

DCRA/DCBIA Technical Training & Discussion:

# DCRA POLICY, PROGRAMMATIC REMINDERS & UPDATES

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December 7, 2017



# PRESENTATION OVERVIEW



WALL CHECKS



ATTESTATION FORMS



NEIGHBOR NOTIFICATION



FLOODPLAIN REGULATIONS



THIRD PARTY INSPECTION  
UPDATES



THIRD PARTY GREEN &  
ENERGY PROGRAM



DCRA CITIZEN ENGAGEMENT

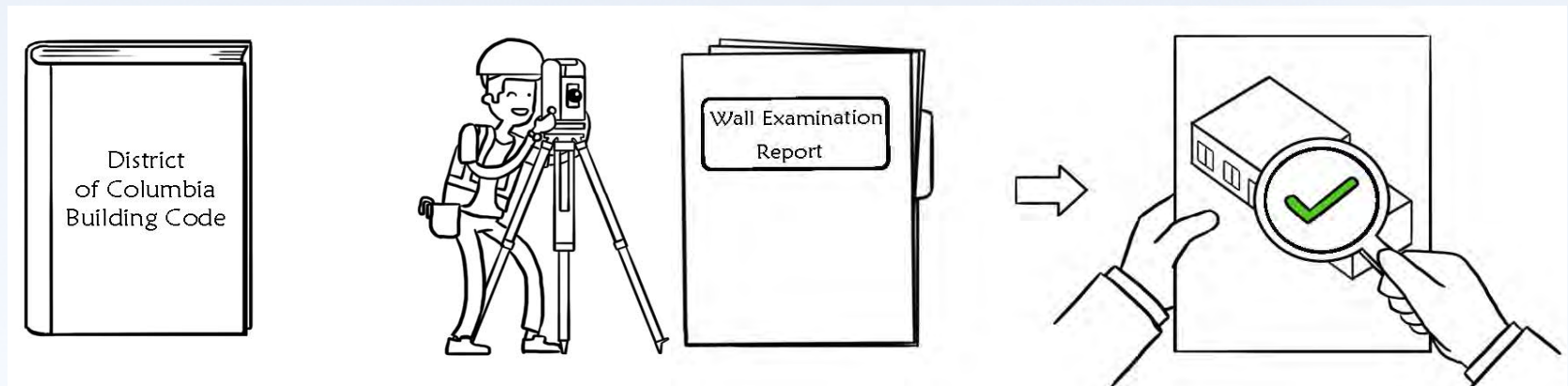


# WALL CHECKS



# WHAT IS A WALL CHECK?

- A wall check is prepared by a registered surveyor to confirm the location of wall foundations in relation to the property lines.
- A wall check (also known as a wall examination report or wall test) is required by the DC Building Code (12A DCMR §109.3.1.2 Location of Walls).
- The process of preparing a wall check and wall examination report is established in the regulations governing the Office of the Surveyor (10B DCMR §2802, 2810-2812).





# WALL CHECK REQUIREMENTS

- A Wall Check is completed and submitted to the Office of the Surveyor.
- After review by the Office of the Surveyor, the wall check is internally forwarded to the Office of the Zoning Administrator (OZA) for review.
- OZA reviews and approves, or hold for corrections, and that information is entered into Accela (as is a scanned copy of the approved wall check) so you can verify that the wall check has been successfully completed.
- No inspections will be scheduled, nor will final inspection reports be accepted, until the wall check has been reviewed and approved by OZA.



# ATTESTATION FORMS

# PROFESSIONAL ENGINEERS LICENSURE AND REGULATION CLARIFICATION ACT OF 2015

(D.C. Law 21-272, Effective April 15, 2017)

- Imposed a new requirement that the design professional-in-charge submit the attestation form with the permit application.
  - **Architectural Services.** Where the project involves the practice of architecture, as defined by D.C Official Code § 47-2853.71 (2012 Repl.), the corresponding permit documents shall be prepared or the preparation directly supervised by an architect licensed to practice architecture in the District of Columbia.
  - **Engineering Services.** Where the project involves the practice of engineering, as defined by D.C Official Code § 47-2853.131 (2012 Repl.), the corresponding permit documents shall be prepared or the preparation directly supervised by a professional engineer licensed to practice engineering in the District of Columbia.





## Attestation Form

DATE: \_\_\_\_\_ OWNER NAME: \_\_\_\_\_  
OWNER MAILING ADDRESS: \_\_\_\_\_  
OWNER TELEPHONE: \_\_\_\_\_ OWNER EMAIL: \_\_\_\_\_  
ADDRESS of PROPOSED WORK: \_\_\_\_\_

### Chapter 12A of the District of Columbia Municipal Regulations.

**105.3.10 Design Professional in Responsible Charge.** All design for new construction work, alteration, repair, expansion, addition, or modification work involving the practice of professional architecture shall be prepared only by an architect licensed by the District and work involving the practice of professional engineering shall be prepared only by an engineer licensed by the District. All drawings, computations, and specifications required for a building permit application for such work shall be prepared by or under the direct supervision of a licensed architect or licensed engineer and shall bear the signature and seal of the architect or the engineer.”.

**Section 105.3.10.3 Attestation.** An application for a building permit requiring a stamp from a design professional shall include an attestation by the design professional in charge stating as follows:

(check one)

- ☐ “(a) For architects: “I am responsible for determining that the architectural designs included in the application are in compliance with all laws and regulations of the District of Columbia.\* I have personally prepared, or directly supervised the development of the architectural designs included in this application.
- ☐ “(b) For engineers: “I am responsible for determining that the engineering designs included in the application are in compliance with all laws and regulations of the District of Columbia.\* I have personally prepared, or directly supervised the development of the engineering designs included in this application.”.

NAME OF LICENSED PROFESSIONAL: \_\_\_\_\_  
LICENSED PROFESSIONAL EMAIL: \_\_\_\_\_  
LICENSE NUMBER: \_\_\_\_\_ SIGNATURE: \_\_\_\_\_

# ATTESTATION FORM

- The attestation form is required by law.





# NEIGHBOR NOTIFICATIONS



# NEIGHBOR NOTIFICATIONS

- The building code of DC requires a Neighbor notification specifically to be filed with all permits that would affect or inadvertently affect an adjacent property.
- Neighbor notification letters shall be distributed prior to building permit approval. Letters shall be sent to adjacent property owners with a copy of the proposed construction documents.





# NEIGHBOR NOTIFICATIONS CONT.

- Neighbor notification letters are to give notice to a neighbor of a project or an abutting lot that may impact the structural support of the neighbor's property. It is not a tool to reject, hold or delay a private property owner from performing work on their property.
- Any alteration, repair, additions to structure, party-walls, chimneys, underpinning or similar work adjacent to the property shall be protected from damage during construction.
- The 30 day time period is to allow the adjoining neighbor time to review or have reviewed the construction documents. The burden is on the neighbor to provide "technically supported information" for any claim that the proposed scope of work and construction documents will not protect the neighbor's property.



