

MEMORANDUM

TO: District of Columbia Zoning Commission

FROM: *JLS*
Jennifer Steingasser
Deputy Director, Development Review & Historic Preservation

DATE: June 28, 2019

SUBJECT: ZC Case 19-XX – Setdown and Pre-Hearing Report for Proposed Text
Amendments to the Zoning Regulations Governing Alley Lots

I. RECOMMENDATION

The Office of Planning (OP) recommends text amendments to alley lot regulations contained in several Subtitles of the Zoning Regulations. The amendments would streamline the text, make it more user friendly, clarify the regulations, and reconcile divergent text in similar sections. The amendments would also facilitate the conversion of appropriate tax lots to record lots, revise the alley centerline setback requirement, and allow artists operating in an alley building to stage shows or performances in their studios. OP recommends that the proposed text amendments be set down for a public hearing and requests the flexibility to work with the Office of the Attorney General (OAG) and other government agencies to further refine the proposed language.

This report serves as the prehearing report required by Subtitle Z § 501.

II. SUMMARY OF AMENDMENTS

The following list summarizes the proposed text amendments:

- Amendments for consistency, ensuring that different subtitles with identical sections use identical language for those sections;
- Amendments for clarification, including, but not limited to clarifying rules of measurement for alley building in Subtitle B, clarifying the definition of “Alley”, and eliminating redundant Special Exception sections governing alley lots;
- Amendments to allow pre-’58 alley tax lots over 450 square feet to convert to record lots as a matter-of-right, and to allow tax lots created between 1958 and 2016 to convert by special exception;
- Reducing the alley centerline setback from 12’ to 7.5’, to comport with Board of Zoning

Adjustment precedent and to match the existing minimum requirement for a dwelling unit on an alley lot;

- Permitting four performances or art shows per year in an artist studio on an alley lot.

III. BACKGROUND

The Office of Planning and the Office of the Zoning Administrator (OZA) have encountered issues involving the regulations governing alley lots, and have noted areas where the text could be improved to increase clarity and usability for staff, the Commission, the Board of Zoning Adjustment (BZA) and the public. Staff has also identified regulations that could be amended to allow greater use of alley lots where appropriate, in order to achieve District policy goals.

When processing matter-of-right building permit applications, OZA has encountered applicants confused about the intent or meaning of the regulations. OZA has stated that clarifying alley lot rules is one of their priority amendments for the Zoning Regulations. Also, OP has reviewed BZA applications where the use of alley lots, which would be acceptable for development in other respects, is hindered by the fact that they are tax lots and not record lots. The proposed amendments attempt to make the Regulations more useable for all parties, and beneficial for the livability of the city.

IV. PROPOSED TEXT AMENDMENTS

Amendments for Consistency

Many of the proposed text amendments are simple edits for consistency. Chapter 51 in Subtitles D (R zones), E (RF zones) and F (RA zones) presents development standards for alley lots in the respective zones, and while identical sections in Chapter 51 in each subtitle should be identical, it was found that they were often not. Rear yards, for example, sometimes have a “minimum” and other times have a “required” depth. The amendments attempt to reconcile those differences.

Amendments for Clarification

A number of proposed amendments also seek to add clarity to the regulations, but not change the substance of the existing rule. For example, the Zoning Administrator informed OP that applicants are sometimes confused because their subject property is on a named alley, and they therefore believe it to be a street. A proposed change to the definition of “Alley” would reinforce that it is the records of the Surveyor of the District of Columbia that determine whether a right-of-way is an alley, not whether it is named or not.

Another example of a clarifying amendment is the elimination of redundant “special exception” sections such as Subtitle D §§ 5108 and 5204, and modifying D § 5201 to more clearly accommodate alley lots.

Another clarifying amendment is proposed in order to clarify Subtitle E, § 5203. Section 5203.1 allows the Board to permit a building height of up to 40' in the RF-1 zone, subject to a number of criteria, the first of which is that the property is *not* an alley lot. However, § 5203.2 allows the Board to waive two of the criteria, including § 5203.1(a), the non-alley lot requirement. It was not the intent of the Zoning Commission or the Regulations to allow greater height on alley lots by special exception, especially up to a height of 40 feet, and the reference to allowing this special exception relief is an inadvertent error. OP therefore proposes to clarify which subsections can be waived in § 5203.1. The result is that a request for increased height on an alley lot would be a variance, which would be in line with most circumstances in the Regulations and the Zoning Commission intent.

A further amendment to Subtitle B §§ 307 and 308 would clarify the building height measuring point (BHMP) for alley buildings. Those sections presently only contemplate street-facing lots. The amendments would establish a BHMP for alley lots at the mid-point of the property line facing an alley.

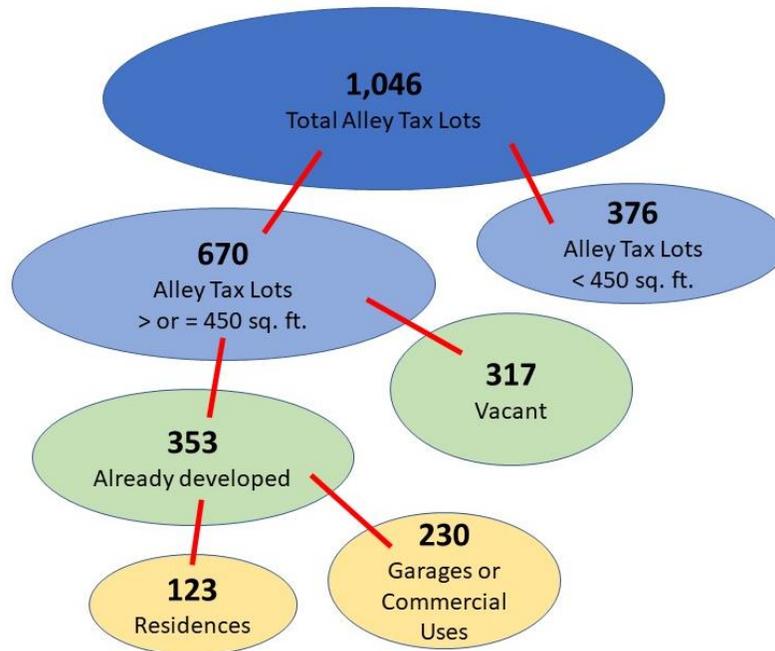
Tax Lots

For the sake of clarity, OP proposes to remove the subdivision requirements for alley lots from the existing § 303, Lot Frontage, of Subtitle C. Instead, OP proposes to move the text to a new § C-306, titled New Alley Record Lots and the standards will consolidate lot frontage and alley width requirements.

In addition to the existing text taken from § C-303, the new section would include language that would allow tax lots of greater than 450 square feet and existing on or prior to May 12, 1958 to convert to record lots as a matter-of-right. Tax lots greater than 450 square feet created after May 12, 1958, but before the enactment of ZR-16 on September 9, 2016, may be converted to record lots if approved as a special exception by the BZA. Such relief would consider comments from relevant government agencies, including FEMS, MPD, DC Water, DPW and DDOT.

