

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

Z.C. Case No. 25-12

Office of Planning

**(Omnibus Text Amendments to Modify and Clarify Various Provisions of Subtitle A, B, C,
D, E, F, G, H, I, U, and Y)**

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 § 2505(a) (2016 Repl.)), hereby gives notice of amendments to Subtitles A-I, U, and Y 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).

SETDOWN

On June 30, 2025, Office of Planning (OP) filed a petition (Exhibit [Ex.] 2, OP Setdown Report and Petition) to the Commission proposing text amendments to the Zoning Regulations to address issues raised by members of the Commission, the Board of Zoning Adjustment (BZA), and the public to facilitate the removal of impediments and to clarify and simplify the regulations and administrative reviews. OP proposes amendments regarding twenty-four (24) topics in one omnibus case to address aspects of the Zoning Regulations which are generally inconsistent with current planning priorities, unnecessarily limit the provision of new housing opportunities, and generate BZA cases with typically little to no opposition. OP noted that despite presenting these amendments in one omnibus case, the amendments should not be viewed as minor or inconsequential.

At its July 10, 2025 public meeting, the Commission considered the Petition and voted to grant OP's request to set down the Petition for a public hearing. The Commission also granted OP and OZ flexibility to work on splitting the 24 amendment topics in groupings for both the public hearing notice and the public hearing presentation.

NOTICE OF OCTOBER 30, 2025 PUBLIC HEARING

Pursuant to Subtitle Z § 502, OZ sent notice of the originally scheduled October 30, 2025 public hearing, on August 6, 2025, and published notice of the public hearing in the August 15, 2025, issue of the *District of Columbia Register* (72 DCR 008987 *et seq.*) as well as on the calendar on OZ's website (Ex. 7-9).

FURTHER NOTICE OF OCTOBER 30, 2025 PUBLIC HEARING

The Commission later determined that the public hearing for this case would best be addressed with multiple hearings instead of one. Therefore, on October 23, 2025, OZ sent further notice of the originally scheduled October 30, 2025, hearing, along with additional hearing dates of November 3rd, November 5th, November 6th, November 10th, and November 13th, for a total of six (6) hearings broken into topics to be covered in each hearing (Ex. 50). OZ published further notice of the public hearing including all six hearing dates in the October 31, 2025 issue, of the *District*

of Columbia Register (72 DCR 12066 *et seq.*) as well as on the calendar on OZ’s website (Ex. 48, 49).

The six public hearings were broken into topics and Subtitles of the Zoning Regulations as follows:

HEARING DATE	TOPICS AND SUBTITLE
10/30/2025	<p>Day 1 (Introduction & Various - 4 items) Introduction by OP</p> <ul style="list-style-type: none"> • Zone Boundary Line for a Split Zoned Lot - Subtitle A § 207 • Zoning Administrator Flexibility - Subtitles A § 304; Y § 702 • Light Pole for District Recreation Facilities - Subtitles B § 100; D-F §§ 203,212, 4904 • Green Area Ratio - Subtitle C § 601
11/03/2025	<p>Day 2 (Mostly Balconies & Decks - 4 items)</p> <ul style="list-style-type: none"> • Balconies & Gross Floor Area (GFA) - Subtitle B § 304 • Balconies & Lot Occupancy - Subtitle B § 312 • Ground Level Decks & Lot Occupancy - Subtitle B § 312 • 30-Foot Lot Frontage for Subdivisions for Apartment Buildings - Subtitle C § 303
11/05/2025	<p>Day 3 (Parking Related - 4 items)</p> <ul style="list-style-type: none"> • Pre-ZR16 Approved Vehicle Parking Requirements - Subtitle C § 701 • Priority Corridor Metrobus Route Update - Subtitle C § 702 • Garage Door Height & Setback - Subtitle C § 711 • Surface Parking Screening Along Alley - Subtitle C § 714
11/06/2025	<p>Day 4 (Various - 4 items)</p> <ul style="list-style-type: none"> • Penthouse Habitable Space Affordable Housing Contribution - Subtitle C § 1507 • IZ Opt-In Provisions for R-2, R-3, & RF zones - Subtitles C § 1001; D § 201, E § 201 • Relief from Front Setback Requirement - Subtitles D § 5201; E § 5201 • Redundant Building Form Language - Subtitle U § 201
11/10/2025	<p>Day 5 (Accessory Buildings & Apartments - 4 items)</p> <ul style="list-style-type: none"> • Accessory Building Area in R & RF Zones - Subtitles D § 5003; E § 5003 • Accessory Building Side & Rear Setbacks, R zones - Subtitle D §§ 5004, 5201 • Accessory Apartments in RF, RA, & MU zones - Subtitles F § 201; G § 201; U §§ 201,210, 410, 501 • New dwelling in an Accessory Building in RF zones - Subtitle U § 301
11/13/2025	<p>Day 6 (Various; Mixed-Use zones - 4 items)</p> <ul style="list-style-type: none"> • Align Zone Descriptions With Comp Plan Classifications - Subtitle G § 101 • Penthouse Height Limit in MU/CAP Zones - Subtitle G § 403 • Window Separation Criteria in MU & D Zones - Subtitles G § 207.14 & I§ 205.5 • Designated Uses in Neighborhood Mixed Use Zones - Subtitle H § 6001

OFFICE OF PLANNING HEARING REPORTS

On October 16, 2025, OP submitted its first hearing report (Ex. 15). The report recommended that the Commission approve the Petition with some changes to the text discussed in the report.

On October 29, 2025, OP submitted its second hearing report (OP Hearing Report) (Ex. 82). The substance of the report was the same as the first. The OP Hearing Report re-ordered the twenty-four (24) items to correspond to the order in which they would be heard on the six hearing nights

as listed in the chart above. The items are listed below followed by a brief description of the amendment:

- 1. Zone Boundary Line for a Split Zoned Lot – Subtitle A § 207**
OP proposes to clarify and amend the regulations pertaining to zoning on split zoned lots, to provide more clarity and consistency in the interpretation and application.
- 2. Zoning Administrator Flexibility – Subtitles A § 304; Y § 702**
OP proposes to amend and clarify Zoning Administrator flexibility for the review of permit plans for developments subject to a BZA Order.
- 3. Light Pole for District Recreation Facilities – Subtitles B § 100; D-F §§ 203, 212, 4904**
OP proposes to amend the definition of structure to more clearly address and facilitate light poles for public outdoor athletic fields.
- 4. Green Area Ratio – Subtitle C § 601**
OP is proposing to amend Green Area Ratio (GAR) regulations to not trigger GAR for a project which solely involves internal renovations to a building.
- 5. Balconies & Gross Floor Area (GFA) – Subtitle B § 304**
OP is proposing to amend and clarify Gross Floor Area provisions, which determine permitted FAR, to exempt balconies that are inset into the building external façade.
- 6. Balconies & Lot Occupancy – Subtitle B § 312**
OP is proposing to exempt open balconies of a maximum depth of eight (8) feet from lot occupancy.
- 7. Ground Level Decks & Lot Occupancy – Subtitle B § 312**
OP is proposing to add flexibility for the provision of uncovered decks off the main level of a house.
- 8. Thirty (30)-Foot Lot Frontage for Subdivisions for Apartment Buildings – Subtitle C § 303**
OP is proposing to clarify a regulation which requires a Thirty (30)-foot frontage for any subdivision for an apartment building.
- 9. Pre-ZR16 Approved Vehicle Parking Requirements – Subtitle C § 701**
OP is proposing to remove a provision that vehicle parking spaces required for buildings constructed under the ZR58 regulations be retained for the life of the building.
- 10. Priority Corridor Metrobus Route Update – Subtitle C § 702**
OP is proposing to amend the Priority Corridor Network Metrobus Routes provisions of the zoning regulations for clarity and consistency with current WMATA High Frequency Bus Corridors.

- 11. Garage Door Height & Setback – Subtitle C § 711**
OP is proposing amendments to clarify that garage door height and setback requirements do not apply to a garage serving a house or flat.
- 12. Surface Parking Screening Along Alley – Subtitle C § 714**
OP is proposing to amend surface parking screening requirements to clarify that screening from the alley is not required for a parking space accessed directly from the alley.
- 13. Penthouse Habitable Space Affordable Housing Contribution – Subtitle C § 1507**
OP is proposing to clarify, consistent with general current interpretation and practice, when stairwells and elevator over-rides to the roof level count towards habitable square footage included in the affordable housing calculation.
- 14. IZ Opt-In Provisions for R-2, R-3, & RF zones – Subtitles C § 1001; D § 202, E § 202**
OP is proposing to remove a current requirement for special exception review for opting into IZ in the R-2, R-3, and RF zones.
- 15. Relief from Front Setback Requirement – Subtitles D-E § 5201**
OP is proposing to amend the Subtitle D (R zones) and E (RF zones) special exception provision to include “front setback”.
- 16. Redundant Building Form Language – Subtitle U § 201**
OP is proposing to remove the redundant and misplaced building type descriptions in the Use provisions of Subtitle U § 201.1(a).
- 17. Accessory Building Area in R & RF Zones – Subtitles D-E § 5003**
OP is proposing to increase the maximum footprint permitted for an accessory building in the R and RF zones.
- 18. Accessory Building Side & Rear Setbacks, R zones – Subtitle D §§ 5004, 5201**
OP is proposing to establish a minimum side and rear setback requirement for accessory buildings in the R zones.
- 19. Accessory Apartments in RF, RA, & MU zones – Subtitles E¹-G § 201; U §§ 201, 210, 410, 501**
OP is proposing to clarify that an accessory apartment is not a permitted use in the RF, RA, and MU zones.

¹ The description of these amendments in the OP Setdown, Hearing, and Supplemental Reports omitted the reference to Subtitle E. This is explained by the fact that the amendment to Subtitle E was first added in the OP Supplemental Report, then adopted by the Commission. We have made the descriptions uniform in this notice for the sake of consistency and clarity.

- 20. New dwelling in an Accessory Building in RF zones – Subtitle U § 301**
OP is proposing to remove the existing requirements that an accessory building must be in existence for five years before a dwelling unit is permitted within it, and expansion of an accessory building for a residence be permitted only by special exception.
- 21. Align Zone Descriptions With Comp Plan Classifications – Subtitle G § 101**
OP is proposing to amend the description of the MU-4, MU-5, and MU-7 zones to be consistent with the land use descriptions of the Comprehensive Plan.
- 22. Penthouse Height Limit in MU/CAP Zones – Subtitle G § 403**
OP is proposing to amend the penthouse height limit for these zones to be consistent with the provisions of other low/moderate density mixed use zones.
- 23. Window Separation Criteria in MU & D Zones – Subtitles G § 207.14 & I § 205.5**
OP is proposing to amend the conditions for special exception review to remove duplication of review criteria.
- 24. Designated Uses in Neighborhood Mixed-Use Zones – Subtitle H § 6001**
OP is proposing to add “daytime care” use as a “designated use” in the Neighborhood Mixed-Use (NMU) Zones.

COMMENTS

Prior to the October 30, 2025 public hearing, the Commission received many comments to the record, both in support and in opposition.

Generally, the comments in support stated that the District was experiencing a housing shortage and expressed support for the amendments because they would foster more housing choice, improve affordability, and create vibrant communities.

The comments in opposition raised various concerns. Many are discussed below in connection with the hearing testimony for the text that was the subject of the comment, and/or with the Commission’s deliberations at its November 25, 2025 public meeting where the Commission considered all the comments it had received and deliberated on all the subcases.

OCTOBER 30, 2025 PUBLIC HEARING

As a preliminary matter, at the start of the October 30, 2025 public hearing, the Commission considered ANC3/4G’s request for a postponement of the hearing so that the ANC could receive additional briefing from OP about the proposed text amendments (Ex. 75). The Commission denied the request because it believed the ANC had sufficient opportunity to consider the text based on the public hearing notice and the OP reports, and that the other witnesses and stakeholders would be prejudiced if the hearing was postponed.

At the October 30th public hearing, the Commission heard testimony from OP in support of the first group of amendments:

1. Zone Boundary Line for a Split Zoned Lot – Subtitle A § 207;
2. Zoning Administrator Flexibility – Subtitles A § 304; Y § 702;

3. Light Pole for District Recreation Facilities – Subtitles B § 100; D-F §§ 203, 212, 4904;
4. Green Area Ratio - Subtitle C § 601

OP discussed a potential amendment to item 1. Zone Boundary Line for a Split Zoned Lot – Subtitle A § 207 to consider as an alternative to the text proposed in the OP Setdown Report and advertised in the public hearing notice. The change would shift the “trigger date” from the date the ZR58 Regulations became effective, to the date the ZR16 Regulations became effective.

OP stated that it had amended the proposal for 3. Light Pole for District Recreation Facilities – Subtitles B § 100; D-F §§ 203, 212, 4904 in its hearing report from the text in the OP Setdown Report and advertised in the public hearing notice. OP stated that the changes provided additional clarification, and all were related and limited to light poles for public school and public recreation facilities. As such, the changes were within the scope of what was originally proposed.

