

APPENDIX B: ZONING COMMISSION RESPONSES TO ANC ISSUES AND CONCERNS

ANC	Exhibit #	Subtitle	Comment	Response
1A	283		<p>We resolve to submit our concern based on solid evidence that the Zoning Rewrite process does not allow for meaningful public participation or proper review of the draft regulations as this draft was only recently submitted by OP to the Zoning Commission, and printed drafts were only recently made available at public libraries, and we respectfully request the Zoning Commission to postpone any rulemaking regarding OP's draft zoning amendments, and keep the record completely open for at least 180 days, or until a much more robust and fair review can be had so that a thoughtful and thorough response from the public, including this Advisory Neighborhood Commission, can be delivered for deliberations by the District of Columbia Zoning Commission, and We respectfully request the Office of Planning to visit our community for public community consultations and meetings to discuss the impacts of the draft regulations, both City-wide and specific to our neighborhood, so we can understand the full scope of the zoning rewrite to provide informed feedback to the Zoning Commission. We want the same treatment from the Office of Planning as that received by the Georgetown ANC over the past year.</p>	<p>The ZRR process has been well-publicized and has included extensive community outreach, as follows:</p> <ul style="list-style-type: none"> • June/July 2007 –Commission roundtables. • 2008 to 2011 – 81 public work group meetings were held on 20 topic areas, with over 1,000 participants. • 2007 – 2013 – OP created a Task Force of 25 residents – met 42 times. • 2008 – present – The Commission held 59 public hearings and meetings, to provide guidance and, in some cases, approve proposed text. • December 2012 – January 2013 – Public meetings, one in each ward (eight public meetings, two twitter townhall meetings). • 2008 – present – Over 100 meetings with ANCs, community groups and special interest groups. <p>On September 9, 2013, the Commission set down the proposed ZRR text for public hearings and has held 15 public hearings since November 2013. The Commission left the record open until September 15, 2014. This provided additional time for review and comment, and represents 12 months since the Commission set the case down for public hearing.</p>
1A	471		<p>ANC 1A supports a new zoning code that will let D.C. grow in a sustainable way that doesn't create new traffic or parking problems, but meets the needs of current and future residents. Allowing a homeowner to rent out a basement or garage to help pay the mortgage, give a young person the opportunity to live in the neighborhood, and let seniors age in place in their own homes benefits all residents. Easing parking requirements in downtown areas and along busy transit corridors will help to create and</p>	<p>The Commission believes this goal has been met.</p>

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			preserve walkable, vibrant neighborhoods and provide more accessible housing options for more people. ANC 1A asks the Zoning Commission to adopt these provisions to an updated zoning code.	
1B	534	G	The ANC proposes and recommends that the Zoning Commission adopt a policy whereby a developer who proposes to build space for a large retailer must secure a special exception, allowing for ANCs to hold community hearings and make a recommendation, before proceeding with said development.	The Commission approved large format retail provisions which relate to single tenant spaces of 50,000 sq. ft. or greater.
1C	483		ANC 1C requests that the Zoning Commission (i) keep the record open on the proposed ZRR for an additional 120 days so that the public and ANCs can submit comments, and (ii) postpone any decisions on the proposed ZRR until after the extended period for public comment is closed. ANC 1C requests that the Zoning Commission take the opportunity afforded by the Zoning Regulation Rewrite (“ZRR”) to amend its regulations to allow more time, 30 days, prior to a scheduled hearing for ANC’s and the public to review and consider such reports, recommendations and subsequently submitted probative materials, that are sent after the initial deadline was met.	The Commission left the record open until September 15, 2014. This provided additional time for review and comment, and represents 12 months since the Commission set the case down for public hearing.
1C	691	F	ANC 1C commends OP for having dropped the proposal to allow new commercial and office uses to intrude into residential neighborhoods under the new “A” zoning, Urges the Zoning Commission to reject any suggestion that those uses be reinstated in whole or in part, Notes, however, that in other respects, the “A” zoning is inadequate to protect those rowhouse neighborhoods from “pop-ups” and other grossly excessive over-redevelopment, and should be considered for downzoning in appropriate areas.	The Commission did not modify the development standards for the R-5-A (RA-1) apartment zones — development other than a detached or semi-detached building will continue to require Board and neighborhood review. As to issue of “pop-ups,” the RA zones are apartment zones and are not the same as rowhouse zones. Because they are different, the development standards are different and density is calculated differently — in RA apartment zones, density is calculated by FAR and the maximum number of units is determined by size and Building Code requirements; in the single household (R-1, R-2) and rowhouse zones, density is calculated by the number of principal units per lot.

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				This fundamental difference in the apartment zones makes using the “pop-up” restrictions of the rowhouse zones impractical.
1C	691	C	ANC1C calls on the District to strengthen its inclusionary zoning regulations by (i) establishing formulas for determining the amount of a building that must be set aside for inclusionary zoning that would make the District a leader in the nation, and (ii) lowering the thresholds of Area-Median-Income to which inclusionary zoning units must be accessible so as to take account of the fact that the Area-Median-Income figures for the District are unusually high due to the atypical concentration of high-income-earning residents who live in the surrounding metropolitan area.	The Commission did not make the suggested amendments to the regulations regarding Inclusionary Zoning, but decided instead to simply recodify the existing IZ regulations into the ZRR format. However, as of the date of the final action in ZRR, income-related amendments to IZ are being reviewed as Z.C. Case No. 04-33G, separate from the ZRR.
1C	691	G	ANC1C recognizes that the Reed-Cooke Overlay District came into existence as the result of laborious grass-roots efforts by local resident volunteers. ANC1C recognizes that other Overlay Districts within the city share a comparable history, and accordingly feels that the special status of Overlay Districts should be reflected in the organizational structure of the Zoning Regulations. ANC1C calls on the Zoning Commission to preserve the existing Zoning Overlay Districts in a separate Subtitle within the Zoning Regulations Rewrite. Within such Subtitle, there could be one Chapter for each of the current Overlays. Overlays that contain multiple zoning districts, could then have Sub-Chapters for each of those zones. In that manner, readers would still be able to refer to just a single Chapter (or Sub-Chapter) for all of the information pertaining to the lot they are interested in. But at the same time, it would remain clear that the characteristics of their lot are tied to the characteristics of other nearby lots based on their common history as part of an Overlay.	Based on comments received, the Reed-Cooke Overlay provisions have been consolidated in Subtitle K, zones RC-1, RC-2, and RC-3.

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1C	691	G	<p>ANC 1C requests the Zoning Commission, as regards to at least zones M-4, M-5, M-33 and M-34, the mixed use zones applicable to Adams Morgan, to:</p> <ul style="list-style-type: none"> • Restore the 60% and 80% lot occupancy maximums; • Provide for rear setback from the rear lot line for all portions of a building; and • Eliminate any increase in permissible non-residential FAR. 	<p>The Commission has not eliminated the 60% and 80% lot occupancy maximums for residential uses in the MU-4 and MU-5 zones and has maintained the 15 ft. rear yard. The adopted regulations allow an existing building on a lot with an area 10,000 sq. ft. or less, may have a maximum FAR of 2.0 for non-residential uses, provided the uses are located in the ground story and the story directly above the ground story to encourage the commercial use of existing buildings on small lots. The required rear yard (formerly referred to as the “rear yard”) will be measured consistent with the recommendation. See Subtitle B § 318.</p>
1C	691	E	<p>ANC 1C welcomes the proposed two new rowhouse zones RF-4 and RF-5, urges the Zoning Commission to:</p> <ul style="list-style-type: none"> • Eliminate the proposed commercial and other non-residential uses from the two new rowhouse zones RF-4 and -5 as well as from any RF-1 district resulting from future downzoning from and R-5 district; • Strike Subtitle E § 504.4; • Strike Subtitle E § 600; and • Set an FAR limit of 1.8 for the proposed RF-4 and -5 zones. 	<p>The Commission did not find the ANC’s advice persuasive and the adopted regulations permit corner store uses in the RF zones. The regulations include conditions that will mitigate against any potential adverse impacts and these establishments will benefit the neighborhoods they serve. There is no FAR for detached, semi-detached, row dwellings, flats, or places of worship in the RF-4 and RF-5 zones; however, the maximum density for all other structures is 1.8 FAR.</p>
1C	691	F, G	<p>ANC 1C urges the Zoning Commission to limit the height of roof structures in the A and M zones to 10 feet, and apply the side-wall setback formula provided in Subtitle C § 505.2(e) in place of the corresponding setback formula in the roof structure provisions for the A and M zones.</p>	<p>The Commission addressed the ANC’s concerns in Z.C. Case No. 14-13. The amendments adopted in that case have been re-codified into the adopted new Title 11.</p>
1C	959	Y	<p>ANC 1C recommends that the ZRR (08-06) adopt the Issuance of Orders submission date requirements for the Board of Zoning Adjustment (BZA) as used by the Zoning Commission, under 11 DCMR § 3028.5, which requires that all order must be issued within 45 days after its vote.</p>	<p>The Commission did not add the requested language. 88% of Board orders are served within 3.5 days of decision. OAG must ensure full orders are legally sufficient and, therefore, these orders are more time-consuming to issue.</p>

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1C	959	G, K	Requests the Zoning Commission, as regard at least to zones MU-4, MU-5, RC-2 and RC-3, the mixed use zones applicable to Adams Morgan, to restore the 60% and 80% lot occupancy maximums, provide for rear setback from the rear lot line for all portions of a building, and eliminate any increase in permissible non-residential FAR.	<ul style="list-style-type: none"> • MU-4 and MU-5: lot occupancy remains at 60% and 80% respectively; rear yard minimum of 15 ft. is required (See Subtitle G.). • RC-2 and RC-3: lot occupancy remains at 60% and 80% respectively; the Commission decided to maintain rear yards (which continue to be measured from the structure outward) instead of rear setbacks (which were proposed to be measured from the property line inward) and in these zones the rear yard minimum of 15 ft. is required (See Subtitle K.). • There is an increase in FAR of 0.5 for lots less than 10,000 sq. ft. in area, but to address the concerns about increasing eating and drinking space, eating and drinking uses may not use the additional 0.5 FAR.
1C	959	F	The proposed “RA” zoning is inadequate to protect those rowhouse neighborhoods from "pop-ups" and other grossly excessive over-redevelopment, and should be considered for downzoning in appropriate areas.	The RA zones are apartment zones and are not the same as rowhouse zones. Because they are different, the development standards are different and density is calculated differently — in RA apartment zones, density is calculated by FAR and the maximum number of units is determined by size and Building Code requirements; in the single household (R-1, R-2) and rowhouse zones density is calculated by the number of principal units per lot. This fundamental difference in the apartment zones makes using the “pop-up” restrictions of the rowhouse zones impractical.
1C	959	E	Welcomes the proposed two new rowhouse zones RF-4 and RF-5, and urges the Zoning Commission to eliminate the proposed commercial and other non-residential uses, from the two new rowhouse zones RF-4 and -5 as well as from any RF-1 district resulting from future downzoning from and R-5 district. Incorporate all of the elements of its 14-11 order into the final order on ZRR at every point where the ZRR order deals with the successor zones to R-4 (i.e. RF-1, -2 and -3). It should inform the public of its intention to do so, taking any issues resolved by that Order out of further contention in the consideration of ZRR. Set	The Commission did not find the ANC’s advice persuasive and the adopted regulations permit corner store uses in the RF-4 and RF-5 zones. The regulations include conditions that will mitigate any potential adverse impacts and these establishments will benefit the neighborhoods they serve. The changes in rowhouse regulations that resulted from Z.C. Case No. 14-11 have been incorporated into the ZRR. The public was aware that Case 14-11 would be the exclusive means of addressing the issues identified in that case. A maximum FAR for the RF-4

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			an FAR limit of 1.8 for all structures in the proposed RF-4 and -5 zones.	and RF-5 zones has not been adopted.
1C	959	C	Incorporate into the ZRR text the side-wall setback formula provided in § 411.18(3) of the pending Penthouse draft, amended so as to apply to any “detached dwelling, semi-detached dwelling, rowhouse or flat in any zone.” Limit the height and other dimensions of rowhouse roof structures by incorporating into the ZRR text § 411.5 of the pending draft in the Penthouse case, and clarify that 30 square feet is the maximum floor area of roof structures covered by this provision.	The provisions of new § 411.18 has been incorporated in the adopted text.
1D	424		ANC 1D requests that the Office of Planning and Zoning Commission allow an additional 90 days for review and comments on the proposed Zoning Regulation Review (ZRR).	The Commission left the record open until September 15, 2014. This provided additional time for review and comment, and represents 12 months since the Commission set the case down for public hearing.
1D	618	E	ANC 1D advises the Office of Planning and the Zoning Commission that the proposed regulation permitting 60% maximum lot coverage for all dwellings in an RF-1 zone be revised to require, at least within Mount Pleasant, that structures built according to the 40% coverage limit remain so limited.	The Commission established a maximum lot occupancy in the RF-1 zone of 60% for detached dwellings, semi-detached dwellings, row dwellings, flats, and places of worship and 40% for all other structures.
1D	900		ANC1D advises the Zoning Commission that the explicit “grandfathering” of off-street parking spaces, currently incorporated in Subtitle C of the draft new regulations, should be eliminated.	The Commission did not agree with this recommendation because the section referenced, Subtitle C § 705.2, allows for a new use to occupy a space when the new use has the same parking requirement as the previous use. Any expansion of an existing use that results in additional parking requirements is required by Subtitle C § 705.1 to provide additional parking.
2A	69, 70, 71, 72, 73	B, I, Z, X, Y	ANC 2A requests that the Zoning Commission: (a) not expand either the CEA or TDRs into more of Foggy Bottom-West End; (b) not allow for increases in currently allowable density, percent non-residential uses, and height in Foggy Bottom-West End; (c) define and state governing provisions for "omnibus" PUDs; (d) require public hearings for all "modifications of consequence" to zoning Orders, including for PUDs and Campus Plans; and (e) not	The Central Employment Area (CEA) has not been expanded; the CEA is defined through the Comprehensive Plan and is not established through zoning; TDRs have been replaced by credits that may be used to increase non-residential density to existing matter-of-right limits. Although a modification of consequence will not require a hearing, a modification of significance will. The Commission

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			change the requirements for parking spaces in Foggy Bottom-West End.	believes that the expanded public comment period for modifications of consequence will suffice. Such modifications include a proposed change to a condition in the final order, a change in position on an issue discussed by the Commission that affected its decision, or a redesign or relocation of architectural elements and open spaces from the final design approved by the Commission. There is a maximum FAR established for Campus Plans that reflects the maximum FAR of the current regulations; There is no such thing as an omnibus planned unit development (PUD). The PUD regulations apply equally to PUDs as specified although certain PUDs will not be called design reviews. The parking regulations recognize the transit-rich environment of various parts of the city and the relationship between the cost of constructing more parking than the market dictates and the cost of housing.
2A	477	X	<p>ANC 2A urges the Zoning Commission to add a provision for the mandatory review of commercially-zoned property owned and acquired by universities, as part of the campus plan process.</p> <p>ANC 2A asks OP to prepare supplemental textual changes related to address missing subject areas related to campus plans, such as omnibus PUDs and length of campus plans.</p>	<p>Use of a commercially zoned property by a college or university for a use other than the matter-of-right uses set out in Subtitle U will now require a special exception. See also Subtitle X § 102. If by “omnibus PUD,” the ANC is referring to a combined PUD and Campus Plan approval, the Commission has approved but one, which was affirmed by the District of Columbia Court of Appeals. The Commission believes the existing PUD and campus plan rules provide a sufficient framework should a second such combined approval be sought. As to length of campus plan terms, the Commission does not believe it is necessary for the campus plan rules to provide for any maximum, since this type of determination should be made on a case-by-case basis.</p>

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2A	979	I	<p>ANC-2A seeks to protect the residential quality of life in Foggy Bottom and the West End. ANC 2A and Foggy Bottom-West End community groups successfully fought boundary exclusions from the statutory CEA definition area, as reflected in the 1994 and 1999 Comprehensive Plan Amendment Acts, to ensure that Environmental Impact Statements would be required for five possible development sites and the entire George Washington University (GWU) Campus Plan area. The Office of Planning's (OP) proposal effectively expands the statutory boundaries for the "downtown" "D" zone that expands the definition of "Central Washington," or area appropriate for high density mix as a matter of right and through expanded use of transferable development rights (TDRs), in the proposed Zoning Regulation Review into the West End (e.g., in some Squares from West of 21st Street to 22nd Street and from North of Pennsylvania Avenue to M Street) and in Foggy Bottom without an accompanying statutory amendment to effectively expand the "downtown" (see Subtitle I-58, Figure 4, "All Streets in Downtown Zones with Designated Street Segments"). There are significant impacts for expansion of the "downtown" into Foggy Bottom and West End including (a) increased height due to the accompanying proposed expansion of TDRs into more of Foggy Bottom/West End; (b) increased allowable density for non-residential uses, and (c) reduced parking requirements, resulting in the elimination of existing residential street parking due to congestion. ANC 2A requests that the Zoning Commission: (a) not expand either the definition of "downtown" or CEA into more of Foggy Bottom-West End; and (b) not allow for increases in currently allowable density, percent non-residential uses, and height in Foggy Bottom-West End.</p>	<p>The Central Employment Area (CEA) has not been expanded; the CEA is established by the Comprehensive Plan process; it is not established through zoning. The new D zones do not expand the Downtown. The new D zones relate directly to the high density land use categories of the Central Washington Area element of the Comprehensive Plan and do not extend or include areas within the West End or Foggy Bottom areas as identified as the Near Northwest Element of the Comprehensive Plan.</p>

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2B	476	C	<p>ANC2B supports the guidelines, values, public process, and forthrightness of the Office of Planning and Zoning Commission throughout the zoning update process. ANC2B does not support the growing practice of prohibiting residents with certain addresses from obtaining residential parking permits as a “trade off” with the neighborhood and Zoning Commission for reducing parking minimum requirements. This practice rewards developers without a proven benefit to the neighborhood while dismissing the rights of tax-paying citizens to the same city services as others. ANC 2B encourages the Zoning Commission to cease any such future arrangements and instead to work with the District Department of Transportation (DDOT), ANCs and developers on more reasonable, effective and egalitarian solutions to parking concerns.</p>	<p>This comment relates to conditions proffered by applicants in contested cases often in response to requests by the affected ANC. The Commission therefore did not include an across the board prohibition of this practice, but believes the merits of each condition should be determined on a case-by-case basis. However, the adopted regulations will allow reductions of parking minimums near Priority Bus Corridors provided that the buildings would not be eligible for RPP.</p>
2D	699	X	<p>ANC 2D supports increasing the square occupancy to 50% for the institutional threshold for consideration of any additional non-residential use including a Chancery, and ANC 2D recommends that the ZRR contain an explicit requirement that an accurate map of the squares with an accurate inventory of non-residential properties be maintained, and ANC 2D recommends that institutions that are allowed to exist in a residential neighborhood either by matter of right or by special exception not be counted toward the 50% threshold for square occupancy.</p>	<p>The focus of the Foreign Missions Act is to identify whether an area is already mixed-use, and if it is, to permit a chancery application to be heard before the Board. The fact that an institutional use is by-right does not negate the fact that its existence may cause the character of the neighborhood to be considered mixed-use. Since the term “non residential” is not defined, but “residential” is, the adopted text bases the percentage on the land area occupied by uses that do not fall within the “residential” definition. The proposed chancery rules include application filing requirements that will assure the Board has proof of the amount of the land within the relevant area that is occupied by non-residential uses.</p>
2D	886	C	<p>ANC 2D recognizes the importance of the tree canopy to preserving the residential, commercial, and cultural vitality of the District of Columbia. The Zoning Regulations governing new development are crucial to preserving the health of the tree canopy. ANC 2D recommends the following: 1. Definitions, Use of a uniform set of definitions so that the Urban Forestry</p>	<p>The Zoning Regulations cannot provide tree protection that is not zone specific. Rather, there are certain areas for which tree protection have been identified. These areas were formerly mapped in overlays but now are in standalone zones with the same specific tree protection rules. The Council has adopted legislation to protect trees on a</p>