Since the adoption of ZR16 there have been only three BZA cases requesting relief to convert an alley tax lot to a record lot. While the proposed text amendment would make it easier to convert tax lots – both as a matter-of-right or by special exception – there is a limited universe of tax lots.

A GIS analysis of alley lots has identified 1,046 alley tax lots, of which 670 have a size of 450 square feet or greater. Of those 670, the data indicates that 353 are already improved with a structure, 123 of which are used as residences. The remaining developed lots are used mostly for garages, with a small number used for commercial purposes. 317 tax lots of the 670 are undeveloped.



The proposed change could help in the isolated cases where the potential non-residential uses of a vacant lot are minimal, and residential could be an appropriate use.

Alley Centerline Setback

OP proposes an amendment to reduce the required alley centerline setback for alley lots from 12 feet to seven feet-six inches (7'6"). Seven feet-six inches would be in line with the 15-foot minimum alley width for dwellings stated in Subtitle U, whereas the current 12 foot from alley centerline setback requirement would result in a much wider alley width of 24 feet. From the adoption of the 2016 Regulations through the end of 2018, there were three requests for centerline setback relief for alley lots, and eight requests for such relief for accessory buildings. Of those 11 requests for relief, OP has recommended approval of ten. The Board has approved nine of the 11; the two denials were based on broader subdivision requests and not focused on the accompanying centerline setback relief.

The average alley centerline setback for all 11 BZA cases was 7.9 feet. Only two cases were less than 7.5 feet – both five feet; One of those cases was required only because the side of the garage faced a ten-foot alley, not the garage opening which faced a street.¹ The other instance of a five foot centerline setback appears to be only for a roll-up door. OP is also proposing to clarify Section 5201 of the relevant subtitles to clarify that relief to the alley centerline setback provision can be granted as a special exception.

¹ Under the 1958 regulations, the centerline setback only applied to building faces with garage openings. See Section 2300 of the 1958 Regulations. The setback was changed to apply to all alley façades as part of ZR 16.

Artist Studios

The Regulations presently permit artist studios on alley lots but are silent on performances or art shows in the studio space. A proposed text amendment to Subtitle U would allow a maximum of five (5) performances or art shows per year in an artist studio. The performances would remain limited by the noise regulations applicable to the studio, from DCMR Title 20, as well as the occupancy limits of DCMR Title 12H, the Fire Code. The limited number of performances should minimize impacts to nearby properties. As a point of reference, residential houses can have five (5) yard sales as a matter of right and six with BZA approval.

V. COMPREHENSIVE PLAN AND OTHER DISTRICT POLICY

The proposed text amendments would further the following policies of the Comprehensive Plan, as well as other District policy guidance.

Comprehensive Plan Land Use Element

The Comprehensive Plan encourages neighborhood infill development and notes that in residential areas “*infill sites present some of the best opportunities in the city for ‘family’ housing and low- to moderate-density development*” (Comprehensive Plan, Land Use Element, § 307.2). Policies of the Plan also address more specifically the ability to develop vacant lots:

Policy LU-1.4.2: Long-Term Vacant Sites

Facilitate the reuse of vacant lots that have historically been difficult to develop due to infrastructure or access problems, inadequate lot dimensions, fragmented or absentee ownership, or other constraints. Explore lot consolidation, acquisition, and other measures which would address these constraints. 307.6

Comprehensive Plan Housing Element

In addition to the acute need generally in the City for market rate and affordable housing, the Comprehensive Plan recognizes a need for a diversity of housing types in the District and notes the need for smaller units for young professionals, couples without children, or empty-nesters (Comprehensive Plan, Housing Element, § 505.4). Removing some barriers to housing on alley lots could provide another means for addressing the housing issues of the city, especially on lots that likely would have very little other viable use. Specifically, the Plan suggests that zoning regulations that impede the development of new housing, and “*zoning regulations which may not reflect contemporary housing trends*” should be amended.

H-1.5 Reducing Barriers to Production

The development of housing may be hampered by both governmental and non-governmental constraints. Governmental constraints include lengthy delays in permit processing and plan approval, insufficient coordination among agencies and utilities, zoning regulations which may not reflect contemporary housing trends,

and even prohibitions on certain types of housing. Non-governmental constraints include the high cost of land and rising interest rates. Although much progress has been made in the last five years, serious barriers still exist. Fear of these barriers keeps some developers from undertaking projects in the city at all. 507.1

Policy H-1.5.1: Land and Building Regulations Ensure that the District’s land regulations, including its housing and building codes, its zoning regulations, its construction standards, and its permitting fees, enable the production of housing for all income groups. Avoid regulations which make it prohibitively expensive or difficult to construct housing. 507.2

Action H-1.5.B: Changes to the Zoning Regulations Explore changes which would facilitate development of accessory apartments (also called “granny flats” or in-law units), English basements, and single room occupancy housing units. Any changes to existing regulations should be structured to ensure minimal impacts on surrounding uses and neighborhoods. 507.7

Mayor’s Order on Housing

On May 10, 2019, the Mayor issued Order #2019-036, Housing Initiative, which describes and quantifies the need for additional affordable housing in the District and the region and provides direction to city agencies on how to meet the housing targets. Among other priorities, the Mayor tasked OP with identifying “*regulatory impediments to producing market rate and affordable housing*” (p.3). While a small amount of development on alley lots would not solve the overall housing shortfall, the proposed zoning text changes should allow some additional dwelling units on currently underutilized lots.

Comprehensive Plan Arts and Culture Element

The Arts and Culture Element of the Comprehensive Plan seeks to ensure that all areas of the District have exposure to the arts. It also emphasizes the need to have a variety of types of spaces for artists to practice and for performance and events. The proposed text amendment, while conservative in the number of performances permitted per year, would provide another outlet for artistic expression and neighborhood cultural enrichment.

Policy AC-1.1.6: Performance and Events in Non-Traditional Settings

Encourage the provision of spaces for performances and art events in neighborhood parks, community centers, schools, transit stations, residential developments and public areas in private development. This can help reach new audiences and increase access to the arts for people in all parts of the city. 1403.7

DC Cultural Plan

The DC Cultural Plan notes that “*artists and creators add vibrancy to communities across the District*”, but that they are vulnerable financial pressures, including for production, presentation

and living space. The number of artists in the region has gone up significantly over the past decade, but has remained flat in the District, in part due to the high cost of production space (Cultural Plan, pp. 107-108). The plan goes on to provide specific policy direction regarding arts spaces:

Cultural Spaces Policy 3.0: Promote a Range of Cultural Spaces Throughout the City

The District and its partners should continue to review opportunities for any type of space to serve as a temporary or permanent platform for cultural production, expression and consumption.

The Regulations already make provisions for artist studios, but by accommodating performances and consumption of the arts, the proposed text amendment would help to more completely achieve these policy goals.

VI. ATTACHMENTS

Attachment 1 – Proposed Zoning Text

- The following table lists the proposed draft sections of the Zoning Regulations attached to this report.