A summary of the testimony from ANC’s, organizations, and individuals regarding the first group of amendments is provided below.²

ANC 6C testified in opposition to 3. Light Pole for District Recreation Facilities - Subtitles B § 100; D-F §§ 203, 212, 4904. It stated it was opposed to the proposed amendments because the lights would cause light pollution spillage to neighboring residences, and that in its experience, regulations limiting use of lights were ineffective.

ANC 5F testified in support of the amendments, but expressed concerns about the proposal for 3. Light Pole for District Recreation Facilities – Subtitles B § 100; D-F §§ 203, 212, 4904.

ANC 2E testified in opposition to 1. Zone Boundary Line for a Split Zoned Lot – Subtitle A § 207 and 3. Light Pole for District Recreation Facilities – Subtitles B § 100; D-F §§ 203, 212, 4904. It stated that it was concerned about the amendments to 1. Zone Boundary Line for a Split Zoned Lot – Subtitle A § 207 because they would eliminate the ability of neighboring property owners to participate in the special exception process as is required for relief from the current regulations.

Meridith Moldenhauer testified on behalf the District Department of General Services in support of 3. Light Pole for District Recreation Facilities – Subtitles B § 100; D-F §§ 203, 212, 4904. She stated that there are multiple zoning appeals pending that relate to light poles, and there are many instances where light poles were installed without zoning review.

Michael McDuffie testified in opposition to 3. Light Pole for District Recreation Facilities – Subtitles B § 100; D-F §§ 203, 212, 4904. He stated that one concern he had was that the proposed language would permit anyone to erect a light pole near an adjacent property because the language was not limited to just light poles erected by the District government.

² This is an overall summary of some of the issues raised and is not intended to be an exhaustive list of all testimony and issues raised.

Mr. Blaesser testified on behalf of the Committee of 100. He testified that the concepts of “bulk” and “density” are not identical, and that “bulk” is the better word to use in the regulations. He testified in opposition to granting the Zoning Administrator greater flexibility and authority.

NOVEMBER 3, 2025 PUBLIC HEARING

As a preliminary matter, at the start of the November 3, 2025 public hearing, the Commission stated that it would consider proposed action on the amendments at its November 20, 2025 public meeting.

At the November 3rd public hearing, the Commission heard testimony from OP in support of the second group of amendments:

5. Balconies & Gross Floor Area (GFA) – Subtitle B § 304;
6. Balconies & Lot Occupancy – Subtitle B § 312;
7. Ground Level Decks & Lot Occupancy – Subtitle B § 312;
8. 30-Foot Lot Frontage for Subdivisions for Apartment Buildings – Subtitle C § 303

A summary of the testimony from ANCs, organizations, and individuals regarding the second group of amendments is provided below.³

ANC 5E and ANC 5F testified in support of 5. Balconies & Gross Floor Area (GFA) – Subtitle B § 304 and 6. Balconies & Lot Occupancy – Subtitle B § 312.

ANC 6C testified in opposition to all four proposed amendments and suggested an exemption for the RF Zone.

ANC 2E testified it had concerns about a potential exemption for 5. Balconies & Gross Floor Area (GFA) – Subtitle B § 304 in the RF zone.

The Committee of 100 testified in opposition to 5. Balconies & Gross Floor Area (GFA) – Subtitle B § 304, 6. Balconies & Lot Occupancy – Subtitle B § 312, and 7. Ground Level Decks & Lot Occupancy – Subtitle B § 312. In connection with the two balcony amendments, the Committee of 100 testified that additional balconies will add to the expense of construction, which will increase housing costs.

Dennis Sendros, representing D.C. Yimby’s, testified in support of the amendments.

Will Teass testified in support of 5. Balconies & Gross Floor Area (GFA) - Subtitle B § 304, 6. Balconies & Lot Occupancy – Subtitle B § 312, and 7. Ground Level Decks & Lot Occupancy – Subtitle B § 312. He testified in support of 8. 30-Foot Lot Frontage for Subdivisions for Apartment Buildings – Subtitle C § 303 amendments, and that he believed the Commission should go further and eliminate the lot frontage requirement entirely in order to facilitate the production of more housing.⁴

³ This is an overall summary of some of the issues raised and is not intended to be an exhaustive list of all testimony and issues raised.

⁴ These further amendments are beyond the scope of this case.

NOVEMBER 5, 2025 PUBLIC HEARING

At the November 5th public hearing, the Commission heard testimony from OP in support of the third group of amendments:

9. Pre-ZR16 Approved Vehicle Parking Requirements – Subtitle C § 701;
10. Priority Corridor Metrobus Route Update – Subtitle C § 702;
11. Garage Door Height & Setback – Subtitle C § 711; and
12. Surface Parking Screening Along Alley – Subtitle C § 714.

A summary of the testimony from ANCs and organizations regarding the third group of amendments is provided below.⁵

The Committee of 100 testified in opposition to 9. Pre-ZR16 Approved Vehicle Parking Requirements – Subtitle C § 701 because they believe it will result in fewer parking spaces and make it harder for African-American residents to access employment opportunities.

ANC 5F testified in opposition to 10. Priority Corridor Metrobus Route Update – Subtitle C § 702 because it believes several areas that should qualify are omitted.

The Committee of 100 testified in opposition to 11. Garage Door Height & Setback – Subtitle C § 711 because they believed it would lead to clutter from trash cans stored in alleys.

NOVEMBER 6, 2025 PUBLIC HEARING

At the November 6th public hearing, the Commission heard testimony from OP in support of the fourth group of amendments:

13. Penthouse Habitable Space Affordable Housing Contribution – Subtitle C § 1507;
14. IZ Opt-In Provisions for R-2, R-3, & RF Zones – Subtitles C § 1001, D-E § 201;
15. Relief from Front Setback Requirement – Subtitles D-E 5201; and
16. Redundant Building Form Language – Subtitle U § 201.

OP stated that it made changes to 13. Penthouse Habitable Space Affordable Housing Contribution – Subtitle C § 1507 that consisted of a minor, non-substantive wording clarification from the text listed in the OP Setdown report and advertised in the public hearing notice. OP also stated that while it made no changes to 15. Relief from Front Setback Requirement Subtitles D-E § 5201, it discussed alternative text in its updated hearing report (should the Commission does not find special exception relief appropriate).

A summary of the testimony from ANCs, organizations, and individuals regarding the fourth group of amendments is provided below.⁶

⁵ This is an overall summary of some of the issues raised and is not intended to be an exhaustive list of all testimony and issues raised.

⁶ This is an overall summary of some of the issues raised and is not intended to be an exhaustive list of all testimony and issues raised.

The Committee of 100 testified in opposition to 13. Penthouse Habitable Space Affordable Housing Contribution – Subtitle C § 1507 because it believes that exempting service spaces from the calculation of penthouse habitable space will result in less affordable housing.

OP stated at the hearing that it agreed with OAG’s written comment suggesting a change to the text proposed in 14. IZ Opt-In Provisions for R-2, R-3, & RF Zones – Subtitles C § 1001, D-E § 201 and would provide revised text later.

OAG testified in support of the text proposed in 14. IZ Opt-In Provisions for R-2, R-3, & RF Zones – Subtitles C § 1001, D-E § 202, but as mentioned above, suggested a change to the text.

The Committee of 100 testified in opposition to 14. IZ Opt-In Provisions for R-2, R-3, & RF Zones – Subtitles C § 1001, D-E § 202 because it believes that eliminating the special exception requirement would take away individual review of cases and deprive the community of an opportunity to comment.

With respect to 15. Relief from Front Setback Requirement – Subtitles D-E § 5201, OP testified it preferred to allow relief by special exception instead of requiring a variance, and accordingly the text proposes special exception relief. The Committee of 100 testified that it believes variance relief is more appropriate, and that it believes OP’s intent was to require a variance. ANC 3G and Elizabeth Nagy also testified in opposition, stating that permitting setback relief by special exception was too lenient a standard. The Commission suggested that additional special exception criteria should be added to address neighborhood character.

OP testified in support of 16. Redundant Building Form Language – Subtitle U § 201, stating that these regulations were in the wrong place and redundant because similar ones are found elsewhere in the regulations. The Committee of 100 testified in opposition stating that it believes the regulations are not redundant and there must be an ulterior motive.

NOVEMBER 10, 2025 PUBLIC HEARING

At the November 10th public hearing, the Commission heard testimony from OP in support of the fifth group of amendments:

17. Accessory Building Area in R & RF Zones – Subtitles D-E § 5003;
18. Accessory Building Side & Rear Setbacks, R zones – Subtitle D §§ 5004, 5201;
19. Accessory Apartments in RF, RA, & MU zones – Subtitles E-F § 201; G § 201; U §§ 201, 210, 410, 501;
20. New dwelling in an Accessory Building in RF zones – Subtitle U § 301

A summary of the testimonies from organizations and individuals regarding the fifth group of amendments is provided below.⁷

Regarding 17. Accessory Building Area in R & RF Zones – Subtitles D § 5003; E § 5003, the Commission heard comments from the Coalition for Smarter Growth and others recommending

⁷ This is an overall summary of some of the issues raised and is not intended to be an exhaustive list of all testimony and issues raised.

that an even larger accessory building should be allowed than what was proposed in the OP Hearing Report. The Coalition for Smarter Growth recommended a six hundred fifty square foot (650 sq. ft.) limit, and OP agreed at the hearing, suggesting that it would provide amended text that permitted this larger limit for the R-1 and R-2 zones. Others testified that even larger accessory buildings should be permitted. In response to that possibility OP responded that an increase to more than six hundred fifty square feet (650 sq. ft.) would require further study. There was also testimony in opposition to any increase in the accessory building area and to instead continue to allow larger accessory buildings only by special exception, which allows a case-by-case analysis.

Regarding 18. Accessory Building Side & Rear Setbacks, R zones – Subtitle D §§ 5004, 5201, OP stated it was recommending a change to the text that was published in the public hearing notice as stated in its October 29, 2025, updated hearing report (Ex. 82). OP stated it made the change in response to concerns raised about the provision of this new requirement, but balanced against calls for some setback requirement, including from the BZA. OP is proposing to amend the rear setback requirement from five feet to three feet, consistent with the recommendation for the side setback for the accessory building. At the hearing, OP clarified that its recommended changes also included removing the RF zones from the text. The Commission commented favorably on the changes to 18. Accessory Building Side & Rear Setbacks, R zones – Subtitle D §§ 5004, 5201.

The Committee of 100 testified in opposition, stating that most accessory buildings are used as garages.

With respect to 19. Accessory Apartments in RF, RA, & MU zones – Subtitles F-G § 201; U §§ 201, 210, 410, 501, OP offered to make a further change to the proposed text to clarify its intention that an additional unit cannot be added as an accessory apartment and the Commission agreed.

With respect to 20. New dwelling in an Accessory Building in RF zones – Subtitle U § 301, the Committee of 100 testified in opposition, and requested clarification of whether the language conflicted with the language in 18. Accessory Building Side & Rear Setbacks, R zones – Subtitle D §§ 5004, 5201 that states that accessory buildings are not permitted in RF zones.

NOVEMBER 13, 2025 PUBLIC HEARING

As a preliminary matter, at the November 13, 2025 public hearing, the Commission noted that OP's revised hearing report (Ex. 82, p. 57-59) for the first time introduces an entirely new amendment concerning court special exception relief (Court Special Exception Relief in D Zones – Subtitle I § 207) under the amendment 23 heading. The Commission decided against considering this amendment as a part of this case because it was not advertised in the public hearing notice.

At the November 13th public hearing, the Commission heard testimony from OP in support of the sixth and last group of amendments:

21. Align Zone Descriptions with Comp Plan Classifications – Subtitle G § 101;
22. Penthouse Height Limit in MU/CAP Zones – Subtitle G § 403;
23. Window Separation Criteria in MU and D Zones – Subtitles G § 207.14; I § 205.5;
24. Designated Uses in Neighborhood Mixed Use Zones – Subtitle H § 6001

A summary of the testimony from organizations regarding the sixth and last group of amendments is provided below.⁸

The Committee of 100 testified in opposition to 21. Align Zone Descriptions with Comp Plan Classifications – Subtitle G § 101 and 23. Window Separation Criteria in MU and D Zones – Subtitles G § 207.14; I § 205.5.

At the November 13th public meeting, the Commission voted to hold a special closed meeting to receive legal advice from its legal counsel on November 25, 2025, and announced it would hold a special public meeting to deliberate on the case after the closed meeting on November 25, 2025.

NOVEMBER 25, 2025 SPECIAL PUBLIC MEETING

At a properly noticed special public meeting held on November 25, 2025, the Commission considered the comments and testimony received, as well as OP’s filings, and proceeded to deliberate as follows.

1. Zone Boundary Line for a Split Zoned Lot Subtitle A § 207

The Commission considered the comments by the Committee of 100 that it prefers that the word “bulk” is maintained, instead of replacing it with the word “density” as OP recommended, and that it urges the Commission to retain the carefully defined “adverse impact” standard for BZA consideration when deciding special exceptions for split-zoned lots.