# TECHNICAL OBJECTIONS

## SECTION 3307.2

- **30 Day Review by Neighbor** – upon receipt of a “Neighbor Notification”, a neighbor has 30 days to review the project’s proposed plans and consult with professionals to determine if the project adequately protects the structural support of the neighbor’s property.
- DCRA is authorized to grant an extension if circumstances require.
- **Neighbor’s Filing of Technical Objections with Builder** – Within the 30-day period, a neighbor may object to the project as inadequate to protect the neighbor’s property.
- This objection must be in writing, include technical support (e.g., an engineer’s report), and be submitted to the builder, who must then provide to DCRA.
- **Referral of Technical Objections by Builder to DCRA** – A builder may resolve some or all of the objections with the neighbor and incorporate the necessary changes in a revised permit.
- The builder may request that DCRA determine if some or all of a neighbor’s technical objections are “reasonably practicable and supported by technical documentation”.
- **DCRA determination** – Once DCRA issues a determination, the builder must either adopt the changes required by DCRA or forgo that portion of the proposed work that requires the structural support of the neighbor’s property.
- DCRA’s determination may be appealed to the Office of Administrative Hearings.





# FLOODPLAIN REGULATIONS



# DEVELOPMENTS IN SPECIAL FLOOD HAZARD AREAS

- All property owners need to ensure that their buildings and structures are designed and built to reduce flood risks. If your property is located in a Special Flood Hazard Area, additional permitting and inspection requirements may apply to your construction activities. Special Flood Hazard Areas (SFHA) consist of land in the District of Columbia's floodplain subject to a 1-percent (1%) chance or greater chance of flooding in any given year.
- Special Flood Hazard Areas in the District of Columbia are identified in the Flood Insurance Rate Map (FIRM) developed by the Federal Emergency Management Agency (FEMA). The FIRM provides an official depiction of flood hazards for each community in the country by property address.
- Before undertaking any construction project in the District of Columbia, the property owner should consult the FIRM and determine the flood risk for the property address. The District of Columbia FIRM may be accessed through the Department of Energy and Environment (DOEE) website – [doee.dc.gov](http://doee.dc.gov)

# SPECIAL FLOOD HAZARD AREA PERMITTING & INSPECTION REQUIREMENTS

- Permit applications for construction or development in a **Special Flood Hazard Area (SFHA)** must demonstrate compliance with the applicable District of Columbia Construction Code requirements for structural design in a SFHA, set forth in the flood-resistant construction provisions of the ICC Codes as amended by the District of Columbia Construction Code Supplement as well as requirements set forth in 20 DCMR 3104 and 3105.
- These regulations include additional permitting and inspection requirements for projects located in a SFHA including the following:



# SFHA PERMITTING & INSPECTION REQUIREMENTS CONT.

## **PERMITTING REQUIREMENTS**

- Any construction in a SFHA requires a building permit, even projects that would be exempt from normal DCRA permitting procedures (like small retaining walls).
- Subdivision applications must be reviewed and approved by DOEE where the subdivision is either more than 50 lots or 5 acres.
- Requests for a variance of the Flood Hazard Rules in 20 DCMR Chapter 31 or a request for modification of the requirements of flood provisions in the DC Construction Codes must be submitted to DCRA, and will also be reviewed by DOEE.
- If a Letter of Map Change is required to allow the project to proceed, this letter must be obtained from FEMA through DOEE before the permit application can be approved for issuance. Where a Conditional Letter of Map Revision has been requested, no certificate of occupancy can be granted until the permit holder receives the Letter of Map Revision from FEMA.
- The Homeland Security and Emergency Management Agency (HSEMA) 16 must review the applicant's evacuation plan.



# SFHA PERMITTING & INSPECTION REQUIREMENTS CONT.



Potomac River flooding has inundated, clockwise from upper left, Pennsylvania Avenue at 6<sup>th</sup> Street NW in 1889, the Navy Yard in 1936, East Potomac Park (before the Jefferson Memorial) in 1936, and Washington Harbour in Georgetown in 2010

# SFHA PERMITTING & INSPECTION REQUIREMENTS CONT.

## **INSPECTION REQUIREMENTS**

- Construction work in a SFHA must be inspected upon placement of the lowest floor, including basement, and prior to further vertical construction (Section 109.3.1.5, 12-A DCMR). Inspections are performed by DCRA.
- For non-residential structures, Floodproofing may be permitted as an alternative to elevation at or above the base flood elevation (BFE), but the design professional must complete and submit a Floodproofing Certificate (FEMA P-936, Floodproofing Non-Residential Buildings) to the Floodplain Coordinator prior to the final inspection.



# (SFHA) ELEVATION CERTIFICATES

- Elevation Certificates shall be submitted at three phases:
  1. Pre-application/plan stage
  2. Completion of lowest floor stage
  3. Final building/Certificate of Occupancy (COO) stage or Final Inspections for a single family dwelling or Certificate of Occupancy Stage
- Elevation Certificates must be completed by a professional/registered design professional licensed in the District.
- DCRA and DOEE have implemented checks and balances throughout the application process to the Certificate of Occupancy issuance process to verify that all conditions and certificates have been submitted prior to issuance of a Certificate of Occupancy.
- DOEE Contact - Phetmano Phannavong 202-439-5715.





# THIRD PARTY INSPECTION UPDATES

# THIRD PARTY INSPECTION UPDATES

- Third Party Manual Updates
  - Updated Re-certification schedules to increase efficiency
  - Clarified Conflicts of interest
  - Updated certification requirements to incorporate Green Building and Energy for plan review and inspections
- Accela Mobile Office (AMO) - 95% of the Third Party Agencies are trained and using AMO effective November 3<sup>rd</sup>, 2017.
  - Benefits:
    - Better efficiency for reporting and less opportunity for errors.
    - Faster C of O processing
- Recent training has been provided for minimum requirements of a Quality Assurance Plan.



## THIRD PARTY GREEN & ENERGY PROGRAM



# THIRD PARTY GREEN & ENERGY PROGRAM

- Beginning October 1, 2017, the Green Code and Energy Code can be reviewed and inspected for code compliance by **approved** Third Party Agencies.
  - This concluded a 6-month pilot program for interested Agencies
  - Two intensive, 3-day trainings held for Agencies (next trainings will be held December 11-13)
- On our website (**buildgreendc.org**) you can find:
  - List of Approved Agencies
  - Minimum Qualifications for Agencies
  - Plan Review Process
  - Inspection Process
  - Certificate of Occupancy (C of O) Process

# THIRD PARTY GREEN & ENERGY: PLAN REVIEW

- **Plan Review** (Energy Review & Green Review)
  1. Green Determination Request Form (GDRF)
    - Submit as early as possible. It must be completed before a Notice of Intent (NOI) can be approved
    - <https://www.buildgreendc.org/gdrf>
  2. Choose Third Party Plan Review (TPPR) Agency/negotiate contract
    - Energy review" & "green review" must be done by an approved Agency
  3. Submit NOI
  4. After receipt of NOI approval, Agency begins reviews
  5. Apply for permit with approved drawings
    - Quality Assurance Review of Plans (each Agency is assigned a POC at DCRA Green Building Division)
    - Additional reviews (i.e. zoning and sister agencies)





## DCRA - Green Building Department

# Green Determination

Submit Green Building Determination Request to:

green.building@dc.gov

or

Department of Consumer and Regulatory Affairs

2nd floor- Green Building Department

1100 4th Street SW, Washington, DC 20024

Project address / name:

No	Yes	
		<b>DC Green Building Act (GBA).</b> As outlined in published Law or chapter 3 of DC-IgCC, DCMR-K
		a. Public side, Requiring the following certification:
		i. LEED Certified
		ii. LEED Silver
		iii. LEED Gold –LEED for Schools
		iv. EGC-Enterprise Green Communities Certified
		a. Private side, Requiring the following certification:
		i. LEED Certified
		ii. LEED Gold –LEED for School
		<b>DC Green Construction Code (DC-IgCC).</b> 2012 IgCC amended by 2013 DCMR-K. Reference DCMR 101.4.9.4 for alternative compliance paths. If choosing DC-GCC, the following sections will apply to this project:
		i. Section 611 and Chapter 9-Commissioning
		ii. Section 505, Material Selection
		iii. APPENDIX-A , Project Electives
		iv. Other:
		<b>DC Energy Code (DC-IECC).</b> 2012 IECC as Amended by 2013 DCMR-I & 2010 ASHRAE 90.1 alternative compliance path option. Note: all projects require an Energy Code review & Energy code compliance:
		i. Either DC-IECC or 2010 ASHRAE 90.1 are acceptable.
		ii. 2010 ASHRAE 90.1 required. Optional prescriptive, performance, or trade-of path due to GBA required compliance path.*
		iii. 2010 ASHRAE 90.1 required. Optional prescriptive, performance, or trade-of path. Due to base building designed to 90.1 standard.~
		iv. DC-IECC (2012 IECC Amended by 2013 DCMR-I,) required due to base building designed to DC-IECC standard.~

Notes:

Completed by:

Date:

This Determination is based on information provided by owner and Architect. If at any point in the future, it is deemed that this information was not accurate or complete, DCRA Green Building Department reserves the right to alter this determination, possibly changing required compliance paths. If at any point during design or construction, the selections or declared amounts listed change, it is the owner and Architects responsibility to contact DCRA Green building department for direction.

\* If complying with LEED V4 or EGC, ASHRAE 90.1 2010 shall be your required Energy code compliance path.

~ If a first time tenant fit-out, project shall be required to utilize the same Energy code compliance path as base building was designed and built under.



# THIRD PARTY GREEN & ENERGY: INSPECTION & C of O

- **Green/Energy Inspections**

- A Green Code project is required to have a Green Rough-in and Green Final inspection
- Choose TPRR Agency/negotiate contract
- Submit NOI to use TPRR Agency approved for Green Code inspections
- Notify DCRA Point of Contact (POC) of anticipated time and date for upcoming green and energy inspections
- Conduct Green Rough-in, Green Final Insulation and Energy Final
- Inspection Results and Green Code Submittal Documents (Construction/site waste management form/receipts, preliminary Commissioning (Cx) report, materials selection form, etc.) submitted electronically to DCRA POC by TPRR Agency or applicant with the Certificate of Occupancy (C of O) package

# THIRD PARTY GREEN & ENERGY WEBSITE

BUILDGREENDC.ORG

HOME ABOUT PROCESS COMPLIANCE SOLAR THIRD PARTY PROGRAM EVENTS + NEWS

## Third Party Program

### THIRD PARTY PROCESS

PLAN REVIEW

INSPECTIONS

CERTIFICATE OF  
OCCUPANCY

THIRD PARTY PROCESS

PLAN REVIEW

INSPECTIONS

CERTIFICATE OF OCCUPANCY



## Green and Energy Third Party Program

The Department of Consumer and Regulatory Affairs Green Building Division has integrated the review and inspection of the DC Energy Conservation Code and Green Construction Code into the **DC Third Party Program**. As of **March 15th, 2017** all new Notice of Intent (NOI) applications may indicate an approved third party agency for either plan review or inspections. Beginning **June 19th, 2017** all new NOI's for plan review will be **required** to indicate an approved agency to conduct "energy review" and "green review" at plan review. As of **October 1st, 2017** all third party agencies must meet all qualifications in order to participate in the Green and Energy Third Party Program. For more detailed instructions on the Notice of Intent process for plan review and inspections, see "resources" below.

### APPROVED ENERGY AND GREEN THIRD PARTY AGENCIES

All Third Party Agencies must be approved to participate as part of the Green and Energy Third Party Program. To view a list of the approved agencies [click here](#). Participating Agencies must comply with the following terms:

1. Must attend or have attended DCRA-led Green and Energy Third Party Training for relative discipline (see below)
2. Must provide evidence and/or obtain the **minimum qualifications** (for each discipline as applicable).
3. If you are not already a registered Third Party Agency in the DCRA Third Party Program, please follow the new Agency guidelines in the **DCRA Third Party Program Manual**.

If your company is interested in becoming an approved Agency, please review terms and contact [green.building@dc.gov](mailto:green.building@dc.gov)

buildgreendc.org

## Third Party Green & Energy Agencies

### APPROVED INSPECTION AGENCIES- OCTOBER 11TH, 2017

	Residential Energy Inspector	Commercial Energy Inspector	Green Inspector
AMAR Group LLC	Approved		
AmeriCode JPL Management	Approved	Approved	
Building Code Inspectors, LLC	Approved	Approved	
Code Compliance Services Inc.		Approved	Approved
Core Engineers Consulting Group	Approved	Approved	Approved
Core Inspection Services LLC	Approved		
CTI Consultants	Approved	Approved	Approved
DMY Capitol, LLC	Approved	Approved	Approved
ECS Mid-Atlantic	Approved	Approved	
ECS Capitol Services, PLLC		Approved	
FMC & Associates	Approved	Approved	
IBTS	Approved	Approved	Approved
KTA Group	Approved	Approved	Approved
Lourenco Consultants	Approved	Approved	Approved
Trust Inspections	Approved	Approved	

[buildgreendc.org/approved](http://buildgreendc.org/approved)

### APPROVED PLAN REVIEW AGENCIES- OCTOBER 11TH, 2017

	Residential Energy Reviewer	Commercial Energy Reviewer	Green Reviewer
AMAR Group LLC	Approved		
AmeriCode JPL Management	Approved		
Building Code Inspectors, LLC	Approved		
Code Compliance Services Inc.		Approved	Approved
Core Engineers Consulting Group	Approved	Approved	Approved
Core Inspection Services LLC	Approved		
CTI Consultants	Approved	Approved	Approved
DMY Capitol, LLC	Approved	Approved	Approved
ECS Mid-Atlantic	Approved	Approved	
FMC & Associates	Approved	Approved	Approved
IBTS	Approved	Approved	Approved
Jensen Hughes		Approved	Approved
KTA Group	Approved	Approved	Approved
Lourenco Consultants	Approved	Approved	Approved
Trust Inspections	Approved	Approved	Approved

THIRD  
PARTY  
GREEN/  
ENERGY  
APPROVED  
AGENCIES  
WEBSITE





# DCRA CITIZEN ENGAGEMENT



# NOW AVAILABLE!

## OCPI 2.0

The Online Construction Permit Intake (OCPI 2.0) is now available online. You can now apply, pay and receive construction permits online at

[dcra.dc.gov/ocpi](https://dcra.dc.gov/ocpi)



# NOW AVAILABLE!



## Shop Drawing Online

DCRA is excited to announce the release of the NEW Shop Drawing Application available online NOW! You can now submit your application, and pay online at

**[dcra.dc.gov/shop-drawing-online](https://dcra.dc.gov/shop-drawing-online)**

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# COMING SOON!

## Proactive Inspection Program

DCRA wants to ensure all rental units in the District of Columbia meet residential Property Maintenance and Business Codes. Property Owners and Managers can NOW register their Residential Property Complex, Pay Fees, and Receive Certificates ONLINE!

[dcra.dc.gov/proactive-inspection-program](https://dcra.dc.gov/proactive-inspection-program)

Powered by



# COMING SOON!

## CIVIC ENGAGE

Now you can accurately find information on buildings, construction, permits and more in your community by simply typing in the area or address.