Subtitle	Section	Title
B	100.2	Definitions
B	307	Rules of Measurement for Building Height: Non-Residential Zones
B	308	Rules of Measurement for Building Height: Residential Zones as Defined in Subtitle A § 101.9
C	303	Lot Frontage
C	306	New Alley Record Lots
D	5100	Alley Lot Regulations (R)
D	5201	Addition to a Building or Accessory Structure
D	5204	Special Exception Criteria Alley Lots
E	5100	Alley Lot Regulations (RF)
E	5201	Addition to a Building or Accessory Structure
E	5203	Building Height
E	5204	Special Exception Criteria Alley Lots
F	5100	Alley Lot Regulations (RA)
F	5201	Addition to a Building or Accessory Structure
F	5204	Special Exception Criteria Alley Lots
G	1100	Alley Lot Regulations (MU)
I	210	Alley Lot Regulations (Downtown)
J	300	Alley Lot Regulations (PDR)
U	600	Matter-of-Right Uses on Alley Lots (R, RF, AND RA)
U	601	Special Exception Uses on Alley Lots (R, RF, AND RA)

DRAFT – AMENDMENTS TO SUBTITLE B § 100.2, DEFINITIONS

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

| Lot, Alley: Is either a lot that is recorded on the records of the Surveyor, District of Columbia, that faces or abuts an alley that does not face or abut a street at any point (alley record lot) or a lot that is recorded on the records of the D.C Office of Tax and Revenue, on or before May 12, 1958~~November 1, 1957~~, that faces or abuts an alley that does not face or abut a street at any point (alley tax lot).

DRAFT – AMENDMENTS TO SUBTITLE B § 307

307 RULES OF MEASUREMENT FOR BUILDING HEIGHT: NON-RESIDENTIAL ZONES

- 307.1 In other than residential zones, as defined in Subtitle A § 101.9, and except as permitted elsewhere in this section and the regulations, the building height measuring point (BHMP) shall be established at the at the level of the curb, opposite the middle of the front of the building, and the building height shall be the vertical distance measured from the BHMP to the highest point of the roof or parapet or a point designated by a specific zone district. For alley lots, the BHMP shall be established at grade at the mid-point of the property line abutting the alley or, where an alley lot abuts more than one alley, the mid-point of the property line abutting the alley that would result in the highest elevation. For alley lots, building height shall be determined as designated by a specific zone district.
- 307.2 Unless otherwise restricted or permitted in this title, in those zones in which the height of the building is limited to forty feet (40 ft.), the BHMP may be established at the adjacent natural or finished grade, whichever is the lower in elevation, at the middle of the front of the building and building height shall be measured from the BHMP to the ceiling of the top story.
- 307.3 In those zones in which the height of the building is limited to sixty feet (60 ft.), in the case of a building located upon a terrace, the height of the building may be measured from the top of the terrace to the highest point of the roof or parapet, but the allowance for terrace height shall not exceed five feet (5 ft.).
- 307.4 Except as provided in Subtitle B § 307.6, where a building is removed from all lot lines by a distance equal to its proposed height above grade, the BHMP shall be established at the adjacent natural or finished grade, whichever is the lower in elevation, at the middle of the front of the building to the highest point of the roof or parapet.
- 307.5 Except as provided in Subtitle B § 307.7, if a building fronts on more than one (1) street, any front may be used to determine the maximum height of the building; but the basis for the height of the building shall be determined by the width of the street selected as the front of the building.
- 307.6 In those zones in which the height of a building is permitted to be ninety feet (90 ft.) or greater, the BHMP shall be established at the level of the curb, opposite the

middle of the front of the building and the building height shall be measured from the BHMP to the highest point of the roof excluding parapets not exceeding four feet (4 ft.) in height.

307.7 The term “curb” shall refer to a curb at grade. When the curb grade has been artificially changed by a bridge, viaduct, embankment, ramp, abutment, excavation, tunnel, or other type of artificial elevation or depression, the BHMP shall be established using the first of the following four (4) methods that is applicable to the site:

- (a) An elevation or means of determination established for a specific zone elsewhere in this title;
- (b) An elevation for the site that was determined prior to the effective date of this section by the Zoning Administrator, or the Redevelopment Land Agency, its predecessors or successors;
- (c) A street frontage of the building not affected by the artificial elevation; or
- (d) A level determined by the Zoning Administrator to represent the logical continuation of the surrounding street grid where height is not affected by the discontinuation of the natural elevation.

SOURCE: Final Rulemaking published at 63 DCR 2447, 2650 (March 4, 2016 – Part 2); as amended by Final Rulemaking published at 65 DCR 8555 (August 17, 2018); as amended by Final Rulemaking published at 66 DCR 74 (January 4, 2019).

DRAFT – AMENDMENTS TO SUBTITLE B § 308

**308 RULES OF MEASUREMENT FOR BUILDING HEIGHT:
RESIDENTIAL ZONES AS DEFINED IN SUBTITLE A § 101.9**

- 308.1 The height of buildings on street-facing lots, not including a penthouse, in residential zones, as defined in Subtitle A § 101.9, shall be measured in accordance with the rules provided in this section. If more than one (1) of these subsections applies to a building, the rule permitting the greater height shall apply. The height of buildings on alley lots shall be measured in accordance with the rules provided in the applicable zone district.
- 308.2 The building height measuring point (BHMP) shall be established at the adjacent natural or finished grade, whichever is the lower in elevation, at the mid-point of the building façade of the principal building that is closest to a street lot line. For any excavations projecting from the building’s façade other than an exception to grade as defined at 11-B DCMR § 100.2 the elevation of the midpoint of a building façade shall be the equivalent of the lowest such elevation; excluding existing driveways adjacent to the midpoint(s) directly connecting a garage and public right of way. For alley lots, the BHMP shall be established at grade at the mid-point of the property line abutting the alley or, where an alley lot abuts more than one alley, the mid-point of the property line abutting the alley that would result in the highest elevation.
- 308.3 The height of a building with a flat roof shall be measured from the BHMP to the highest point of the roof excluding parapets and balustrades not exceeding four feet (4 ft.) in height.
- 308.4 The height of a building with a roof that is not a flat roof shall be measured as follows:
- (a) From the BHMP to the average level between the highest eave, not including the eave of a dormer and the highest point of the roof; and
 - (b) Where there are no eaves, the average level shall be measured between the top of the highest wall plate and the highest point of the roof.
- 308.5 The height of a building permitted to be ninety feet (90 ft.) shall be measured from the BHMP to the highest point of the roof excluding parapets and balustrades not exceeding four feet (4 ft.) in height.

Zoning Regulations of 2016:

Definitions, Rules of Measurement, and Use Categories

- 308.6 Where a building is removed from all lot lines by a distance equal to its proposed height above grade, the height of building shall be measured from the BHMP to the highest point of the roof or parapet.
- 308.7 If a building fronts on more than one (1) street, any front may be used to determine street frontage; but the basis for measuring the height of the building shall be established by the street selected as the front of the building.
- 308.8 A conforming structure in existence on June 14, 2013, that would have been rendered nonconforming as a result of the adoption of amendments to this section made in Z.C. Order No. 12-11, shall be deemed conforming; provided that the height of the structure may neither be increased or extended.