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			<p>Administration’s (UFA) guidelines and definitions apply to residential, diplomatic, institutional, commercial, and government new construction projects and throughout the entire permitting process. 2. Applications for new construction should require plans to depict accurately all trees at risk from construction activity prior to permit review and approval. Plans should accurately show trees’ size and Critical Root Zone according to the uniform set of definitions. 3. Plans for new construction must show trees on all adjacent private and public land whose Critical Root Zones and/or crowns would be impacted by construction activity and the completed project. 4. The UFA should be required to review final plans before the Zoning Administrator approves them. Tree Protection Plans submitted with plans for new construction should be completed by an ISA-certified arborist. They should include plans for maintaining the trees for a period of time as determined by the UFA to ensure the trees’ long-term health. 5. The Zoning Administrator should rely on the expertise of the UFA in interpreting regulations as they apply to residential, commercial, institutional, and diplomatic and government construction projects to ensure timely protection of endangered trees. 6. The UFA should be required to review any modifications to plans after initial approval. 7. The period for delay for the granting of a permit for new construction following the removal or cutting of trees that would have been prohibited by the current regulations should remain seven years as an incentive to abide by the regulations. 8. Regulations applicable to tree protection should be located in a Tree Protection Chapter of the Regulations rather than being scattered throughout the Regulations as currently exists.</p>	<p>District-wide basis, and that legislation is enforced by the Urban Forestry Administration. The UFA has permit requirements that can be found in “DDOT Trees Permits and Laws” on the DDOT website at http://ddot.dc.gov/sites/default/files/dc/sites/ddot/publication/attachments/ufa_laws_and_permits.pdf</p>
2E	935	U	<p>ANC 2E supports the proposed deletion of the minimum lot size requirement for accessory apartments within a principal dwelling, and a reduction in the minimum total floor area from the 2,000 sq. ft. originally proposed. ANC 2E disagrees with the proposed reduction in R-20 of the</p>	<p>The new regulations do not include minimum lot size requirements for accessory apartments; however, the regulations maintain a 2,000 square foot minimum GFA for the R-1-A, R-1-B, and R-19 zones and a 1,200 square foot minimum GFA for the R-2, R-10,</p>

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			<p>minimum total floor area to 1,200 sq. ft. ANC 2E believes 1,750 sq. ft. would be an appropriate minimum in Georgetown. Special exception review by the BZA would be appropriate for applications for any house less than 1,750 sq. ft. in Georgetown. ANC 2E objects to § 253.7 which expressly permits a new door to be created in the front of a house in the R-20 zone provided only that it is below the main level of the house. Any exceptions should be by a special exception following CFA review and approval of an additional door. In R-19 and R-20 an existing two story accessory structure should be permitted to be used for dwelling purposed on both the first and second floors. In R-20 a new accessory structure should be permitted to be used for dwelling purposes. Balconies and projecting windows should be prohibited if they face adjoining property but not if they face an alley or the principal residence to which they are secondary. Georgetown is well served by retail and other commercial stores on Wisconsin and M Street as well as numerous corner stores throughout the neighborhood. Accordingly, we support this section (Subtitle U § 254.6(e)) placing a 750 foot restriction on new corner stores but believe it should apply to R-19 Georgetown as well.</p>	<p>R-3, R-13, R-17, and R-20 zones. Additional doors are determined appropriate if the proposed accessory apartment is located in a historic district. That is because the addition of the door would need to be reviewed by the CFA for its compatibility with the historic district. Having a special exception review would therefore be redundant. An accessory apartment is allowed only on the second story of a detached accessory building. The regulations include restrictions on balconies facing adjoining properties. They do not permit corner stores in the R-1-B zones; therefore, the 750-foot restriction would not apply to the R-19 zone (R-1-B in Georgetown).</p>
3B	829	D	<p>ANC 3B recommends the following for improving the zoning code: 1. Use of a uniform set of definitions so that the Urban Forestry Administration's (UFA) guidelines and definitions apply to residential, institutional, commercial, and D.C. government new construction projects and throughout the entire permitting process. 2. Zoning regulations should require plans to depict accurately all trees at risk from construction activity prior to permit review and approval. Plans should show accurately each tree's size and Critical Root Zone according to the uniform set definitions. 3. Plans for new construction must show trees on all adjacent private and public land whose Critical Root Zones and/or crowns would be impacted by construction activity and the completed project. 4. The UFA should be required to review final plans</p>	<p>The Zoning Regulations cannot provide tree protection that is not zone specific. Rather, there are certain areas for which tree protection have been identified. These areas were formerly mapped in overlays but now are in standalone zones with the same specific tree protection rules. The Council has adopted legislation to protect trees on a District-wide basis, and that legislation is enforced by the Urban Forestry Administration. The UFA has permit requirements that can be found in "DDOT Trees Permits and Laws" on the DDOT website at http://ddot.dc.gov/sites/default/files/dc/sites/ddot/publication/attachments/ufa_laws_and_permits.pdf.</p> <p>There is no need to duplicate the UFA</p>

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			<p>before the Zoning Administrator approves them. Tree Protection Plans submitted with plans for new construction should be completed by an ISA-certified arborist. They should include plans for maintaining the trees for a period of time as determined by the UFA to ensure the trees long term health. 5. The Zoning Administrator should rely on the expertise of the UFA in interpreting regulations as they apply to residential, commercial, institutional, and diplomatic and government construction projects to ensure timely protection of endangered trees. 6. The UFA should be required to review any modifications to plans after initial approval. 7. The period of delay for the granting of a permit for new construction following the removal or cutting of trees that would have been prohibited by the current regulations should remain seven years as incentive to abide by the regulations. 8. Regulations applicable to tree protection should be located in a Tree Protection Chapter of the Zoning Code Regulations.</p>	<p>standards. For these same reasons, the Commission believes that the degree of specificity for special exceptions to the tree protection regulations suffices. The Board may always seek such additional information it considers necessary.</p>
3B	1056		<p>ANC 3B asks the Zoning Commission to adopt the December 2012 draft zoning code proposal.</p>	<p>The December 2012 draft has been superseded.</p>
3C	66, 67, 68	D	<p>Corner food stores have potential to change neighborhood character in a positive or negative way so it is important that a neighborhood determine whether it wants to allow these new uses. Thus, the proposal to allow corner food stores in all R-3 row house zones should not be approved without neighborhood oversight and approval.</p>	<p>As adopted, only grocery stores are permitted by right, and they would be subject to numerous conditions regarding use, location, and design. Other corner store uses are permitted by special exception, which provides an opportunity for the neighborhood to weigh in on the application, including suggesting conditions to address design issues. Corner stores are not permitted on R zoned lots within Squares 1327, 1350, 1351, 1352, or 1353 inclusive.</p>

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3C	66, 67, 68	C	<p>Increased height for garages and accessory structures should not be permitted in ANC 3C in low and moderate density residential zones where the increased size would affect light, air and privacy. We have not had any requests in ANC 3C for taller garages or accessory structures and we know of no Comprehensive Plan policies encouraging larger garages. In the absence of convincing data that supports the need, apartment in garages or accessory structures and non-residential uses, such as home occupations, in garages or accessory structures should not be permitted as a matter of right in low and moderate density residential zones in ANC 3C. The existing character of ANC 3C neighborhoods is built on community and respect for the quality of life of neighbors. In our experience preserving community is partly dependent on minimizing external uses that could negatively affect neighbors' quality of life. We do not want to transform our neighborhoods into 2-family zones, or locate home businesses outside the home, without neighborhood input and oversight.</p>	<p>Sections 2500.5 and 2500.6 of the current regulations allow a two story, 20- foot tall accessory building in the low-density residential zones. This height and two story limit has been brought forward in the proposed regulations. In the moderate-density zones the increase in height from 15 to 20 feet is moderated by the requirements for side yard which limits the height of an accessory building to 10 feet and 100 sq. ft. in area if the accessory building is in a required side yard.</p> <p>The Comp Plan calls for making it easier (including changes to the zoning regulations) to use garages and accessory buildings for arts uses and accessory apartments.</p>
3C	66, 67, 68	C	<p>Parking requirements for multi-family residential zones and in zones replacing existing commercial zones should not be changed until the Office of Planning can present reliable data that the current requirement provides significant excess parking supply in ANC 3C.</p>	<p>The Commission believes that such credible data has been provided.</p>
3C	66, 67, 68	C	<p>Changing the minimum required parking formula for private schools from an intensity of use formula to a square footage formula should not be approved.</p>	<p>A square footage measurement was not adopted. Instead, the Commission adopted a requirement of two parking spaces for each three teachers and other employees at the elementary and middle school level and two parking spaces for each three teachers and other employees, plus either one for each 20 classroom seats or one for each 10 seats in the largest auditorium, gymnasium or area usable for public assembly, whichever is greater at the high school level and for accessory uses.</p>
3C	66, 67, 68	C	<p>Penalties for providing 1.5 times the minimum amount of parking required should not be approved.</p>	<p>The Commission has not adopted “penalties” for exceeding parking, but mitigation measures where the parking is twice the amount required and</p>

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				measures when the parking includes 100 more spaces than required. Special exception relief is also available. The mitigation measures can be found at Subtitle C in the chapter governing vehicle parking.
3C	66, 67, 68	C	Reductions in parking requirement based solely on proximity to frequent bus routes or a metro station should not be approved because there is a process currently available through the special exception procedure whereby a developer/owner requests a reduction in parking requirement; that process should be maintained.	The Commission decided to permit a reduction in the required parking by 50% for those sites within .5 miles of a Metrorail station; .25 miles of a streetcar line; or .25 miles of a Priority Corridor Network Metrobus 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.
3C	66, 67, 68	C	Roof structures for recreation use should not be permitted, except by special exception, in existing low-density R-1 residential zones where rear and side yards are required, which typically provide recreation space that does not unduly impact nearby neighbors. Roof structures have potential to alter neighborhood character since roof top recreation structures are not currently allowed in low-density neighborhoods.	This comment relates to Z.C. Case No. 14-13, the final text of which has been incorporated into the new Title 11.
3C	66, 67, 68	H	Institutional uses in low and moderate density residential zones by special exception should not be approved.	General institutional uses are defined as a non-governmental use involving the public assembly of people or provision of services for social or cultural purposes and which may include uses of a public, nonprofit, or charitable nature generally providing local service on-site to people of a local community. General institutional uses are permitted by special exception, which provides an opportunity for neighbors and the community to weigh in before the Board. The Commission believes this remains an effective safeguard.
3C	66, 67, 68		Neighborhood commercial overlays and residential overlays are bottom-up zoning that should be honored. Therefore, the	The intent and provisions of the overlays are all embodied within the new zones; the restrictions, conditions

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			proposals from the Office of Planning to combine the underlying zone with an overlay into a single zone district should not be approved.	and limitations also are in the new zones.
3C	366		ANC 3C requests more time for residents to fully read the zoning proposals and inform the Zoning Commission of concerns and views.	The Commission left the record open until September 15, 2014. This provided additional time for review and comment, and represents 12 months since the Commission set the case for public hearing.
3C	405		ANC 3C requests more time for residents to fully read the zoning proposals and inform the Zoning Commission of concerns and views.	The Commission left the record open until September 15, 2014. This provided additional time for review and comment, and represents 12 months since the Commission set the case down for public hearing.
3C	482	D	ANC 3C urges the Zoning Commission to prohibit accessory structures in the front yards and within the side yard allowance in all single family home residential zones.	Accessory buildings are not permitted to be located within a front yard. An accessory building is currently allowed within the side yard; and the Commission saw no basis to change that permission.
3C	842	D	A Tree Protection Plan (TPP) should be created by International Society of Arboriculture (ISA) certified arborist and should contain provisions for maintaining the trees for a period of at least three years post construction. The Commission should require a Tree Protection Plan that specifies tree protection practices under Subtitle D § 1704.1 not only during the period of construction, but also for a three year period following construction. This three-year period is critical to the recovery of the tree and its capacity to grow a new root system. Practices to avoid soil compaction and provide adequate watering and pruning should be specified in the Tree Protection Plan. The Regulations should require that the TPP be created by an arborist certified by the ISA to ensure the adequacy and appropriateness of the measures. Currently a TPP may be created by an applicant or a landscape architect and may not contain adequate measures. Plans created by certified arborist would place less demand on UFA for review and monitoring. The	Clarifying language has been added requiring that site plans submissions for review processes include existing tree sizes and locations for trees on the property or adjacent public or private land.

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			<p>TPP should contain some provision for intermittent monitoring the construction site to ensure compliance with the TPP.</p>	
3C	842	D	<p>1. Zoning Regulations should require a uniform set of standards and definitions that apply to the protection of trees which are consistent with UFA standard and definitions Subtitle D Chapter 17 the UFA to maintain a clear set of standards and definitions to which applicants can refer in preparing their plans and which may be used by the ZA in assessing applications. The International Society of Arboriculture (ISA) and well respected Academic Institutions such as the Mississippi State University, among others, describe uniform and accepted definitions of such terms as: Critical Root Zone, which is an area 1.5 feet /inch diameter of tree from the center of the tree, which contains the root system critical to the survival of the tree. Tree survival is close to 100% when the entire critical root zone can be protected. Root Plate (That portion of the root zone where damage to any roots is likely to be fatal). Trenching or linear excavation, which can damage the root plate. Grade change. Canopy.</p> <p>2. Zoning Regulations should clearly state that UFA definitions and standards apply to residential, as well as commercial, diplomatic and institutional projects. Significant confusion exists about whether or not UFA standards or opinion can apply to residential property, and this has become the subject of tree conflicts and court cases. The Zoning Regulations should clearly state that UFA definitions, standards and expertise apply to residential as well as commercial, diplomatic and institutional properties.</p> <p>3. UFA standards should apply to construction projects in all zones. A significant portion of the tree canopy is located on private property and is a community asset. The removal of any tree that does not meet the criteria for removal as a matter of right as spelled out in Subtitle D § 309.1 should be subjected to the application for special exception under more specific criteria than are currently described in the ZRR.</p>	<p>The regulations have been clarified to require that site plans submissions for review processes include existing tree sizes and locations for trees on the property or adjacent public or private land. OP forwarded these comments to the UFA, and to the Department of Consumer and Regulatory Affairs. The tree protection provisions have been re-organized for clarity. The UFA is responsible for tree protection on public property and for the protection of special trees - trees larger than 55 inches' circumference (measured around the trunk at 4.5 feet from the ground - on both public and private property. The UFA has permit requirements that can be found in "DDOT Trees Permits and Laws" on the DDOT website at http://ddot.dc.gov/sites/default/files/dc/sites/ddot/publication/attachments/ufa_laws_and_permits.pdf. There is no need to duplicate the UFA standards. For these same reasons, the Commission believes that the degrees of specificity for special exceptions to the tree protection regulations suffice. The Board may always seek such additional information it considers necessary.</p>

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			<p>4. Zoning Regulations should contain a clear statement that all standards and guidelines shall apply to trees on neighboring properties, whether private or public lands, whose roots cross the property lines and whose Critical Root Zone (CRZ) will be affected by the construction.</p> <p>5. The UFA should review all plans submitted for permitting and sign off on all final plans before construction begins. Often plans are modified after submission, and requiring UFA sign-off on the final plans would ensure that the TPP is appropriate to the project as implemented. UFA review should also be required for any add on applications to a project resulting in an additional application. Because DCRA has no arborist on staff or any particular expertise, ZA should be required to rely on the guidance of UFA in assessing relative risk to a tree even if that risk is not quantifiable and the measure of risk is necessarily subjective.</p> <p>6. Plans should be required to use a uniform set of definitions that are consistent with those used by UFA and must at a minimum: Identify all trees on the property and adjoining properties, either public or private. All standards that apply to trees on the property should also apply to trees on neighboring properties. Identify the type of tree because the capacity for a tree to sustain damage from construction will differ by tree and UFA can maintain a list of trees, which may tolerate greater or lesser risk. Accurately reflect the diameter at breast height (DBH) and Critical Root Zone (CRZ) of each tree. Frequently ANC reviews plans, which inaccurately depict both the size of the tree and the size of the CRZ. This can be an attempt to minimize apparent danger and be misleading, and result in approval of projects, which should be disallowed. Accurately reflect all structures and impermeable surfaces, which might affect the CRZ both on the property and on neighboring properties. Identify previous construction on the property or adjacent property or loss of critical root zone within the past five years. Trees need several years to regrow their root zones and regain health before being subjected to additional CRZ</p>	

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			loss. Depending on the type of tree, any construction within the past five years could have a bearing on whether or not the tree could withstand further damage to the CRZ. Accurately depict damage to the canopy of a tree caused by proposed construction. For example, the damage to the canopy of the tree should not exceed 25% in a given year. This could be part of a set of standards maintained by UFA, which could be used to evaluate applications.	
3C	842	D	The period for delay for the granting of a permit following the removal or cutting of trees that would have been prohibited by Subtitle D § 309.1 should remain seven years. The period of delay for the granting of a permit following the prohibited removal or cutting of trees has been reduced from seven to five years without explanation. (Subtitle D §§ 408.2, 509.3, 608.2) The penalty should remain seven years. Without substantial deterrence there is reduced incentive to abide by the requirements of the Zoning Regulations.	The Commission decided to move forward with the tree protection provisions as proposed, which included the five-year, versus the seven-year penalty. The seven-year penalty could unduly delay redevelopment of property.
3C	992	Y	Sec. 703.2: delete modifications of consequences from zoning order changes decided without public hearing because § 703.5 defines the category broadly to include changes in conditions and design that could be among the most highly contentious issues considered during the hearing on the application. The parties should have an opportunity to be heard and not be subject to an unreasonable 10-day period to file opposition response. This requirement, § 703.10, is particularly onerous for an ANC.	The Commission continues to believe that a decision to grant a modification of consequence can be made based upon written comments. If it appears that hearing is warranted, the Commission can always decide to hold one.
3C	992	Y	Sec. 302.17: replace 14 days with 7 days, which is current requirement (§ 3115.1). It is an unreasonable burden to require ANCs that meet on a set monthly schedule to produce appeal responses 14 days before the hearing rather than the current 7 days in advance.	The Commission changed the provisions to read as follows: § 302.17 No later than seven (7) days before the public hearing, the appellee and persons with party status and the affected ANC shall file any responsive briefs and supporting information, whether in support of or opposition to the appeal. All filings shall be accompanied by a certificate of service.