The Commission was persuaded by OP that the use of “density” was the correct choice because the definition of density in zoning regulations leads to an FAR or unit calculation that can be transferred. “Bulk” includes other concepts that cannot be calculated in a manner that lends itself to transfer on a split zoned lot.⁹ In addition, the Commission was persuaded not to eliminate the currently applicable adverse effect standard as suggested by OP.

The Commission requested that OP provide modified language that would adopt OP’s suggestions to:

- Incorporate a suggested change for the “trigger” date, from ZR58 to ZR16, in proposed new Subtitle C § 1601.1.
- Retain the adverse effect review criteria contained in existing A § 207.2 (c) (to be renumbered C § 1601.2(c)).

2. Zoning Administrator flexibility Subtitles A § 304 and Y § 702

The Commission considered the comments from ANC/SMD 2E06 Lohse in opposition to the concept of greater flexibility for the Zoning Administrator. The Commission disagrees with this position because it believes greater flexibility is appropriate.

⁸ This is an overall summary of some of the issues raised and is not intended to be an exhaustive list of all testimony and issues raised.

⁹ A conforming change was made to Subtitle A, § 206.8 to replace the word “bulk” with the word “density” to be consistent with the Commission’s direction in the text advertised below. This change was not shown in the text submitted in the OP Setdown, Hearing, or Supplemental Reports, but is necessary to carry out the Commission’s stated intention when it took proposed action.

The Commission indicated general support for the proposed modifications to the amendments and requested that OP incorporate specific modifications raised by Goulston & Storrs as follows, but did not support other, broader modifications proposed by that firm:

- Proposed changes regarding Zoning Administrator (ZA) flexibility for pervious surface provisions in Subtitle A § 304.2; and
- ZA flexibility for Zoning Commission orders in Subtitle A § 304.5.

3. Light Pole for District Recreation Facilities Subtitle B § 100; Subtitles D-F §§ 203, 490

The Commission expressed serious concerns regarding this proposal based on the concerns raised by ANCs and community members in written comments and at the public hearing. The Commission indicated it did not see a way forward with the amendments as proposed.

4. Green Area Ratio Subtitle C § 601

The Commission disagreed with the comment from Goulston & Storrs that recommended deleting the GAR provision entirely, noting the significant regulatory changes through DOEE that make much of the current GAR review redundant. OP stated it discussed the status of GAR with DOEE staff, who feel that it continues to have merit. However, a review of the regulations in zoning may be appropriate as a separate case.

Goulston & Storrs also recommended flexibility regarding the extent of exterior additions to a building (ten percent [10%] of gross floor area), which OP incorporated into the proposed text that was considered at the hearing.

The Commission took proposed action to approve this item at the November 25, 2025 public meeting.

5. Balconies and Gross Floor Area (GFA) – Subtitle B § 304

The Committee of 100 commented in opposition stating that exempting inset and external balconies from GFA conflicts with citywide policies concerning affordable housing because (1) it reduces the number of Inclusionary Zoning (IZ) units required in a development and (2) will increase rents. The Commission disagrees because (1) the likely response would be the GFA would be used to build a larger building which would result in an increase in IZ units produced, and (2) the Commission favors having IZ and market rate units with amenities and outdoor space which raise the quality of the space and the potential increase in rents is worth the trade-off.

ANCs 2E and 6C commented that they were concerned that exempting RF zones would result in loss of privacy. The Commission disagrees because GFA does not apply in RF zones and the amendments will remove disincentives to providing quality outdoor space.

The Commission took proposed action to approve this item at the November 25, 2025 public meeting.

6. Balconies and Lot Occupancy – Subtitle B § 312

The Commission considered the comments by Goulston & Storrs in favor of expanding the scope of the text amendment to include removal of the eight-foot (8 ft.) limit and other changes. The

Commission rejected these suggestions because it felt they were outside the scope of the changes that were advertised in the public hearing notice.

The Commission considered the comments by the Committee of 100 in opposition because it believes it will permit balconies that will loom over public sidewalks and diminish the quality of public space, and because the additional balconies will increase housing costs. The Commission was not persuaded by these comments because it believes the benefits of additional balconies outweigh the costs cited by the Committee of 100.

The Commission also considered comments by ANC 6C and 2E that the RF zones should be exempted because rear balconies raise privacy concerns in rowhouse neighborhoods. The Commission found this advice persuasive.

The Commission requested that OP provide amended language that would remove the RF-1 zone from this lot occupancy exemption, by further amending proposed new Subtitle B § 312.4(i), due to concerns raised about the potential impact on privacy.

7. Ground Level Decks and Lot Occupancy – Subtitle B § 312

The Commission considered comments from the Committee of 100 and Gail Juppenlitz in opposition based on concerns about privacy impacts, housing costs, and impacts on the ecosystem.

The Commission also considered comments from ANC 6C recommending changes to scale back the size of the permitted deck to address privacy concerns. ANC 6C also suggested adding a proviso prohibiting these excluded decks on the primary elevation of the building. The Commission was not persuaded to scale back the size or limit the location of decks, because the point of the amendment is to allow homeowners to have greater flexibility to provide appropriately sized and located decks for their properties.

ANC 6C further commented that the regulation should be amended to “expressly prohibit ‘double-dipping’ using the stairway landing exclusion”, explaining that the current Subtitle B § 312.4(e) excludes “landings” (undefined term) and applicants try to “smuggle” in wide decks as excluded landings, and that it believes that a property owner should not be able to use both the deck exclusion and the landing exclusion because it is a form of double dipping. The Commission found this persuasive.

The Commission requested that OP provide language to address stair access landings, expressing concerns about double dipping exemptions for landings and decks. The Commission also discussed and agreed to exempt the RF zones and requested that OP provide such language.

8. Thirty (30)-Foot Lot Frontage for Subdivisions for Apartment Buildings – Subtitle C § 303

Many opponents expressed concerns about this subcase, including ANC 6C, which urged the Commission to reject it.

The Commission expressed concerns regarding aspects of the proposal, and initially discussed its removal from the Omnibus Amendments for further study and as a potential separate text

amendment case to be filed by OP. After further discussion, the Commission requested that OP provide a refined and narrowed proposal to remove the potentially problematic aspects raised by Commission members and members of the public, specifically the potential ability to use the subdivision process to create new flag-lots through a lot consolidation, which is technically referred to as a “subdivision” action.

9. Pre-ZR16 Approved Vehicle Parking Requirements – Subtitle C § 701

The Committee of 100 commented in opposition because it believes that a reduction in the parking requirement will lead to less parking which will mean less access to jobs for those living in Wards 7 and 8. The Commission was not persuaded and felt that the elimination of a parking requirement could also potentially lower housing costs which would advance racial equity. The impact of the change is limited because the parking requirement would stay the same if not within ¼ mile to a transit corridor.

The Commission took proposed action to approve this item at the November 25, 2025 public meeting.

10. Priority Corridor Metrobus Route Update – Subtitle C § 702

The Commission considered comments from ANCs 5F and 5E and several residents stating that they believed that there were three areas that appeared to be inadvertently omitted from the list of priority corridors.

The Commission considered comments by the Committee of 100 that parking requirements should not be reduced because it would disproportionately impact racial minorities residing in Wards 7 and 8. The Commission was persuaded that the impact was small because much of the area in Wards 7 and 8 was federal land not subject to zoning.

The Commission requested that, if possible within the timeframe of this case, OP provide additional analysis of Metrobus Routes raised by ANCs and members of the public but not included in the WMATA High Frequency Bus Corridor network. This would be achieved through further amendments to Subtitle C § 702.1(c). The areas proposed for addition include:

- 14th Street from Downtown to Takoma Metro
- Rhode Island Avenue, N.E. from Downtown to Rhode Island Avenue Metro
- Independence Avenue / Pennsylvania Avenue

11. Garage Door Height & Setback – Subtitle C § 711

The Commission considered the comment by the Committee of 100 that this change could increase trash cans placed in alleys. The Commission disagrees because the alley centerline setback rule is unaffected, so the alley space available for trash storage is unchanged.

The Commission took proposed action to approve this item at the November 25, 2025 public meeting.

12. Surface Parking Screening Along Alley – Subtitle C § 714

The Committee of 100 asked OP if the proposal would impact compliance with rear yard requirements and OP responded that it would not.

The Commission took proposed action to approve this item at the November 25, 2025 public meeting.

13. Penthouse Habitable Space Affordable Housing Contribution – Subtitle C § 1507

The Commission considered the comment from Goulston & Storrs suggesting that all stairways, elevator penthouses, and other services spaces should also be excluded because they are non-revenue generating building core. The Commission rejected this suggestion because it didn't want to expand the scope of the amendment from what was advertised.

The Commission also considered the comment from the Committee of 100 that the change would reduce the amount of square footage used to calculate required IZ. The Commission acknowledged this is true in theory, but believes the change is nonetheless warranted because it reflects current practice by the Zoning Administrator.

The Commission took proposed action to approve this item at the November 25, 2025 public meeting.

14. IZ Opt-In Provisions for R-2, R-3, & RF Zones – Subtitles C § 1001, D-E § 202

The Committee of 100 commented in opposition stating that retaining the special exception as is currently required by the rule would allow individual review of cases. The Commission did not find this persuasive because special exception review raises costs for providing IZ.

OAG supported the proposal with a suggested change.

The Commission noted that it approved of OP's suggested language, but asked OP to further clarify C § 1002.2 and remove outdated language, as recommended by OAG staff.

15. Relief from Front Setback Requirement – Subtitles D-E § 5201

ANC 3/4G commented that the proposed special exception is less stringent than the current variance rule and the change will allow front setback creep.

The Committee of 100 commented that OP previously argued for a variance requirement in earlier iterations of this case, citing examples of intrusive new construction destroying a blockface pattern.

The Commission considered the comment and believes that the proposed special exception is the right form of relief, rather than a variance because it addresses issues like light, air, and character.

The Commission requested that OP examine additional special exception criteria language addressing streetscape character and neighborhood pattern to augment existing special exception language.

16. Redundant Building Form Language – Subtitle U § 201

The Committee of 100 commented in opposition that it believes there is no redundancy and speculates that there is a further purpose to eliminate other rules in the future. The Commission

believes that the rules are redundant and the purpose of the amendment is removing the redundancy.

The Commission took proposed action to approve this item at the November 25, 2025 public meeting.

17. Accessory Building Area in R & RF Zones – Subtitles D-E § 5003

ANC 6C commented in support of this subcase.

The Commission received several comments supporting the changes with conditions suggesting that the Commission expand the scope of the rule changes to allow larger accessory buildings and remove additional restrictions on the use of accessory buildings, such as the owner occupation requirement and the five (5)-year restriction. ANC 5F and ANC 5E recommended that the size of permitted accessory buildings should be increased to up to one thousand two hundred feet (1,200 sq. ft.).

The Commission also received comments opposing larger accessory buildings. ANC 3/4G submitted a report recommending denial of the proposal because of potential adverse impacts on light, air, and privacy available to neighboring properties, as well as space for trees.

The Commission ultimately settled on six hundred fifty square feet (650 sq. ft.) without changing the owner-occupation restriction as an appropriate compromise.

The Commission requested that OP provide responses to the following:

- Provide information on the difference between the proposed accessory building area provisions and the Short-Term Rental rules;
- Amend the provision to allow six hundred fifty square feet (650 sq. ft.) in the R-1 and R-2 zones; retain the currently proposed five hundred fifty square feet (550 sq. ft.) in the R-3 and RF zones;
- Address lifting the owner-occupancy requirement of the current accessory apartment regulations; and
- Address whether a larger footprint for a fully accessible one level unit is warranted.

18. Accessory Building Side & Rear Setbacks, R zones – Subtitle D §§ 5004, 5201

The Office of Planning modified the text prior to the hearing to reduce the required rear setback from five (5) to three feet (3 ft.) and to remove RF zones from the proposal.

The Commission received comments arguing that three feet (3 ft.) was too close and would create adverse impacts on neighboring properties. ANC 3/4G recommended that the required yards should be increased to eight feet (8 ft.).

Others, including ANCs 5E and 5F, commented that it was too limited and would not permit sufficient space to build accessory buildings. ANC 5F commented that the proposed 3-foot setback requirement should only be imposed in specific enumerated instances when it would be necessary to allow privacy and light to abutting structures without discretionary review.

The Commission concluded that three feet was an appropriate compromise.

The Commission requested that OP make any additional modifications or clarification arising from other recently approved text amendments, principally the Rear Yard Text Amendments of Z.C. Order No. 24-20,¹⁰ with respect to a setback requirement for an accessory building in the R zones.

19. Accessory Apartments in RF, RA, & MU zones – Subtitles E-G § 201; U §§ 201, 210, 410, 501

The Commission received comments that the text would have the opposite effect of its stated intention of allowing accessory apartments. ANC 5F commented that the provision should be deleted. The Office of Planning conceded that additional clarification was needed.

The Commission requested that OP provide alternative wording for these provisions. In these zones, which allow two or more units, an “accessory apartment” as defined in the regulations, is not a permitted use but this does not restrict an owner of a property in these zones from having a rental unit or adding a second principal unit.