**[dcra.dc.gov/civic-engage](http://dcra.dc.gov/civic-engage)**





# COMING SOON!

## Neighborhood Notification Program

Planning some home improvements? Now you can share your construction plans with your neighbors ONLINE!

[dcra.dc.gov/neighborhood-notification-program](https://dcra.dc.gov/neighborhood-notification-program)



**NEIGHBORHOOD**  
NOTIFICATION PROGRAM





# COMING SOON!

## Permit Application Q-Tracker

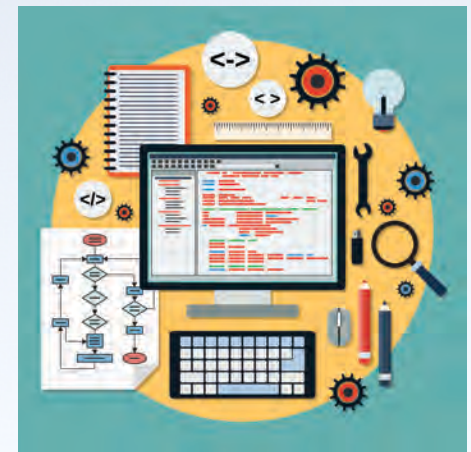
You can now view your position in line after your Permit Application has been submitted and before it reaches a Plan Review!

[dcra.dc.gov/q-tracker](https://dcra.dc.gov/q-tracker)



# QUICK PEEK OF FUTURE UPDATES

- PIVS
- PIVS 2.0
- Performance Measures
- Property & Permit Center





# POINT OF CONTACTS

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Thank you for your time.

QUESTIONS?

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DCRA/DCBIA Technical Training & Discussion:

# INCLUSIONARY ZONING (IZ) RECENT DEVELOPMENTS

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December 7, 2017



# PRESENTATION OVERVIEW



IZ BACKGROUND



IZ RULES: THE BASICS



IZ REVIEW PROCESS



SPOTLIGHT ON RECENT  
IZ CHANGES



PENTHOUSE AFFORDABLE  
HOUSING RULES



FINAL TIPS





IZ BACKGROUND

# INCLUSIONARY ZONING

- **What is Inclusionary Zoning?**


- A mandatory affordable housing program that leverages new private sector residential development to generate affordable housing in return for bonus density.
- The Department of Housing and Community Development (DHCD) “Inclusionary Zoning Fiscal Year 2016 Annual Report,” dated July 2017, provides the following:

In FY2016, 191 IZ units were produced, of which 47 units (about 25 percent) were set aside for 50 percent AMI households and 144 units (about 75 percent) were produced for 80 percent AMI households.


At the close of FY2016, 402 IZ units had been produced since program inception. Of these units, 73 (about 18 percent) were designated for 50 percent AMI households, and 329 (about 82 percent) were reserved for 80 percent AMI households.



# BACKGROUND

- 
- **2006: Council and Zoning Commission adopt IZ rules**
    - Chapter 22 entitled “Inclusionary Zoning Implementation” of Title 14 (Housing) and new Chapter 26 entitled “Inclusionary Zoning” of Title 11 (Zoning).
    - IZ zoning regulations were implemented in 2009.
  - **2016: Penthouse Regulations (ZC Order No. 14-13)**
    - The Zoning Commission Order No. 14-13, beginning January 8, 2016, allowed habitable penthouses along with an affordable housing requirement.
  - **2016: ZR16 (ZC Order No. 08-06A)**
    - After a several year long comprehensive zoning review process, revised zoning regulations were adopted by the Zoning Commission and implemented beginning September 6, 2016. Additional amendments to ZR16 have followed (08-06B to 08-06M).
    - More specifically, ZR16 revised the text format and location of the IZ regulations, in addition to some minor IZ text changes.

# BACKGROUND

- 
- **2017: Text Amendments to IZ (ZC Order No. 04-33G)**
    - Zoning Commission adopts a series of changes to IZ zoning regulations.
    - Implemented beginning June 5, 2017.
  - **2017: Emergency and Proposed Inclusionary Zoning Implementation Regulations**
    - Published on September 1, 2017 in the DC Register.
    - Amended Title 14, Chapter 22 Inclusionary Zoning Implementation Regulations.
    - Changes largely address DHCD IZ administration processes.
  - **2017: Additional Text Amendments to IZ (ZC Case No. 04-33I)**
    - On November 13, 2017, the Zoning Commission set down IZ text amendments intended to correct errors, reorganize certain sections, clarify language and, in a few instances, propose substantive changes.
    - No public hearing date has been scheduled to date.





# IZ RULES: THE BASICS

# IZ RULES: THE BASICS

- For new buildings in most zones, if 10 or more units are constructed in one building or contiguous buildings, IZ will apply. Additions to existing buildings may also trigger IZ.
- When IZ applies, the greater of a percentage of the residential gross floor area (8% or 10%) or bonus density (50% or 75%), depending on the project's zone and type of construction, must be set-aside for affordable housing.
- This set-aside must then be converted into “net” floor area.
- IZ developments must meet or exceed the required net floor area and also meet standards related to, among others, unit mix, concentration, income limits, and comparable furnishings.
- IZ units must remain affordable for the life of the project.





# IZ REVIEW PROCESS

# IZ REVIEW PROCESS: OVERVIEW

- Applicants must submit, at the time of a building permit, a Certificate of Inclusionary Zoning Compliance (CIZC) application that details the project's IZ offering. DCRA must review and approve the CIZC prior to permit issuance.
  - Note: changing the location of IZ units after a CIZC has been completed and a building permit issued requires a revised building permit.
- The applicant must record the IZ Covenant – with the approved CIZC included as an exhibit – in coordination with DHCD. Evidence of a recorded IZ Covenant must be presented to DCRA prior to issuing a Certificate of Occupancy (C of O) or the final inspection (for single family homes).

*DHCD administers the IZ program, including maintaining a registration list of households and managing a lottery system to select eligible households for the units as they become available and monitoring ongoing compliance.*





# SPOTLIGHT ON RECENT IZ CHANGES

# SPOTLIGHT ON RECENT IZ CHANGES

- **Change in IZ Unit Affordability Levels** (C-1003.3)
  - Under the old 1958 regulations, IZ units were priced at income limits of either 50% or 80% of the Area Median Income (AMI), depending on the zone. This was irrespective of unit tenure (rental or ownership units).
  - Following Case No. 04-33G this past June, the new income limits now are 60% of the Median Family Income (MFI) for rental units and 80% of the MFI for ownership units.
- **Twenty Percent IZ Reduction** (C-1003.10)
  - For projects that are exclusively ownership units, the IZ set-aside requirement may be reduced by 20% provided all IZ units are set aside at 60% of the MFI. Adopted in 04-33G.



# SPOTLIGHT ON RECENT IZ CHANGES CONT.

- **IZ “Opt-in”** (C-1001.2(e))
  - First adopted in ZR16, 04-33G further revised the “opt-in” rules which allow projects not otherwise subject to IZ to voluntarily comply with the IZ requirements .
    - Such projects may access bonus density, subject to restrictions that apply to select zones.
    - A minimum of one IZ unit must be provided.
- **IZ in Multi-Building Developments** (C-1001.2(c))
  - 04-33G closed a rule gap whereby smaller apartment houses (of fewer than 10 units), when built concurrently or in phases on contiguous lots under common ownership, control, or affiliation, would now trigger IZ if collectively 10 units or more are constructed.
  - Previously this rule only explicitly applied to single family dwellings or flats.