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				§ 302.18 No later than three (3) days before the public hearing, the appellant may file a brief and supporting information in reply to any of the responsive briefs.
3C	992	Y	Sec. 704.6: Ten (10) days between notice and filing response is not adequate or reasonable for an ANC. It may be presumed that ANC has reviewed the original application and authorized a commissioner to represent it on the application. However, ANCs cannot be expected to have anticipated what modifications of consequence an applicant may request after the decision. It may be associated with some aspect of the application that was fine originally but that is not fine as modified, and the ANC would have to vote at a public meeting to have the authority to offer a response. The timing of the response, if limited to 10 days, deprives the ANC of opportunity to represent the neighborhood on the matter.	The provision is now § 703.9. The Commission is cognizant of meeting the needs of the ANCs, but nevertheless expects ANCs, when participating in contested cases, to appoint a representative to respond to these and similar requests. The D.C. Court of Appeals has noted that in the context of contested cases the ANCs must abide by stated timelines. See <i>Neighbors on Upton Street v. District of Columbia Bd. of Zoning Adjustment</i> , 697 A.2d 3, 10 -11 (D.C.,1997) (The ANC statute “cannot reasonably be read as imposing a requirement on the BZA to allow an ANC (or anyone else) thirty days to respond to a supplemental submission in a zoning appeal.”
3C	992	Y	Sec. 103.5: replace the 4 day notice of public meeting agenda with current requirement (§ 3105.7) of 7 day notice. Four days is not reasonable public notice.	The Commission kept the language in the proposed regulation text. This is public notice of the public meeting agenda items. Changes are continually being made. Currently, items are added in real-time, so notice will mostly be made well in advance. The notice requirement continues to exceed that required by D.C. Official Code § 2-576.
3C	992	Y	Sec. 203: add that the burden of proof is on the applicant, which is currently required (§ 3119.2), but has been deleted in this final version.	The statement appears in the special exception and variance provisions Subtitle X.
3C	992	Y	Sec. 102.2: delete authorization for staff of Zoning Commission to serve on Board of Zoning Adjustment. The Zoning Commission has no staff, unless the Office of Zoning personnel are considered the staff, but there should be no delegation of this important function to staff. The D.C. members of the Zoning Commission are	The Commission kept the language in the proposed regulation because it is required by Section 9 of the Zoning Act of 1938 (D.C. Official Code § 6-641.07(a)).

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			appointed by the mayor and confirmed by the Council after a public hearing and there is no similar process for staff to be vetted for their qualification to represent D.C. residents on this important regulatory body.	
3C	992	X	Sec. 201, Chancery Use Criteria - Define “area” narrowly since this extraordinary authorization for a foreign government to avoid zone restrictions by essentially creating a geographic boundary that is more beneficial to establishing an undesirable use potentially undermines the intent of zone regulations. Sec. 203.4, add ANC into application referrals.	The Commission agreed with the position of the Department of State that the Board should determine the geographic boundary of the “area” on a case by case basis, since the determination is adjudicatory in nature.
3C	992	C	Sec. 708.4: delete this provision, which permits up to two car share spaces on a property in an R of RF zone, because it allows a commercial use that is not a home occupation on residential property. In addition, it has the potential to turn a rear yard into a parking lot, since these spaces would be in addition to required spaces for the principal dwelling. It would add congestion to an alley that is used by residents and where commercial uses are not zoned. There are myriad locations for car-sharing, from dedicated on street locations to dedicated spaces in every type of development. Promoting this commercial enterprise on residential property is unwarranted.	No change was made. This is currently allowed in the § 202.6 of existing regulations and has been brought forward into ZRR as is. The Commission considered these arguments at the time it adopted the rule and is not aware of an adverse impact that have resulted since the original adoption in 2010.
3C	992	C	Sec. 701 Minimum Vehicle Parking Requirements. § 701.5 shows substantial reduction in requirement for multi-family buildings that would result in 66 to 85% reduction in parking spaces without any process that would permit the ANC and the community to protest. The Comprehensive Plan states that reductions in parking requirement can be considered if the specific circumstances of a neighborhood warrant the reduction. There has been no assessment of the transit use in our neighborhood or any consultation with us about our experience with parking demand where minimum parking requirements have been inadequate. We strongly oppose the unilateral matter of right reduction in parking and urge the Zoning Commission to reinstate the current	The adopted parking amendments represent considerable evolution and compromise from the initial proposal. A table was prepared that showed a side-by-side comparison of the changes proposed at setdown and the existing standards. The Commission determined that some of the proposed changes were too broad, and in their proposed action voted to make no changes to existing parking requirements for schools and places of worship, keep parking requirements west of 20th Street, N.W. (i.e., West End), increase the permitted size of a parking lot that requires a special exception, and condition any reduction based on proximity to a priority Bus

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			<p>minimums and provide a special exception process to lower on case by case basis. §§ 701.8 (b) and (f) add that permission to locate required parking spaces off-site whether as matter of right or by special exception should partly be premised on the unavailability of the District’s Restricted Residential Parking Program at the on-site and offsite locations. This condition is necessary to protect adjacent and nearby properties from an increase in demand for scarce on street parking supply. § 702.1(c) permits a 50% reduction in the substantially reduced minimum parking requirement for apartment buildings and commercial establishments based on proximity to metro or high frequency bus lines. The Office of Planning has reported that significant parts of ANC 3C would be affected by this provision. We oppose this provision and urge a special exception process to determine if reductions are warranted and, if so, what level of parking is appropriate based on neighborhood conditions of supply and demand. There have been no changes to public transit in ANC 3C and thus, no new transit use or vehicle use patterns that convince us that this matter of right reduction is reasonable or responsible. On the contrary, our experience is that metrobus is unreliable and inefficient and the metro is too far from many of the areas eligible for 50% reduction to expect that residents will not need or want cars -- and those cars must be parked off-street! § 703.2(f) should be deleted because it allows developers to base waiver of all or part of minimum parking requirements on the provision of a “significant proportion” of affordable housing units. First, this is a vague construct that begs for interpretation. Second, it declares that either low income residents don’t own cars or worse, they should not own cars. Many low income residents rely on cars, rather than public transportation, to travel to shift work, to take children to day care or schools away from the neighborhood or jobs, and to reach other necessary services that are often not found in low income neighborhoods.</p>	<p>Corridor on a building not participating in RPP. There are increasing options for people to have access to individual vehicles for personal use through car-share and car services such as Zipcar, Car2Go, Getaround, and Uber. These options provide on-demand alternatives to individual car ownership. OP anticipates that ongoing evaluation of the District’s parking regulations and their effectiveness vis-à-vis the changing nature of travel and transit will inform future analysis of parking ratios.</p>

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3C	992	X	Sec. 105 School Plan Requirements § 105.2: add ANC into application referrals from Office of Zoning.	Referral to ANC is required in Subtitle Y Chapter 4, §§ 400.4 (b) and 402.1(c).
3C	992	C	Sec. 305 Theoretical Subdivisions - § 305.4(c) should substitute measurement of height from “finished grade” to “natural grade” as is required throughout the zoning code. Indeed the follow provision, § 305.4(d), clarifies that § 305.4(c) would allow a different measurement method for theoretical lots than is required for standard lots in the same zone. Allowing the topography of a series of theoretical lots to be changed – usually to attain more height on at least one side of future structures - is problematic and could alter the character of a block or neighborhood. A developer should expect building heights to rely on natural grade and if the developer wants to alter the grade to achieve more height than would be possible using the natural grade, this should be part of the special exception proceeding.	No change was made. In Z.C. Case No. 12-10, the Commission adopted clarifying language regarding measuring height and the term “finished grade” was used for measuring height in zones with a maximum building height of 40 ft.
3C	992	C	Sec. 304 Subdivision - Rules of Measurement for Lot Width - § 304.4 should be deleted. It would allow the creation of new lots for single family residences or flats that are only 40% the minimum required width for a lot in the zone. The absolute minimum could be as narrow as 14 feet! It is ludicrous to imagine that you could have a minimum lot width of, for example, 50 feet in an R-1-B zone as measured 30 feet back from the front of the lot (as ZRR is proposing) and a street frontage that is only 14 feet! These two provisions must be reconciled. We recommend that lot width should be measured at the front of the lot in order to preserve block character and not 30 feet back.	The section was deleted and replaced by a provision governing minimum street frontage. The Commission has adopted minimum lot width and minimum lot area requirements for R zones. See Subtitle D, Density Lot Dimension provisions, beginning with § 302.
3C	992	C	Sec. 201 General Provisions - Reinsert existing § 2000.3 that in part states that “all uses and structures incompatible with permitted uses or structures shall be regulated strictly and permitted only under rigid controls.”	This sentence has been reinstated as § 201.3.

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3C	992	C	Sec. 204 Non-Conforming Use - § 204.1: add “or intensity” at end of “A nonconforming use of land or structure shall not be extended in land area or gross floor area.” The intent is not to expand the use which can have negative impacts on permitted uses in the zone. Increasing the square footage is only one means of expanding the non-conforming use – the existing square footage could be rearranged to result in a much more intense use and that situation should be covered in the regulation.	This change has been incorporated into the final regulations.
3C	992	C	Sec. 204.8: delete and reinsert that changes in the non-conforming use will be reviewed by the BZA. If the intent is to rigidly control non-conforming uses, which has long been zoning policy and is endorsed in area elements of Comprehensive Plan, then the zoning code should not permit matter of right changes from one non-conforming use to another, even if within the same use category. By definition, these are uses incompatible with the zone and communities should have an opportunity to control them through a public regulatory process.	This change has been incorporated into Subtitle C §§ 204.8 and 204.9.
3C	992	C	Sec. 204.9(e): reinsert “at least” between “within” and “hundred feet.” The intention is to require an applicant to show that change in non-conforming use will not adversely affect the character and future development of surrounding area. Applying that burden to an area less than a block long prohibits the BZA from really assessing the extent of a negative impact. For example, a non-conforming trash transfer station has an affect far beyond a ½ block. By inserting “at least” the BZA can effectively capture the degree of the geographic affect.	This change has been made. The omission was inadvertent.
3C	992	Z	Sec. 703.6: add to list of examples of modifications of significance “change to public benefits or amenities or required covenants.”	Pursuant to this comment, the provision has been amended to read as follows: Examples of modifications of significance include, but are not limited to, a change in use or additional relief, change to public benefits and amenities or required covenants, or flexibility from the zoning regulations not previously approved.”

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3C	992	Z	<p>Sec. 703.1: delete authorization that petitions for modifications of consequence can be decided without public hearing on consent calendar. By definition, these petitions are material to the facts that led to the Commission’s decision on the original application in a contested case. Parties should have an opportunity on the public record to oppose changing conditions in the final order and/or altering exhibits that all parties and the Commission relied on. In addition, the example listed in § 703.4 that “a change in position on an issue discussed by the Commission that affected its decision” should be deleted. This appears to be a reconsideration of the decision and it should not be allowed using modification rules.</p>	<p>The Commission continues to believe that a decision to grant a modification of consequence can be made based upon written comments. If it appears that hearing is warranted, the Commission can always decide to hold one.</p>
3C	992	Z	<p>Sec. 405.7 seems to separate the level of meaningfulness of great weight afforded to the Office of Planning comments on zoning cases and the great weight afforded to ANCs in § 406.2. The former is vague about when Commission must honor the great weight of OP comments, but the latter provision clearly states that the ANC’s comments will only be given great weight after deliberations and the issuing of a proposed decision. It is only at a pro forma second vote, or final action, that the Commission would honor the ANC great weight requirement that is articulated in the Comprehensive Advisory Neighborhood Commissions Reform Amendment Act of 2000. The amendments state that “the issues and concerns raised in recommendations of ANC shall be given great weight during deliberations by the government entity.” Thus, there should be no qualification on which deliberations of the Commission require great weight – in fact, all deliberations should include great weight consideration of ANC recommendations. § 406.2 must be changed to make this requirement clear and unambiguous.</p>	<p>Section 406.2 has been changed to read as follows: The Commission shall give "great weight" to the written report of the ANC, pursuant to § 3 of the Comprehensive Advisory Neighborhood Commissions Reform Amendment Act of 2000, as amended, that is received at any time prior to the date of a Commission meeting to consider final action including any continuations thereof on the application.</p>

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3C	992	Z	Sec. 504.5 and Sec. 505.1 present the same inconsistent treatment of great weight afforded to the Office of Planning and the Advisory Neighborhood Commissions. It effectively permits the Commission to ignore the ANC recommendations until all meaningful deliberations are finished and only the final rubber stamp of a decision is scheduled. This downgrading of ANC great weight versus Office of Planning great weight is not the intent of the authorizing law and the Commission should correct this second class treatment of ANCs before the ZRR is finalized.	<p>The provision has been changed to read as follows:</p> <p>The Commission shall give "great weight" to the written report of the ANC, pursuant to § 3 of the Comprehensive Advisory Neighborhood Commissions Reform Amendment Act of 2000, as amended, that is received at any time prior to the date of a Commission meeting to consider final action including any continuations thereof on the application.</p>
3C	992A	D, E	Urges the Zoning Commission to prohibit accessory structures in the front yards and within the side yard allowance in all single family home residential zones	New language has been added that allows garages and carports to be beside the main building but no closer than ten feet to the side property line, as is in the current code.
3C	992B	X	Urges the Zoning Commission to recognize that chanceries are office uses that are most appropriate in commercial zones that have good access to public transportation, since chanceries are office uses that serve a large regional area; and that ANC 3C does not support allowing chanceries to locate, even by special exception, in low density residential zones where this type of use is in conflict with current permitted uses, including those by special exception; allowing the existence of schools or religious institutions or community-based uses to form the foundation for the introduction of chanceries into residential neighborhoods. ANC 3C supports the concept of increasing the percentage of institutional uses in a square to 50% as the base for considering adding a chancery to that square, if the Zoning Commission decides that chanceries should be allowed in some residential zones; but we are using the Office of Planning's proposed definition of institution in this instance, which does not include schools or religious institutions; and ANC 3C recommends that the Zoning Commission request a map of the diplomatic overlay to determine where chanceries are currently located, and also a map showing where the new square criteria and broader permission would allow new	The adopted regulations reflect changes to the chancery use consistent with the Foreign Missions Act, which allows chanceries in even low-density residential zones if certain findings are made. The revised rules no longer include a definition of institutional; uses, because the term "residential use" is defined. A square will continue to be the presumptive area to measure the percentage of residential uses, but the area may be enlarged if the Board determines it provides a more accurate depiction of the mix of uses. These changes were made after a significant dialogue between OP and the State Department and represent a fair balance between the need to preserve residential areas and the need of the State Department to honor its international obligations.

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			chanceries to locate; and ANC 3C recommends that institutions that are allowed to exist in a residential neighborhood either by matter of right or by special exception should not count toward the proposed 50% threshold for square occupancy.	
3C	992C	C, D	(con't)• The TPP should contain some provision for intermittent monitoring the construction site to ensure compliance with the TPP. 8) The period for delay for the granting of a permit following the removal or cutting of trees that would have been prohibited by Subtitle D § 309.1 should remain seven (7) years. The period of delay for the granting of a permit following the prohibited removal or cutting of trees has been reduced from seven to five years without explanation. (Subtitle D §§ 408.2, 509.3, 608.2) The penalty should remain seven years. Without substantial deterrence there is reduced incentive to abide by the requirements of the Zoning Regulations. 9) Zoning Regulations should contain a separate chapter describing the regulations applicable to trees. In the ZRR, regulations governing trees are spread throughout the regulations. A separate chapter dedicated to trees (such as Subtitle X Chapter 2 which sets out the requirements for Chancery applications) would reduce the potential for errors in interpretation and make the requirements for applications and TPP more clear and unequivocal.	These recommendations exceed the text as set down, as advertised for public hearing and as acted on by the Commission in the Notice of Proposed Rulemaking. Additionally, the Commission has no authority over the Urban Forestry Administration. Thus, these recommendations have not been incorporated into the Zoning Regulation; they are more appropriate to be considered by the Council as legislative amendments to the urban forest preservation program.
3C	992C	C, D	(con't)• Because DCRA has no arborist on staff or any particular expertise, ZA should be required to rely on the guidance of UFA in assessing relative risk to a tree even if that risk is not quantifiable and the measure of risk is necessarily subjective. 6) Content of Application Subtitle D § 1704.3: Plans should be required to use a uniform set of definitions that are consistent with those used by UFA and must at a minimum: • Identify all trees on the property and adjoining properties, either public or private. All standards that apply to trees on the property should also apply to trees on neighboring properties. • Identify the type of tree because the capacity for a tree to sustain	These recommendations exceed the text as set down, as advertised for public hearing and as acted on by the Commission in the Notice of Proposed Rulemaking. Additionally, the Commission has no authority over the Urban Forestry Administration. Thus, these recommendations have not been incorporated into the Zoning Regulation; they are more appropriate to be considered by the Council as legislative amendments to the urban forest preservation program.

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			<p>damage from construction will differ by tree and UFA can maintain a list of trees, which may tolerate greater or lesser risk. • Accurately reflect the diameter at breast height (DBH) and Critical Root Zone (CRZ) of each tree. Frequently ANC reviews plans, which inaccurately depict both the size of the tree and the size of the CRZ. This can be an attempt to minimize apparent danger and be misleading and result in approval of projects, which should be disallowed. • Accurately reflect all structures and impermeable surfaces, which might affect the CRZ both on the property and on neighboring properties. • Identify previous construction on the property or adjacent property or loss of critical root zone within the past five years. Trees need several years to regrow their root zones and regain health before being subjected to additional CRZ loss. Depending on the type of tree, any construction within the past five years could have a bearing on whether or not the tree could withstand further damage to the CRZ.</p>	
3C	992C	C, D	<p>(con't) • Accurately depict damage to the canopy of a tree caused by proposed construction. For example, the damage to the canopy of the tree should not exceed 25% in a given year. This could be part of a set of standards maintained by UFA, which could be used to evaluate applications. 7) A Tree Protection Plan (TPP) shall be created by International Society of Arboriculture (ISA) certified arborist and should contain provisions for maintaining the trees for a period of at least three years post construction. • The Commission should require a Tree Protection Plan that specifies tree protection practices under Subtitle D §1704.1 not only during the period of construction, but also for a three year period following construction. This three- year period is critical to the recovery of the tree and its capacity to grow a new root system. Practices to avoid soil compaction and provide adequate watering and pruning should be specified in the Tree Protection Plan. • The Regulations should require that the TPP be created by an arborist certified by the ISA to ensure the adequacy and appropriateness of the measures. Currently a</p>	<p>These recommendations exceed the text as set down, as advertised for public hearing and as acted on by the Commission in the Notice of Proposed Rulemaking. Additionally, the Commission has no authority over the Urban Forestry Administration. Thus, these recommendations have not been incorporated into the Zoning Regulation; they are more appropriate to be considered by the Council as legislative amendments to the urban forest preservation program.</p>

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			<p>TPP may be created by an applicant or a landscape architect and may not contain adequate measures. Plans created by certified arborist would place less demand on UFA for review and monitoring.</p>	
3C	992C	C, D	<p>1) Zoning Regulations should require a uniform set of standards and definitions that apply to the protection of trees which are consistent with UFA standard and definitions Subtitle D Chapter 17 the UFA to maintain a clear set of standards and definitions to which applicants can refer in preparing their plans and which may be used by the ZA in assessing applications. The International Society of Arboriculture (ISA) and well respected Academic Institutions such as Mississippi State University, among others, describe uniform and accepted definitions of such terms as • Critical Root Zone, which is an area 1.5 feet /inch diameter of tree from the center of the tree which contains the root system critical to the survival of the tree. Tree survival is close to 100% when the entire critical root zone can be protected. • Root Plate (That portion of the root zone where damage to any roots is likely to be fatal). • Trenching or linear excavation, which can damage the root plate. • Grade change • Canopy. 2) Zoning Regulations should clearly state that UFA definitions and standards apply to residential, as well as commercial, diplomatic and institutional projects. • Significant confusion exists about whether or not UFA standards or opinion can apply to residential property and this has become the subject of tree conflicts and court cases. The Zoning Regulations should clearly state that UFA definitions, standards and expertise apply to residential as well as commercial, diplomatic and institutional properties. 3) UFA standards should apply to construction projects in all zones. • A significant portion of the tree canopy is located on private property and is a community asset. The removal of any tree that does not meet the criteria for removal as a matter of right as spelled out in Subtitle D § 309.1 should be subjected to the application for special exception under more specific criteria than are currently described</p>	<p>These recommendations exceed the text as set down, as advertised for public hearing and as acted on by the Commission in the Notice of Proposed Rulemaking. Additionally, the Commission has no authority over the Urban Forestry Administration. Thus, these recommendations have not been incorporated into the Zoning Regulation; they are more appropriate to be considered by the Council as legislative amendments to the urban forest preservation program.</p>