20. New dwelling in an Accessory Building in RF zones – Subtitle U § 301

The Committee of 100 requested a clarification about whether the proposed amendments would potentially conflict with 18. Accessory Building Side & Rear Setbacks, R zones – Subtitle D §§ 5004, 5201. It further commented that it believes the restriction on accessory apartments should continue and opposes elimination of the requirement that expansion of an accessory building for housing is allowed only by special exception.

The Commission believed it would not conflict with 18. Accessory Building Side & Rear Setbacks, R zones – Subtitle D §§ 5004, 5201 because the RF zones were removed from that amendment. The Commission was not persuaded by the second Committee of 100 comment because it believes the proposed change will harmonize access requirements for alley lots and increase housing stock by streamlining the approval process.

The Commission took proposed action to approve this item at the November 25, 2025 public meeting. The Commission noted the need to coordinate any approval of the access-related text to the corresponding text amendment for alley lots under consideration in Z.C. Case No. 25-06.

21. Align Zone Descriptions with Comp Plan Classifications – Subtitle G § 101

The Committee of 100 commented in opposition on grounds that it believes there will be future amendments to the Comprehensive Plan. The Commission believes that amendments are warranted to bring the Zoning Regulations into alignment with the current Comprehensive Plan, and changes based on a not-yet adopted future Comprehensive Plan are premature.

The Commission took proposed action to approve this item at the November 25, 2025 public meeting.

¹⁰ These amendments became final and effective on September 5, 2025.

22. Penthouse Height Limit in MU/CAP Zones – Subtitle G § 403

The Commission received comments in support and no opposition comments regarding this subcase.

The Commission took proposed action to approve this item at the November 25, 2025 public meeting.

23. Window Separation Criteria in MU and D Zones - Subtitle G §207.14 and I § 205.5

The Commission received comments in support of this amendment, and comments in opposition by the Committee of 100. The comments in support note that general special exception review criteria is sufficient and the current window separation criteria conflicts with the District's Building Code, which causes regulatory barriers. The Committee of 100 states that the current specific criteria is superior to the “wholly subjective” special exception criteria and given that renters rarely get notice of adjacent zoning projects these changes will likely negatively impact renters' light, air, and privacy.

The Commission believes the amended criteria are superior to the current criteria which are overly convoluted.

The Commission took proposed action to approve this item at the November 25, 2025 public meeting.

24. Designated Uses in Neighborhood Mixed-Use Zones Subtitle H § 6001

The Commission received many comments in support or in support with conditions on this amendment, and no comments in opposition. Most commentators, led by ANC 5F, want OP to amend this proposed amendment to add a catch-all provision that would declare any street-activation use as a designated use, rather than adding designated uses one at a time. OP responded to the ANC stating “OP discussed this with DoB¹¹ staff and agree that it would not be possible to adequately administer such a broad provision. In addition, the current regulations include virtually all forms of retail and service uses.”

The Commission stated that it agrees with OP that a “catch-all” provision would be unworkable.

The Commission took proposed action to approve this item at the November 25, 2025 public meeting.

OP Supplemental Report

On December 11, 2025, OP submitted a supplemental report that responded to the questions and requests made by the Commission at the November 25, 2025 special public meeting (OP Supplemental Report) (Ex. 142).

December 18, 2025 public meeting

At its properly noticed public meeting on December 18, 2025, the Commission considered the OP Supplemental Report and deliberated further on the following subcases that it did not take

¹¹ This and other references to “DoB” in this document refer to the D.C. Department of Buildings.

proposed action to approve at its November 25, 2025 public meeting. Accordingly, the list and discussion of subcases below does not include subcases for which the Commission took proposed action at its November 25, 2025 public meeting.

1. Zone Boundary Line for a Split Zoned Lot Subtitle A § 207

The OP Supplemental Report provided revised text to address the two (2) requests the Commission made at the November 25 public meeting. The Commission requested that OP provide modified language that would:

- Incorporate a suggested change for the “trigger” date, from ZR58 to ZR16, in proposed new Subtitle C § 1601.1; and
- Retain the adverse effect review criteria contained in existing A § 207.2 (c) (to be renumbered C § 1601.2(c)).

The Commission took proposed action to approve the modified language provided in the OP Supplemental Report at its December 18, 2025 public meeting.

2. Zoning Administrator flexibility Subtitles A § 304 and Y § 702

The OP Supplemental Report provided revised text to address the two requests made at the November 25 public meeting. The Commission requested that OP provide modified language that would:

- Propose changes regarding Zoning Administrator (ZA) flexibility for pervious surface provisions in Subtitle A § 304.2; and
- Allow ZA flexibility for Commission orders in Subtitle A § 304.5.

In addition, OP provided amended text to address an additional issue. OP stated that it also provided amended text to address an issue raised by Zoning Administrator staff that was also raised in a comment submitted into the record regarding the determination of IZ requirements for a BZA project which, at the time of permitting, involves a change in use. The Commission agreed that this additional text, clarifying Subtitle A § 304.10(d), could be included in this case because it was within the scope of the changes discussed in the public hearing notice and was brought up in a comment thereto.

The Commission took proposed action to approve the modified language, including the language in Subtitle A § 304.10(d), provided in the OP Supplemental Report at its December 18, 2025 public meeting.

3. Light Pole for District Recreation Facilities Subtitle B § 100; Subtitles D-F §§ 203, 490

In response to the comments from the Commission and the public, OP withdrew this subcase.

6. Balconies and Lot Occupancy – Subtitle B § 312¹²

¹² The Commission notes that the OP Supplemental Report moved Green Area Ratio Subtitle C § 601 from subcase 4 to subcase 8, and as a result, the numbering and order of subcases 4-8 in the Supplemental Report differed from the numbering and order in this Order. For the sake of consistency, this Order maintains the numbering and order of subcases established in the amended public hearing notice and used at the hearings.

The OP Supplemental Report provided revised text to address the Commission’s request that OP provide amended language that would remove the RF-1 zone from this lot occupancy exemption, by further amending proposed new Subtitle B § 312.4(i), due to concerns raised about the potential impact on privacy.

The Commission took proposed action to approve the modified language provided in the OP Supplemental Report at its December 18, 2025 public meeting.

7. Ground Level Decks and Lot Occupancy – Subtitle B § 312

The Commission requested that OP provide language to address stair access landings, expressing concerns about double dipping exemptions for landings and decks.

The OP Supplemental report proposed text to address these issues. It explained it did not completely remove the exemption for landings but instead limited the size of the exemption to that which is required to comply with the building code.

The Commission took proposed action to approve the modified language provided in the OP Supplemental Report at its December 18, 2025 public meeting.

8. Thirty (30)-Foot Lot Frontage for Subdivisions for Apartment Buildings – Subtitle C § 303

At the November 25, 2025 public meeting, the Commission expressed concern about aspects of the proposal and discussed its removal from the case for further study and as a potential separate case. The Commission requested that OP provide a narrower proposal to remove the potential ability to use the subdivision process to create new flag-lots, which is technically a subdivision action.

The OP Supplemental Report stated that, after discussions with Department of Buildings staff, there was no apparent solution to address the Commission’s subdivision action concern so OP proposed text to narrow the scope of the provision to retain the requirement for 30-foot frontage but provide a special exception review process to address privacy, light, air, and streetscape character issues.

The Commission was uncomfortable with OP’s proposed text, so OP withdrew this subcase at the December 18, 2025 public meeting.

10. Priority Corridor Metrobus Route Update – Subtitle C § 702

At the November 25, 2025 public meeting, the Zoning Commission requested that OP provide additional analysis of Metrobus Routes raised by ANCs and members of the public but not included in the WMATA High Frequency Bus Corridor network. This would be achieved through further amendments to Subtitle C § 702.1(c). The areas proposed for addition include:

- 14th Street from Downtown to Takoma Metro
- Rhode Island Avenue N.E. from Downtown to Rhode Island Avenue Metro
- Independence Avenue / Pennsylvania Avenue N.E.

In its Supplemental Report, OP responded by stating that it continued to recommend against adding the three requested areas because large portions of those areas were already eligible for the parking

exclusions at issue because they were within half-mile buffers from Metrorail or other high frequency bus corridors. OP further stated that other portions of the three routes run through areas zoned R or RF where the parking reduction would not apply. OP provided analysis showing that portions of the three areas that remained were quite small. OP stated that the added complexity required to address these limited areas was not worth the benefit in terms of parking reduction.

The Commission was persuaded by the evidence that most of the three affected areas were already covered and took proposed action to approve the text originally proposed in the OP Hearing Report at its December 18, 2025 public meeting.

14. IZ Opt-In Provisions for R-2, R-3, & RF Zones – Subtitles C § 1001, D § 202, E § 202

At the November 25, 2025 public meeting, the Commission decided to accept the language proposed by OP in the hearing report, but instructed OP to include additional clarification language in Subtitle C § 1002.2 that would adopt OAG’s suggestion to remove outdated language.

OP’s Supplemental Report included the additional language suggested by OAG.

The Commission took proposed action to approve the modified language provided in the OP Supplemental Report at its December 18, 2025 public meeting.

15. Relief from Front Setback Requirement – Subtitles D-E § 5201

At the November 25, 2025 public meeting, the Commission requested that OP examine additional special exception criteria language addressing streetscape character and neighborhood pattern, to augment existing special exception language.

The OP Supplemental Report stated that it believed the existing special exception was sufficient to protect neighborhood character, nonetheless it proposed additional language to Subtitles D and E § 206 Front Setback, related to the required front setback for semi-detached and attached houses in the R and RF zones. OP noted that this is not a new requirement, as it currently exists in Subtitle B; however, it is a clarification to make the rule more visible in the Subtitle D and E regulations.

The Commission took proposed action to approve the modified language provided in the OP Supplemental Report at its December 18, 2025 public meeting.

17. Accessory Building Area in R & RF Zones – Subtitles D-E § 5003¹³

At the November 25, 2025 public meeting, the Zoning Commission requested that OP provide responses to the following:

¹³ The OP Supplemental Report renumbered subcase 16. Redundant Building Form Language – Subtitle U § 201 as number 23, and accordingly the numbering of subcases 16-23 was different from the numbering in the public hearing notice and OP Hearing Report. For the sake of consistency, this Order follows the numbering used at the public hearings.

- Provide information on the difference between the proposed accessory building area provisions and the Short-Term Rental rules;
- Amend the provision to allow six hundred fifty feet (650 sq. ft.) in the R-1 and R-2 zones; retain the currently proposed five hundred fifty feet (550 sq. ft.) in the R-3 and RF zones;
- Address lifting the owner-occupancy requirement of the current accessory apartment regulations; and
- Address whether a larger footprint for a fully accessible one level unit is warranted.

In its Supplemental Report, OP responded as follows:

Requested Information	OP Response
Provide information on the difference between the propose accessory building area provisions and the Short Term Rental rules;	<p>The zoning regulations were amended in 2019 to address Short Term Rentals. A short-term rental unit is generally permitted as an accessory use to a principal residential use in all zones which permit residential uses. An accessory dwelling unit in the low-density residential zones is also an accessory use to the principal dwelling unit.</p> <p>A Short-Term Rental unit can be within an accessory building, as can an accessory apartment. However, an accessory building with an accessory apartment cannot also have a Short-Term Rental unit.</p>
Amend the provision to allow 650 sq.ft. in the R1 and R-2 zones; retain the currently proposed 550 sq.ft. in the R-3 and RF zones;	Amended language provided below.
Address lifting the owner-occupancy requirement of the current accessory apartment regulations; and	This would be contrary to the intent of the accessory apartment provision, so is not proposed or supported by OP at this time.
Address whether a larger footprint for a fully accessible one level unit is warranted.	<p>There were proposals from various filings to allow 1,200 sq.ft. on one level, or 650 sq.ft. on one level. A footprint of 650 sq.ft. by right would be allowed under the revised proposal in the R1 and R2 zones. A maximum footprint of 550 sq.ft. is proposed in the R3 and RF zones.</p> <p>While OP is supportive in concept, research and analysis would be needed to address requests to further expand the allowable footprint, in terms of potential impacts on other regulations, such as pervious surface and lot occupancy, or how this would be administered through permitting processes. OP is not proposing this change at this time.</p>

The Commission was persuaded by OP advice that it should not lift restrictions on owner-occupancy under the current accessory apartment regulations. Likewise, the Commission did not want to go with a larger footprint for accessible one level units as it would add additional complexity.

The Commission took proposed action to approve the modified language provided in OP Supplemental Report, which amended the provision to allow six hundred fifty feet (650 sq. ft.) in the R-1 and R-2 zones, at its December 18, 2025 public meeting.

18. Accessory Building Side & Rear Setbacks, R zones – Subtitle D §§ 5004, 5201

At the November 25, 2025 public meeting, the Commission requested that OP make any additional modifications or clarification arising from other recently approved text amendments, principally the Rear Yard Text Amendments of Z.C. Order No. 24-20, with respect to a setback requirement for an accessory building in the R zones.

OP responded in its Supplemental Report by stating that no additional modifications were necessary.