# SPOTLIGHT ON RECENT IZ CHANGES CONT.

- **Cellars & Enclosed Projections Subject to IZ set-aside** (C-1001.2(c))
  - Pursuant to 04-33G, to align with past interpretations, an IZ development's entire residential floor area will be included in calculating the IZ set-aside when dwelling units are located in the cellar or incorporate public space projection.
  - Previously, the rules only explicitly referenced a development's gross floor area (GFA) in IZ calculations. By definition, GFA does not include cellars or public space projections.
- **Additions to Existing Buildings** (C-1001.4)
  - ZR16 further clarified how IZ is calculated for building additions.
  - If new gross floor area containing 10 or more units is added to an existing building that would result in an expansion of 50% or more of the floor area of the existing building, the IZ set-aside calculation is based on the entire building gross floor area. If less than 50% expansion, the IZ set-aside calculation is intended to be based on the addition only.



# SPOTLIGHT ON RECENT IZ CHANGES CONT.

- **Definition of a “Bedroom”** (B-100.2)
  - 04-33G provided a definition that mirrors one found in the Housing Regulations (Title 14)
    - A bedroom is defined as “A habitable room with immediate access to an exterior window and a closet that is designated as a ‘bedroom’ or ‘sleeping room’ on construction plans submitted in an application for a building permit.”
- **“Proportionality” Rule** (C-1005.1)
  - ZR16 introduced the following text addition: “the proportion of studio and one bedroom inclusionary units shall not exceed the proportion of the comparable market rate units for each unit type.”
  - The 1958 version of the rule allowed greater flexibility in allocation among studio and one-bedroom IZ units in meeting the overall allocation target.

# SPOTLIGHT ON RECENT IZ CHANGES CONT.

- **“Over Concentration”** (C-1005.5)
  - 04-33G modified the IZ unit concentration provision to read “Inclusionary units shall not be overly concentrated by tenure, dwelling type, including single dwelling units, flats, or multiple dwellings, or on any floor of a project.”
- **Vesting**
  - Note that projects vested under the 1958 Zoning Regulations would be subject to the IZ zoning rules in place at that time.



# SPOTLIGHT ON RECENT IZ CHANGES CONT.

- ***Proposed IZ changes (04-33I) under Zoning Commission consideration, include:***
  - Formatting changes such as relocating the bonus density standards from Subtitle C to each individual subtitle & chapter.
  - Correcting any missing zones or conflicting standards.
  - Clarifying the IZ requirement in cases where 10 or more new units are proposed representing a less than 50% gross floor area expansion of the existing building.
  - Codifying the longstanding practice of converting the gross floor area set aside requirement to net square feet.
  - Modifying the “proportionality” rule to allow greater flexibility for projects that offer only a mix of studios and 1-bedrooms.
- No public hearing has been scheduled to date.



# PENTHOUSE AFFORDABLE HOUSING RULES



# PENTHOUSE AFFORDABLE HOUSING RULES: THE BASICS

- Pursuant to Case No. 14-13, the Zoning Commission approved new rules to allow habitation in penthouses, along with new rule changes to penthouse height, stories, and setbacks, among others (effective beginning January 8, 2016).
- **Definition of “Penthouse Habitable Space”** (B-100.2)
  - Defined as “An enclosed space within a penthouse devoted to any use permitted in the zone, unless otherwise restricted, other than penthouse mechanical space. The term penthouse habitable space shall include communal recreation space and associated facilities such as storage, kitchen space, change rooms, or lavatories.”

# PENTHOUSE AFFORDABLE HOUSING RULES CONT.

- Proposing a habitable penthouse typically will trigger an affordable housing requirement. The rules apply to all building types as well as IZ and non-IZ developments.
- The requirement is calculated differently depending on the building use:
  - “For residential buildings, the construction of penthouse habitable space, except penthouse habitable space devoted exclusively to communal rooftop recreation or amenity space for the primary use of residents of the residential building, is subject to the Inclusionary Zoning set-aside provisions of Subtitle C, Chapter 10 Inclusionary Zoning” (C-1500.11).

# PENTHOUSE AFFORDABLE HOUSING RULES CONT.

- The residential penthouse affordable housing requirement can either be satisfied by:
  - Incorporating the required square footage into an IZ unit(s) in the subject development, but it must only be applied to a unit at 50% of MFI (C-1003.7); or
  - Where eligible, satisfied by making a payment to a housing trust fund (C-1006.10).
- “For non-residential buildings, the construction of penthouse habitable space, including all forms of habitable space, will trigger the affordable housing requirement as set forth in Subtitle C § 1505.”
  - An affordable housing requirement only applies if the amount of penthouse habitable space exceeds 1,000 square feet (C-1505.2).
  - If the penthouse meets the size threshold, the requirement can be satisfied by making a payment to the house trust fund (C-1505.12).



# PENTHOUSE AFFORDABLE HOUSING RULES CONT.

- All projects that provide penthouse habitable space must submit a Penthouse Affordable Housing Addendum (“Penthouse Addendum”) form along with the related building permit detailing how an affordable housing requirement would be satisfied.
  - When the affordable housing requirement is being satisfied within the building, the Zoning Administrator will sign a completed Penthouse Addendum and the building permit review can continue to completion.
  - Where a payment is made to the housing trust fund to satisfy the requirement, the payment calculation must first be approved by DCRA and at least 50% of the payment must be made prior to permit issuance. The balance must be paid prior to the CofO.
- If a project is an IZ development *and* proposes Penthouse habitable space, a Penthouse Addendum form and a CIZC application must both be submitted.



## FINAL TIPS



# FINAL TIPS

- **There are several tips for speeding up the IZ and penthouse zoning reviews:**
  - ✓ Fill out the CIZC application and Penthouse Addendum forms fully and accurately. Consult the instruction guide on DCRA's website.
  - ✓ Label the IZ units and penthouse habitable space on the floor plans.
  - ✓ Coordinate with DHCD on items such as "IZ-exempt" projects, IZ Covenants, and housing trust fund payments.
  - ✓ Pay special attention to the:
    - Gross v. net square footage
    - Proportionality rule
    - Unit finishes
    - Bedroom definition
    - Final selection of the IZ unit numbers and location
  - ✓ If a project has a non-standard IZ offering (for example, pursuant to unique conditions of a planned unit development) or an unusually complicated development plan, prepare explanatory information in advance to assist the reviewer.



# HELPFUL LINKS

- **Where to find IZ resources:**

- The IZ Zoning Regulations and Chapter 22 of the Housing Regulations:
  - <https://dcregs.dc.gov/Common/DCMR/TitleListPage.aspx?AgencyID=1>
- CIZC and Penthouse Forms and Instruction Guide (on the DCRA website):
  - <https://dcra.dc.gov/publication/certificate-inclusionary-zoning-compliance-cizc-application-penthouse-affordable-housing>
- Department of Housing and Community Development (DHCD) website (for information such as IZ income schedules, housing lottery, and more):
  - <https://dhcd.dc.gov/service/inclusionary-zoning-affordable-housing-program>
- Follow the Zoning Commission calendar on the Office of Zoning website to keep current on ongoing zoning amendments:
  - <https://app.dcoz.dc.gov/Calendar/Calendar.aspx>
- Lastly, always check the DCRA website to locate the latest versions of the forms and instruction guide.

