|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **ANC**  | **Exhibit #**  | **Subtitle**  | **Comment**  | **Response**  |
| 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.  |
|  |  |  |  |  |

Z.C. NOTICE OF FINAL RULEMAKING & ORDER NO. 08-06A Z.C. CASE NOS. 08-06A, 08-06B, AND 08-06C PAGE 158

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **ANC**  | **Exhibit #**  | **Subtitle**  | **Comment**  | **Response**  |
|  |  |  | 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.  |

Z.C. NOTICE OF FINAL RULEMAKING & ORDER NO. 08-06A Z.C. CASE NOS. 08-06A, 08-06B, AND 08-06C PAGE 159

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **ANC**  | **Exhibit #**  | **Subtitle**  | **Comment**  | **Response**  |
|  |  |  | 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.  |