However, OP further noted in its Supplemental Report that:

DoB staff noted that the R-3 zone is also a rowhouse zone where the lots tend to be smaller, allowing a 20-foot width minimum for row dwellings. As such, the addition of a side yard requirement for an accessory building could be more restrictive and result in a need for BZA relief not otherwise required. However, OP did not propose this exemption, and it was not discussed by the Zoning Commission at the Proposed Action meeting, so OP has not included it. If the Commission wishes OP to add it, it would be a simple amendment to exempt the R-3 zones from the side yard setback requirement.

The Commission took proposed action to approve the language originally proposed in the OP Hearing Report at its December 18, 2025 public meeting, with the amendment proposed by Department of Buildings staff as noted in the OP Supplemental Report to exempt the R-3 zones from the side yard setback requirement.

19. Accessory Apartments in RF, RA, & MU zones – Subtitles E-G § 201; U §§ 201, 210, 410, 501

At its November 25, 2025 public meeting, the Commission requested that OP provide alternative wording for these provisions as the wording sounds more “prohibitive” than “clarifying”. In these zones, which allow two or more units, an “accessory apartment” as defined in the regulations, is not a permitted use but this does not restrict an owner of a property in these zones from having a rental unit or adding a second principal unit.

In its Supplemental Report, OP stated that its Hearing Report had simply copied existing language found in the RF zone to the RA and MU zones in the appropriate places. There was much opposition to what was incorrectly perceived as a “restriction” on these zones, even though an accessory apartment is a more restricted use than a principal unit on the lot. OP stated that it worked with Department of Buildings staff and proposed revised descriptive language, not typically provided in zoning regulations, which would be repeated in each relevant provision.

The Commission took proposed action to approve the modified language provided in the OP Supplemental Report at its December 18, 2025 public meeting.

“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 OP’s recommendation that the Commission take proposed action to adopt the proposed regulations as set forth in the Petition, as revised in the OP Hearing Report, and further revised in the OP Supplemental Report, and set forth below, and concurs in that judgment.

“Great Weight” to the Written Report of the ANCs

The Commission must give great weight to the issues and concerns raised in the written report of an affected ANC that was approved by the full ANC at a properly noticed public meeting pursuant to § 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d) (2012 Repl.) and Subtitle Z § 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. District of Columbia Board of Zoning Adjustment*, 395 A.2d 85, 91 n.10 (1978) (citation omitted)).

Summary

The Commission received ANC reports regarding the amendments from ANC 5F, ANC 3/4G, ANC 5E, ANC 3A, and ANC 6C (Ex. 10, 83, 83A, 128, 134-134C, 136). The substance of the opposition issues and concerns raised by ANCs regarding specific subcases was addressed by the Commission at the respective public hearing for the subcase and during deliberations at its November 25, 2025 public meeting. In further response to concerns raised, the Commission requested and was provided with an OP Supplemental Report with suggested modification language, as necessary, for the subcases it did not take proposed action on at the November 25, 2025 public meeting. The Commission considered the OP Supplemental Report rationale and modified language during its deliberations at its December 18, 2025 public meeting.

Based on the concerns raised, the Commission did not move forward with subcase 3. Light Pole for District Recreation Facilities Subtitle B § 100; Subtitles D-F §§ 203, 4904 and subcase 8. 30-Foot Lot Frontage for Subdivisions for Apartment Buildings – Subtitle C § 303, and asked OP to withdraw both subcases at its December 18, 2025 public meeting. After considering the ANC concerns and the modified language provided in the OP Supplemental Report, as applicable to the subcase, the Commission ultimately proceeded with proposed action on all subcases except 3 and 8. Below is a summary of the ANC reports submitted to the record.

ANC 5F Report (Ex. 10)

ANC 5F submitted a resolution stating that the resolution was approved at a duly noticed public meeting with a quorum and approved by a majority of the Commissioners present.

The resolution states that ANC 5F supports proposals 10, 16, and 22 with conditions. It states that it opposes proposals 17 and 18. The Commission notes that the numbering in the ANC 5F report differs from the numbering in the OP Hearing Report that was used at the hearings. Based on the OP Hearing Report numbering, the ANC supports with conditions 10. Priority corridor metrobus route update, 17. Accessory building area in the R & RF zones, and 24. Designated Uses in NMU zones; and opposes 18. Accessory Building Side & Rear Setbacks, R zones and 19. Accessory Apartments in R, RA, & MU zones. The Commission addressed the substance of these comments in its discussion at its November 25 public meeting discussed above. The Commission agreed with OP modified language for subcases 17 and 19 and took proposed action on such language at its December 18, 2025 public meeting.

ANC 5E Report (Ex. 83, 83A)

ANC 5E submitted a report dated October 29, 2025 stating it was approved at a duly noticed public meeting with a quorum present by a majority of the Commissioners present.

The report stated that ANC 5E supports amendments 10 and 16 with conditions, asking for clarity on amendment 18. The Commission notes that the numbering in the ANC 5E report differs from the numbering in the OP Hearing Report that was used at the hearings. Based on the OP Hearing Report numbering, the ANC supports with conditions 10. Priority corridor metrobus route update, 17. Accessory Building Area in the R & RF zones; opposes 18. Accessory Building Side & Rear Setbacks, R zones; and wants clarity on 19. Accessory Apartments in R, RA, & MU zones. The Commission addressed the substance of the ANC's concerns at its November 25, 2025 public meeting discussed above. The Commission agreed with OP modified language for subcases 17 and 19 and took proposed action on such language at its December 18, 2025 public meeting.

ANC 3A Report (Ex. 128)

ANC 3A submitted a report dated October 18, 2025 suggesting that the Commission divide the omnibus case into smaller groupings for separate hearings. The Commission listened to this advice and ordered the case divided into 6 hearings on different afternoons with only four of the subcases heard at one time.

ANC 3/4G Report (Ex. 134)

ANC 3/4G submitted a report dated November 12, 2025 stating it was approved at a duly noticed public meeting with a quorum present by a majority of the Commissioners present.

The report stated that it was opposed to proposal “#15 (front setback relief)”. The Commission addressed the substance of this concern at its November 25, 2025 public meeting discussed above. The Commission agreed with OP modified language to Subtitles D and E § 206 Front Setback and took proposed action on such language at its December 18, 2025 public meeting.

ANC 3/4G Report (Ex. 134A)

ANC 3/4G submitted a second report dated November 12, 2025 stating it was approved at a duly noticed public meeting with a quorum present by a majority of the Commissioners present.

The report stated that it was opposed to proposal “#16 (larger accessory buildings). The Commission notes that the numbering in this ANC 3/4G report differs from the numbering in the OP Hearing Report that was used at the hearings. The Commission addressed the substance of this concern at its November 25, 2025 public meeting discussed above. The Commission agreed with OP modified language amending the provision to allow six hundred fifty feet (650 sq. ft.) in the R-1 and R-2 zones and took proposed action on such language at its December 18, 2025 public meeting.

ANC 3/4G Report (Ex. 134B)

ANC 3/4G submitted a third report dated November 12, 2025 stating it was approved at a duly noticed public meeting with a quorum present by a majority of the Commissioners present.

The report stated that it was recommending that the Commission approve “17 (Accessory building Side and Rear setbacks in “R” Zones), but to increase the side and rear setbacks to eight feet. The Commission notes that the numbering in this ANC 3/4G report differs from the numbering in the OP Hearing Report that was used at the hearings. The Commission addressed the substance of this concern at its November 25, 2025 public meeting discussed above.

ANC 3/4G Report (Ex. 134C)

ANC 3/4G submitted a fourth report dated November 12, 2025 stating it was approved at a duly noticed public meeting with a quorum present by a majority of the Commissioners present.

The report addressed subcase 3. Light Pole for District Recreation Facilities Subtitle B § 100; Subtitles D-F §§ 203, 4904, which OP withdrew from consideration as a part of this case.

ANC 6C Report (Ex. 136)

ANC 6C submitted a report dated November 13, 2025 stating it was approved at a duly noticed public meeting with a quorum present by a majority of the Commissioners present.

The report expressed opposition to 3. Light Pole for District Recreation Facilities - Subtitles B § 100; D-F §§ 203, 212, 4904, which OP withdrew from consideration as a part of this case.

With respect to subcase 5. Balconies & Gross Floor Area (GFA) – Subtitle B § 304, the report expressed support for excluding inset balconies from gross floor area and for allowing balconies up to eight feet deep, but the ANC recommended excluding the RF zones from the amendment. The Commission disagreed with excluding the RF zones, and addressed the substance of the concern at its November 25, 2025 public meeting discussed above.

With respect to 7. Ground level decks and lot occupancy – Subtitle B § 312, the report stated that while the ANC supports the general concept, it recommended a smaller area, a condition that landings are included in deck area, and a prohibition on these decks on the primary elevation of the building. The Commission addressed the substance of the concern at its November 25, 2025

public meeting discussed above. The Commission agreed with OP modified language clarifying that landing size is exempt from lot occupancy to the building code limit and took proposed action on such language at its December 18, 2025 public meeting.

ANC 6C commented in opposition to eliminating 30-foot lot frontage minimum for new apartment building record lots. This was subcase 8 in the OP Hearing Report and was withdrawn from consideration as a part of this case by OP at the December 18, 2025 public meeting.

PROPOSED ACTION

At its November 25, 2025 special public meeting, the Commission voted to take **PROPOSED ACTION** to:

- Adopt the text provided in the OP Hearing Report, for subcases 4, 5, 9, 11-13, 16, and 20-24 identified above in the discussion of the November 25, 2025 special public meeting; and
- Authorize the publication of a Notice of Proposed Rulemaking (NOPR).

VOTE: 3-0-2

(Anthony J. Hood, Robert E. Miller, and Gwen Wright to **APPROVE**; Joseph S. Imamura and Tammy Stidham not present, not voting).

At its December 18, 2025 public meeting, the Commission voted to take **PROPOSED ACTION** to:

- Adopt the text provided in the OP Supplemental Report, for subcases 1, 2, 6, 7, 10, 14, 15, 17, 18, and 19 identified above in the discussion of the December 18, 2025 public meeting; and
- Authorize the publication of a Notice of Proposed Rulemaking (NOPR).

VOTE: 3-0-2

(Anthony J. Hood, Robert E. Miller, and Gwen Wright to **APPROVE**; Joseph S. Imamura and Tammy Stidham not present, not voting).

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 4th Street, N.W., Suite 200-S, Washington, D.C. 20001; by e-mail to zcsubmissions@dc.gov; or by fax to (202) 727-6072. Ms. Schellin may be contacted by telephone at (202) 727-6311 or by e-mail at 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>.

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).

PROPOSED TEXT AMENDMENTS

I. Amendments to Subtitle A AUTHORITY AND APPLICABILITY

Chapter 2 ADMINISTRATIVE AND ZONING REGULATIONS is amended as follows:

A new subsection 206.8 is added to § 206 ZONE BOUNDARY LINES to read as follows:

206.8 **For rules determining density and use provisions for a split zoned lot, refer to Subtitle C GENERAL RULES Chapter 16 ZONE BOUNDARY LINE CROSSING A LOT.**

Subsection 207 ZONE BOUNDARY LINE CROSSING A LOT is deleted in its entirety and moved to a new Subtitle Chapter 16 ZONE BOUNDARY LINE CROSSING A LOT.

Chapter 3 ADMINISTRATION AND ENFORCEMENT is amended as follows:

Subsection 304.2 of § 304, DEVIATIONS AND MODIFICATIONS PERMITTED BY ZONING ADMINISTRATOR’S RULING, is amended to read as follows:

304.2 ...¹⁴

- (a) Deviations not to exceed two percent (2%) of the area requirements governing minimum lot area, maximum percentage of lot occupancy, **minimum percentage of pervious surface**, and area standards of courts;
- (b) ...
- (c) Deviations not to exceed the lesser of ten percent (10%) or twelve inches (12 in.) of the linear requirements governing minimum rear yard, minimum side yard, and minimum court width; ~~and~~
- (d) Deviations not to exceed two percent (2%) of the linear frontage limitation for eating/drinking establishments in Subtitle K § 811.9(a); ~~and~~
- (e) **Deviations not to exceed twelve inches (12 in.) of the linear requirements governing front setback.**

¹⁴ 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.

Subsection 304.5 of § 304, DEVIATIONS AND MODIFICATIONS PERMITTED BY ZONING ADMINISTRATOR’S RULING, is amended to read as follows:

304.5 ...

- (a) A change not to exceed two percent (2%) in height, percentage of lot occupancy, or gross floor area of any building ~~that is the direct result of structural or building code requirements;~~

...

Subsection 304.10 of § 304, DEVIATIONS AND MODIFICATIONS PERMITTED BY ZONING ADMINISTRATOR, is amended to read as follows:

304.10 For building permits that are authorized by an order of the Board of Zoning Adjustment (the Order), the Zoning Administrator, following receipt of a request made pursuant to Subtitle A § 304.11, is authorized to permit modifications to approved plans in addition to those modifications specifically authorized pursuant to flexibility granted by the Order if the Zoning Administrator determines that the proposed modifications are consistent with the intent of the Board of Zoning Adjustment Order, and the modifications would not:

...