# POINT OF CONTACTS

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Thank you for your time.

QUESTIONS?

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DCRA/DCBIA Technical Training & Discussion:

# PROJECTIONS, OPENINGS, COVENANTS, & EASEMENTS

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December 7, 2017



# PRESENTATION OVERVIEW



PROJECTIONS



OPENINGS



COVENANTS



EASEMENTS



# PROJECTIONS



# PROJECTIONS

- An **encroachment** into the public right of way, public space or a building restriction area.
- Projections are a defining characteristic of cities:
- This isn't just about the past but how we continue to shape the city today
- Since 1871, Washington DC has used building projections in a way that is specific to the city
- Works in coordination with the city's "public parking" regulations that regulate the area between the sidewalk and property line as landscaped area/park land.
- Not an absolute property right under section 3202.1



# ENCROACHMENTS

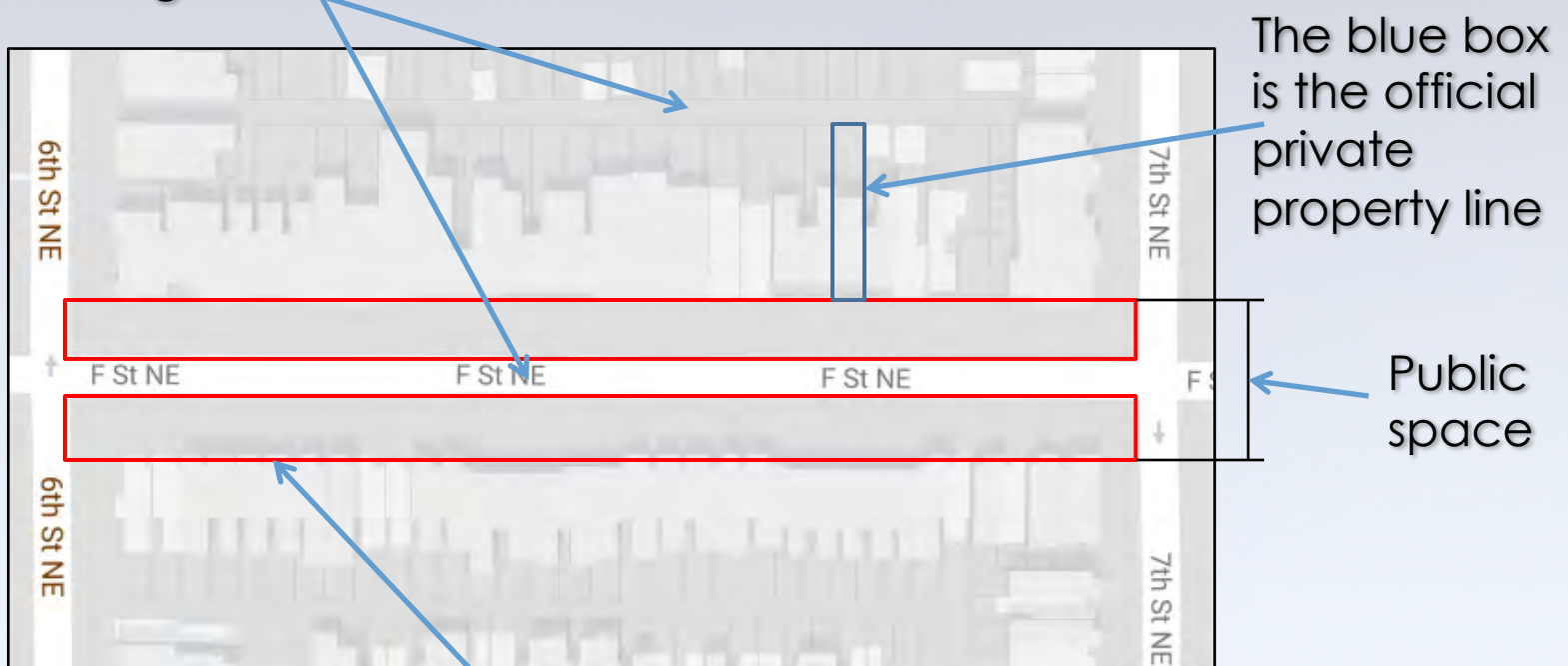
## ENCROACHMENTS INTO THE PUBLIC RIGHT-OF-WAY

- Regulates the height width and depth of projections into the **public right-of-way** in the District of Columbia
- **Public Parking.** The area of a *street* devoted to open space, greenery, or parks that lies between the *lot line* and the edge of the actual or planned sidewalk that is nearer to the *lot line*, as such *lot line* and sidewalk are shown on the records of the District of Columbia.
- **Public Right-of-way.** The surface, the air space above the surface, and the area below the surface of any *public space*.
- **Public Space.** All the publicly owned property between *lot lines*, including *streets*, *alleys*, parks, and reservations. Any *building restriction area*, where the same exists on a *lot*, shall be treated as *public space*.
- **Public Thoroughfare.** Streets, alleys and other thoroughfares that are under the jurisdiction of the District of Columbia, any other public government, including the Federal Government or its branches, or by any adjoining state government.



# PUBLIC RIGHT-OF-WAY

Public thoroughfare



On either side of the roadway of F Street, the red boxes indicate "Parking"



# TYPES OF PROJECTIONS

**Bay Window.** A structure with windows that projects from the façade of a building, starts at or below grade, and is not intended for the display of merchandise or services.



**Oriel Window.** A structure with windows that projects from the façade of a building, does not touch grade, and is not intended for the display of merchandise or services.

**Embellishment.** An architectural element that ornaments and articulates the façade of a building.



# TYPES OF PROJECTIONS



**Colonnade.** A series of columns placed at regular intervals that supports a structure above.

**Porch.** An above-grade structure with or without a roof that is open on all sides of the projection that are over the property line or building restriction line, has vertical elements connecting the floor with a roof, is attached to a building, and is accessible from the attached building.



**Porte-Cochere.** A covered entrance of sufficient size for a vehicle to pass underneath and provide shelter from the weather.



# TYPES OF PROJECTIONS

**Show Window.** A structure with windows that projects from the façade of a building, starts at grade, and is intended for the display of merchandise or services.



**Terrace.** Raised level ground that is located in the public parking and is surrounded by a retaining wall or is surrounded by sloped surfaces that transition to adjacent areas.