SOURCE: Final Rulemaking published at 63 DCR 2447, 2650 (March 4, 2016 – Part 2); as amended by Final Rulemaking published at 63 DCR 10932 (August 26, 2016); as amended by Final Rulemaking published at 65 DCR 8555 (August 17, 2018).

DRAFT – AMENDMENTS TO SUBTITLE C § 303, LOT FRONTAGE

303 LOT FRONTAGE

303.1 Except for alley lots, all new record lots shall have at least one (1) street lot line on a public street or a public access easement approved by the District Department of Transportation.

303.2 Where a minimum lot width is required, the length of at least one (1) street lot line shall be at least seventy-five percent (75%) of the required lot width.

~~303.3 New alley record lots shall comply with the following:~~

~~(a) Have frontage along a public alley with a minimum alley width of twenty-four feet (24 ft.) and have from the alley access to a street through an alley or alleys not less than twenty-four feet (24 ft.) in width;~~

~~(b) Meet the lot area standards applicable under the title of the respective zone and, if no minimum lot area standard is provided, the alley lot shall be a minimum of eighteen hundred square feet (1,800 sq. ft.) of lot area; and~~

~~(c) Where existing abutting alley record lots or alley tax lots created on or before May 12, 1958 are combined into a larger alley record lot, the subdivision need not comply with paragraphs (a) and (b) of this subsection.~~

303.54 Each new street-facing lot being created to be used and occupied by a single dwelling unit or flat building, shall have a street frontage measured along the street lot line a distance equal to at least forty percent (40%) of the required minimum width of lot and in no case less than fourteen feet (14 ft.).

303.65 Each new street-facing lot being created to be used and occupied by an apartment house shall have a street frontage measured along the street line a distance of not less than thirty feet (30 ft.).

SOURCE: Final Rulemaking published at 63 DCR 2447, 2712 (March 4, 2016 – Part 2); as amended by Final Rulemaking published at 64 DCR 6110 (June 30, 2017).

DRAFT – NEW SUBTITLE C § 306 – NEW ALLEY RECORD LOTS

306 NEW ALLEY RECORD LOTS

306.1 New alley record lots shall comply with the following:

- (a) Have frontage along a public alley with a minimum alley width of twenty-four feet (24 ft.), and have access from the lot to a street through an alley or alleys with an alley width of not less than twenty-four feet (24 ft.) at any point between the lot and the street;
- (b) Meet the lot area standards applicable under the title of the respective zone and, if no minimum lot area standard is provided, the alley lot shall be a minimum of eighteen hundred square feet (1,800 sq. ft.) of lot area;
- (c) Where existing abutting alley record lots, or alley tax lots created on or before May 12, 1958, are combined into a larger alley record lot, the subdivision need not comply with paragraphs (a) and (b) of this subsection.
- (d) An alley tax lot created on or before May 12, 1958 may be, as a matter-of-right, converted to a record lot, provided the tax lot has a minimum square footage of four hundred and fifty square feet (450 sq. ft.). The lot need not comply with paragraph (a) of this subsection; and
- (e) An alley tax lot created after May 12, 1958 and before September 6, 2016 may be, by special exception, converted to a record lot, provided the tax lot has a minimum square footage of four hundred and fifty square feet (450 sq. ft.). The lot need not comply with paragraph (a) of this subsection.
 - (1) The Office of Planning shall coordinate review of the application and prepare an analysis of the proposal, which shall include comments or recommendations from relevant government agencies, including, but not limited to:
 - (A) District Department of Transportation (DDOT);
 - (B) Department of Public Works (DPW);
 - (C) Metropolitan Police Department (MPD);
 - (D) Fire and Emergency Medical Services Department (FEMS);
 - (E) DC Water (WASA); and
 - (F) If a historic district or historic landmark is involved, the Historic Preservation Office (HPO).

SUBTITLE D
CHAPTER 51 ALLEY LOT REGULATIONS (R) ~~FOR R ZONES~~

5100 GENERAL PROVISIONS

~~5100.1 All alley lots must be recorded in the records of the Office of the Surveyor, District of Columbia as a record lot.~~

5100.1~~2~~ New alley record lots may be created as provided in Subtitle C, Chapter 3, ~~the subdivision regulations in Subtitle C § 303.3.~~

5101 DEVELOPMENT STANDARDS

5101.1 The development standards of this chapter ~~in Subtitle D §§ 5102 through 5107~~ shall apply to buildings on alley lots in R zones.

5102 HEIGHT

5102.1 The maximum height and stories of buildings on alley lots in R zones shall be twenty feet (20 ft.) and two (2) stories, including the penthouse.

5103 LOT OCCUPANCY

5103.1 A building or structure shall not occupy an alley lot in excess of the maximum lot occupancy as set forth in the following table:

TABLE D § 5103.1: MAXIMUM LOT OCCUPANCY FOR AN ALLEY LOT

Alley Lot Size	Maximum Lot Occupancy
Less than 1,800 sq. ft.	N/A
Between 1,800 sq. ft. and 2,000 sq. ft.	90%
Larger than 2,000 sq. ft.	80%

5104 REAR YARD

5104.1 A minimum rear yard of five feet (5 ft.) shall be provided along any lot line of all abutting non-alley lots.

5105 SIDE YARD

5105.1 A minimum side yard of five feet (5 ft.) shall be provided along any lot line of all abutting non-alley lots.

5106 ALLEY CENTERLINE SETBACK

5106.1 A required ~~seven and one half~~^{twelve} foot (~~7.5~~¹² ft.) setback from the centerline of all alleys to which the alley lot abuts shall be provided.

5107 PERVIOUS SURFACE

5107.1 The minimum ~~required percentage of~~ pervious surface ~~requirement of an alley lot in an R zone~~ shall be ten percent (10%).

~~**5108 SPECIAL EXCEPTION**~~

~~5108.1 Exceptions to the development standards of this chapter shall be permitted as a special exception if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9, and subject to the provisions and limitations of Subtitle D § 5204.~~

5108 USES

5108.1 Uses on alley lots shall be as permitted in Subtitle U, Chapter 6.

5201 ADDITION TO A BUILDING OR ACCESSORY STRUCTURE

5201.1 The Board of Zoning Adjustment may approve as a special exception in the R zones relief from the following development standards of this subtitle, subject to the provisions of this section and the general special exception criteria at Subtitle X, Chapter 9:

(a) Lot occupancy;

(b) Yards;

(c) Courts;

(d) Minimum lot dimensions;

(e) Pervious surface; ~~and~~

(f) The limitations on enlargements or additions to nonconforming structures as set forth in Subtitle C § 202.2; and

~~(g)~~ Alley centerline setback requirements.

5201.2 Special exception relief under this section is applicable only to the following:

(a) An addition to a building with only one (1) principal dwelling unit; ~~or~~

(b) ~~(b)~~ —A new or enlarged accessory structure that is accessory to such a building; or

~~(b)~~ (c) A new or enlarged building on an alley lot.