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			<p>in the ZRR. 4) Zoning Regulations should contain a clear statement that all standards and guidelines shall apply to trees on neighboring properties, whether private or public lands, whose roots cross the property lines and whose Critical Root Zone (CRZ) will be affected by the construction. 5) UFA review of applications per Subtitle D § 1704.2. • The UFA should review all plans submitted for permitting and sign off on all final plans before construction begins. Often plans are modified after submission and requiring UFA sign off on the final plans would ensure that the TPP is appropriate to the project as implemented. UFA review should also be required for any add on applications to a project resulting in an additional application.</p>	
3C	992D		<p>ANC 3C requests more time for residents to fully read the zoning proposals and inform the Zoning Commission of concerns and views</p>	<p>The Commission voted 5-0-0 at its September 21, 2015 Regular Public Meeting to decline the request for additional extensions after reviewing the level of outreach, public hearings, and extensions already granted.</p>
3C	992E	D	<p>In the absence of convincing data that supports the need, apartments in garages or accessory structures and non-residential uses, such as home occupations, in garages or accessory structures should not be permitted as a matter of right in low and moderate density residential zones in ANC 3C. The existing character of ANC 3C neighborhoods is built on community and respect for the quality of life of neighbors. In our experience preserving community is partly dependent on minimizing external uses that could negatively affect neighbors' quality of life. We do not want to transform our neighborhoods into 2-family zones, or locate home businesses outside the home, without neighborhood input and oversight.</p>	<p>The Commission does not find this advice to be persuasive. Accessory Apartments have always been permitted within the R-1 zones (current code § 202.10); in addition to an accessory apartment within the principal building, domestic employee residences are currently permitted over the garage (current code § 2500.5); the adopted regulations limit the number of accessory dwelling units from two to one in the R-1 zones.</p>
3C	992E	D, E, U	<p>Corner food stores have the potential to change neighborhood character in a positive or negative way so it is important that a neighborhood determine whether it wants to allow these new uses. Thus, the proposal to allow corner food stores in all R-3 row house zones should not be approved without neighborhood oversight and approval. It is not appropriate to create this transformative</p>	<p>As adopted, only grocery stores are permitted by right, and they would be subject to numerous conditions regarding use, location, and design. Other corner store uses are permitted by special exception, which provides an opportunity for the neighborhood to weigh in on the application, including suggesting conditions to address design</p>

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			<p>use, which is only mentioned in the Comprehensive Plan as a use that should be controlled on Capitol Hill and in Georgetown, without direction from the Council and the expressed desire of neighborhoods that they would welcome this new use and under what conditions.</p>	<p>issues. Corner stores are not permitted on R zoned lots within Squares 1327, 1350, 1351, 1352, or 1353 inclusive.</p>
3C	992E	D	<p>Increased height for garages and accessory structures should not be permitted in ANC 3C in low and moderate density residential zones where the increased size would affect light, air and privacy. We have not had any requests in ANC 3C for taller garages or accessory structures and we know of no Comprehensive Plan policies encouraging larger garages.</p>	<p>The additional height, proposed as a maximum of 20 feet, would permit a full second story where the existing 15-foot limit does not. Sections 2500.5 and 2500.6 of the current regulations allow a two story, 20-foot tall accessory building in the low-density residential zones. This height and two story limit has been brought forward in the proposed regulations. In the moderate-density zones the increase in height from 15 to 20 feet is moderated by the requirements for side yard which limits the height of an accessory building to 10 feet and 100 sq. ft. in area if the accessory building is in a required side yard.</p>
3C	992E	G	<p>Neighborhood commercial overlays and residential overlays are bottom-up zoning that should be honored. Therefore, the proposals to combine the underlying zone with an overlay into a single zone district should not be approved. The Comprehensive Plan encourages overlays, yet the Office of Planning has removed them. Overlays are created to distinguish neighborhood interests and needs from the citywide-applied zone district provisions. They typically trump the citywide provisions when there is a conflict, and their purposes and goals are the main standards for review of special exception requests. The Office of Planning proposal dilutes the purpose and goals by adding new provisions, and they weaken the review standards by adding new provisions. This is in conflict with the Comprehensive Plan and the directives from the Zoning Commission at the concept stage of ZRR review. The overlays should be preserved, including the provisions for special exceptions, as the Office of Planning promised, in their existing form.</p>	<p>Neighborhood Commercial Overlays have been fully incorporated into Subtitle H with all the restrictions and permission as stand-alone zones. Thus, all the requirements are located in one place and a user does not need to look in multiple places for the permissions of a NC zone. Locating the NC zones in one subtitle increases their probability of enforcement, as opposed to being separated into different parts of the code as they are in the current one.</p>

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3C	992E	C	Penalties for providing 1.5 times the minimum amount of parking required should not be approved. This is not a practical solution to congestion, which is primarily caused by commuters and not D.C. residents. While developer/owners may try to avoid building parking, there is no profit incentive for them to over build parking. More than likely, if more spaces than required are being built it is because there is a demonstrable need for off street parking in that neighborhood.	The Commission has not adopted “penalties” for exceeding parking, but mitigation measures where the parking is twice the amount required and measures when the parking includes 100 more spaces than required. Special exception relief is also available. The mitigation measures can be found at Subtitle C in the chapter governing vehicle parking.
3C	992E	C	Changing the minimum required parking formula for private schools from an intensity of use formula to a square footage formula should not be approved. The Office of Planning has provided no data or reason for changing this requirement, other than it wants only 2 formulas -- one based on residential units and another based on square footage. That desire ignores the impact. ANC 3C includes more than 5 large private schools. Parking is a consistent issue and is typically a major feature of special exception debates. It should be noted that the Office of Planning did no research to determine the effect of using square footage prior to offering it, and only did a limited survey of the change in the number of spaces required after several years of requests. Only one of our schools was surveyed and the data showed that parking requirement would be reduced under the proposal. Until the Office of Planning can demonstrate that there is less demand for parking at private schools, including their events, or that the square footage formula would not reduce the parking requirement this proposal should not be considered.	A square footage measurement was not adopted. Instead, the Commission adopted a requirement of two parking spaces for each three teachers and other employees at the elementary and middle school level and two parking spaces for each three teachers and other employees, plus either one for each 20 classroom seats or one for each 10 seats in the largest auditorium, gymnasium or area usable for public assembly, whichever is greater at the high school level and for accessory uses.
3C	992E	C	Parking requirement for multi-family residential zones and in zones replacing existing commercial zones should not be changed until the Office of Planning can present reliable data that the current requirement provides significant excess parking supply in ANC 3C. The DMV data shows that the number of cars registered in DC continues to increase. In our experience, renovated or new multi-family buildings do not provide as much off-street parking as	The parking amendments adopted represent considerable evolution and compromise from the initial proposal. A table was prepared that showed a side-by-side comparison of the changes proposed at setdown and the existing standards. The Commission determined that some of the proposed changes were too broad and in their proposed action voted to make no changes to existing parking

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			there is demand and the demand for parking shifts to the adjoining residential neighborhood that typically has insufficient on-street parking to meet residential needs, in addition to other users, such as private schools and under-supplied commercial areas.	requirements for schools and places of worship, keep parking requirements west of 20 th Street, N.W. (<i>i.e.</i> , West End), increase the permitted size of a parking lot that requires a special exception, and condition any reduction based on proximity to a priority Bus Corridor on a building not participating in RPP.
3C	992E	C	Reductions in parking requirement based solely on proximity to frequent bus routes or a metro station should not be approved because there is a process currently available through the special exception procedure whereby a developer/owner requests a reduction in parking requirement; that process should be maintained. The Comprehensive Plan conditions consideration of reductions in parking requirements on a variety of factors existing in a neighborhood, not simply on a uniform distance from public transit. There must be context for right-sizing the creation of off-street parking supply. Neighborhoods must be able to participate in a process that considers the variety and intensity of uses, the supply versus demand for parking, and the intensity of proposed new uses.	The parking amendments adopted represent considerable evolution and compromise from the initial proposal. A table was prepared that showed a side-by-side comparison of the changes proposed at setdown and the existing standards. The Commission determined that some of the proposed changes were too broad and in their proposed action voted to make no changes to existing parking requirements for schools and places of worship, keep parking requirements west of 20 th Street, N.W. (<i>i.e.</i> , West End), increase the permitted size of a parking lot that requires a special exception, and condition any reduction based on proximity to a priority Bus Corridor on a building not participating in RPP.
3C	992E	B, C	Roof Structures for recreation use should not be permitted, except by special exception, in existing low-density R1 residential zones where rear and side yards are required, which typically provide recreation space that does not unduly impact nearby neighbors. Roof structures have potential to alter neighborhood character, since roof top recreation structures are not currently allowed in low-density neighborhoods.	The Commission has limited the permitted use of roof structures in low density residential zones to storage. <i>See</i> Z.C. Case No. 14-13, which had been codified into the adopted text of the new Title 11.
3C	992E	U	Institutional uses in low and moderate density residential zones by special exception should not be approved. The proposal is vague. It does not describe what type of organization would be created for the social welfare of the community, what the intensity of use might be, why membership fees would be allowed, or	General institutional uses are defined as a non-governmental use involving the public assembly of people or provision of services for social or cultural purposes and which may include uses of a public, nonprofit, or charitable nature generally providing local service on-site to people of a local community.

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			<p>whether parking and congestion issues could result. It is even unclear if the organization must be incorporated as a non-profit, and if property taxes would be waived. It is unwarranted to convert housing to an ill-defined non-residential use.</p>	<p>General institutional uses are permitted by special exception, which provides an opportunity for neighbors and the community to weigh in before the Board.</p>
3D	91	X	<p>ANC 3D supports the goal of OP to simplify zoning rules that apply to universities, colleges, and private schools in residential and low density mixed zones. ANC 3D supports OP’s recommendation that the new “campus plan and school plan” rules would apply to colleges and universities and private schools operating in residential and low density mixed use zones through a special exception. ANC 3D supports the new requirement that campus and school plans be reviewed by the D.C. Department of the Environment (DDOE) and that DDOE will be required to file a written report with the Zoning Commission on the proposed campus and school plans. ANC 3D recommends that the proposed rules be revised to further simplify the “Further Processing” requirements (§ 101.8) to require that an application for Further Processing can only be filed once the Zoning Commission has issued its Order approving a campus or school plan. ANC 3D opposes the proposed regulation revision that would allow a university or private school to commit as much as 10 percent of the gross floor area of the total campus plan floor ratio to commercial uses in residential and low density mixed use zones on the basis that 10 percent is excessive, especially on property that is zoned residential. ANC 3D recommends that retail uses of space by a college or university or private school on residentially zoned land should be assessed by the Zoning Commission on a case by case basis, as is now the practice, and conditioned on whether the retail use has a demonstrated connection to university or school function and complies with the other standards outlined by OP in Chapter 1, § 101. ANC 3D supports the requirement in the new regulations that would require colleges and universities to seek a special exception to use commercially-zoned property in new M-3 (formerly C-1) and M-</p>	<p>Commercial use within residentially zoned land covered by a campus plan must be approved specifically as part of campus plan and may not be inconsistent with Comp Plan. Public and Public Charter schools are matter-of-right uses and are not subject to special exception but they are considered as part of the general conditions of the site. The adopted text requires a special exception for university use of land in low-density mixed-use zones (MU-3, MU-4, MU-18, MU-25 through MU-29, and MU-33) and any NC zone. Adopted Subtitle X § 101.16 provides that further processing of a campus building shall not be filed simultaneously with a full campus plan application.</p>

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			<p>4 (formerly C-2-A) zones for educational purposes. ANC 3D supports the recommendation made by Ward Three Councilmember Mary Cheh that a university’s use of commercial property should be considered and included in the campus planning process instead of making it optional, as the new rules propose. ANC 3D recommends that colleges or universities should be required also to seek a special exception to house students – as part of a master leasing program or other official student housing options – in registered apartment or condominium buildings off campus, so as not to adversely affect the supply of rental housing in the boundaries of ANC 3D. ANC 3D opposes language (§ 101.16) that would allow public schools or charter schools to operate in college or university campus facilities without counting toward an approved enrollment/faculty cap for the college or university, on the basis that a cap is fundamental for limiting the impacts on the neighborhood of the numbers of people coming to the campus, and is a key factor in the review of the campus plan. ANC 3D also opposes language (§ 101.18) which would give the Zoning Administrator unilateral discretion to approve an amendment to a campus plan that would result in an increase in gross floor area not exceeding 1,500 square feet, especially given that the addition is required to relate to building ingress and egress; and recommends that any amendment to the campus plan should first require review by the affected ANC. ANC 3D encourages OP to engage in additional dialogue with colleges and universities, private schools, and community groups adjacent to colleges, universities, and private schools on additional changes in the campus planning process that would have as their objectives – at least – the following: Make the campus planning process less contentious and confrontational; Consider establishing a “shot clock” that would require the Zoning Commission to act on a campus plan application expediently or terminate the proceeding; Establish more specific and/or measurable criteria for evaluating campus</p>	

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			plans; and Make extending the length of a campus plan beyond ten years an option.	
3D	450	C	ANC 3D opposes the revisions to parking requirements proposed by OP and calls on the Zoning Commission to maintain the existing zoning rules on parking.	The Commission does not find this advice to be persuasive. The adopted changes attempt to recognize the public investment in transit, the cost increases from requiring construction of parking in excess of building demand, and the changing manner of individual travel. The alternatives to parking are not simply bus or bike. There are increasing options for people to have access to individual vehicles for personal use through car-share and car services such as Zipcar, Car2Go, Getaround, and Uber. These options provide on-demand alternatives to individual car ownership. Traditional car rental companies are also adapting to provide similar quick, short-term rentals. There is nothing to prohibit a builder from providing parking in excess of the minimum if they determine there is demand. Ongoing evaluation of the District’s parking regulations and their effectiveness vis-à-vis the changing nature of travel and transit will inform future analysis of parking ratios.
3D	451	D	ANC 3D opposes changes to allow accessory dwelling units (ADUs) in residential zones as a matter of right if ADUs are located within the main house or in an existing accessory structure. ANC 3D supports OP’s recommendation to revise the zoning regulations allowing an accessory dwelling in a newly constructed accessory structure with Special Exception review. ANC 3D also voted to support giving the D.C. Department of the Environment (DDOE) an expanded role as part of the Special Exception process for inspecting, testing, and certifying that an existing accessory structure is free of toxic substances prior to its use as an accessory structure.	The Commission does not find this advice to be persuasive. As adopted, accessory apartments in the principal dwelling or an existing accessory building are by-right and by special exception in new or expanded accessory buildings. No modifications were made to the Board review criteria for special exception cases. One of the goals of code is to help ensure that more accessory apartments go through the required permitting process. Accessory apartments must be licensed, inspected, and registered. These processes are handled by DCRA and DHCD. DCRA's Office of the Zoning Administrator reviews applications for conformity with Zoning Regulations; including building permit applications, Certificate of Occupancy (“C of O”) applications for allowable uses,

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				occupancy load, verification of address, lot and square, and to determine whether inspections and building plans are required for C of O approval. In most cases, no person can use a building, structure or land in the District of Columbia for any purpose other than a one- family dwelling until a valid C of O has been issued.
3D	451	D	ANC 3D opposed the establishment of corner stores, including corner stores for which the use is a fresh food market or grocery store, by right in R-3 and R-4 zones, and further proposes that corner stores should not be built within 1200 feet of an existing commercially zoned property in a neighborhood, such as Foxhall Village, that was built around a central commercial core that is walkable from all points in the neighborhood.	As adopted, only grocery stores are permitted by right, and they would be subject to numerous conditions regarding use, location, and design. Other corner store uses are permitted by special exception, which provides an opportunity for the neighborhood to weigh in on the application, including suggesting conditions to address design issues. Corner stores are not permitted on R zoned lots within Squares 1327, 1350, 1351, 1352, or 1353 inclusive.
3D	451	D	ANC 3D voted to support a motion to maintain the existing overlays for Chain Bridge Road/University Terrace (Chapter 3) and Wesley Heights (Chapter 8) and oppose OP's recommendation for combining the underlying zones with an overlay into a single zone district.	The intent and provisions of the overlays are all embodied within the new zones; the restrictions, conditions and limitations also are in the new zones.
3D	690	X	Subtitle X, Chapter 1: Campus Plans and School Plans: ANC 3D suggested several changes in the proposed zoning rewrite based on our long-term experience of working on campus plan issues given that four university campuses and five private schools are located within the boundaries of ANC 3D.	The Commission considered all comments received regarding the campus and school plan process and incorporated language that can be found in Chapter 1 of Subtitle X.
3D	690		ANC 3D calls on the Zoning Commission to ensure that the role of ANCs should not be diminished as a consequence of the rewrite of the city's zoning code. ANC 3D calls on the Zoning Commission to reject any provisions that would dilute the ability of ANCs to provide feedback and offer formal recommendations on zoning-related cases.	The adopted text does not diminish the roles of ANCs and, in fact, includes provisions to allow more time for ANCs to review projects going to the Board or Commission and to provide input. Further, the Board and Commission rules now recognize an ANC as being affected if it is located directly across the street from a project, even if the project is not in its boundary.