**Vault.** A structure with a roof, completely below-grade, that encloses space.







# OPENINGS

# OPENINGS IN EXTERIOR WALLS

- Window or door openings are allowed in “Exterior Walls” by Section 705.8 based on the “Fire Separation Distance”

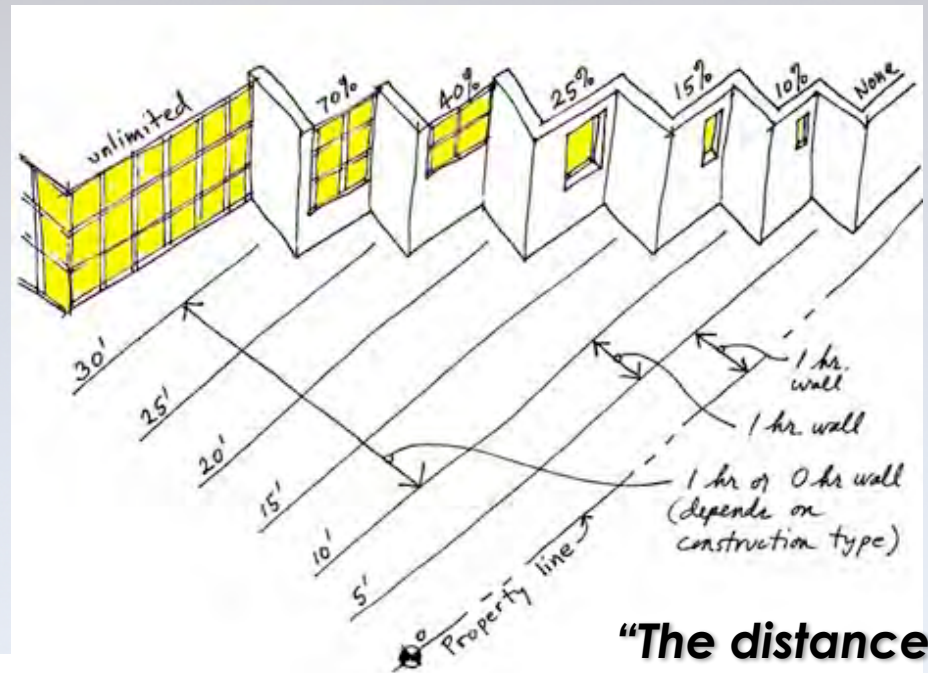


- Exterior Wall:** A wall, bearing or nonbearing, that is used as an enclosing wall for a building, other than a fire wall, and that has a slope of 60 degrees (1.05 radius) or greater with the horizontal plane.
- Fire Separation Distance** – The distance measured from the building face to one of the following:
  1. The closest interior lot line;
  2. To the centerline of a street, an alley or public way; or
  3. To an imaginary line between two buildings on the lot.



# EXTERIOR WALL OPENINGS CONT.

- When are we concerned with openings?
- Only when we cannot have them...



**TABLE 705.8**  
**MAXIMUM AREA OF EXTERIOR WALL OPENINGS BASED ON**  
**FIRE SEPARATION DISTANCE AND DEGREE OF OPENING PROTECTION**

FIRE SEPARATION DISTANCE (feet)	DEGREE OF OPENING PROTECTION	ALLOWABLE AREA*
0 to less than 3 <sup>b,c</sup>	Unprotected, Nonsprinklered (UP, NS)	Not Permitted
	Unprotected, Sprinklered (UP, S) <sup>i</sup>	Not Permitted
	Protected (P)	Not Permitted
3 to less than 5 <sup>d,e</sup>	Unprotected, Nonsprinklered (UP, NS)	Not Permitted
	Unprotected, Sprinklered (UP, S) <sup>i</sup>	15%
	Protected (P)	15%
5 to less than 10 <sup>e,f,j</sup>	Unprotected, Nonsprinklered (UP, NS)	10% <sup>h</sup>
	Unprotected, Sprinklered (UP, S) <sup>i</sup>	25%
	Protected (P)	25%
10 to less than 15 <sup>e,f,g</sup>	Unprotected, Nonsprinklered (UP, NS)	15% <sup>h</sup>
	Unprotected, Sprinklered (UP, S) <sup>i</sup>	45%
	Protected (P)	45%

***“The distance shall be measured at right angles from the face of the wall.”***

# OPENINGS - § 705.8.7 EXCEPTION

- In effect since at least the 1992 District Supplement to the BOCA 1990 Building Code:
  - **Allows** “at-risk” openings within ten feet (10') of a property line under certain conditions – replaces “fire separation distance” (based on distance to property lines) use in ICC Section 705.8, with the actual distance of the openings from another existing structure on an adjacent lot
  - As “at-risk” openings, they are subject to being reduced or closed if changes in an adjacent structure (same or adjacent lot) render the “**at-risk**” openings no longer compliant with the standards of Section 705.8.7 – with the owner of the building with the openings required to make the changes necessary to bring the openings into compliance by closure, reduction, etc.:
  - Requires a covenant recorded on the Land Records to ensure that all current and future holders of interest in the property with the openings are on notice that these openings are “at-risk” and that it is the owner of the property with the openings who bears the responsibility to maintain compliance with the standards of **Section 705.8.7**



# OPENINGS - § 705.8.7 EXCEPTION

- Minimum requirements for an opening in an exterior wall of a building to qualify for Section 705.8.7:
- The building has:
  - no Group H occupancy (Hazardous Use); and
  - a sprinkler system in compliance with Section 903; and
- The opening does **not**:
  - violate the Mechanical Code (if a mechanical opening); and
  - count towards compliance with requirements (Construction Codes or other municipal requirements) for
    - natural light
    - natural ventilation; and
    - smoke control; and
    - emergency evacuation
- Therefore an owner **cannot** use an “at-risk” window to satisfy a requirement for a window in a bedroom typically.

# OPENINGS - § 705.8.7 EXCEPTION

- **General rule – openings allowed up to 45% of any story in an exterior wall (705.8.7.4)**
  - Protection required for openings less than forty feet (40') above an adjacent roof that is within fifteen feet (15') of the exterior wall (705.8.7.4)
    - **unless regulated by the following subsections:**
      - 705.8.7.1 (Abutting buildings);
      - 705.8.7.2 (Horizontal exposure); or
      - 705.8.7.3 (Vertical exposure).
- **1) Abutting buildings (705.8.7.1)** – Limited door openings between two abutting buildings are allowed, protected in compliance with subsection 705.8, if approved by the Code Official as compliant with the Construction Codes



# OPENINGS - § 705.8.7 EXCEPTION

## 2) Horizontal exposure (705.8.7.2) –

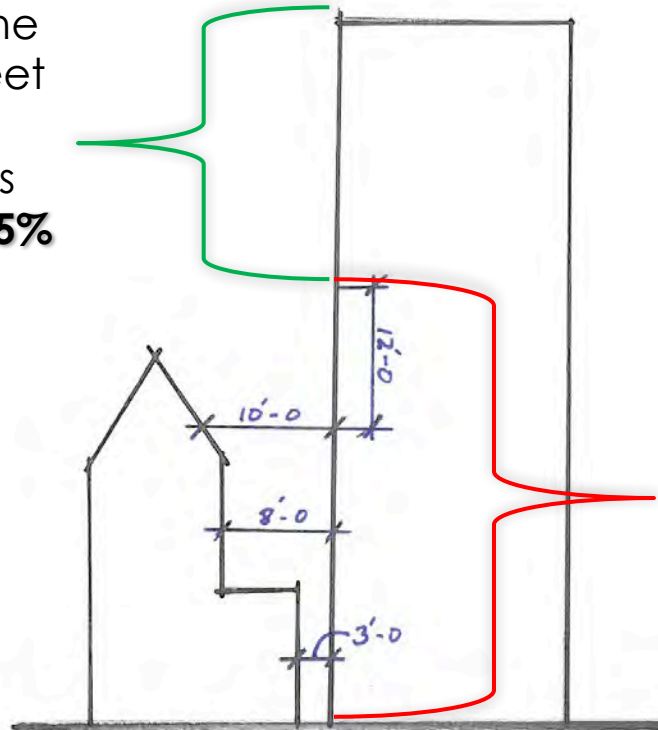
- Each story in an exterior wall separated from a directly facing adjacent building (same or adjacent lot) by
- more than three feet (3') – openings allowed subject to the 45% maximum and required protection of 705.8.7.4
- three feet (3') or less at same story - NO OPENINGS ALLOWED