5201.3 An applicant for special exception under this section shall demonstrate that the proposed addition, ~~or~~ accessory structure, or alley lot building shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular:

(a) The light and air available to neighboring properties shall not be unduly affected;

(b) The privacy of use and enjoyment of neighboring properties shall not be unduly compromised;

(c) The addition or accessory structure, together with the original building, as

viewed from the street, alley, and other public way, shall not substantially visually intrude upon the character, scale, and pattern of houses along the subject street frontage;

- (d) In demonstrating compliance with paragraphs (a), (b), and (c) of this subsection, the applicant shall use graphical representations such as plans, photographs, or elevation and section drawings sufficient to represent the relationship of the proposed addition or accessory structure to adjacent buildings and views from public ways; and
- (e) The Board of Zoning Adjustment may approve lot occupancy of all new and existing structures on the lot as specified in the following table:

TABLE D § 5201.3: MAXIMUM PERMITTED LOT OCCUPANCY

Zone	Maximum Lot Occupancy
R-3 R-13 R-17	70%
R-20 – row dwellings only	70%
R-20 – detached and semi-detached dwellings All Other R zones	50%

5201.4 The Board of Zoning Adjustment may require special treatment in the way of design, screening, exterior or interior lighting, building materials, or other features for the protection of adjacent and nearby properties.

5201.5 This section may not be used to permit the introduction or expansion of a nonconforming use as a special exception.

5201.6 This section shall not be used to permit the introduction or expansion of nonconforming height or number of stories as a special exception.

5201.7 A request for relief from alley centerline setback requirements shall be referred by the Office of Zoning to the Office of Planning, who shall coordinate review of the application and prepare an analysis of the proposal, which shall include comments or recommendations from relevant government agencies, including, but not limited to:

- (a) District Department of Transportation (DDOT);
- (b) Department of Public Works (DPW);

- (c) Metropolitan Police Department (MPD);
- (d) Fire and Emergency Medical Services Department (FEMS);
- (e) DC Water (WASA); and
- (f) If a historic district or historic landmark is involved, the Historic Preservation Office (HPO).

SOURCE: Final Rulemaking published at 63 DCR 2447, 2834 (March 4, 2016 – Part 2); as amended by Final Rulemaking published at 64 DCR 8596 (September 1, 2017); as amended by Final Rulemaking published at 66 DCR 2337 (February 22, 2019).

5204 — ~~SPECIAL EXCEPTION CRITERIA ALLEY LOTS~~

5204.1 — ~~The Board of Zoning Adjustment may approve as a special exception a reduction in the minimum yard requirements of an alley lot in an R zone pursuant to Subtitle X, Chapter 9.~~

SOURCE: Final Rulemaking published at 63 DCR 2447, 2834 (March 4, 2016 – Part 2).

SUBTITLE E
CHAPTER 51 ALLEY LOT REGULATIONS (RF)

5100 GENERAL PROVISIONS

~~5100.1 All alley lots must be recorded in the records of the Office of the Surveyor as a record lot.~~

5100.1~~2~~ New alley record lots may be created as provided in Subtitle C, Chapter 3.

5101 DEVELOPMENT STANDARDS

5101.1 The development standards of this chapter shall apply to ~~bulk of accessory buildings on alley lots~~ in the RF zones ~~shall be controlled through the development standards in Subtitle E §§ 5102 through 5108.~~

5102 HEIGHT

5102.1 The maximum height and stories of buildings on alley lots in RF zones shall be twenty feet (20 ft.) and two (2) stories, including the penthouse.

5103 LOT OCCUPANCY

5103.1 A building or structure shall not occupy an alley lot in excess of the maximum lot occupancy as set forth in the following table:

TABLE F § 5103.1: MAXIMUM PERMITTED LOT OCCUPANCY FOR AN ALLEY LOT

Alley Lot Size	Maximum Lot Occupancy
Less than 1,800 sq. ft.	N/A
Between 1,800 sq. ft. and 2,000 sq. ft.	90%
Larger than 2,000 sq. ft.	80%

5104 REAR YARD

5104.1 A minimum required rear yard of five feet (5 ft.) shall be provided along ~~with a minimum depth of five (5) feet from~~ any lot line of all abutting non-alley lots.

5105 SIDE YARD

5105.1 A minimum required side yard of five feet (5 ft.) shall be provided along ~~with a minimum depth of five (5) feet from~~ any lot line of all abutting non-alley lots.

5106 ALLEY CENTERLINE SETBACK

5106.1 A required ~~seven and one half~~^{twelve} foot (~~7.5~~¹² ft.) setback from the centerline of all alleys to which the alley lot abuts shall be provided.

5107 PERVIOUS SURFACE

5107.1 The minimum required pervious surface shall be ten percent (10%).

~~**5108 SPECIAL EXCEPTION**~~

~~5108.1 Exceptions to the development standards of this chapter shall be permitted as a special exception if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9, and subject to the provisions and limitations of Subtitle E § 5204.~~

5108 USES

5108.1 Uses on alley lots shall be as permitted in Subtitle U, Chapter 6.

5201 ADDITION TO A BUILDING OR ACCESSORY STRUCTURE

5201.1 The Board of Zoning Adjustment may approve as a special exception in the RF zones; relief from the following development standards of this subtitle, subject to the provisions of this section and the general special exception criteria at Subtitle X, Chapter 9.

- (a) Lot occupancy;
- (b) Yards;
- (c) Courts;
- (d) Minimum lot dimensions;
- (e) Pervious surface; ~~and~~
- (f) The limitations on enlargements or additions to nonconforming structures as set forth in Subtitle C § 202.2; and
- (g) Alley centerline setback requirements.

5201.2 Special exception relief under this section is applicable only to the following:

- (a) An addition to a residential building; ~~or~~
- (b) A new or enlarged accessory structure that is accessory to such a building; or
- ~~(b)~~(c) A new or enlarged building on an alley lot.

5201.3 An applicant for special exception under this section shall demonstrate that the proposed addition, ~~or~~ accessory structure, or alley lot building shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular:

- (a) The light and air available to neighboring properties shall not be unduly affected;
- (b) The privacy of use and enjoyment of neighboring properties shall not be unduly compromised;
- (c) The addition or accessory structure, together with the original building, as viewed from the street, alley, and other public way, shall not substantially

visually intrude upon the character, scale, and pattern of houses along the subject street frontage;

- (d) In demonstrating compliance with paragraphs (a), (b) and (c) of this subsection, the applicant shall use graphical representations such as plans, photographs, or elevation and section drawings sufficient to represent the relationship of the proposed addition or accessory structure to adjacent buildings and views from public ways; and
- (e) The Board of Zoning Adjustment may approve lot occupancy of all new and existing structures on the lot up to a maximum of seventy percent (70%).

5201.4 The Board of Zoning Adjustment may require special treatment in the way of design, screening, exterior or interior lighting, building materials, or other features for the protection of adjacent and nearby properties.

5201.5 This section shall not be used to permit the introduction or expansion of a nonconforming use as a special exception.

5201.6 This section shall not be used to permit the introduction or expansion of nonconforming height or number of stories as a special exception.