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3D	818	F	ANC 3D recommends that R-5-A zone districts be removed from Subtitle F and placed instead in the subtitle addressing residential zones, as an R-5 residential zone.	This change was not made. The R-5-A zone is a general residential zone that allows single family detached, semi-detached as a matter of right and apartments by special exception. Neither the zone nor its intent has been changed.
3D	895		Request that the review period for the Zoning Regulation Review (ZRR) document be left open for a total of 120 days. There have been five different ZRR iterations and each has contained edits. Given the length of the document, a lack of public outreach by OP since early fall, or a red line copy for reference, ZRR review will require significant time. ANC asks the Zoning Commission to consider the task that lies ahead as residents review for the final time, a completed version of the new zoning regulations.	The Commission voted 5-0-0 at its September 21, 2015 Regular Public Meeting to decline the request for translations and additional extensions after reviewing the level of outreach, public hearings, and extensions already granted.
4A	232	C	AMBIGUITIES – Reconcile Subtitle C and D regarding residential uses. One example is whether a new building is allowed in the side yards in R zones.	Based on further study, the Commission has retained the existing convention of using yards and the definitions of yard and lots.
4A	232	D	ACCESSORY DWELLINGS – Interior only. Strike §§ 801.3, 801.4 and 801.8. There should be no use of the garage or exterior units for housing. Such a major change from interior English basement concept should require a special exception or variance. It must not be “by right.” I have heard from seniors who do not want this option at all. Plus, there may be some unintended tax consequences to the proposal. For example, § 1606.7 requires property owners to have a Residential Rental Business License from the Department of Consumer and Regulatory Affairs and also requires that the property be inspected for “relevant housing code compliance.” This would seem to be a disincentive to opening one’s home up. This could expose the most vulnerable (those who have no choice but to take in boarders) to find themselves on the hot seat because the house is not up to code. While safety is appreciated, the home owner should not be placed in financial jeopardy. As we understand it, the proposed regulations	Accessory apartments in the principal dwelling or an existing accessory building are by-right and by special exception in new or expanded accessory buildings. There have been no modifications to the Board review criteria for special exception cases. One of the goals of the code is to help ensure that more accessory apartments go through the required permitting process. Accessory apartments must be licensed, inspected, and registered. These processes are handled by DCRA and DHCD. DCRA’s Office of the Zoning Administrator reviews applications for conformity with DC Zoning Regulations; including building permit applications, Certificate of Occupancy (“C of O”) applications for allowable uses, occupancy load, verification of address, lot and square, and to determine whether inspections and building plans are required for C of O approval. In most cases, no person can use a building, structure or land in

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			<p>would allow one accessory apartment by right subject to certain conditions or one by right in an existing accessory building or one by special exception in new or expanded accessory buildings. This would apply in the R-1 through R-3 zone and greatly impact ANC 4A. Many people object to this provision.</p>	<p>the District of Columbia for any purpose other than a single family dwelling until a valid C of O has been issued. Home occupations are currently allowed in the existing code (§ 202) and the new regulations include basically the same provisions and conditions as outlined in the use permission in the Land Use subtitles; the uses have been updated to reflect general changes in how people work and technology.</p>
4A	232	U	<p>ALLEYS – The proposal would permit “alley dwellings” by right in the R3 to R5 zones. We were assured that all alley lots in ANC 4S are in R-1 and R-2 zones. That is not comforting, because this proposal changes the R-2 zones and this assumes that using alleys for more than trash pick-up or emergency calls is in the public’s interest. It is not. And alleys are not supposed to be used for parking. The city has an obligation to abide by the laws. Alleys are public space and subject to the D.C. Street and Alley Closing Act. That public land should not be permitted to be used for non-public purposes.</p> <p>People may be surprised that their property line does not extend as far as they may think. It may be an unpaved public alley or street. This proposal would permit other uses, including car-sharing.</p> <p>We recommend striking Chapter 14 and § 1608 – Alley Lot by Right Uses for Zone Group A, B. To do otherwise would put demand on areas with a lot size that is large and change the fundamental character of neighborhoods in Colonial Village, Crestwood, Shepherd Park.</p>	<p>The current regulations permit residential units on alley lots in all zones, provided they meet the conditions outlined in the regulations. Under the new regulations, residential uses on alley lots in the R-1 and R-2 zones are not permitted (Subtitle U § 600.1(e)), and in other zones are only be permitted by right on an alley of 24' wide or more or a 15' wide alley if within 300' of a public street. There is no provision for the private use or development of the public alleyway itself.</p>
4A	232	D	<p>PRESERVE NEIGHBORHOOD CHARACTER -- The proposal would permit the BZA to “modify or waive” the requirements that apply to protect homeowners. Example is § 1605.4. Such waivers should not be permitted. It defeats the purpose of this rewrite, if the Board can unilaterally waive the requirements. Our lot size may invite changes that are inconsistent with stable, established residential areas. This proposal seems to draw those non-</p>	<p>The modification and waiver provision referred to is now Subtitle U § 254.15, which permits the Board to waive or modify the location restrictions applicable to corner stores if the applicant adequately demonstrates that the proposed corner store use meets four conditions. Thus, the Board may not unilaterally waive all requirements. The Board may only waive the location restrictions if certain conditions are</p>

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			conforming uses to areas like 4A.	met, and as part of a public process which would include notification of the ANC.
4A	232	D	CORNER STORES – Within 4A, two areas are designated for corner stores. One is on the west side of 16th Street, N.W., within ANC 4A 08. We note that there is no commerce along 16th Street, N.W. in Ward 4. The area is historic and has been preserved (at least in Ward 4) for non-commercial purposes. Sixteenth Street is the Avenue of the President. This proposal would introduce commerce into residential areas, where commerce is not currently permitted. We oppose this because it would change the fundamental character of the area. It is significant that one of the proposed conditions is that there would be “no alcohol consumption on-site” and off-site alcohol sales would be limited to 15% of floor area. It is as if D.C. already knows what this new addition would mean and is trying to head it off. We have a better idea. Unless the ANC 4A asks for a corner store, do not impose one on the 4A neighborhoods.	The maps that OP produced for the ANCs do not show areas designated for corner stores - they show areas where a corner store would be possible, given the proximity and zoning limitations in the adopted text. The ANC is correct that other factors, such as market demand, the character of the buildings in the area, and the restriction that any new corner store could only be located on a corner lot, at the intersection of two streets, would greatly limit the likeliness and location of a corner store further. The ANC is also correct that the extensive list of conditions adopted is intended to address potential impacts so that neighbors can benefit from this use.
4A	232	B	According to information provided to us, the 4A area is currently identified as “Single Family” R-1-A, R-1B, R2, R4 with some multi-family uses. The areas west of 16th Street, N.W. are non-commercial. Most of our residential blocks do not currently permit commerce. We hope that the Zoning Commission will rethink its plan to excise the word “family” and concept from the definitions. The homes in ANC 4A serve D.C. families of all kinds. We have the homes that multi-generational families want.	The adopted regulations shift from “family” to “household” to better reflect living situations beyond the typical “family” household. A household, as defined, still includes one family, not more than six unrelated persons, a religious community of not more than 15 members, or a residential care facility providing care for up to six persons with disabilities and two care givers.
4A	232	C	NUMBER OF UNITS PERMITTED – Do not increase the number of households beyond what is currently here. We don’t want to see lots split and the area carved up.	Accessory apartments are permitted under the existing and newly adopted regulations. Lot size for a subdivision has not changed from the existing regulations.
4A	232	C	HEIGHT – There needs to be an absolute height limit for residential buildings and we suggest there be a standard description. The one that is used to measure flat roofs should be considered as a measurement tool.	The issue of measuring height of residential buildings was discussed as part of case Z.C. Case No. 12-11. The Commission determined in that case that measuring height to an absolute

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				<p>highest point would incentivize flat roofs in order to maximize the volume of a house, whereas measuring to the mid-point of a roof recognizes the pitch and slope roofs which are often part of the character defining features of a residential neighborhood. The Commission found no change in circumstances since case Z.C. Case No. 12-11 and decided not to change how height is measured through this case (08-06A).</p>
4A	232	C	<p>FOR RESIDENTIAL ZONES, KEEP ALL TRANSPORTATION OPTIONS OPEN, INCLUDING CARS AND TRUCK LOADING DOCKS - The proposal would not keep parking in residential areas without alleys, by right. We are not sure what this means, but it would clearly impact those who live or work in our areas. This proposal calls for reducing by 50% the required parking along certain corridors. It also would reduce by 50% the parking along the Georgia, 16th Street and 14th Street, N.W. lines, that are part of the WMATA Priority Bus Corridor network. We have issues with parking right now with the Crestwood Apartment at 16th and Shepherd. This could make the situation worse. Loading Dock Size - The proposal would change loading requirements. This could impact us as homeowners and consumers or those who work or drive in areas where loading is done. The proposal would remove 55 foot truck bay requirements and allow the sharing of facilities. That has ramifications for the stores that we use. If the businesses that serve us, what will be the impact on us?</p>	<p>The Commission found that relief was frequently requested and granted from the 55-foot truck loading bay requirement and reduced bay size accordingly. While the adopted regulations allow for sharing of loading spaces, they do not eliminate the requirement for the provision of loading spaces.</p> <p>The Commission considered the parking standards holistically and determined that the proposed standards recognize the changes in travel habits, use of alternate forms of transportation, the cost of parking, and environmental concerns. The Commission found no evidence that 16th Street should be treated differently from other major corridors. However, should adverse parking conditions result, the ANC is encouraged to bring such evidence to the Commission's attention.</p>
4A	232	C	<p>FRONT SET BACKS – Our neighborhood may want more flexibility for certain blocks. An overlay may be sought to ensure that front yards match what is in the neighborhood, but not unnecessarily limit the design choices.</p>	<p>The Commission included a front setback provision. The regulations provide a range for the front setback, in keeping with other properties on the block.</p>
4A	232	C	<p>TREES – Part of the proposal that impacts Residential zones has to do with trees. It restricts homeowners' rights to plant certain trees or to take down trees. This section</p>	<p>Any tree protections found in Subtitle D are those carried forward from the existing Tree and Slope Protection overlay and have the same force and</p>

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			needs further clarification.	effect as the existing regulations.
4A	232	U	LODGING AS ACCESSORY USE – We disagree with the concept of permitting Boarding houses and that is what this could lead to. We already have a problem with the unauthorized use of residential properties. This could make it worse.	A Boarding House is a permitted use in the existing code. The Commission has not been presented with any evidence that would justify the elimination of that use permission.
4A	232	U	NON-CONFORMING USES – This proposed guidance appears to greatly expand the non-residential uses. Under this a medical facility with 300 people could move in next door. In the R zones, non-residential businesses may be permitted as “home occupations; and a “home occupation” is an accessory use. Community Based Institutional Facilities could house 15 people, and that does not include the resident supervisors.	The adopted regulations do not greatly expand non-residential uses. Medical care facilities are limited to six persons or seven to eight persons (with proximity restrictions). A larger medical care use would be permitted only by special exception. CBIFs are permitted only by special exception.
4A	232	C	SIDE YARDS – Preserve the eight foot side in R1 and R2 areas. Strike § 1301.2. Under this proposal, § 1301.2, an accessory building “shall be permitted in a required side setback of a principal building.” What exactly does this mean? Are there side yards and will they be at least 8 feet? See also D-41. A side set back shall not be requires along a side lot line.	The adopted regulations do not eliminate the eight-foot side yard in the R-1 and R-2 zones. An accessory building is permitted within the side yard. If located in the side yard besides the main building, it shall be set back from the side lot line a distance equivalent to the side yard and shall be removed from all building lines not less than 10 feet.
4A	232		To better serve all of us, we ask that the Zoning Commission consider D.C.’s needs. The D.C. Population Trends for the years 2000-2010 show that the number of people 60 years and older increased by 7.2%, according to the Zoning Regulations Review ANC4A, which was dated April 2, 2013. Similarly, the number of people age 20-34 years increased by 23%. In addition, the District has more than 11% of individuals with disabilities. This means that D.C. needs to keep its residential housing options open so that we can accommodate seniors and their care-givers, and families with children, while preserving the quiet character of our community. Our households had more than 2 per household, as of the last Census. That number is likely to go up. With the 23% increase of those in the child-bearing age,	The Commission believes that the adopted regulations address these issues.

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			we need to be prepared for meeting the public's needs. We will need to preserve our stock of detached, semi-detached and other single household homes that families want and need.	
4A	232		Ask that you keep the record open for an additional two weeks to permit further comments or revisions to this testimony.	The Commission left the record open until September 15, 2014. This provided additional time for review and comment, and represents 12 months since the Commission set the case for public hearing.
4A	266		It is important to the public interest to request that OP participate in a future ANC 4A meeting to discuss the impact of the ZRR Text on both on ANC 4A and the District, as a whole (a) so that our community may better understand the nature and scope of the ZRR Text; (b) that OP provide a fuller opportunity for residents, stakeholders and businesses in the ANC 4A commission area to more meaningfully participate in the ZRR process by being better informed of the current ZRR Text; and (c) the ZC should postpone any rulemaking regarding the ZRR Text, and keep the record completely open for an additional period of 60 days to ensure robust and fair review can be had and that thoughtful and thorough comments from the public, including ANC 4A, may be delivered to the ZC for deliberation.	The Commission left the record open until September 15, 2014. This provided additional time for review and comment, and represents 12 months since the Commission set the case down for public hearing.
4A	1091	U	ANC 4A recommends deletion of Chapter 6, which pertains to alleys.	Alley use and buildings are currently regulated in the existing Code; the adopted regulations 1) do not permit residential use in alley lots of the R-1 zones; 2) establish standards for alley use in other residential standards. Under the final text, A&T alley lots may not be converted to Record lots because of the unforeseen consequences that could occur on an alley record lot.

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4A	1091	Y	ANC 4A wants to ensure that the ANCs and the general public have the opportunity to comment on any BZA applications for waivers or special exceptions. ANC 4A does not believe that the ZRR provided adequate notice to the impacted communities and a fair opportunity for the ANCs to provide comments on the latest proposal. For all of these reasons, ANC 4A asks that you give great weight to ANC 4A's Resolution which incorporates these comments and provide an opportunity to have our questions answered before these regulations are put in place.	In fact, the existing language of Chapter 31 has been changed to make it clear that an ANC report must be received and given great weight at any time prior to the Board's decision meeting on an application or appeal or any continuation thereof. See § 406.1.
4A	1091	C	ANC 4A is concerned about any proposed changes to the parking minimums.	The parking amendments adopted represent considerable evolution and compromise from the initial proposal. A table was prepared that showed a side-by-side comparison of the changes proposed at setdown and the existing standards. The Commission determined that some of the proposed changes were too broad and in its proposed action voted to make no changes to existing parking requirements for schools and places of worship, keep parking requirements west of 20 th Street, N.W. (<i>i.e.</i> , West End), increase the permitted size of a parking lot that requires a special exception, and conditions any reduction based on proximity to a priority Bus Corridor on a building not participating in RPP.
4A	1091	U	ANC 4A opposes corner stores in the R-3 zone.	The Commission does not find this advice persuasive. The corner store provisions at U § 254 provide adequate controls on the use, which the Commission continues to believe will add vibrancy to many neighborhoods.
4A	1091	U	ANC 4A has concerns about use permissions in the residential house zones, including Production and Repair, Home Occupation, Chanceries, CBIFs, Health Care Facilities, Non-profits, Emergency Shelters, Government Uses, and Fairs, Circuses, and Carnivals.	The adopted regulations do not include significant modifications to the use permissions in the residential zones with respect to the Use Groups listed in ANC 4A's comments.

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4A	1091		ANC 4A voted to oppose the ZRR proposal. ANC 4A seeks to preserve the quality of life, tranquility and stability of the low density green space within the ANC 4A area. To that end, ANC 4A opposes changes to the land uses, height restrictions, setbacks, occupancy and parking requirements pertinent to ANC 4A.	The Commission appreciates the ANCs concerns, but continues to believe that to the extent changes in these area are proposed, they will provide significant protections to the area served by the ANC.
4B	687		ANC 4B asks the Zoning Commission to consider delaying a vote on the new zoning regulations until the residents of ANC 4B have a good understanding of them (approximately 6 months). The new zoning regulations should increase community input by making the new zoning regulation changes special exceptions rather than a matter of right for a trial period of two years until the new changes have been filtered.	The ZRR has been a multi-year project with numerous public meetings. On September 9, 2013, the Commission set down the proposed ZRR text for public hearings and has held 15 public hearings since November 2013. The Commission left the record open until September 15, 2014. This provided additional time for review and comment, and represents 12 months since the Commission set the case for public hearing. Making each change to the current into a special exception would prove burdensome and serve no apparent purpose. Should it turn out that any of the changes result in adverse impacts any citizen or groups, including the ANC can petition for the repeal of the offending provision. Therefore, the suggested two-year interim period is unnecessary.
4B	157	C	Propose the following amendments to the District's zoning regulations regarding Inclusionary Zoning: The definition of "low income households," at 11 DCMR § 2601.1, should be changed from 50% of AMI and redefined as "equal to or less than 30% of the District's median income or DMI; The definition of "moderate income households," at 11 DCMR § 2601.1 should be changed from 51% to 80% of AMI and redefined as "between 31% and 50% of the District's median income or DMI; The set-aside for IZ affordable units in residential developments should be increased from 10% and 8%, respectively, to 20% and 18%, respectively, in order for developers to qualify for bonus density. We also recommend that additional emphasis be placed on providing housing for low-income and moderate-income families in place of existing policies and zoning regulations that	These recommendations have not been incorporated into the adopted regulations. The inclusionary zoning regulations ("IZ"), which require a set-aside of affordable housing, will be reviewed separately as Z.C. Case No. 04-33G.

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			offer incentives to developers who provide housing to families with incomes of 100 percent or more of AMI. Finally, we recommend that IZ regulations mandate that two and three-bedroom units make up at least 20 percent of the affordable units that are eligible for subsidies and other incentives.	
4B	157	C	Existing parking minimums for all multi-family residential and mixed-use buildings, including those in transit zones, should be retained. Reductions in required parking should be granted through the variance process, which gives the City and residents an opportunity to evaluate community needs on a case-by-case basis. New zoning regulations facilitate shared parking and allow developers to rent out unused spaces.	These recommendations have not been incorporated into the adopted regulations. The parking amendments adopted represent considerable evolution and compromise from the initial proposal. A table was prepared that showed a side-by-side comparison of the changes proposed at setdown and the existing standards. The Commission determined that some of the proposed changes were too broad and in its proposed action voted to make no changes to existing parking requirements for schools and places of worship, keep parking requirements west of 20 th Street, N.W. (<i>i.e.</i> , West End), increase the permitted size of a parking lot that requires a special exception, and condition any reduction based on proximity to a priority Bus Corridor on a building not participating in RPP.
4B	158	D	New regulations allow accessory rental apartments only within a primary residence in a single-family home but end the need for BZA authorization to do this. The city should ensure that all applicable inspections and permits are obtained. Accessory apartments should not be permitted in garages or other outbuildings at this time. Further study is necessary. BZA approval should be required whenever more than one accessory use is to be located on a single-family residential lot. This should include residential and home business uses. Permitted home occupations should be restricted to businesses that generate less than three customers per day in total. The provisions in Chapter 3 that permit no more than eight clients or customers on the premises in any one hour are excessive and effectively convert a residential use into a	Under the adopted regulations, accessory apartments in the principal dwelling or an existing accessory building is permitted by-right and by special exception in new or expanded accessory buildings. There have been no modifications to the Board review criteria for special exception cases. One of the goals of the code is to help ensure that more accessory apartments go through the required permitting process. Accessory apartments must be licensed, inspected, and registered. These processes are handled by DCRA and DHCD. DCRA's Office of the Zoning Administrator reviews applications for conformity with the D.C. Zoning Regulations; including building permit applications, Certificate of Occupancy ("C of O")

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			business use with the resulting negative impact on neighboring homes.	applications for allowable uses, occupancy load, verification of address, lot and square, and to determine whether inspections and building plans are required for C of O approval. In most cases, no person can use a building, structure or land in the District of Columbia for any purpose other than a single family dwelling until a valid C of O has been issued. Home occupations are currently allowed in the existing code (§ 202) and the adopted text provides basically the same provisions and conditions as outlined in the use permission in the Land Use subtitles; the uses have been updated to reflect general changes in how people work and technology.
4B	158	D	Corner stores should be permitted only by special exception and without the sale of alcohol permitted.	The adopted regulations only permit grocery stores by right, and they are subject to numerous conditions regarding use, location, and design. Other corner store uses are permitted by special exception, which provides an opportunity for the neighborhood to weigh in on the application, including suggesting conditions to address design issues. Alcohol sales for off-site consumption are also permitted by special exception and are limited to 15% of the floor area.
4B01	159		Retail stores that are larger than 50,000 square feet should be permitted only by special exception. Retail stores that are larger than 50,000 square feet should be housed in buildings at least two stories.	The Commission adopted large format retail provisions which relate to single tenant spaces of 50,000 sq. ft. or greater.
4B01	159	H	FAR, height, lot occupancy, and side and rear yard requirements should not deviate from those detailed in the 2002 Takoma Central District Plan. The provisions describing the "Purpose and Intent" of the Takoma Neighborhood Mixed Use Zone (N-2) should be amended so that the purpose and intent of the N-2 Zone is to encourage compatibility of development with the Takoma Historic District. § 300.1(f) should be amended to read: "Limit the height of new buildings and encourage a scale of development and a mixture of building uses	The adopted regulations do not modify the requirements of the 2002 Takoma Central District Plan. The pertinent provisions are in Chapter 4. The Commission believes that the existing purposes suffice.

