REGULATIONS (PDR), § 500, GENERAL PROVISIONS, is amended as follows: Amend § 500.1 to read as follows:**

**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.;**

<b>TABLE J § 500.1: ALLEY LOT DEVELOPMENT STANDARDS (PDR)</b>	
<b>(a) Maximum Height</b>	
If the alley lot is located in a square with R or RF zoned properties	<b>250 ft., including the penthouse</b>
All other alley lots	30 ft., including the penthouse
<b><u>(b) Maximum Lot Occupancy</u></b>	<b><u>No Maximum</u></b>
<b><u>(c) Minimum Yard Dimensions</u></b> <b><u>Yard</u></b>	<b><u>5 ft. from any portion of a lot line that abuts any of all abutting non-Alley Lots;</u></b>

	<u>None required for that portion of the Alley Lot that does not abut a non-Alley Lot.</u>
(e) Minimum Side Yard	<u>5 ft. from any lot line of all abutting non-Alley Lots</u>
(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>

**IX. Amendments to Subtitle U, USE PERMISSIONS**

**A. Chapter 6, USE PERMISSIONS FOR ALLEY LOTS, § 600, MATTER-OF-RIGHT USES ON ALLEY LOTS (R, RF, AND RA), is amended as follows: Amend § 600.1 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) ...
- (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;**

**(64)** 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

**(75)** ~~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.**

**B. Chapter 6, USE PERMISSIONS FOR ALLEY LOTS, § 601, SPECIAL EXCEPTION USES ON ALLEY LOTS (R, RF, AND RA), is amended as follows: Amend § 600.1 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) ...

(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; The Board of Zoning Adjustment shall not grant special exception relief from the requirements of Subtitle U § 600.1(f)(1)-(2);~~**

**(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; 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 (2) ~~one (1)~~ principal dwelling units per lot; accessory apartments are not permitted;**
- (4) ...
- (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) ...
  - (F) Department of Energy and the Environment (DOEE);**  
and
  - (GF) If a historic district or historic landmark is involved, the Historic Preservation Office (HPO); and**
- (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) Public safety Adequate public utilities and services can be provided to the alley lot dwelling and nearby properties;**
  - (B) Water and sewer services 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) Waste management Granting the special exception would not result in undue adverse impacts to nearby properties. consider relevant agency comments concerning:**
    - (D) Traffic and parking;**
    - (E) Historic Preservation; and**
- (g) ...

**X. Amendments to Subtitle X, GENERAL PROCEDURES**

- A. Chapter 10, VARIANCES, § 1001, VARIANCE TYPES, is amended as follows:  
Amend § 1001.3 to read as follows:**

1001.3 Examples of area variances are requests to deviate from:

- (a) ...

- (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 §§ 600.1(f)(1)–(2);**