- (d) Change a principal use from that approved in the Order, except that:
 - (1) The use may change to another use permitted as a matter of right in the zone; and
 - (2) Notwithstanding paragraph (1) of this subsection, where the project at the time of building permit application is subject to Inclusionary Zoning or uses Inclusionary Zoning bonus density or modifications pursuant to Subtitle C § 1002, it must comply with Subtitle C, Chapter 10;
- (e) ...
- (f) Increase by more than two percent (2%) the building gross floor area, the percentage of lot occupancy, building height, or penthouse or rooftop structure height; ~~provided that the permitted increase of two percent (2%) or less must be the direct result of structural or building code requirements;~~
- (g) Notwithstanding subsection (d), Increase increase by more than two percent (2%) or one (1) unit, whichever is greater, the number of dwelling units or hotel rooms, ~~or institutional rooms,~~ within the approved square footage; or

- (h) Increase or decrease by more than two percent (2%) or one (1) space, whichever is greater, the number of parking or loading spaces depicted on the approved plans.

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

Chapter 3 GENERAL RULES OF MEASUREMENT is amended as follows:

Subsection 304.8 of § 304 RULES OF MEASUREMENT FOR GROSS FLOOR AREA (GFA) is amended to read as follows:

304.8 GFA shall not include: ~~cellars, exterior balconies that do not exceed a projection of six feet (6 ft.) beyond the exterior walls of the building, all projections beyond the lot line that may be allowed by other Municipal codes, vent shafts, and pipe chase shafts above the ground floor, atriums above the ground floor, ramps on the ground floor leading down to areas of parking on a lower level; and in residential zones, the first floor or basement area designed and used for parking or recreation spaces provided that not more than fifty percent (50%) of the perimeter of that space may be comprised of columns, piers, walls, or windows, or similarly enclosed.~~

- (a) Cellars,
- (b) Exterior balconies that do not exceed a projection of ~~six~~ **eight** feet (~~6~~ **8** ft.) beyond the exterior walls of the building;
- (c) **Inset balconies open and unenclosed on at least one side, to a maximum depth of eight feet (8 ft.) in from the adjacent exterior façade of the building;**
- (d) All projections beyond the lot line that may be allowed by other Municipal codes;
- (e) All projections beyond the lot line that may be allowed by other Municipal codes;
- (f) Vent shafts, and pipe chase shafts above the ground floor;
- (g) Atriums above the ground floor;
- (h) Ramps on the ground floor leading down to areas of parking on a lower level; and
- (i) In residential zones, the first floor or basement area designed and used for parking or recreation spaces provided that not more than fifty percent (50%)

of the perimeter of that space may be comprised of columns, piers, walls, or windows, or similarly enclosed.

Subsection 312.4 of § 312, RULES OF MEASUREMENT FOR LOT OCCUPANCY, is amended to read as follows:

312.4 **For the purposes of calculating Lot Occupancy, B**uilding area shall not include:

- (a) ...
- (e) Uncovered stairs, landings **no larger in size than that required by the building code**, and wheelchair ramps **or accessibility lifts** that serve the main floor;
- (f) Chimneys, smokestacks, or flues; ~~and~~
- (g) ...;
- (h) **Uncovered porches and decks that are more than four feet (4 ft) in height above the ground level at any point but level with or below the main floor of the building, to a maximum cumulative area of two hundred square feet (200 sq. ft.); provided that this section shall not be used to exclude any portion of uncovered porches or decks from yard requirements; and**
- (i) **Except for the RF zones, exterior balconies that do not exceed a projection of eight feet (8 ft.) beyond the exterior walls of the building.**

III. Amendments to Subtitle C, GENERAL RULES

Chapter 5 PERVIOUS SURFACES is amended as follows:

Subsection 502.1(c) of § 502, RULES OF MEASUREMENT FOR PERVIOUS SURFACES, is amended to read as follows:

- (c) Decks or porches constructed above the surface of the lot that are erected on pier foundations, and that maintain a permeable surface underneath that can facilitate the infiltration of water into the soil **or are located directly above a surface defined in Subtitle C § 502.1.**

Chapter 6 GREEN AREA RATIO is amended as follows:

Subsections 601.3 and 601.9 of § 601, APPLICABILITY OF GREEN AREA RATIO STANDARDS, are amended to read as follows:

601.3 The GAR standards set forth in this chapter shall apply to all new buildings and to all existing buildings where any additions, **and** interior renovations, ~~or both~~ within

any twelve (12) month period exceed one hundred percent (100%) of the assessed value of the building as set forth in the records of the Office of Tax and Revenue as of the date of the building permit application, except **that GAR standards shall not apply to a development which meets any of the following conditions:**

(a) **New buildings or alterations to existing** buildings that do not require certificates of occupancy;

(b) ...;

(c) **The interior renovation of an existing building that:**

(1) Does not increase gross floor area by more than ten percent (10%); and

(2) Includes only minor exterior alterations, including, but not limited to, doors or windows, the addition of solar panels or wind generation devices, or the replacement of mechanical equipment.

~~(e)~~ (d) **Within the Central Employment Area, the** interior renovation of an existing building that meets all of the following:

~~(1)~~ **Is located in the Central Employment Area;**

~~(1 2)~~ ...;

~~(2 3)~~ ...; and

~~(3 4)~~ ...; or

~~(d)~~ (e)

...

601.9 Minimum required GAR score for a split zoned lot shall be calculated based on the weighted average of the score for each portion of the lot in each zone.

Subsection 604.2 of § 604, SUBMITTAL REQUIREMENTS FOR GREEN AREA RATIO, is amended to read as follows:

604.2 For the purposes of this section, the term “Certified Landscape Expert” means a person who ~~is a~~ **holds one of the following licenses or certifications that is current, valid, and in good standing:**

(a) Landscape Architect licensed by the District of Columbia ~~or, until September 1, 2021, by either the Commonwealth of Virginia or the State of Maryland;~~

(b) ...;

- (c) ...; ~~or~~
- (d) ...; or
- (e) Certified Chesapeake Bay Landscape Professional Level 2; or

Chapter 7 VEHICLE PARKING is amended as follows:

Subsections 701.10 and 701.14 of § 701, MINIMUM VEHICLE PARKING REQUIREMENTS, are deleted and the section renumbered to read as follows:

~~701.10 — The number of required parking spaces shall not be reduced below the minimum required as long as the use that generated that requirement remains in existence~~

~~701.11~~ 10

~~701.12~~ 11

~~701.13~~ 12

~~701.14 — Required parking spaces shall be provided and maintained so long as the structure that the parking spaces are designed to serve exists.~~

The title and § 702.1 of § 702 EXEMPTIONS FROM MINIMUM PARKING REQUIREMENTS is amended to read as follows:

702 EXEMPTIONS FROM MINIMUM VEHICLE PARKING REQUIREMENTS

702.1 ...:

- (a) ...; ~~or~~
- (b) Within one-quarter mile (0.25 mi.) of a streetcar line ~~that is currently in operation or for which a construction contract has been awarded~~; or
- (c) Within one-quarter mile (.25 mi.) of one (1) of the following **Priority Corridor Network** Metrobus corridors served by high-frequency routes ~~Routes~~ located entirely or partially within the District of Columbia, ~~provided that the property is on a street on which participation in a District Residential Parking Permit program is not permitted, or is otherwise exempted from a District Residential Parking Permit program~~:
 - (1) Georgia Avenue/7th Street NW (Routes 70, 79 Archives Metrorail Station to Eastern Avenue NW);
 - (2) Wisconsin Avenue NW / M Street NW / Pennsylvania Avenue NW (Routes 31, 32, 34, 36, 37, 39 Western Avenue NW to Union Station Metrorail Station);

- (3) Sixteenth Street NW (Routes S1, S2, S4, S9 Eastern Avenue NW to Archives Metrorail Station);
- (4) H Street/Benning Road (Routes X1, X2, X3, X9 17th Street NW to Minnesota Avenue SE);
- (5) Calvert Street NW / 18th Street NW / U Street NW / ~~Garfield Florida Avenue/ 8th Street NE / 11th Street NE / Marion Barry Avenue SE / Alabama Avenue SE (Routes 90, 92, 93) Woodley Park Metrorail Station to Congress Heights Metrorail Station;~~
- (6) ~~Anacostia/Congress Heights~~ Martin Luther King Junior Avenue SE / Alabama Avenue SE / Wheeler Road SE / Barnaby Road SE / 8th Street SE / Condon Terrace SE / 4th Street SE/ 3rd Street SE / Livingston Road SE / Southern Avenue SE / 6th Street SE (Routes A2, A4, A5, A6, A7, A8, A9, A42, A46, A48) Anacostia Metrorail Station to Southern Avenue);
- (7) ~~Fourteenth Street NW (Routes 52, 53, 54) Michigan Avenue/ Kenyon Street NW / Irving Street NW/ Porter Street NW (Brookland Metrorail Station to Tenleytown-AU Metrorail Station);~~
- (8) ~~Riggs Road NW / North Capitol Street / New Hampshire Avenue NW (Route 80 Fort Totten Metrorail Station to Eastern Avenue NW); and~~
- (9) Rhode Island Avenue NE (Route G8 Rhode Island Ave-Brentwood Metrorail Station to Eastern Avenue);
- (10) Martin Luther King Jr Avenue SE/ 11th Street SE/ Potomac Avenue SE/ 19th Street SE/ East Capitol Street/ 15th Street SE/ Bladensburg Road NE (Anacostia Metrorail Station to Eastern Avenue);
- (11) Firth Sterling Avenue SE/ South Capitol Street/ Malcolm X Avenue SE/ Alabama Avenue SE/ Pennsylvania Avenue SE/ Southern Avenue/ Benning Road/ Minnesota Avenue NE (Anacostia Metrorail Station to Minnesota Avenue Metrorail Station); and
- (12) South Capitol Street/ Martin Luther King Jr Avenue SE/ Marion Barry Avenue SE/ Minnesota Avenue/ Nannie Helen Burroughs Avenue NE 58th Street NE/ Dix Street NE (Navy Yard-Ballpark Metrorail Station to Capitol Heights Metrorail Station).

Subsection 711.7 of § 711, ACCESS REQUIREMENTS, is amended to read as follows:

711.7 ~~Except for Alley Lots or as provided in Subtitle C § 711.11¹⁵, when~~ When parking spaces are provided within a building or structure, all vehicular entrances or exits shall be a minimum height of ten feet (10 ft.) and shall be setback at least

¹⁵ C § 711.11 permits special exception relief from this provisions and specified others

twelve feet (12 ft.) from the center line of any adjacent alley; **except these requirements shall not apply to:**

- (a) Alley Lots; or**
- (b) A building or structure serving a single household, flat, or conversion pursuant to Subtitle U §§ 320.2, 320.3, or 320.4.**

Subsection 714.2 of § 714 SCREENING REQUIREMENTS FOR SURFACE PARKING is amended to read as follows:

714.2 Screening of external surface parking shall be provided in accordance with the following provisions:

- (a) Screening shall be provided around the entire perimeter of the surface parking area, **except where the abutting public space is the access point to individual parking spaces, or the driveway access point to the parking spaces;**
- (b) All parking spaces that abut public space, such as sidewalks, streets, or alleys, shall have physical structures, such as wheel bumper guards, curbs, and/or guard rails, installed to separate and protect the abutting public space from vehicular encroachment, except **if where** the abutting public space is the access point or driveway to the parking space;

...

Chapter 10 INCLUSIONARY ZONING is amended as follows:

Subsection 1001.2(b) of § 1001 APPLICABILITY is amended to read as follows:

- (b) A “Voluntary Inclusionary Development” – any single household dwelling, flat, or multiple dwelling development not described in Subtitle C § 1001.2(a) if the owner voluntarily agrees to comply with the requirements of Subtitle C, Chapter 10, provided:
 - (1) The square footage set aside achieves a minimum of one (1) Inclusionary Unit;
 - (2) Modifications to development standards shall only be allowed as specified in the development standards of the individual zones pursuant to Subtitle C § 1002; and
 - (3) Any use of the modifications of development standards and bonus density authorized by Subtitle C § 1002 and in the development standards of the ~~R-2, R-3, RF-1, RF-4, RF-5, or~~ RA-1 zone shall require special exception approval pursuant to Subtitle X, Chapter 9.

Subsection 1002.2 of § 1002, MODIFICATIONS OF DEVELOPMENT STANDARDS AND BONUSES TO INCENTIVIZE INCLUSIONARY ZONING, is amended to read as follows:

1002.2 An Inclusionary Development is eligible for modifications to certain development standards as indicated in the specific development standards of each zone; ~~provided that a Voluntary Inclusionary Development may only utilize these modifications pursuant to Subtitle C § 1001.2(b) if applicable.~~

Chapter 15 PENTHOUSES AND ROOFTOP STRUCTURES is amended as follows:

The title and §§ 1507.2 and 1507.8(d) of § 1507, AFFORDABLE HOUSING PRODUCTION REQUIREMENT GENERATED BY CONSTRUCTION OF PENTHOUSE HABITABLE SPACE, are amended to read as follows:

1507 AFFORDABLE HOUSING PRODUCTION REQUIREMENT GENERATED BY CONSTRUCTION ~~ON A NONRESIDENTIAL BUILDING~~ OF PENTHOUSE HABITABLE SPACE

...