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			that is compatible in scale with existing buildings and consistent with the Takoma Historic District."	
4B01	159	H	FAR, height, and lot occupancy and rear and side yard requirements should not deviate from those detailed in the 2008 Upper Georgia Avenue Great Streets Redevelopment Plan and in the subsequent Takoma Overlay Zone. Rear and side yard requirements should not be reduced. Pawn shops and check cashing businesses should be permitted only by special exception.	The adopted regulations do not modify the requirements of the 2008 Upper Georgia Avenue Great Streets Redevelopment Plan and the subsequent Takoma Overlay Zone.
4C	617	Y	Current Zoning Regulations, Section 3113.5(a) - Pre-Hearing Procedures for Application -Information on Neighboring Property within 200 feet. - Recommend that residents within five hundred feet (500 ft.) of the property be able to voice their concerns about the proposed changes. In some areas in this community, particularly in the Sixteenth Street Heights Overlay, there is a concentration of institutions in close proximity of each other. As a result a 200 foot notification radius excludes a significant segment of the impacted residential community. So communities in which zoning changes have a significant impact were not informed of pending changes or were only notified at the last minute. By then it is too late to take action to mitigate problems.	The 200-foot radius for mail notification is but one of several means of giving notice of hearings. The Commission does not believe it necessary to expand the current radius limit.
4C	617	Y	Current Zoning Regulations, Section 3113.5 - Pre-Hearing Procedures for Application - Recommend that all of the requirements listed in the Application Forms be specifically listed in the regulations. The current regulations include some but not all of these requirements. This is confusing to the public. The zoning revision process is an opportunity to list the complete set of requirements. Recommend that the Application Forms are modified to require the applicant to include statements, information, briefs, reports (including reports or statements of expert and other witnesses), plans, or other material that the applicant may wish to offer into evidence at the hearing. Any map, plan, or other document, or matter readily available to the	The adopted regulations include modifications to the Board Rules of Practice and Procedure. The major modifications reflect electronic filing procedures, changes to filing dates as set forth below, clarification that an application must be complete at time of filing with a full statement of how the application meets the variance or special exception standards, and guidance provided. The filing deadline for supplemental information by the applicant has been extended from 14 days to 21 days; the filing deadline for the transportation consultant report has been extended from 20 days to 45 days; and the filing deadline for government agency reports has been extended from

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			<p>general public need only be fully referenced and the source given by the applicant in place of filing a copy. The current regulations do not clearly require that these be submitted with the application but appears to allow these to be submitted 14 days before the hearing. See Comment #3 below, which addresses why this timeframe is unfair and should be changed.</p> <p>Recommend that where an applicant is applying for a variance for more than one location, the BZA should require a separate application for each location. This ensures that the applicant is in compliance with all the requirements on the application form. For example, the application for a variance, Form 120, requires the applicant to set out in detail how the property at each location meets the tests for a variance. In the past some institutions submitted one (1) application even though variances were being sought for multiple locations, and this requirement to set out in detail how each property met the tests was not addressed for all the locations. Recommend that a hearing not be scheduled until all information required in the application is provided. In its recent zoning regulations rewrite, the City of Baltimore requires that a complete application be submitted before a hearing will be scheduled. It is unfair to the community to do otherwise.</p>	<p>seven days to 10 days. The increase in filing time is intended to allow the community and government agencies time to review and process additional information and to allow the Board time to review the recommendations of the ANC and government agencies prior to public hearings or action.</p>
4C	617	Y	<p>Current Zoning Regulations, Section 3113.8 - Pre-Hearing Procedures for Application - Supplementing the Application Before the Hearing. Recommend that this be changed to no later than 30 days before the date of the hearing on the application. Under the current regulations, in many cases, the "meat" of the application (for example, traffic impact studies, traffic management, expert reports) is provided within days of the hearing. This may even be a misinterpretation of the current regulations, which uses the term "additional", which would appear to imply that some form of these documents was submitted with the initial application. If the Applicant wishes to supplement an application with additional information, it should be allowed to do so within a certain number of days before the</p>	<p>The adopted regulations include modifications to the Board Rules of Practice and Procedure. The major modifications reflect electronic filing procedures, changes to filing dates as set forth in the following table, clarification that an application must be complete at time of filing with a full statement of how the application meets the variance or special exception standards, and guidance provided. The filing deadline for supplemental information by the applicant has been extended from 14 days to 21 days; the filing deadline for the transportation consultant report has been extended from 20 days to 45 days; and the filing deadline for government agency reports has been extended from seven days to</p>

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			hearing but the community should get to see these changes at least 30 days prior to hearing to allow time for adequate review, particularly given that most community organizations meet monthly and these documents can impact whether a community needs to become involved.	10 days. The increase in filing time is intended to allow the community and government agencies time to review and process additional information and to allow the Board time to review the recommendations of the ANC and government agencies prior to public hearings or action.
4C	617	Y	Current Zoning Regulations, Section 3115.1(e) - Advisory Neighborhood Commissions Reports and Notice - Required Contents. Recommend that BZA specify the standards that ANCs must include in their written reports on zoning application decisions. The current language is too vague and as a result ANCs are challenged in complying with this provision, leading to the denial of great weight, disenfranchisement of the community, and arbitrary decisions by ANCs and the BZA. Specifically, the BZA rejected an ANC 4C unanimous protest on a zoning application because the ANC did not state any specific issues or concerns about the application in its written report as it relates to these standards. This is also confusing for the ANC since subsequent ANC 4C written reports that supported the applicant were given great weight even though these written reports did not specifically state the standards against which the ANC review was conducted.	The Office of Zoning has developed a form that can be used by ANCs to transmit comments on zoning applications. The Form 129 can be found on the Office of Zoning website. Further, the standard is explicitly stated in the ANC Act. "The issues and concerns raised in the recommendations of the Commission shall be given great weight during the deliberations by the government entity." D.C. Official Code. § 1-309.10 (d)(3)(A).
4C	617	C	Current Zoning Regulations, Section 2101.1 - Schedule of Requirements for Parking Spaces - Reduction in Required parking spaces & Substitution of off-site parking for on-site required parking. Recommend that the Zoning Commission retain existing minimum parking requirements for new development and institutions; ensure that the community retains a voice in any requests to reduce parking requirements; and eliminate penalty for too much parking spaces. The issue of when off-site parking can serve as a substitute for the on-site parking requirement should be addressed in the regulations. The public should know when or under what conditions off-site parking can be substituted for on-site parking requirements in an open process such as a	The adopted regulations attempt to recognize the public investment in transit, the cost increases from requiring construction of parking in excess of building demand, and the changing manner of individual travel. The alternatives to parking are not simply bus or bike. There are increasing options for people to have access to individual vehicles for personal use through car-share and car services such as Zipcar, Car2Go, Getaround, and Uber. These options provide on-demand alternatives to individual car ownership. Traditional car rental companies are also adapting to provide similar quick, short-term rentals. There is nothing to prohibit a

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			rulemaking which sets out guidance.	builder from providing parking in excess of the minimum if the determine there is demand. Ongoing evaluation of the District's parking regulations and their effectiveness vis-à-vis the changing nature of travel and transit will inform future analysis of parking ratios.
4C	853	E	ANC 4C recommends that the Zoning Commission: 1). Adopt the Office of Planning's proposed 35' limit on "pop-up" development in R-4 zone; 2). Require a variance application for conversion of single family homes to more than two (2) separate dwelling units, whereby owners seeking variance must present plans and hear community input before ANCs at a public meeting. Furthermore, ANC 4C asks that the Department of Consumer and Regulatory Affairs (DCRA): 1). Strengthen existing rules and oversight for notification to nearby residents affected by "pop-ups", per DCRA's existing 200' notification radius; 2). Clearly articulate liability for adjoining structure damage that may result from individual "pop-ups" to a neighbor's property.	The Commission considered these proposals in Z.C. Case No. 14-11 and for the reasons stated in Z.C. Order No. 14-11 decided to permit conversion of residential properties by special exception. The rules provide specific conditions and procedures for these special exceptions. The Commission indicated that all issue pertaining to R-4 conversions would be considered as part of Z.C. Case No. 14-11 and, therefore, did not revisit those issues as part of ZRR.
4D	183, 184, 185, 186, 187, 188	Y, Z	ANC 4D urges the Zoning Commission to enact the following procedural changes. Change the current law, at 11 DCMR § 3012.3, to provide "the written reports and recommendations requested by the [Zoning] Commission pursuant to § 3012.1 shall be filed by the Director of the Office of Planning with the Director of the Office of Zoning at least 60 days in advance of the hearing." Change the current law, at 11 DCMR § 3114.2, to provide "when an application is referred in advance of the public hearing to any public agency for a report or recommendation, that report and recommendation shall be filed with the Board at least 60 days prior to the date for the hearing on the application." Change the current law, at 11 DCMR § 3125.6, to provide "a decision or order shall become final upon its filing in the record and service upon the parties within 60 days."	These recommendations have not been incorporated into the adopted regulations because they would add approximately two additional months to every Board or Commission case.

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4D	183, 184, 185, 186, 187, 188	D, E	Opposes the establishment of Corner Store, including Corner Stores for which the use is a fresh food market or grocery stores, by-right in R-3 and R-4 zones of ANC 4D because there is no notice to residents and no opportunity for them to object. Corner Stores should be allowed in R-3 and R-4 zones of ANC 4D only by special exception or only by variance. Opposes the reduction in parking minimums for multi-unit housing development that will be located on streets adjacent to and bordering residential streets so that the occupants of the multi-unit housing will not have to compete for existing residential parking. Proposes that the D.C. government begin real on-the-ground implementation of the plans to establish and upgrade groceries and other businesses along Kennedy Street and the Petworth sections of Georgia Avenue in accordance with the Kennedy Street Revitalization Plan and the Georgia Avenue Great Streets Plan. Proposes that Accessory Dwelling Units in the principal dwelling or in an accessory building be allowed by special exception only.	As adopted, only grocery stores are permitted by right, and they would be subject to numerous conditions regarding use, location, and design. Other corner store uses are permitted by special exception, which provides an opportunity for the neighborhood to weigh in on the application, including suggesting conditions to address design issues. Corner stores are not permitted on R zoned lots within Squares 1327, 1350, 1351, 1352, or 1353 inclusive.
4D	183, 184, 185, 186, 187, 188	C	ANC 4D recommends the enactment of the following amendments to the District of Columbia's regulations regarding IZ in order to move toward true affordability in housing in ANC 4D and around the District: That the definition of "low income households," at 11 DCMR § 2601.1, be changed from 50% of AMI and redefined as "equal to or less than 30% of the District's median income or DMI; that the definition of "moderate income households," at 11 DCMR § 2601.1, be changed from 51% to 80% of AMI and redefined as "between 31% and 50% of the District's median income or DMI; and that the set-aside for IZ affordable units in residential developments be increased from 10% and 8%, respectively, to 20% and 18%, respectively, in order for developers to qualify for bonus development density.	These recommendations have not been incorporated into the adopted regulations. The Inclusionary Zoning regulations, which require a set-aside of affordable housing, will be reviewed separately in Z.C. Case No. 04-33G.
4D	183, 184, 185, 186,	U	Recommends that the Zoning Commission adopt a policy whereby a developer who proposes a big-box store must secure a special exception prior to proceeding with	The Commission adopted large format retail provisions which relate to single tenant spaces of 50,000 sq. ft. or greater.

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	187, 188		said development.	
4D	183, 184, 185, 186, 187, 188		ANC 4D asks that the Zoning Commission delay any decision-making or rule-making concerning the draft recommendations for at least 90 days following the close of this round of hearings so that ANCs can provide meaningful input. We also request that more hearings be scheduled for the community.	The Commission left the record open until September 15, 2014. This provided additional time for review and comment, and represents 12 months since the Zoning Commission set the case down for hearing.
4D	1011		Requests that the Zoning Commission obtain written support for the final form of the ZRR from at least two-thirds of all ANCs citywide.	Each ANC is given its individual Great Weight by the Commission in any decision, as legally required. The Commission finds that this statutory requirement has been met, with many changes to the adopted regulations having been made pursuant to ANC comments. Great Weight means that the Commission must explain why it did or did not find an ANC's advice to be persuasive. It does not mean abdicating its decision making authority to a supermajority of ANCs.
4D	1011		Requests that the Zoning Commission make available both the current and proposed zoning maps to all neighborhood civic and citizens groups and ANCs to enable residents to perform side-by-side comparisons and to verify that new zone districts are mapped correctly in the related, but separate, Zoning Case No. 08-06C (Map Amendment to Implement the Comprehensive Revisions to the Zoning Regulations, including New Zone Names).	Comparative maps will be available on the Office of Zoning website. Other distribution mechanisms will be explored.
4D	1011		Requests that the Zoning Commission require OP to demonstrate that all proposed zoning changes are warranted because the agency found that the existing zoning regulations are "inconsistent" or "potentially inconsistent" with the D.C. Comprehensive Plan Land Use Element, pursuant to the implementation Element of the D.C. Comprehensive Plan.	The Commission does not find this advice to be persuasive. The Zoning Act does not require that new regulation must be warranted nor limit amendments to those needed to achieve comprehensive plan consistency. The question before the Commission was whether the amendments would serve the public good and whether the amendments were not inconsistent with the Comprehensive Plan. In both regards the Commission found the answer to be yes.

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4D	1011		Requests that the Zoning Commission translate the ZRR as well as all educational aids, including those enumerated below, into Spanish so that residents who speak the second-most-prevalent language in the District of Columbia can participate in molding this set of policy changes that will affect all neighborhoods. Also requests at least an additional 3 months once the code and supporting educational materials have been published in Spanish, for community input before the Office of Planning responds to community input.	The Commission voted 5-0-0 at its September 21, 2015 Regular Public Meeting to decline the request for translations and additional extensions after reviewing the level of outreach, public hearings, and the prohibitive cost of providing the translations.
4D	1011		Requests that the Zoning Commission require OP to provide a redline document comparing the version of the ZRR text published in the <i>D.C. Register</i> in May 2015 to the version approved in December 2014 in order to make transparent the changes made out of the public eye since the text was approved.	The Commission addressed the issue of a redline document during its deliberations and stated that due to the comprehensive nature of the revisions, the entirety of the existing code would be redlined and replaced with updated text, and therefore, preparation of a redline document would not be productive.
4D	1011		Requests that the Zoning Commission require OP to provide to all neighborhood civic and citizens groups and ANCs citywide the ANC-specific Development Standards Comparison Matrixes, comparing the heights, densities, lot occupancies, and required yard buffers of the proposed districts to the existing zoning districts in the area covered by each ANC. Only a minority of ANCs (<i>i.e.</i> , 5A and 1C) have been provided with such a targeted matrix.	These documents have been and continue to be available in the case file on line at the Office of Zoning website; additionally, they are posted on the OP website.
5A	573	F	ANC 5A requests that the Zoning Commission postpone any rulemaking (including changes to R-5 Zoning requirements) regarding OP's proposed draft amendments for at least 180 days, allowing the record to remain open for an additional 45 days in order that the public, including Advisory Neighborhood Commissions, may have ample time to review, consult, evaluate and deliberate the proposed changes throughout communities and across the City, thereby allowing sufficient time for informed public input to the ZC. During this period of delay, ANC 5A urges the ZC to require OP to engage in a vigorous, fair and open campaign of community consultations and meetings in an effort to	<p>The ZRR process has been well-publicized and has included extensive community outreach, as follows:</p> <ul style="list-style-type: none"> • June/July 2007 –Commission roundtables. • 2008 to 2011 – 81 public work group meetings were held on 20 topic areas, with over 1,000 participants. • 2007 – 2013 – OP created a Task Force of 25 residents – met 42 times. • 2008 – present – The Commission held 59 public hearings and meetings, to provide guidance and, in some cases, approve proposed text. • December 2012 – January 2013 – Public meetings, one in each ward

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			<p>ensure that all neighborhoods are provided equitable access to information and are equally afforded the opportunity to provide comment and input.</p>	<p>(eight public meetings, two twitter townhall meetings). • 2008 – present – Over 100 meetings with ANCs, community groups and special interest groups.</p> <p>On September 9, 2013, the Commission set down the proposed ZRR text for public hearings and has held 15 public hearings since November 2013. The ZC left the record open until September 15, 2014. This provided additional time for review and comment, and represents 12 months since the Commission set the case for public hearing.</p>
5B	370	G	<p>The Zoning Regulations list a series of commercial and residential development project types and uses which have a unique impact on DC’s neighborhoods (11 DCMR § 3104). Currently, there does not exist a special exception requirement for commercial retail stores that are 75,000 square feet or greater (“Big-Box Stores”) despite the unique impacts these big-box stores propose for any given D.C. neighborhood. Big-box stores cause a disproportionate adverse impact on traffic within their vicinities since they tend to attract larger crowds from a broad geographical area than a typical retail store. The larger size big-box stores are often out-of-scale compared to neighboring stores. Without a special exception requirement for big-box stores, these developments are considered “Matter-of-right”, and thus D.C. residents and ANC’s are not afforded any public review and approval process to weigh the costs and benefits of big-box stores to the community.</p>	<p>The Commission adopted large format retail provisions which relate to single tenant spaces of 50,000 sq. ft. or greater.</p>
5B	371	C	<p>We understand the Zoning Regulations govern D.C.’s important Inclusionary Zoning program (“IZ”). The IZ program picked up where rent control ended- to preserve and protect affordable housing options for D.C.’s residents. Currently, with over 70,000 persons on the affordable housing wait list and with many reports showing because of the very hot housing market which is driving up rents and taxes at</p>	<p>These recommendations have not been incorporated into the adopted regulations. The Inclusionary Zoning regulations, which require a set-aside of affordable housing, will be reviewed separately in Z.C Case No. 04-33G.</p>

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			<p>seemly uncontrollable rates in the District, there is very serious displacement impact for these residents. A very significant population of residents in ANC 5B are seniors, elderly, families with children and individuals on fixed, limited and/or restricted income. The Zoning Rewrite has a great opportunity to fix the current IZ regulation problem by amending the existing zoning definitions of affordability that are based on incomes with at least two of the wealthiest counties in the Nation called the Area Median Income (“AMI”). The AMI metric includes incomes of households in the counties of Fairfax, VA and Montgomery, MD as required per federal HUD calculations. Not only is the AMI unpredictable, as it fluctuates yearly, but because of its relation to VA and MD, AMI cannot truly paint a real picture of DC’s unique affordability needs. The Zoning Commission can amend D.C. Municipal Regulation 11-2601.1, which defines affordability eligibility for low and moderate income households, and dispose with an unpredictable and unreal AMI metric, replacing it with a metric more solidly based on a percentage of annual federal minimum wage (“AFMW”). Given the bonus density granted to the developer and given the aforementioned affordability crisis, the required IZ percentages must be doubled; IZ currently requires 8-10% of residential density in a new development- we recommend this be amended to 16-20% in order for the city to meet its housing goals.</p>	
5B	374		<p>WE RESOLVE TO SUBMIT OUR SERIOUS CONCERN that the Zoning Rewrite process has not and does not allow for meaningful public participation and review of the draft regulations; and WE RESPECTFULLY REQUEST THE ZONING COMMISSION to postpone any decision-making or rulemaking, and keep the record completely open regarding the Zoning Rewrite process for at least 180 days; and WE RESPECTFULLY REQUEST THE OFFICE OF PLANNING to visit our community for one, or more as needed, public community meetings to</p>	<p>The Commission left the record open until September 15, 2014. This provided additional time for review and comment, and represents 12 months since the Commission set the case down for public hearing.</p>