5201.7 A request for relief from alley centerline setback requirements shall be referred by the Office of Zoning to the Office of Planning, who shall coordinate review of the application and prepare an analysis of the proposal, which shall include comments or recommendations from relevant government agencies, including, but not limited to:

- (a) District Department of Transportation (DDOT);
- (b) Department of Public Works (DPW);
- (c) Metropolitan Police Department (MPD);
- (d) Fire and Emergency Medical Services Department (FEMS);
- (e) DC Water (WASA); and
- (f) If a historic district or historic landmark is involved, the Historic Preservation Office (HPO).

5203 BUILDING HEIGHT

5203.1 The Board of Zoning Adjustment may grant as a special exception a maximum building height for a principal residential building and any additions thereto of forty feet (40 ft.) subject to the following conditions:

- (a) The building is not on an alley lot;
- (b) Any addition, including a roof structure or penthouse, shall not block or impede the functioning of a chimney or other external vent on an adjacent property required by any municipal code;
- (c) Any addition, including a roof structure or penthouse, shall not interfere with the operation of an existing or permitted solar energy system on an adjacent property, as evidenced through a shadow, shade, or other reputable study acceptable to the Zoning Administrator;
- (d) A roof top architectural element original to the house such as a turret, tower, or dormers shall not be removed or significantly altered, including changing its shape or increasing its height, elevation, or size;
- (e) Any addition shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular:
 - (1) The light and air available to neighboring properties shall not be unduly affected;
 - (2) The privacy of use and enjoyment of neighboring properties shall not be unduly compromised; and
 - (3) The conversion and any associated additions, as viewed from the street, alley, and other public way, shall not substantially visually intrude upon the character, scale and pattern of houses along the subject street or alley; and
- (f) In demonstrating compliance with Subtitle E § 5203.1(e) the applicant shall use graphical representations such as plans, photographs, or elevation and section drawings sufficient to represent the relationship of the conversion and any associated addition to adjacent buildings and views from public ways.

5203.2 The Board of Zoning Adjustment may modify or waive not more than two (2) of the requirements specified in Subtitle E §§ 5203.1(a**b**) through (f) provided, that

any modification or waiver granted pursuant to this section shall not be in conflict with Subtitle E § 5203.1(e).

5203.3 A special exception to the requirements of Subtitle E § 206 shall be subject to the conditions of Subtitle E § 5203.1(b), (c), and (d). If relief is granted from compliance with Subtitle E § 206.1(b) or (c), the special exception shall not be conditioned upon compliance with that same requirement as stated in Subtitle E § 5203.1(b)(3) and (4).

5203.4 The Board of Zoning Adjustment may require special treatment in the way of design, screening, exterior or interior lighting, building materials, or other features for the protection of adjacent or nearby properties, or to maintain the general character of a block.

SOURCE: Final Rulemaking published at 63 DCR 2447, 2887 (March 4, 2016 – Part 2); as amended by Final Rulemaking published at 63 DCR 10620 (August 19, 2016).

5204 — ~~SPECIAL EXCEPTION CRITERIA ALLEY LOTS~~

~~5204.1 — The Board of Zoning Adjustment may approve as a special exception a reduction in the minimum yard requirements of an alley lot in an RF zone may be approved as a special exception pursuant to Subtitle X, Chapter 9.~~

SOURCE: Final Rulemaking published at 63 DCR 2447, 2887 (March 4, 2016 – Part 2).

SUBTITLE F
CHAPTER 51 ALLEY LOT REGULATIONS (RA)

5100 GENERAL PROVISIONS

~~5100.1 All alley lots must be recorded in the records of the Office of the Surveyor, District of Columbia, as a record lot.~~

5100.2 New alley record lots may be created as provided in Subtitle C, Chapter 3.

5101 DEVELOPMENT STANDARDS

5101.1 The development standards of this chapter shall apply to buildings on alley lots in RA zones.

5102 HEIGHT

5102.1 The maximum height and stories of building on alley lots in RA zones shall be twenty feet (20 ft.) and two (2) stories, including the penthouse.

5103 REAR YARD

5103.1 A minimum ~~required~~ rear yard of five feet (5 ft.) shall be provided along with a ~~minimum depth of five feet (5 ft.) from~~ any lot line of all abutting non-alley lots.

5104 SIDE YARD

5104.1 A minimum ~~required~~ side yard of five feet (5 ft.) shall be provided along with a ~~minimum depth of five feet (5 ft.) from~~ any lot line of all abutting non-alley lots.

5105 ALLEY CENTERLINE SETBACK

5105.1 A required seven and one half ~~twelve~~ foot (7.5 ~~12~~ ft.) setback ~~yard~~ from the centerline of all alleys to which the alley lot abuts shall be provided.

5106 PERVIOUS SURFACE

5106.1 The minimum required pervious surface shall be ~~not less than~~ ten percent (10%).

~~**5107 SPECIAL EXCEPTION**~~

~~5107.1 Exceptions to the development standards of this chapter shall be permitted as a special exception if approved by the Board of Zoning Adjustment under Subtitle X and subject to the provisions and limitations of Subtitle F § 5201.~~

5107 **USES**

5107.1 Uses on alley lots shall be as permitted in Subtitle U, Chapter 6.

5201 ADDITION TO A BUILDING OR ACCESSORY STRUCTURE

5201.1 The Board of Zoning Adjustment may approve as a special exception in the RA zones ~~grant special exception~~ relief from the following development standards of this subtitle, subject to the provisions of this section and the general special exception criteria at Subtitle X, Chapter 9.

(a) Lot occupancy;

(b) Yards; ~~and~~

(c) Green area ratio; ~~and~~

~~(e)~~(d) Alley centerline setback requirements.

5201.2 Special exception relief under this section is applicable only to the following:

(a) An addition to an existing residential building; ~~or~~

(b) A new or enlarged accessory structure that is accessory to such a building;
~~or~~

~~(b)~~(c) A new or enlarged building on an alley lot.

5201.3 An application for special exception under this section shall demonstrate that the proposed addition, ~~or~~ accessory structure, or alley lot building shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular:

(a) The light and air available to neighboring properties shall not be unduly compromised;

(b) The privacy of use and enjoyment of neighboring properties shall not be unduly compromised;

(c) The addition or accessory structure, together with the original building, as viewed from the street, alley, and other public way, shall not substantially visually intrude upon the character, scale and pattern of houses along the subject street frontage;

- (d) In demonstrating compliance with paragraphs (a), (b), and (c) of this subsection, the applicant shall use graphical representations such as plans, photographs, or elevation and section drawings sufficient to represent the relationship of the proposed addition or accessory structure to adjacent buildings and views from public ways; and
- (e) The Board of Zoning Adjustment may approve lot occupancy of all new and existing structures on the lot up to a maximum of seventy percent (70%).

5201.4 The Board of Zoning Adjustment may require special treatment in the way of design, screening, exterior or interior lighting, building materials, or other features for the protection of adjacent and nearby properties.

5201.5 This section shall not be used to permit the introduction or expansion of a nonconforming use as a special exception.

5201.6 This section shall not be used to permit the introduction or expansion of nonconforming height or number of stories as a special exception.