1507.2 The construction of penthouse habitable space on a building that is partially or entirely devoted to residential use is subject to the Inclusionary Zoning set-aside provisions of Subtitle C, Chapter 10, Inclusionary Zoning, at 50% MFI in accordance with Subtitle C §§ 1003.7, ~~and~~ 1507.5, and 1507.8 (d), except for:

...

1507.8 ...

- (d) The total gross floor area of the penthouse habitable space shall be determined as follows:
- (1) For entirely non-residential or lodging buildings, all forms of habitable space shall be included in the total gross floor area of the penthouse habitable space;
 - (2) For buildings that are partially or entirely devoted to residential use, all forms of habitable space, except space and service spaces devoted exclusively to communal rooftop recreation or amenity space for the primary use of residents of the building, shall be included in the total gross floor area of the penthouse habitable space; and
 - (3) For purposes of ~~(i) and (ii) (1) and (2)~~, total gross floor area of the penthouse habitable space includes service spaces such as enclosed hallways, vestibules, washrooms, stairwells and elevators and other service space serving any habitable or non-habitable space; except that stairwells and elevators shall not count toward the total gross floor area of penthouse habitable space for entirely non-residential or lodging buildings

Chapter 16 ZONE BOUNDARY LINE CROSSING A LOT is added to replace and amend Subtitle A, ADMINISTRATION, § 207, ZONE BOUNDARY LINE CROSSING A LOT, as follows:

CHAPTER 16 ZONE BUNDARY LINE CROSSING A LOT

207-1601 ZONE BOUNDARY LINE CROSSING A LOT

~~207.1~~ 1601.1 When a zone boundary line divides a lot that was in single ownership on ~~May 12, 1958~~ September 6, 2016, the permitted use and ~~density~~ bulk of a structure located on that lot may be determined as follows:

- (a) The allowable ~~bulk~~ density for the portion of the lot located in a lesser restrictive use zone may be increased by the ~~bulk~~ density permitted on the portion of the lot located in a more restrictive use zone; provided, that no portion of any structure permitted on the lesser restricted portion of the lot shall be extended to the more ~~restricted~~ restrictive portion of the lot;
- ~~(b) — The calculation for determining additional bulk shall include only that portion of the lot in the more restrictive use zone that is located within thirty-five feet (35 ft.) of the zone boundary line;~~
- ~~(b e)~~ The additional ~~bulk~~ density authorized in this section shall not result in the building exceeding the maximum bulk permitted on the portion of the lot located in the lesser restrictive use zone;
- ~~(c d)~~ For computation of the maximum permitted density for the purposes of this section:
 - (1) Any portion of the lot located in an R-1 or R-2 zone shall be deemed to have a density be limited to a floor area ratio (FAR) of 0.4 FAR,
 - (2) Any portion of the lot located in an R-3 zone shall be deemed to have a density be limited to an FAR of 0.6 FAR, and
 - (3) Any portion of the lot located in an any RF-1, RF-2, or RF-3 zone shall be deemed to have a density be limited to an FAR of 0.9 FAR; and
 - (4) Any portion of the lot located in any other zone shall be deemed to have a density as permitted in that zone, including IZ where applicable; and
- ~~(d e)~~ Except for accessory open parking facilities permitted elsewhere in this title, the portion of the lot located in a more restrictive use zone shall be devoted only to required setbacks or courts or other open spaces.

~~207.2~~ 1601.2 For a lot subject to Subtitle C § 1601.1 A-§ 207.1, if approved by the Board of Zoning Adjustment as a special exception pursuant to Subtitle X, Chapter 9 the regulations applicable to that portion of a lot located in a lesser restrictive ~~use~~ zone that control the use, and height, and bulk of structures ~~and the use of land~~ may be extended to that portion of the lot in a more restrictive use zone; provided:

- (a) The extension shall be limited to that portion of the lot in the more restrictive use zone but not exceeding thirty-five feet (35 ft.);
- (b) In authorizing an extension, the Board of Zoning Adjustment shall require compliance with Subtitle ~~A § 207.1(d)~~ C § 1601.1(c);
- (c) The extension shall have no adverse effect upon the present character and future development of the neighborhood; and
- (d) The Board of Zoning Adjustment may impose requirements pertaining to design, appearance, screening, location of structures, lighting, or any other requirements it deems necessary to protect adjacent or nearby property.

~~207.3~~ 1601.3 ...

- (d) MU-10, MU-12, MU-13, MU-14, MU-15, and ARTS-4 zones; and
- (e)

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

Chapter 2 GENERAL DEVELOPMENT STANDARDS FOR RESIDENTIAL HOUSE (R) ZONES is amended as follows:

Subsection 202.2 of § 202, LOT DIMENSIONS, is amended and Subsections 202.3 and 202.4 are deleted, to read as follows:

202.2 Except as provided in Subtitle D § 202.3, the minimum dimensions of lots for Mandatory or Voluntary Inclusionary Developments in any of the R-2 and R-3 zones, shall be as set forth in the following table, which incorporates the IZ modifications authorized by Subtitle C § 1002.2:

TABLE D § 202.2: MINIMUM LOT WIDTH AND LOT AREA FOR MANDATORY INCLUSIONARY DEVELOPMENTS			
Zones	Type of Structure	Minimum Lot Width (ft.)	Minimum Lot Area (sq. ft.)
R-2	Semi-detached	30 <u>25</u>	2,500
	Detached	40 <u>32</u>	3,200
R-3	All Structures	20 <u>16</u>	1,600

~~202.3 The minimum lot width and lot area for Mandatory Inclusionary Developments in any of the R-2 and R-3 zones may be reduced to not less than as set forth in the following table if granted by the Board of Zoning Adjustment as a special exception pursuant to Subtitle X, Chapter 9:~~

TABLE D § 202.3: MINIMUM LOT WIDTH BY SPECIAL EXCEPTION FOR MANDATORY INCLUSIONARY DEVELOPMENTS		
Zones	Type of Structure	Minimum Lot Width (ft.)
R-2	Semi-detached	25

~~TABLE D § 202.3: MINIMUM LOT WIDTH BY SPECIAL EXCEPTION FOR MANDATORY INCLUSIONARY DEVELOPMENTS~~

Zones	Type of Structure	Minimum Lot Width (ft.)
	Detached	32
R-3	All Structures	16

~~202.4 The minimum lot width and lot area for Voluntary Inclusionary Developments in any of the R-2 and R-3 zones may be reduced to not less than as set forth in the following table if granted by the Board of Zoning Adjustment as a special exception pursuant to Subtitle X, Chapter 9:~~

~~TABLE D § 202.4: MINIMUM LOT WIDTH AND LOT AREA BY SPECIAL EXCEPTION FOR VOLUNTARY INCLUSIONARY DEVELOPMENTS~~

Zones	Type of Structure	Minimum Lot Width (ft.)	Minimum Lot Area (sq. ft.)
R-2	Semi-detached	25	2,500
	Detached	32	3,200
R-3	All Structures	16	1,600

Subsection 206.2 of § 202 LOT DIMENSIONS is amended and a new Subsection 206.3 is added, to read as follows:

...

206.2 For all **detached** residential buildings, a front setback shall be provided within the range of existing front setbacks of all residential buildings on the same side of the street in the block where the building is proposed.

206.3 For an interior-lot row or semi-detached building, a front setback shall be provided that is no further forward or further back than the building façade of one (1) of the immediately adjoining buildings.

Chapter 11 GEORGETOWN RESIDENTIAL HOUSE ZONES – R 1B/GT AND R 3/GT ZONES is amended as follows:

Subsections 1105.2-1105.4 of § 1105, ACCESSORY BUILDINGS, are amended to read as follows:

1105.2 In the R-1B/GT and R-3/GT zones, except for a shed, an accessory building shall be located facing an alley or private alley to which the owner has access by an easement recorded with the Recorder of Deeds, and shall be set back a maximum of five feet (5 ft.) from the rear property line or a line perpendicular to the façade of the principal building, **and shall be set back a minimum of three feet (3 ft.) from a side lot line, other than where the side lot line of the property abuts an alley or street.**

1105.3 In the R-1B/GT zone, an accessory building within five feet (5 ft.) of a public or private vehicular alley may have a maximum height of twenty-two feet (22 ft.), a

maximum building area of ~~four~~ six hundred and fifty square feet (~~450~~ 650 sq. ft.) and a maximum number of two (2) stories.

1105.4 In the R-3/GT zone, an accessory building within five feet (5 ft.) of a public or private vehicular alley may have a maximum height of twenty-two feet (22 ft.), a maximum building area of ~~four~~ five hundred and fifty square feet (~~450~~ 550 sq. ft.) and a maximum number of two (2) stories.

Chapter 50 ACCESSORY BUILDING REGULATIONS FOR RESIDENTIAL HOUSE (R) ZONES is amended as follows:

Subsection 5003.1 is amended and 5003.2 is added to § 5003 MAXIMUM BUILDING AREA to read as follows:

5003.1 The maximum building area for an accessory building in an R-1 or R-2 zone shall be an area equal to the greater of thirty (30%) of the required rear yard area or six hundred ~~four hundred~~ and fifty square feet (~~450~~ 650 sq. ft.).

5003.2 **The maximum building area for an accessory building in an R-3 zone shall be an area equal to the greater of thirty (30%) of the required rear yard area or five hundred and fifty (550 sq. ft.).**

Subsection 5004.1 of § 5004, REAR YARD, is amended to read as follows:

5004.1 ...:

- (a) Not in a required rear yard; ~~and~~
- (b) Set back at least seven and one-half feet (7.5 ft.) from the centerline of any alley; and
- (c) **Set back a minimum of three feet (3 ft.) from a rear lot line, other than where the rear lot line of the property abuts an alley or street.**

Subsection 5005.3 is added to § 5005 SIDE YARD to read as follows:

5005.3 **In the R-1 and R-2 zones, an accessory building other than a shed shall be set back a minimum of three feet (3 ft.) from a side lot line, other than where the side lot line of the property abuts an alley or street.**

Chapter 52 RELIEF FROM REQUIRED DEVELOPMENT STANDARDS FOR R ZONES is amended as follows:

Subsection 5201.1(b) of § 5201, SPECIAL EXCEPTION RELIEF FROM CERTAIN REQUIRED DEVELOPMENT STANDARDS, is amended to read as follows:

- (b) Yards, including front setback and alley centerline setback; and

Subsection 5201.2(c) of § 5201, SPECIAL EXCEPTION RELIEF FROM CERTAIN REQUIRED DEVELOPMENT STANDARDS, is amended to read as follows:

- (c) Yards, including setbacks from a rear or side lot line, or alley centerline setback; and

Subsection 5201.4(d) of § 5201, SPECIAL EXCEPTION RELIEF FROM CERTAIN REQUIRED DEVELOPMENT STANDARDS, is amended to read as follows:

- (d) In demonstrating compliance with paragraphs (a), (b), and (c) of this subsection, the applicant shall use graphical representations such as existing and proposed plans, ~~photographs, or~~ elevations and section drawings, as well as photographs including ones demonstrating the overall streetscape pattern and character, sufficient to represent the relationship of the proposed addition, new building, or accessory structure to adjacent buildings and views from public ways.

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

Chapter 2 DEVELOPMENT STANDARDS FOR RESIDENTIAL FLAT (RF) ZONES is amended as follows:

Subsection 201.6 to § 201 DENSITY is amended to read as follows:

- 201.6 Accessory apartments shall not be permitted in any RF Zone; instead, principal dwelling units are permitted pursuant to Subtitle E, Chapter 2 and Subtitle U Chapter 3.

Subsection 202.2 of § 202, LOT DIMENTIONS, is amended and §§202.3 and 202.4 are deleted to read as follows:

- 202.2 Except as provided in Subtitle E § 202.3, the minimum dimensions of lots for Mandatory or Voluntary Inclusionary Developments in the RF zones shall be as set forth in the following table, which incorporates the IZ modifications authorized by Subtitle C § 1002.2:

Zones	Type of Structure	Minimum Lot Width (ft.)	Minimum Lot Area (sq. ft.)
RF	All Structures	18- <u>16</u>	1,500

~~202.3 The minimum lot width for Mandatory Inclusionary Developments may be reduced to no less than sixteen feet (16 ft.) if granted by the Board of Zoning Adjustment as a special exception pursuant to Subtitle X, Chapter 9.~~

~~202.4 The minimum lot width and lot area of Voluntary Inclusionary Developments may be reduced to not less than as set forth in the following table if granted by the Board of Zoning Adjustment as a special exception pursuant to Subtitle X, Chapter 9:~~

TABLE E § 202.4: MINIMUM LOT WIDTH AND LOT AREA FOR VOLUNTARY INCLUSIONARY DEVELOPMENTS

Zones	Type of Structure	Minimum Lot Width (ft.)	Minimum Lot Area (sq.-ft.)
RF	All Structures	16	1,500

Subsection 206.2 to § 202 FRONT SETBACK is amended and Subsection 206.3 is added to read as follows:

206.2 For all **detached** residential buildings, a front setback shall be provided within the range of existing front setbacks of all residential buildings on the same side of the street in the block where the building is proposed.