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			<p>discuss the impacts of their draft regulations and their specific impacts to our neighborhood, so we can understand the full scope of the amendments to provide informed feedback to the Zoning Commission.</p>	
5B	1096		<p>ANC 5B requests the following information from the Office of Planning (OP) and Zoning Commission (ZC): ANC5B seeks the ANC 5B specific Development Standards Comparison Matrix (showing the heights, densities, lot occupancies, and required yard distances) of the current zoning districts versus the proposed districts in our ANC-area. We understand other ANCs (ANC5A & 1C) received a very helpful matrix that explains what is happening in the underlying zoning code with the change in zone district names as found in the ZRR. We understand this ANC-specific matrix reduces the research and review time of the ZRR from many hours to perhaps a half-hour. We don't understand why all ANCs have not received this matrix, including ours. This is uneven treatment and limits our capacity to meaningfully respond to the ZRR. ANC 5B seeks a redline document to cross-reference how the language of the draft ZRR reviewed and voted on by the Zoning Commission in December 2014 may have changed with the language published in the <i>D.C. Register</i> in May 2015, along with any written rationale for those changes. ANC 5B seeks printed zoning maps showing the current versus the proposed zone districts as a side-by-side comparison so we can ensure that the new zone districts are mapped correctly in the inter-related Zoning Case No. 08-06C (Map Amendment to Implement the Comprehensive Revisions to the Zoning Regulations, including New Zone Names). Given that ANC 5B is seeking the above information which we have yet to receive, ANC 5B is seeking an extension of time of no less than three months so that the Office of Planning may deliver the information we seek, explain the information they share, and then allow time for our community to digest this information and comment meaningfully. We believe that if Georgetown's ANC-area</p>	<p>The ANC-specific Development Standards Comparison Matrixes have been and continue to be available in the case file online at the Office of Zoning website; additionally, they are posted on the OP zoning blog.</p> <p>The Commission voted 5-0-0 at its September 21, 2015 Regular Public Meeting to decline the request for translations and additional extensions after reviewing the level of outreach, public hearings, and extensions already granted.</p> <p>The Zoning Map will be prepared after any final action on the zoning text and new zone names.</p> <p>The applicable standard provides that amendments must be determined to be “not inconsistent with the Comp Plan”; OP provided a review of the Comprehensive Plan support for the adopted regulations in its set down report (Exhibit A-2) and in each public hearing.</p>

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			<p>was provided this type of direct assistance from the D.C. Office of Planning over the years leading up to final decisions regarding the ZRR, then ANC 5B expects the same in order to call the ZRR review process even-handed transparent policy making here in the District. ANC 5B resolves to oppose any changes in any of the current zoning requirements regarding heights, densities, and lot occupancies and buffers for our ANC-area as there have been no findings published for our review that demonstrate the current zoning regulations are “inconsistent”, or “potentially inconsistent” with the D.C. Comprehensive Plan Land Use Element as to warrant any changes. Further, ANC 5B opposes the dramatic shift away from community and ANC-input for projects that currently require special exceptions and variances, in that the ZRR makes many of these projects matter-of-right. This reduction in community oversight is not supported by the D.C. Comprehensive Plan. Neither the Office of Planning nor the Zoning Commission has provided any rationale to shift projects to the “Matter-of-Right” column, which unfairly and adversely eliminates ANC and community oversight over these projects. In addition, to the above referenced information, ANC 5B is requesting a formal presentation from the Office of Planning specifically addressing the rewrite changes, its effects on the city, and an open forum for discussion to engage the community.</p>	
5D	877	D	<p>ANC 5D opposes accessory dwelling units as a matter of right.</p>	<p>The Commission understands the ANCs opposition, but does not find its advice to be persuasive. The adopted regulations permit accessory apartments in the principal dwelling or an existing accessory building by-right and permit them by special exception in new or expanded accessory buildings. There have been no modifications to the Board review criteria for special exception cases. One of the goals of the code is to help ensure that more accessory apartments go through the required permitting process. Accessory apartments must be licensed, inspected, and registered.</p>

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				<p>These processes are handled by DCRA and DHCD. DCRA's Office of the Zoning Administrator reviews applications for conformity with the Zoning Regulations; including building permit applications, Certificate of Occupancy ("C of O") applications for allowable uses, occupancy load, verification of address, lot and square, and to determine whether inspections and building plans are required for C of O approval. In most cases, no person can use a building, structure or land in the District of Columbia for any purpose other than a one-family dwelling until a valid C of O has been issued.</p>
5D	877	D	<p>Accessory dwelling units should be considered as a special exception only if the applicant can demonstrate no adverse impact on neighbors; an application for special exception must be considered at a public meeting of the ANC, in which the affected property is located.</p>	<p>The Commission does not find this advice to be persuasive. The adopted regulations permit accessory apartments in the principal dwelling or an existing accessory building by-right and permit them by special exception in new or expanded accessory buildings. One of the goals of the code is to help ensure that more accessory apartments go through the required permitting process. Accessory apartments must be licensed, inspected, and registered. These processes are handled by DCRA and DHCD. DCRA's Office of the Zoning Administrator reviews applications for conformity with the Zoning Regulations, including building permit applications, Certificate of Occupancy ("C of O") applications for allowable uses, occupancy load, verification of address, lot and square, and to determine whether inspections and building plans are required for C of O approval. In most cases, no person can use a building, structure or land in the District of Columbia for any purpose other than a one-family dwelling until a valid C of O has been issued. Requiring that an ANC must consider a special exception application would allow an ANC to veto any such application by refusing to consider the application.</p>

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5D	877	Y	Requests for variances and special exceptions for exceeding the established height limit should not be considered unless the property owner can ably demonstrate a hardship; if a waiver or variance is granted the height request may not exceed 5 feet. The ANC supports ongoing protections to historic views and neighbors' access to and enjoyment of light and air. The residents of ANC 5D oppose the granting of "pop-ups." The ANC recommends that stringent requirements for additions to residential property within historic districts apply and should be added to areas that are not officially designated historic, yet are believed to possess historic value.	The method of determining height was adopted by the Commission in Z.C. Case No. 12-11; the language in the ZRR reflects the language adopted in that case. The Commission also took action in Z.C. Case No. 14-11 to limit the height in the R-4 zone to 35 ft. and three stories. The Commission also took action in Z.C. Case No. 14-13 to limit the height of roof structures on detached and semi-detached dwellings and flats to a maximum of 10 ft.
5D	877	D, E	Corner food stores should continue to be restricted unless built and in operation prior to 1958. The ANC has received no testimony from any ANC 5D resident reflecting an expressed need or desire for additional corner stores anywhere within its boundaries.	The Commission does not find this advice to be persuasive. Under the adopted regulations, only grocery stores are permitted by right, and they are subject to numerous conditions regarding use, location, and design. Other corner store uses are permitted only by special exception, which provides an opportunity for the neighborhood to weigh in on the application, including suggesting conditions to address design issues.
5D	877	U	The existing list of home occupations should continue to be restricted and not allowed in accessory dwelling units.	The Commission does not find this advice to be persuasive. It does not believe that permitting home occupations in accessory dwelling unit will create any additional adverse impacts.
5D	877	C	The city should explore the feasibility of providing tax relief to residents that are willing to create parking spaces on their property to relieve on-street parking demand and congestion.	Taxation is not within the purview of the Commission.
5D	877	D, E, F	More explanation is needed to determine why R-3, R-4 and R-5 designation should be altered. How will the affected communities benefit by any changes?	The Commission retains the R-1-A, R-1-B, R-2, and R-3 designations, as well as the associated development standards. The Commission believes that the RF and RA designations for the remaining zones add greater clarity.

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5D	877	U	The Zoning Commission and Office of Planning should fully explore and create restrictions on opening and operating additional liquor stores in any area that has at least two such establishments within 1000 feet and where the crime rate in the affected patrol service area is high. The proliferation of liquor stores in high crime areas contributes to neighborhood blight and lowers the value of surrounding real estate, according to the National Institute of Drug Abuse. ANC 5D agrees with this assertion.	Liquor licenses are regulated by the Alcohol Beverage Regulation Administration and are not within the purview of the Commission.
5D	877	Z	The proposed regulations that substantially limit, restrict and eliminate parking should be removed from the Zoning Rewrite process. The Zoning Commission and Office of Planning should work collaboratively with the District Department of Transportation and the Washington Metropolitan Transit Authority and ANCs to create a viable plan that encourages D.C. residents to walk more and utilize mass transit. The District should not seek to penalize car owners through onerous codified regulatory action(s). Planned unit developments (PUDs) should continue to include adequate parking to protect the affected community against parking congestion.	The Commission respectfully disagrees. Throughout the Zoning Regulations Review process, the Office of Planning has worked closely with DDOT and has collaborated with WMATA regarding the adopted regulations, and the Commission has considered reports and presentations from DDOT regarding the regulations.
5D	877		While it is true that the Zoning Regulations Rewrite process has officially been underway since 2008, all D.C. communities have not been afforded a real opportunity to meaningfully participate. The Office of Planning has selectively worked with communities in Georgetown and Cleveland Park (to a lesser extent) to help their residents understand and respond to the proposed revisions to our zoning regulations. These residents had an opportunity that the wider D.C. residents did not. The ward briefing sessions facilitated by the Office of Planning were shallow and did not provide real answers to citizens' questions. Every D.C. resident deserves the opportunity to ask questions regarding proposed changes to our regulations and how said changes will impact our quality of life. The urgency to amend our zoning regulations should not foreclose on the	The case was set down for hearing on September 9, 2013 and Public Hearings were held in November 2013, January, February, July, and September 2014. The Commission left the record open until September 15, 2014 to allow for a full year of public testimony both verbal and written. The Commission finds that there has been ample opportunity for the District's residents to ask questions regarding the new regulations and to provide comments, concerns, and recommendations. The Commission has held Ward specific meeting and held an additional hearing just for Wards 7 and 8. The Commission does not share the characterization of the Office of Planning efforts, but in any case has always realized that the ZRR process belongs to the Commission and it was

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			rights of any D.C. resident to be heard, to engage and to understand how the proposed changes will alter our neighborhoods.	the Commission's goal to hold hearing that were accessible to every District resident. In fact, the Commission ended up cancelling the last of its hearing due to poor attendance.
5D	877		The Zoning Regulations Rewrite process proposes to reduce the participation of and role of the ANCs, regarding matters that directly affect D.C. residents. The role of ANCs is clearly outlined in the District's Home Rule Charter and should not be abridged in any way.	The Zoning Commission finds that just the opposite is true. The amended rules of procedure for the Commission and the BZA make it clear that both bodies must accept ANC reports until the meetings at which a vote on the subject will be held and also recognizes that even if a project is not located within the boundary of an ANC, that ANC is still given great eight if the project is located directly across the street.
5D	1090		Request to reopen the record to allow ANC 5D an opportunity to submit a resolution. The ANC's next meeting is October 13, 2015. The ANC seeks to comment on proposed provisions of the zoning rewrite document that underscore concerns raised at our public meetings. Additionally, ANC 5D seeks guidance from the Office of Planning to fully evaluate the potential impact of the proposed changes on the ANC 5D community. Finally, this request is similar to requests for an extension from ANC 1C and 5A; the Zoning Commission approved an extension of time to submit comments for these commissions. Their comments are due on or before October 21, 2015.	The Commission granted the request and allowed the report if filed by 3:00 p.m. on October 21, 2015.
6B	62, 63, 64, 65	C	ANC 6B supports the proposal to eliminate the minimum parking requirements in residential zones. ANC 6B is discouraged that the proposal would restore the current minimum parking requirements in RF zones. ANC 6B urges the Zoning Commission to eliminate the minimum parking requirement in residential zones.	The Commission believes that the public would be disserved by the complete elimination of minimum parking requirements within residence zones, but decided to not require vehicle parking within the R and RF zone use categories if the lot does not have access to an open, improved and public alley with a right of way width of a minimum of 10 feet.
6B	62, 63, 64, 65	G	The current code allows fast food establishments in C-2-A areas with a special exception. In ZRR, there are three M zones relevant to 6B (M-4, M-26, and M-27). The proposal would prohibit fast food	The adopted regulations provide consistent treatment with respect to prohibiting fast food establishments and food delivery services in the MU-4, MU-17, MU-24, MU-25, MU-26, and

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			establishments in the M-4 and M-27 zones, but not the M-26 zone. ANC 6B requests that the same standard apply in all three M zones (4, 26, and 27) and that the standard be that fast food establishments need a special exception.	MU-27 zones.
6B	62, 63, 64, 65	H	ANC 6B reviewed the list of uses that would apply to the N-6 zone. One use permitted by right - parking - stands out. Currently, within Squares 906, 907, 929, and 930, there are three commercial surface parking lots and one temporary private surface parking lot. To prevent the addition of more surface lots in this small area, ANC 6B requests that surface lots require a special exception in the N-6 zone.	Parking uses in the NC-6 zone, which are accessory parking spaces elsewhere than on the same lot or part of the lot on which any principal use is located, are permitted by special exception subject to conditions under the adopted regulations. See Subtitle H.
6B	62, 63, 64, 65	H	ANC 6B supports the conversion of the Eighth Street District to a special N-6 zone provided that the terms of this special zone include the same limitation on eating establishments as in the current district, namely that food and drinking establishment use be limited to 50 percent by lot frontage linear foot and fast food be further limited to half of the 50 percent of linear feet for eating establishments. ZRR appears to create a conflict between a general policy and a specific N-6 policy as regards the limitation on fast food. ANC 6B requests that the text of Subtitle H should exempt the N-6 zone from § 1101.3(b)(1) or amend the language.	The adopted regulations do not modify the terms of the NC-6 zone.
6B	62, 63, 64, 65	E	ANC 6B does not agree that residential units above a corner store should be prohibited. ANC 6B supports encouraging the upper floors of a corner store building to be put to residential use. Indeed, having the owner of the store living above the establishment would seem an especially attractive approach.	The adopted regulations permit one residential unit in the same building as a corner store and the unit would likely be located above the corner store.
6B	62, 63, 64, 65	E	ANC 6B does not agree that a corner store in, for example, a small apartment building on a residentially zoned lot should be prohibited. ANC 6B opposes this limitation.	The adopted regulations do not allow corner stores in apartment buildings in residential zones. Commercial adjuncts, such as an internally focused market serving building tenants, are permitted in the apartment zones, as they are currently allowed.

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6B	62, 63, 64, 65	E	ZRR does not change the current limit of 40% lot occupancy for semi-detached dwellings in RF zones. ANC 6B's docket often includes requests for zoning relief to allow semi-detached dwellings to go to 60% of lot occupancy in conjunction with the building of rear additions. In most cases, ANC 6B agrees fairly routinely to such requests on the theory that there is usually not a persuasive reason for treating a semi-detached dwelling any different than a detached building on the matter of lot occupancy. ANC 6B urges the Zoning Commission to change the lot occupancy requirement for semi-detached dwellings in RF zones to 60%.	Notwithstanding the frequency with which such requests are made, the Commission does not believe the public would be served by the across the board increase to lot occupancy suggested.
6B	62, 63, 64, 65	various	ANC 6B submitted eight technical corrections.	These have been incorporated into the final text.
6B	865	D	ANC 6B opposes OP's alternative amendment that would require any accessory apartment in an accessory building to be permitted as a special exception. The Zoning Commission should approve OP's original language and retain the MOR provision for accessory apartments. With the city facing a housing crisis, accessory apartment provide a much needed affordable housing alternative. While this proposal would not directly impact our commission area (most of ANC 6B consists of the proposed RF zones), we feel strongly that the zoning code should make it easier, not harder, for homeowners in all residential zones to provide accessory units.	Under the adopted regulations, accessory apartments will be permitted in an existing accessory building. Special exception is only required in new or expanded accessory buildings. The Commission continues to believe that the potential for adverse impacts in these circumstances warrant special exception review.
6B	865	D, E	ANC 6B supports OP's alternative amendment that would permit camping on alley lots only by special exception and subject to certain conditions, including a time restriction.	Under the adopted regulations, camping by the owner of an alley lot on the alley lot in a tent, wagon, van, automobile, truck, or trailer, is permitted in the R, RF, and RA zones subject to conditions. The Commission believes that these safeguards suffice.
6B	865	U	ANC 6B supports OP's alternative amendment that more fully defines the "grocery" aspect of corner store provisions. Since "grocery" corner stores would be allowed as a matter of right, we feel that the	The Commission's preliminary final action includes the more detailed definition of grocery as included in the December 2014 draft text. The matter-of-right provisions can be found in

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			more specific definition and requirements are appropriate.	Subtitle U, Chapter 2.
6B	865	U	While we appreciate OP's clarification that residential use is permitted above a corner store, ANC 6B opposes OP's alternative amendment language that continues to prohibit corner stores in buildings with more than one dwelling unit. We do not agree that a corner store in a small apartment building on a residentially zoned lot should be prohibited.	The regulations are intended to permit corner stores in the R-3 and RF zones, which are not apartment zones. The proposed regulations limit the area of corner stores to 1,200 square feet and require that they be located in the principal building. Given the square footage limitation and the intended purpose to provide neighborhood-serving commercial, the intent was not for these corner stores to be located in existing apartment buildings.
6B	865	D, E	ANC 6B opposes OP's alternative amendment that would make beer and wine sales a use that can only be approved as a special exception, a change that will make corner stores less viable. ANC 6B feels that the 15 percent of gross floor area cap, coupled with the public ABC Board process that any corner store would have to go through to get a liquor license provides ample protection for residents living near such stores.	The Commission disagrees and concludes that the potential adverse impact of alcohol sales requires that a special exception be granted in all instances subject to a limitation of 15% of the floor area. This will be a new use in these neighborhoods and the Commission has heard enough concerns over the impact of just the use that it wishes to be conservative over permitting accessory alcohol sales.
6B	865	B	ANC 6B suggests additional revisions to OP's revised definition of "Fast Food Restaurant." Our commission has found that fast food restaurants, including establishments that are considered "fast casual," put significantly more strain on the neighborhood than do other restaurants. Fast food restaurants generally generate high volumes of trash and litter; emanate strong odors from deep frying and other cooking; and attract loitering. As a result, ANC 6B believes that fast food restaurants, including fast casual restaurants, should be subject to the special exception process to allow the community to weigh-in. The current definition of fast food is vague and interpreted narrowly, such that some establishments that operate like fast food are excluded from the definition. ANC 6B believes the revised definition should: (1) cover all fast food restaurants, including fast casual; and (2) more clearly define what constitutes fast food. While we appreciate that OP's revised language may have been	The definitions have been expanded and modified. However, the Commission continues to believe the current definition, which relied upon such purely objective criteria, caused more problems than it solved, and the new definition will result in greater control over this use.

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			intended to advance these goals, we propose the following revisions, to further clarify and improve the definition.	
6B	865	B	ANC 6B supports OP's revised definition of building which addresses the meaningful connection "loophole" in the current zoning code. Our commission has reviewed a number of cases where applicants have used an outdoor trellis to connect a main building to an accessory structure. Under current zoning, the trellis is considered a meaningful connection so that the two buildings are considered one single building, allowing the applicant to avoid seeking additional zoning relief on the accessory structure. OP's revised definition should address this "loophole" by ensuring that a meaningful connection between buildings must be above ground, enclosed, consist of common space, and allow for open passage.	The issue of meaningful connection has been addressed in the definitions section of Subtitle B, which states, "Structures or sections shall be considered parts of a single building if they are joined by an enclosed connection that is fully above grade, is heated and artificially lit; and either a common space shared by users of all portions of the building, such as a lobby or recreation room, or space that is designed and used to provide free and unrestricted passage between separate portions of the building, such as an unrestricted doorway or walkway."
6B	865	C	ANC 6B believes it is important to ensure that affordable units built now remain affordable units in the future, even beyond the 30-40 year window after which certain units can revert to market rate, typically associated with current affordable housing projects. Subtitle C, § 2204.1 appears to achieve this goal but only for units created after implementation of the new regulations. It's important that the Zoning Commission carefully review this section of the proposed text to ensure that it achieves the objective of creating long term affordable units, not just for future developments, but for existing ones as well. In reviewing this section, ANC 6B also notes that Subtitle C, § 2201.4(a) exempts areas in Georgetown and near the Naval Observatory from IZ requirements. Perhaps there is a justification for this, but on the surface, it seems to be an exclusion that only heightens the perception of Georgetown as an entitled and exclusive enclave and works against creating socio-economically diverse neighborhoods. All areas of the city, including its most well off neighborhoods, should contribute to solving one of the greatest problems facing DC. ANC 6B also notes that the section exempting large areas	These recommendations have not been incorporated into the adopted regulations. The Inclusionary Zoning regulations, which require a set-aside of affordable housing, will be reviewed separately in Z.C. Case No. 04-33G.