5201.7 A request for relief from alley centerline setback requirements shall be referred by the Office of Zoning to the Office of Planning, who shall coordinate review of the application and prepare an analysis of the proposal, which shall include comments or recommendations from relevant government agencies, including, but not limited to:

- (a) District Department of Transportation (DDOT);
- (b) Department of Public Works (DPW);
- (c) Metropolitan Police Department (MPD);
- (d) Fire and Emergency Medical Services Department (FEMS);
- (e) DC Water (WASA); and
- (f) If a historic district or historic landmark is involved, the Historic Preservation Office (HPO).

SOURCE: Final Rulemaking published at 63 DCR 2447, 2915 (March 4, 2016 – Part 2).

5204 ~~SPECIAL EXCEPTION CRITERIA ALLEY LOTS~~

~~5204.1 The Board of Zoning Adjustment may approve as a special exception a reduction in the minimum yard requirements of an alley lot in an RA zone may be approved as a special exception pursuant to Subtitle X, Chapter 9.~~

SOURCE: Final Rulemaking published at 63 DCR 2447, 2915 (March 4, 2016 – Part 2).

SUBTITLE G
CHAPTER 11 ALLEY LOT REGULATIONS (MU)FOR MU ZONES

1100 GENERAL PROVISIONS

~~1100.1 All alley lots must be recorded in the records of the Office of the Surveyor, District of Columbia, as a record lot.~~

1100.1~~2~~ New alley lots may be created as provided in Subtitle C, Chapter 3.

1101 DEVELOPMENT STANDARDS

1101.1 The development standards of this chapter ~~in Subtitle G §§ 1102 through 1106~~ shall apply to buildings on alley lots in MU zones.

1102 HEIGHT

1102.1 The maximum height and stories of the building in MU-6, MU-8, MU-9, MU-10, MU-19, MU-20, MU-21, MU-22, ~~and~~ MU-29 and MU-30 zones shall be thirty feet (30 ft.) and three (3) stories, including the penthouse.

1102.2 The maximum height and stories of the building in all other MU zones shall be twenty feet (20 ft.) and two (2) stories, including the penthouse.

1103 REAR YARD

1103.1 A minimum rear yard of five feet (5 ft.) shall be provided from any lot line of all abutting non-alley lots.

1104 SIDE YARD

1104.1 A minimum side yard of five feet (5 ft.) shall be provided from any lot line of all abutting non-alley lots.

1105 ALLEY CENTERLINE SETBACK

1105.1 A required seven and one half ~~twelve~~ foot (7.5~~12~~ ft.) setback from the centerline of all alleys to which the alley lot abuts shall be provided.

1106 GREEN AREA RATIO (GAR)

1106.1 The minimum required GAR shall be as required by the zone.

1107 USES

1107.1 Uses on alley lots shall be as permitted in Subtitle U, Chapter 6.

SUBTITLE I, DOWNTOWN

210 ALLEY LOTS

- 210.1 The following development standards shall apply to buildings on alley lots in D zones:
- (a) A building or structure shall not exceed the lesser of thirty feet (30 ft.) or three (3) stories, including the penthouse, as measured from the ground level of a building wall fronting on an alley to which the alley building or structure is adjacent;
 - (b) A building or structure on an alley lot shall be set back at least five feet (5 ft.) from any lot line of all abutting non-alley lots; and
 - (c) A building or structure on an alley lot shall be setback at least seven and one-half feet (7.5 ft.) from the centerline of all alleys the alley lot abuts.
- 210.2 With the exception of residential uses, a building or structure on an alley lot shall be subject to the same permissions, conditions, and restrictions as matter-of-right, special exception, and prohibited uses as the zone in which the alley lot is located.
- 210.3 Residential use is permitted, subject to the following conditions:
- (a) A building may not be constructed or converted to a single or multiple dwelling unit unless there is a minimum of four hundred and fifty square feet (450 sq. ft.) of lot area per unit; and
 - (b) The alley lot has access to an improved public street as follows:
 - (1) Through an improved alley or alleys with an alley width of not less than twenty-four feet (24 ft.) at any point between the lot and the street or more in width; or
 - (2) Through ~~On~~ an improved alley or alleys with an alley width of not no less than fifteen feet (15 ft.) at any point between the lot and the street in width and within three hundred (300) linear feet of the a public street, as measured along the aforementioned 15-foot alley.
- 210.4 The residential dwelling shall meet all building code requirements for a permanent residential structure.

210.5 If the Zoning Administrator or other authorized building official determines that the access from a proposed dwelling on an alley lot is insufficient to provide the intended public safety, hygiene, or other building code requirement, the application for the residential dwelling shall be referred to the Board of Zoning Adjustment for consideration as a special exception under Subtitle X, Chapter 9 with the following additional criteria:

- (a) The Board of Zoning Adjustment determines, after considering relevant agency comments concerning water and sewer services, waste management, traffic and parking, and public safety relating to fire concerns, there is no adverse impact to the adjoining properties; and
- (b) The Board of Zoning Adjustment determines that adequate public utilities and safety can be provided for the residents of the proposed dwelling and adjoining buildings.

SOURCE: Final Rulemaking published at 63 DCR 2447, 3041 (March 4, 2016 – Part 2); as amended by Final Rulemaking published at 63 DCR 10932 (August 26, 2016).

SUBTITLE J
CHAPTER 3, ALLEY LOT REGULATIONS (PDR)

301 GENERAL PROVISIONS

~~301.1 All alley lots must be recorded in the records of the Office of the Surveyor, District of Columbia, as a record lot.~~

~~301.2~~301.1 New alley record lots may be created as provided in Subtitle C, Chapter 3.

301 DEVELOPMENT REGULATIONS FOR BUILDINGS ON ALLEY LOTS

~~301.1 The bulk of buildings on alley lots in a PDR zone shall be controlled through the specified development standards of this chapter.~~

~~301.2~~301.1 The following development standards shall apply to buildings on alley lots in PDR zones:

TABLE J § 301.2: ALLEY LOT DEVELOPMEN STANDARDS

Maximum Lot Occupancy	GAR	Rear Yard Min.	Side Yard Min.	Alley Centerline Yard Min.
N/A	As required by applicable zone	5 ft. from any lot line of all abutting non-alley lots		12 ft. from the centerline of all alleys to which the alley lot abuts

~~301.3~~301.2 The maximum height of a building on an alley lot shall be determined as follows:

- (a) If the alley lot is located in a square that contains R or RF zoned properties, the height shall be limited to twenty feet (20 ft.), including the penthouse; or
- (b) If the alley lot is located in a square that does not contain R or RF zoned properties, the height shall be limited to thirty feet (30 ft.), including the penthouse.

SOURCE: Final Rulemaking published at 63 DCR 2447, 3163 (March 4, 2016 – Part 2); as amended by Final Rulemaking published at 63 DCR 10620 (August 19, 2016).