206.3 For an interior-lot row or semi-detached building, a front setback shall be provided that is no further forward or further back than the building façade of one (1) of the immediately adjoining buildings.

Chapter 50 ACCESSORY BUILDING REGULATIONS FOR RESIDENTIAL FLAT (RF) ZONES is amended as follows:

Subsection 5003.1 of § 5003, BUILDING AREA, is amended to read as follows:

5003 MAXIMUM BUILDING AREA

5003.1 The maximum building area for an accessory building in an RF zone shall be an area equal to the greater of thirty percent (30%) of the required rear yard or ~~four hundred~~ **five hundred** and fifty square feet (~~450~~ **550** sq. ft.).

Chapter 52 RELIEF FROM REQUIRED DEVELOPMENT STANDARDS FOR RESIDENTIAL FLAT (RF) ZONES is amended to read as follows:

Subsection 5201.1(b) of § 5201, SPECIAL EXCEPTION RELIEF FROM CERTAIN REQUIRED DEVELOPMENT STANDARDS, is amended to read as follows:

- (b) Yards, including **front setback and** alley centerline setback;

Subsection 5201.2 of § 5201, SPECIAL EXCEPTION RELIEF FROM CERTAIN REQUIRED DEVELOPMENT STANDARDS, is amended to read as follows:

5201.2 ...

- (a) Lot occupancy ~~under Subtitle E § 5003~~ up to a maximum of seventy percent (70%) for all new and existing structures on the lot;
- (b) Maximum building area of an accessory building;**
- ~~(b c)~~ Yards, including **front setback and** alley centerline setback;
- ~~(e d)~~ ...

(d e)

Subsection 5201.4(d) of § 5201, SPECIAL EXCEPTION RELIEF FROM CERTAIN REQUIRED DEVELOPMENT STANDARDS, is amended to read as follows:

- (d) In demonstrating compliance with paragraphs (a), (b), and (c) of this subsection, the applicant shall use graphical representations such as existing and proposed plans, ~~photographs, or~~ elevations and section drawings, as well as photographs including ones demonstrating the overall streetscape and pattern and character, sufficient to represent the relationship of the proposed addition, new building, or accessory structure to adjacent buildings and views from public ways.

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

Chapter 2 DEVELOPMENT STANDARDS FOR RESIDENTIAL APARTMENT (RA) ZONES is amended as follows:

Subsection 201.5 is added to § 201, DENSITY, to read as follows:

201.5 Accessory apartments shall not be permitted in any RA zone; instead, principal dwelling units are permitted pursuant to Subtitle F, Chapter 2 and Subtitle U Chapter 4.

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

Chapter 1 INTRODUCTION TO MIXED USE (MU) ZONES is amended as follows:

Subsections 101.9(a), 101.10(a), and 101.12(a) to § 101, PURPOSE AND INTENT, are amended to read as follows:

101.9 ...

- (a) Permit **low to** moderate-density mixed-use development;
- ...

101.10 ...

- (a) Permit ~~medium-moderate~~-density, compact mixed-use development with an emphasis on residential use;
- ...

101.12 ...

- (a) Permit **moderate to** medium-density mixed-use development; and

Chapter 2 DEVELOPMENT STANDARDS FOR MIXED USE (MU) ZONES – MU-1 THROUGH MU-15 is amended as follows:

Subsection 201.10 is added to § 201, DENSITY, to read as follows:

201.10 Accessory apartments shall not be permitted in any MU Zone; instead, principal dwelling units are permitted pursuant to Subtitle G, Chapter 2 and Subtitle U Chapter 5.

Subsection 207.14 to § 207 REAR YARD is amended to read as follows:

207.14 ...

- ~~(a) — No apartment window shall be located within forty feet (40 ft.) directly in front of another building;~~
- ~~(b) — No office window shall be located within thirty feet (30 ft.) directly in front of another office window, nor eighteen feet (18 ft.) in front of a blank wall;~~
- ~~(c) — In buildings that are not parallel to the adjacent buildings, the angle of sight lines and the distance of penetration of sight lines into habitable rooms shall be considered in determining distances between windows and appropriate yards;~~
- (a d)** Provision shall be included for service functions, including parking and loading access and adequate loading areas; and
- (b e)** Upon receiving an application for relief from rear yard requirements of this section, ...

CHAPTER 4 CHAPTER 4 CAPITOL INTEREST AND CAPITOL HILL COMMERCIAL MIXED-USE ZONES - MU-2/CAP, MU-4/CAP, MU-4/CHC, AND MU-4/CAP/CHC

Subsection 403.1 of § 403, PENTHOUSE AND ROOFTOP STRUCTURE, is amended to read as follows:

403.1 In the MU-2/CAP, MU-4/CAP, and MU-4/CAP/CHC zones, the maximum permitted height of a penthouse or rooftop structure, except as limited by Subtitle C § 1501 on the roof of a single household dwelling or flat, shall be ~~ten feet (10 ft.)~~ **twelve feet (12 ft.), except fifteen feet (15 ft.) for penthouse mechanical space**, and the maximum number of stories within the penthouse or rooftop structure shall be one (1) **with a second story permitted for penthouse mechanical space**.

VIII. Amendments to Subtitle H, NEIGHBORHOOD MIXED-USE (NMU) ZONES

Chapter 60 USE PERMISSIONS FOR NEIGHBORHOOD MIXED-USE (NMU) ZONES is amended as follows:

Subsection 6001.2 of § 6001, DESIGNATED AND RESTRICTED USES, is amended to read as follows:

6001.2 ...

(a) ...

(c) Daytime Care;

(e d) Eating and drinking establishments;

(d e) Entertainment, assembly, and performing arts;

(e f) Financial and general services; and

(f g) Retail.

IX. Amendments to Subtitle I, DOWNTOWN ZONES

Chapter 2 DEVELOPMENT STANDARDS FOR DOWNTOWN (D) ZONES is amended as follows:

Subsection 205.5 of § 205 REAR YARD is amended to read as follows:

205.5 The Board of Zoning Adjustment may waive the rear yard requirements as a special exception pursuant to Subtitle X **Chapter 9** and subject to the following conditions:

~~(a) No window to a residence use shall be located within forty feet (40 ft.) of another facing building;~~

~~(b) No window to an office use shall be located within thirty feet (30 ft.) of another facing office window, nor eighteen feet (18 ft.) in front of a facing blank wall;~~

~~(c) A greater distance may be required between windows in a facing building than the minimum prescribed in (a) or (b) if necessary to provide adequate light and privacy to habitable rooms as determined by the angle of sight lines and the distance of penetration of sight lines into such habitable rooms; and~~

(a d) The building shall provide for adequate off-street service functions, including parking and loading areas and access points.

X. Amendments to Subtitle U, USE PERMISSIONS

Chapter 2 USE PERMISSIONS FOR RESIDENTIAL HOUSE (R) ZONES is amended as follows:

Subsection 201.1 of § 201, MATTER OF RIGHT USES – R-USE GROUPS A, B, C, AND D, is amended to read as follows:

201.1 ...

- (a) A principal dwelling unit; ~~shall be permitted as follows:~~
- ~~(1) In the R-Use Groups A and D, the principal dwelling unit shall be in a detached building;~~
 - ~~(2) In the R-Use Group B, the principal dwelling unit may be in either a detached or semi-detached building and~~
 - ~~(3) In the R-Use Group C, the principal dwelling unit may be in either a detached, semi-detached, or row building;~~
- ...

Chapter 3 USE PERMISSIONS FOR RESIDENTIAL FLAT (RF) ZONES is amended as follows:

Subsection 301.1 of § 301, MATTER-OF-RIGHT USES (RF), is amended to read as follows:

301.1 The following uses shall be permitted as a matter of right in an RF zone subject to any applicable conditions:

- (a) Any use permitted in the R zones under Subtitle U §§ 201 and 202, except that an accessory apartment shall not be permitted in any RF Zone; instead, principal dwelling units are permitted pursuant to Subtitle E, Chapter 2 and Subtitle U Chapter 3;
- ...

- (c) A permitted principal dwelling unit within an accessory building subject to the following conditions of:

- ~~(1) The accessory building was in existence on January 1, 2013;~~
- ~~(2) No expansion or addition may be made to the accessory building to accommodate an apartment except as a special exception;~~
- (1 3) There shall be permanent access to the accessory building dwelling from a dedicated and improved right of way; and
- (2 4) Permanent access shall be provided by one (1) of the following:
 - (A) An easement for a permanent passage, open to the sky, no narrower than eight feet (8 ft.) in width, and extending from the accessory building to a public street through a side setback recorded in the land records of the District of Columbia; or
 - (B) Through an improved public alley or alleys with an minimum alley width of not less than twenty-four feet (24 ft.) fifteen feet (15 ft.) at any point between the lot and a that connects to a public street; ~~or~~
 - ~~(C) On an improved alley no less than fifteen feet (15 ft.) in width and within a distance of three hundred (300) linear feet of a public street;~~
- (3 d) An accessory building that houses a principal dwelling unit shall not have a roof deck;

~~(e) — An accessory building constructed as a matter of right after January 1, 2013, and that is located within a required setback shall not be used as, or converted to, a dwelling unit for a period of five (5) years after the approval of the building permit for the accessory building, unless approved as a special exception;~~

~~(4 f) An accessory building that houses a principal dwelling unit shall not be used simultaneously for any accessory use other than as a private vehicle garage for a dwelling unit on the lot, storage, or as an artist studio; and~~

~~(5 g) Any proposed expansion of an use of an accessory building for a dwelling unit residential purposes not meeting the provisions of Subtitle U §§ 301.1 (c) through (e) shall be permitted ~~only~~ as a special exception approval pursuant to Subtitle X Chapter 9, ~~and shall be evaluated against the standards of this section.~~~~

Subsection 310.1(a) of § 310, ACCESSORY USES (RF), is amended to read as follows:

310.1 ...

(a) Any accessory use permitted in the R zones under Subtitle U § 250, except that accessory apartments are not permitted in any RF Zone; instead, principal dwelling units are permitted pursuant to Subtitle E, Chapter 2 and Subtitle U Chapter 3.

Chapter 4 USE PERMISSIONS FOR RESIDENTIAL APARTMENT (RA) ZONES is amended as follows:

Subsection 401.1 of § 401, MATTER OF RIGHT USES (RA), is amended to read as follows:

401.1 ...

(a) Any use permitted in the RF zones under Subtitle U § 301, except corner stores and accessory apartments are not permitted in any RA zone; instead, principal dwelling units are permitted pursuant to Subtitle F, Chapter 2 and Subtitle U Chapter 4;

Subsection 410.1 of § 410, ACCESSORY USES (RA), is amended to read as follows:

410.1 ...

(a) Any accessory use permitted in the RF zones under Subtitle U § ~~250-310~~, except that accessory apartments are not permitted in any RA zone; instead, principal dwelling units are permitted pursuant to Subtitle F, Chapter 2 and Subtitle U Chapter 4;

Chapter 5 USE PERMISSIONS FOR MIXED USE (MU) ZONES is amended as follows:

Subsections 501.1-501.3 of § 501 MATTER OF RIGHT USES (MU) are amended to read as follows:

- 501.1 The uses in this section shall be permitted as a matter of right in any MU zone except the MU-11 zone, subject to any applicable conditions.
- 501.2 Any use permitted as a matter of right in any R, RF, or RA zone shall be permitted as a matter of right in the MU, except the MU-11 zone, **except that accessory apartments are not permitted in any MU zone; instead, principal dwelling units are permitted pursuant to Subtitle G, Chapter 2 and Subtitle U Chapter 5.**
- 501.3 Other accessory uses that are customarily incidental and subordinate to the principal uses permitted in this chapter shall be permitted, **except that accessory apartments are not permitted in any MU zone; instead, principal dwelling units are permitted pursuant to Subtitle G, Chapter 2 and Subtitle U Chapter 5.**

XI. Amendments to Subtitle Y, BOARD OF ZONING ADJUSTMENT RULES OF PRACTICE AND PROCEDURE

Chapter 7 APPROVALS AND ORDERS is amended as follows:

Subsections 702.8 and 702.9 of § 702, VALIDITY OF APPROVALS AND IMPLEMENTATION, are amended to read as follows:

- 702.8 The Zoning Administrator shall not approve a permit application for zoning compliance unless the plans conform to the plans approved by the Board as those plans may have been modified by any guidelines, conditions, or standards that the Board may have applied, subject to the minor deviations permitted by Subtitle Y § 703 **or as provided in Subtitle A, § 304.10.**
- 702.9 The Zoning Administrator also shall not approve an application for a certificate of occupancy unless the requested use is identical to the use approved by the Board, ~~or is for a use permitted as a matter of right,~~ **or as otherwise provided in Subtitle A, § 304.10.**