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			of Georgetown is a recent amendment which has had little prior scrutiny and further reinforces our objection to the exemptions.	
6B	865	G, J, K	ANC 6B supports OP's alternative amendment requiring a special exception for all new large format retail establishments with single tenant space of 50,000 square feet or greater.	The Commission agreed and adopted the special exception requirement for new and expanded stores. See Subtitle U § 511.1(j).
6B	865	C	ANC 6B opposes OP's alternative amendment to remove Priority Bus Corridors from the areas within which required parking may be reduced up to 50% as a MOR. We continue to strongly support OP's original proposal that would have fully removed parking minimums from 1) single-family homes or residential development of less than 10 units and 2) apartment or commercial mixed-use zones within 1/2 mile of Metro or 1/4 mile of Priority Bus Corridors. OP's alternative amendment represents a further watering down of this original proposal and also sends an unhelpful signal that bus transit should be treated differently than other forms of transit for purposes of zoning.	The OP alternative amendment was not accepted by the Commission in their final action. The final draft regulations permit a reduction in the required parking by 50% for those sites within .25 mile of a Priority Corridor Network Metrobus 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.
6B	940	H	Once again ask the Zoning Commission to make a technical correction in the text pertaining to the new NC-6 "Eighth Street Southeast Neighborhood Mixed Use Zone" and its limitations on eating and drinking establishments. NC-6 is a special zone that exists solely within ANC 6B. In testimony before the Zoning Commission on November 13, 2013, ANC 6B supported the conversion of the Eighth Street Overlay District to an NC-6 zone provided that the terms of this special zone include the same limitation on eating establishments as in the current district, namely that food and drinking establishment use be limited to 50% by lot frontage linear foot and fast food be further limited to half of the 50% of linear feet for eating establishments. ANC 6B requests that the text of Subtitle H exempt the NC-6 zone from § 1101.3(b)(1) or that section be amended to read: These uses shall occupy no more than 25% of the linear street frontage within a particular N zone (50% in the NC-6 zone), as measured	The language discussed has been corrected to reflect the existing provisions and restrictions of the Eighth Street Overlay.

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			along the lots that face designated roadways in the particular district; and". ANC 6B urges the Zoning Commission to implement the long-delayed and oft reviewed ZRR and ensure no further delays in the approval process. The Commission hopes not to have to spend time reviewing a second proposed rulemaking.	
6C	221		Request an extension in the deadline for submission of comments or to ask that the record be help open to allow the ANC to finish its review of items that affect our community.	The Commission left the record open until September 15, 2014. This provided additional time for review and comment, and represents 12 months since the Commission set the case down for public hearing.
6C	409	E	Subtitle E, Section 901, alley lots. The commissioners voted to disapprove 100% lot occupancy for all alley lots. Rather, a gradual change in lot occupancy based on lot size is recommended: 100% lot occupancy for a lot of 900 square feet or less; a percentage reduction equal to 2% per 45 feet above 900 square feet up to 1800 square feet; and 60% for lots of 1800 square feet and larger. Reasons for this recommendation include the excessive lot occupancy permitted under the proposal, and the undesirable "stairstep" effect of sharply reducing allowable lot occupancy at specific lot area thresholds. Also, an error was pointed out in the zoning proposal text; a requirement of 10% pervious surface is inconsistent with 100% lot occupancy.	The adopted regulations limit lot occupancy on alley lots based on lot size (100% for lots less than 1,800 square feet, 90% for lots between 1,800 and 2,000 square feet, and 80% for lots larger than 2,000 square feet).
6C	409	E	Subtitle E, Sections 1101.1(e) and 1106, residential flat zones. The corner store provisions should be modified to require a special exception in all cases (as opposed to allowing a fresh food market/grocery store as a matter of right subject to several conditions.)	The Commission respectfully disagrees. The corner stores that will be permitted as a matter of right are subject to stringent conditions that will assure no adverse impacts.
6C	409	E	Subtitle E, Section 801. The commissioners voted to support the amendments proposed in Chapter 8, but noted that § 801.4(b) needs to be revised to include the construction of a new accessory building for residential purposes (in order to correspond to § 1201.2(b)).	Prior to the final regulations being adopted, the Office of Planning, Office of Zoning, and Office of Attorney General have reviewed the draft text for consistency.

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6C	410	C	Subtitle C, Section 2002.1, bicycle spaces for large apartment buildings. The commissioners voted to change the ratio of bicycle spaces per building resident from 1 space per three dwelling units to 1 space per two dwelling units.	The Commission respectfully disagrees and believes that the adopted regulations, which require one long-term bicycle parking space for every three dwelling units, is preferable. This is consistent with current DDOT bicycle parking requirements.
6C	410	C	Subtitle C, Section 1902.1, reorganization and clarification. The commissioners voted to make clear that residential zones covered by Subtitles D and E are excluded from the 50% parking reduction requirement. Specifically, subsection (a) should be incorporated into the introductory paragraph of this section rather than being broken out in the list of subconditions (which are otherwise applicable in the disjunctive). It was suggested that the submission include the wording that "this is how we interpreted the section and we endorse the interpretation."	The Commission determined that the language in Subtitle C, § 702.1 makes it clear that the 50% reduction does not apply in R and RF zones.
6C	411	I	Subtitle I, Section 601.1, downtown zone to include NoMa. The commissioners voted to expand the downtown zone to include the proposed areas of NoMa and to eliminate minimum parking requirements in that portion of NoMa.	NoMa is covered by the downtown provisions, which include no minimum parking requirement.
6D	701	I	Retain the existing C-3-C zoning for parcels 646, 648, and 649 rather than to rezone these parcels to D-5-B-1. This will alter the maximum height from 90 to 130. We contend that all large developments should go through the planned unit development process. This process best ensures a development that exhibits a high-quality design that responds to the surrounding context and mitigates many adverse impacts.	The Commission respectfully disagrees. Regulations require a 1:1 setback above 110 feet and a 15-foot setback for the entire length of the building frontage on South Capitol Street. The regulations also prohibit parking or loading on facades facing South Capitol Street in this area. The Commission determined that this affords adequate protection and does not believe that the PUD process would serve as a reasonable substitute.

ANC	Exhibit #	Subtitle	Comment	Response
7B	1095		<p>ANC 7B supports the D.C. Comprehensive Plan's guidance on transparent decision-making and requests that all neighborhoods city wide receive the ANC-specific Development Standards Comparison Matrix (showing the heights, densities, lot occupancies, and required yard distances) of the current zoning districts versus the proposed districts in any given ANC district. We understand that not all neighborhoods have received such a "targeted" matrix. In the interest of fairness and transparency, and to clearly explain the ZRR to everyone, we ask that all neighborhoods receive a targeted matrix. ANC 7B asks for a redline document showing how the language of the draft ZRR reviewed and voted on by the Zoning Commission in December 2014 may have changed with that of the language published in the <i>D.C. Register</i> in May 2015. This is standard protocol for rulemaking proceedings. ANC 7B requests that OP and the ZC make the current and proposed zoning maps available to all neighborhood civic groups and ANCs for a side-by-side comparison to assure that new zone districts are mapped correctly as found in the inter-related Zoning Case No. 08-06C. ANC 7B supports the call for more time to review the final language of the ZRR in light of the redline and maps. This is reasonable in light of the fact that the ZRR implements fundamental policy changes that will permanently affect the scale, scope and look of the city. While the ZRR process has been ongoing since 2007, the language was voted on less than a year ago.</p>	<p>ANC-specific summaries of the pending changes to the Zoning Regulations were provided to each ANC in March 2013 via email and were uploaded to the case record as Exhibits 621 through 664. Additionally, zone comparison tables were entered into the record as Exhibits 717, 718, 720, 762 through 766, and parking comparison tables as Exhibits 721 and 722. As the Commission took proposed action, OP updated the zone comparison tables and posted them on the OP website and provided customized groups as requested in the summer of 2015. The Development Standards Comparisons were provided to ANC 7B Commissioner Chittams via email on September 3, 2015 and Commissioner Marlin on September 10, 2015. As to providing a comparison between the text approved by the Commission at the time it took proposed action and the text as published in the <i>D.C. Register</i>, it is not at all standard rulemaking practice to do so. In fact, in almost all circumstances, the public does not see any iteration of the text of a rule until that text is published. The Commission is among the few District agencies that publicly deliberate upon a rulemaking before the rule is published. Nor was such a comparison needed. The changes between the text approved by the Commission and the text published were technical in nature or were made to conform the text with the Commission's intent as stated in December 2014.</p>
7C	363		<p>ANC 7C resolves to submit our concern based on solid evidence that the Zoning Rewrite process does not allow for meaningful public participation or proper review of the draft regulations as this draft was only recently submitted by Office of Planning to the Zoning Commission, and printed drafts were only recently made available at public libraries; and ANC 7C respectfully requests the Zoning Commission to postpone any rulemaking</p>	<p>The ZRR process has been well-publicized and has included extensive community outreach, as follows:</p> <ul style="list-style-type: none"> • June/July 2007 –Commission roundtables. • 2008 to 2011 – 81 public work group meetings were held on 20 topic areas, with over 1,000 participants. • 2007 – 2013 – OP created a Task Force of 25 residents – met 42 times.

ANC	Exhibit #	Subtitle	Comment	Response
			<p>regarding OP's draft zoning amendments, and keep the record completely open for at least 180 days, or until a much more robust and fair review can be had so that a thoughtful and thorough response from the public, including this ANC, can be delivered for deliberations by the DC ZC. ANC 7C requests the Office of Planning to visit our community for public community consultations and meetings to discuss the impacts of the draft regulations, both City-wide and specific to our neighborhood, so we can understand the full scope of the zoning rewrite to provide informed feedback to the ZC. We want the same treatment from the Office of Planning as that received by the Georgetown ANC regarding direct feedback and conversation with OP to create a custom zone for our ANC and constituents. ANC 7C has thus far not received this attention by OP.</p>	<ul style="list-style-type: none"> • 2008 – present – The Commission held 59 public hearings and meetings, to provide guidance and, in some cases, approve proposed text. • December 2012 – January 2013 – Public meetings, one in each ward (eight public meetings, two twitter townhall meetings). • 2008 – present – Over 100 meetings with ANCs, community groups and special interest groups. <p>On September 9, 2013, the Commission set down the proposed ZRR text for public hearings and has held 15 public hearings since November 2013. The Commission left the record open until September 15, 2014. This provided additional time for review and comment, and represents 12 months since the Commission set the case down for public hearing.</p>
7F	975		<p>ANC 7F advises the Zoning Commission to extend the time to review the final language of the ZRR; With this extension of time, ANC 7F requests assistance to provide meaningful comment on the ZRR and thus requests the following information: 1) An ANC 7F specific Development Standards Comparison Matrix (showing the heights, densities, lot occupancies, and required yard distances) of the current zoning districts versus those found in the newly proposed districts in ANC 7F. We would like what ANC 1C and ANC 5A received from OP, by way of example see here: http://tinyurl.com/anc5a-matrix-zrr 2) A redline document showing how the language of the draft ZRR reviewed and voted on by the Zoning Commission in December 2014 may have changed with that of the language published in the <i>D.C. Register</i> in May 2015. 3) ANC 7F requests that OP provide printed maps of both the current D.C. zone map and the proposed zone map which visibly demonstrates how the current zone districts are renamed and then remapped per the inter-related Zoning Case No. 08-06C (Map Amendment to Implement the Comprehensive Revisions to the Zoning Regulations, including New Zone Names).</p>	<p>The Commission voted 5-0-0 at its September 21, 2015 Regular Public Meeting to decline the request for translations and additional extensions after reviewing the level of outreach, public hearings, and extensions already granted. The Commission addressed the issue of a redline copy of the regulations during its deliberations and stated that due to the comprehensive nature of the revisions, the entirety of the existing code would be redlined and replaced with updated text. Therefore, preparation of a redline document would not be productive. The Office of Planning submitted comparison documents to aid in the review of the proposed regulations against the existing zoning. Copies of the ANC 7F Development Standards Comparison Matrix was provided to ANC 7F.</p>

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7F	1077		<p>Advisory Neighborhood Commission 7F would like to weigh in on the massive overhaul to zoning that will affect all of our ANC-area members. Despite the ruling by the Zoning Commission on September 21, 2015 that denied our ANC time to weigh in, we reiterate this request. Given that ANC 7F did not receive the information from the Office of Planning until 10:40 am today. ANC 7F is seeking an extension of time until October 22. The ANC does not meet again until October 21. That would give the Office of Planning time to explain the information they shared, and then allow time for our community to digest this information and comment meaningfully. We believe that if you can give ANC 4A constituents more time then my community/constituents are asking for the same consideration.</p>	<p>The Commission voted 5-0-0 at its September 21, 2015 Regular Public Meeting to decline the request for additional extensions after reviewing the level of outreach, public hearings, and extensions already granted. The Commission has afforded far more time for public comment than is required under the Administrative Procedure Act and notes that the comments it has received from the public and the ANCs demonstrate a firm understanding of what it being proposed.</p>
8A	279		<p>ANC 8A requests that the ZRR Zoning Commission Case No. 08-06A for Public Hearings be extended 180 days from the date of the first hearing held on Monday, November 4, 2013. This extension will grant the ANC Commissioners and the Community the time to review the Zoning Re-write, seek any professional consultations and develop an intelligent response to the key areas that will affect the lives of our Constituents. We are requesting that the record be left open for written comment and additional Public Hearings be scheduled throughout the 180-day period.</p>	<p>The Commission left the record open until September 15, 2014. This provided additional time for review and comment, and represents 12 months since the Commission set the case down for public hearing.</p>
8C	225		<p>We are requesting the record for the Zoning Changes be kept open for an additional 180 days to allow the Commissioners in Ward 8 to read and discuss the changes.</p>	<p>The Commission left the record open until September 15, 2014. This provided additional time for review and comment, and represents 12 months since the Commission set the case down for public hearing.</p>
8E	224		<p>Recommend that the Zoning Commission postpone any rulemaking regarding OP's draft zoning amendments, and keep the record completely open for at least 180 days, or March 31, 2014, to ensure robust and fair review can be had and that a thoughtful and thorough response from the public, including this ANC, can be delivered for deliberations by the Zoning Commission.</p>	<p>The Commission left the record open until September 15, 2014. This provided additional time for review and comment, and represents 12 months since the Commission set the case down for public hearing.</p>

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8E	1094		ANC -8E resolves to: Request the Zoning Commission extend the public record at least an additional three months so that our ANC and the public in general can review the ZRR and provide comment; Request the provision of critical documentation and information from the Office of Planning and Zoning Commission so we can share with our constituents, and to help our ANC over the next three months provide informed comment to the record; Receive "Great Weight" responses regarding our concerns and advise with regards to the ZRR as found in Points 3 through 7, shown above.	The Commission voted 5-0-0 at its September 21, 2015 Regular Public Meeting that there was extensive public outreach and several extensions, and declined the request for translation, and additional extensions and outreach.
3/4G	59, 60, 61	Y	Subtitle Y § 604.8 should be amended to read "For purposes of this chapter, a decision or order shall be and become final upon its filing in the record and service upon the parties within XXX days [45, 60, 90 days].	This recommendation has not been incorporated into the adopted regulations. Board orders are served upon the parties at the same time that the order is issued. There is no reason to specify a time period.
3/4G	59, 60, 61	D	Subtitle D § 205.1 The draft regulations provide that "a front setback shall be provided in the R-1, R-2, R-3, and R-4 zone that is within the range of existing front setbacks of all structures on the same side of the street in the block where the building is proposed." This is a welcome concept - to maintain a relatively uniform front setback line on any given block, but we suggest some definition to the phrase "within the range." Specifically, Subtitle D § 205.1 should cross reference Subtitle C § 1002.1, which provides further specific guidance in this respect.	Subtitle B provides general rules of measurement and § 314.2 states, "By an "existing range of blockface" cited for a zone; buildings and structures in the zone must be setback between from the street lot line by at least as much as the existing building on the blockface closest to the street, and no more than the existing building on the blockface furthest from the street."
3/4G	980	U	§ 253.2 - Objects to the new provision of accessory apartments being allowed in accessory buildings, such as above a garage or storage building. However, this ANC is in favor of allowing accessory apartments in the principal building with the provisions being currently proposed in the Regulations.	The Commission understands the ANC's position, but believes that the special exception process, which will apply to any accessory apartments in new or expanded accessory buildings, will safeguard neighborhoods against any adverse impacts.
3/4G	980	B	The definition of a cellar was not changed as requested by the ANC in 2013. Currently "cellar" is defined as "that portion of a story, the ceiling of which is less than four feet above the adjacent finished grade." We request that this be amended to read "...above the existing grade." "Existing" is	This recommendation has not been incorporated into the adopted regulations. "Existing" is vague with respect to time; therefore, the regulations continue to use "finished" grade, which is defined.

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			easier to define than "finished," which can be altered. The Cafritz building at 5333 Connecticut Avenue presents this anomalous situation, whereby what appears to be ground "floor" units might be re-cast as "cellar" units because of an artificial berm that will ring the area.	
3/4G	980	B	§ 308.4 - Favors an absolute height limit for residential buildings. With language such as that used for flat roofs in Subtitle B § 308.3: "the building height shall be measured from the Base Height Measuring Point to the highest point of the roof or parapet, excluding parapets and balustrades not exceeding 4 ft. in height."	The issue of measuring height of residential buildings was discussed as part of case Z.C. Case No. 12-11. The Commission determined in that case that measuring height to absolute highest point would incentivize flat roofs in order to maximize the volume of a house, whereas measuring to the mid-point of a roof recognizes the pitch and slope roofs which are often part of the character defining features of a residential neighborhood. The Commission found no change in circumstances since case Z.C. 12-11 and decided not to change how height is measured through this case (08-06A).
3/4G	980	B	§§ 307.5 and 308.7 - Requests that both the building height and measurement of that height from grade be established by the street selected as the front of the building. We oppose the so called "mix-and-match" rule, preserved in the 2015 rewrite, allowing a builder to select one street frontage to generate the height limit, but then apply that height limit to a different frontage that is "selected as the front of the building," thus allowing for a height limit that would be in excess of that permitted from either frontage.	The way height is measured has been changed to more accurately reflect the built height of a building; however, the "mix and match" approach was retained in the adopted regulations. It reflects long-standing zoning practice and the wording of § 7 of the federal 1910 Height Act which reads ". . . If the building has more than one front, the height shall be measured from the elevation of the sidewalk opposite the middle of the front that will permit the greater height . . ."
3/4G	980	C	§ 701.5 - This table contains the minimum parking requirements for apartment buildings in residential zones, requiring "1 space per 3 dwelling units in excess of 4 units, except 1 per 2 dwelling units for any zone within Subtitles D or E..." What this means along our Connecticut Avenue commercial corridor is that an apartment building with less than 4 units need provide no parking, and an apartment building with 9 units need provide only one parking space (1 for the 3 units in excess of 4, with the	The Commission considered the parking standards holistically and determined that the proposed standards recognize the changes in travel habits, use of alternate forms of transportation, the cost of parking, and environmental concerns. The Commission found no evidence that Connecticut Avenue should be treated differently from other major corridors.

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			remaining 2 units not yielding an additional parking spot requirement). ANC 3/4G disagrees with this relaxed parking requirement - it should be a simple rule of 1 parking space for every 3 units.	
3/4G	980	C	§ 1501.3 - Recommends that there be an absolute 10-foot extra height limit for any structure or other embellishment that sits above the roof on which it is located, whatever rooftop item might be called (spire, tower, done, etc.), in any residential zone.	The Commission did not make this change in Z.C. Case No. 14-13, which concerned roof structures. The Height Act permits these types of structures above its otherwise applicable limit by waiver, and the Commission sees no basis in not permitting matter of right flexibility for such architectural embellishments below the Height Act limit subject to the limitation stated.