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

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

- (a) Agricultural, both residential and large;
- (b) Artist studio inside a building, subject to the following conditions:
 - (1) An artist may teach one (1) or more apprentices;
 - ~~(2)~~ Regular ~~Occupancy~~ of the building shall be limited to one (1) artist and one (1) apprentice for each four hundred and fifty square feet (450 sq. ft.) of gross floor area ~~of a building on an alley lot;~~
 - ~~(3)~~ All operations and storage of materials shall occur inside the building;
 - ~~(4)~~ Incidental sales of art-work produced by the occupants of the studio shall be permitted within the studio; ~~and~~
 - (5) Noise volume shall be limited by the regulations of Title 20 DCMR;
 - (6) Rehearsals for performing arts may be undertaken at the studio; and
 - (7) A maximum of five (5) art shows or performances open to the public are permitted per calendar year, and occupancy for the art show or performance shall be limited by the regulations of Title 12H DCMR § 1004, Occupant Load.
 - ~~(4) —The artist may teach one (1) or more apprentices;~~
- (c) Camping by the owner of an alley lot on the alley lot in a tent, wagon, van, automobile, truck, or trailer, subject to the following conditions:
 - (1) The use shall be located so that it is not likely to become objectionable to adjoining and nearby property because of noise, traffic, parking, lighting, sanitation, or otherwise objectionable conditions;

- (2) Open fires shall not be permitted; and
- (3) The use shall not be for more than two (2) consecutive weeks and no more than one (1) month per calendar year;
- (d) Parking, subject to the following conditions:
 - (1) Surface parking spaces for use by residents of the square;
 - (2) Not more than two (2) car-sharing spaces shall be permitted on any one lot; and
 - (3) Parking garage on a lot not containing another use shall meet the following conditions:
 - (A) No more than two (2) motor vehicles may be housed on the lot;
 - (B) The building may not exceed four hundred fifty square feet (450 sq. ft.); and
 - (C) The garage door~~building~~ shall open directly onto an alley. ~~and~~
- (e) Residential dwelling, ~~provided that the use shall be limited to one (1) dwelling unit on an alley lot,~~ subject to the following conditions~~limitations~~:
 - (1) The alley lot is wholly within an R-3, R-13, or R-17 zone, an RF zone, or an RA zone;
 - (2) A building may not be constructed or converted ~~A residential dwelling may not be constructed or other building converted~~ for a dwelling unit unless there is a minimum of four hundred and fifty square feet (450 sq. ft.) of lot area;
 - (3) The use shall be limited to one (1) dwelling unit per lot;
 - (4)3 The alley lot has access to an improved public street as follows:
 - (A) Through an improved alley or alleys with an alley width of not less than twenty-four feet (24 ft.) at any point between the lot and the street;~~or more in width;~~ or

- (B) Through an improved alley or alleys with an alley width of not less than ~~no less than~~ fifteen feet (15 ft.) at any point between the lot and the street, ~~in width~~ and within three hundred (300) linear feet of ~~the an improved public street,~~ as measured along the aforementioned 15-foot alley.;
- (54) The residential dwelling may also contain a parking garage for use by residents of the dwelling;
- (6) The residential dwelling shall meet all building code requirements for a permanent residential structure; and
- (75) If the Zoning Administrator or other authorized building official determines that the access from a proposed dwelling on an alley lot is insufficient to provide the intended public safety, hygiene or other building code requirement, the application for the residential dwelling shall be referred to the Board of Zoning Adjustment.

SOURCE: Final Rulemaking published at 63 DCR 2447, 3338 (March 4, 2016 – Part 2).

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

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

(a) [RESERVED]

(b) Artist studio not meeting the criteria of U § 600.1(b);

(1) In addition to the Office of Planning, the Office of Zoning shall refer the application to the District Department of Transportation for review and comment;

(2) Any use authorized in this section shall not be likely to become objectionable because of noise, traffic, or number of employees or visitors; and

(3) The hours of active operation shall be arranged so as not to prove disturbing or otherwise objectionable to persons residing around the perimeter of the square in which the use is located;

(c~~a~~) No camp or any temporary place of abode in any tent, wagon, van, automobile, truck, or trailer of any description shall be permitted on an alley lot when not accompanied by the property owner, unless approved as a special exception subject to the following conditions:

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

(2) Open fires shall not be permitted; and

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

(d~~b~~) Parking uses not meeting the criteria of U § 600.1(d), ~~matter of right standards, provided that a publicly operating parking area use shall be~~ subject to the following conditions:

(1) In addition to the Office of Planning, the Office of Zoning shall refer the application to the District Department of Transportation for review and comment;

~~(1)(2)~~ ~~(1)~~—Any use authorized in this section shall not be likely to become objectionable because of noise, traffic, or number of employees; and

~~(2)~~(3) The hours of active operation shall be arranged so as not to prove disturbing or otherwise objectionable to persons residing around the perimeter of the square in which located;

(ee) Residential dwelling use not meeting the criteria ~~matter-of-right requirements~~ of Subtitle U § 600.1(e), ~~provided that the use shall be limited to one (1) dwelling unit on an alley lot,~~ subject to the following conditions:

(1) The alley lot is not wholly or partially within the R-1-A, R-1-B, or R-2 zones;

(2) A building may not be constructed or converted for a dwelling unit unless there is a minimum of four hundred and fifty ~~(450)~~ square feet (450 sq. ft.) ~~square feet~~ of lot area;

(3) The use shall be limited to one (1) dwelling unit per lot;

(3) The alley lot connects to an improved public street through an improved alley or system of alleys that provides adequate public safety, and infrastructure availability; and

(5) The residential dwelling may also contain a parking garage for use by residents of the dwelling;

(6) The residential dwelling shall meet all building code requirements for a permanent residential structure; and

~~(7)~~(4) The Office of Planning shall coordinate review of the application and prepare an analysis of the proposal, which shall include comments or recommendations from relevant government agencies, including, but not limited to:

(A) District Department of Transportation (DDOT);

(B) Department of Public Works (DPW);

(C) Metropolitan Police Department (MPD);

(D) Fire and Emergency Medical Services Department (FEMS);

(E) DC Water (WASA); and

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

~~The Board of Zoning Adjustment shall consider relevant agency comments concerning:~~

~~(A) Public safety, including any comments from the Fire and Emergency Medical Service Department and the Metropolitan Police Department;~~

~~(B) Water and sewer services, including any comments from the Water and Sewer Authority, especially the Department of Permit Operations;~~

~~(C) Waste management, including any comments from the Department of Public Works; and~~

~~(D) Traffic and parking, including any comments from the District Department of Transportation; and~~

~~(5) An applicant shall submit or arrange for the submission of agency comments to the official case record. If no agency submission occurs, an applicant shall instead describe any communications with relevant agencies; and~~

~~(f)~~ Storage of wares or goods on an alley lot provided that the use shall be limited to the following:

(1) No storage use authorized in this section shall be located in a building containing more than twenty-five hundred square feet (2,500 sq. ft.) of gross floor area;

(2) Any use authorized in this section shall not be likely to become objectionable because of noise, traffic, or number of employees;

(3) The alley upon which the use is to be located shall be readily negotiable by any truck necessary for the proposed operation; and

- (4) The hours of active operation shall be arranged so as not to prove disturbing or otherwise objectionable to persons residing around the perimeter of the square in which the use is located.

SOURCE: Final Rulemaking published at 63 DCR 2447, 3338 (March 4, 2016 – Part 2).