# OPENINGS - § 705.8.7 EXCEPTION

- 3) Vertical exposure (705.8.7.3)** – Portions of an exterior wall that are within a
- horizontal distance of three feet (3') or less from an adjacent building AND
  - horizontal distance of ten feet (10') of an adjacent roof (e.g., a sloped or stepped-back roof)

Portions of the exterior wall twelve feet (12') or more above the location on the exterior wall within ten feet (10') horizontally of an adjacent roof – openings allowed subject to the **45%** maximum and required protection of 705.8.7.4



Portions of the exterior wall less than twelve feet (12') above the location on the exterior wall within ten feet (10') horizontally of an adjacent roof –

**NO OPENINGS ALLOWED**

\* BUT 12' distance can be reduced to three feet (3') if meet the following conditions



# OPENINGS - § 705.8.7 EXCEPTION

## 3) Vertical exposure (705.8.7.3) – cont.

### **Reduction of the twelve foot (12') vertical separation to three feet (3') IF**

- a) a registered professional engineer certifies that the adjacent roof is protected by a sprinkler system compliant with Section 903;

OR

- b) a registered architect or engineer certifies that the adjacent roof

(i) is not used for storage and

(ii) has a 1 hour fire rating or same as exterior wall, if greater

BUT if adjacent roof has skylights, maximum openings allowed on exterior wall that openings reduced as follows:

- Between five and ten feet (5-10') from exterior wall – 25% maximum openings
- Between three and five feet (3-5') from exterior wall – 10% maximum openings
- Between zero and three feet (0-3') from exterior wall – NO OPENINGS ALLOWED



# COVENANTS



# DCRA COVENANTS

- **Covenant:** a formal agreement or promise
- Used by DCRA to establish conditions of an approval of a building permit or certificate of occupancy to ensure compliance with the Construction Codes, Green Building Act and Zoning Regulations
- Covenants must be executed – with a notarized signature of the owner or authorized agent of the owner of the property for which the building permit or certificate of occupancy is to be issued (the “Property”)
- Covenants must be recorded on the Land Records of the District of Columbia against the Property to bind all current and future holders of interest in the Property to abide by the provisions of the covenant
- A covenant requires review and approval for technical sufficiency by DCRA and for legal sufficiency by the Office of the Attorney General (“OAG”) or by DCRA’s Office of the General Counsel, depending on the type of covenant

# COVENANTS – BUILDING CODE

DCRA authorized to require a covenant to enforce Building Code (DC Official Code § 6-1405.1(b))

## Specific covenants (Section 106.6 of the Building Code)

### **DCRA Covenants**

- “Openings on Property Lines” – Exception to prohibition on openings in “exterior walls” with less than 10 feet of “fire separation distance” as allowed by § 705.8.7 (§ 106.6.2)
- “Modifications of Projection Requirements” – For “Foregone Construction” as allowed by § 3202.4.2 (§ 106.6.4)
- Green Building Act Binding Pledge – Required by D.C. Official Code § 6-1451.05 (D.C. Law 16-234, § 6, as amended) (§ 106.6.5)
- “Water or Sewer Utility Service” – if allowed by § 301.3.1 of the *Plumbing Code* (§ 106.6.6)
- “Master Service or Master Meter” – if allowed by Articles 230.2 and 230.3 of the *Electrical Code* (§ 106.6.7)

**Non-DCRA Covenants** - required as part of DCRA building permit application review but administered by other agencies

- DDOT – Vault Agreement (§ 106.6.1)
- FEMS – Private Fire Hydrants (§ 106.6.3)
- DOEE – Stormwater Management (§ 106.6.8)



# COVENANTS - ZONING

- Off-site compliance with parking requirements (§ C-701.8)
- Joint Loading Berths serving multiple lots (§ C-903.6(b))
- Combined Lot Agreements (§ C-1200.4; § G-410.1 - MU-10 Zone; § K-511 - CG Zones; § K-602 - StE Zones – OAG legal sufficiency)
- Exception to Minimum Residential Use requirements (§ I-305)
- Generation of Residential, Arts, or Preferred Use Credits (§§ I-804 & I-805)
- Generation of Historic Preservation Credits (§ I-807 - with Office of Planning)
- Transfer of Floor Area in the WR-2 Zone (§ K-902.5)
- Compliance with dwelling unit limitations for potential additional dwelling units (e.g., basement guest suite)
- Affordable Housing in the WR Zones (§ K-918)
- Off-site compliance with Inclusionary Zoning if approved by Board of Zoning Adjustment (§§ C-1006.6 & C-1006.7 – OAG legal sufficiency)
- Exception to Inclusionary Zoning Requirements for Federal/District funded projects as allowed by § C-1001.6 – with DHCD)
- Compliance with a Board of Zoning Adjustment Order (e.g., Residential Parking Permit/RPP)
- Compliance with a Zoning Commission Planned Unit Development (PUD) Order (§§ X-311.327-604.10, & Z-702.10 – OAG legal sufficiency)



# COVENANTS TEMPLATES

- DCRA has worked with OAG to create templates for the following covenants:
- **Openings** in exterior walls permitted by Section 705.8.7 of the Building Code
  - Including templates for a Modification or Termination of an Openings Covenant
- **Binding Pledges** required by the Green Building Act (GBA)
  - Including templates for a Certificate of Compliance and Termination of a GBA Binding Pledge
- As OAG-approved templates, these types of covenants should be able to be reviewed in an expedited manner
- For other types of covenants, DCRA can work with applicants to accommodate their specific needs – but additional lead time is required

# COVENANT PROCEDURE

**\*\* TIP – START with DCRA, NOT OAG \*\***

1. Confirm with DCRA reviewer (e.g., Structural, Green Building, or Zoning) if a covenant is required
  - If a non-standard covenant (e.g., Openings Covenant with associated Easement for required emergency egress), contact DCRA-OGC (Maximilian Tondro) as soon as aware of need to allow for time to draft
  - If a standard covenant for which a template exists (e.g., Openings, GBA Binding Pledge, RPP), complete template (fill in all highlighted sections, remove highlighting but keep bold and underlined)
2. If using a template, include a **redlined version** that shows any changes to the template
  - Make sure the exhibits are completely labelled and provide all requested and necessary information
  - Openings Covenant – site plan & elevation with labelled openings & relevant exterior wall
    - If a single lot with multiple openings adjacent to different neighboring properties – only one property subject to the Openings Covenant, but with reference to each adjacent building and an elevation of each wall with openings
    - If two lots share an opening/openings (e.g., emergency opening) then **both** properties subject to the Openings Covenant
3. Execute draft covenant and submit to DCRA with processing fee
4. DCRA reviews for technical sufficiency; once approved, DCRA will send over to OAG
5. OAG review for legal sufficiency; once approved, OAG will send back to DCRA for pickup
6. Record on the Land Records
  - Pick up fully executed covenant from DCRA
  - Record with Recorder of Deeds (across the street from DCRA) and obtain a certified copy
  - Return the certified copy of the recorded covenant to DCRA to establish compliance



# COVENANT - COMMON PITFALLS

## Steps to Completing a Template:

1. Fill in all highlighted sections
2. Remove all highlighting
3. Keep filled in sections underlined and in bold
4. Include a red-lined version of the completed template showing changes to the template as additions and ~~deletions~~.

## Example of Blank Template

C. The Property shares a common property line (the “**Common Property Line**”) with a certain real property in the District of Columbia having a street address of \_\_\_\_\_ and known for assessment and taxation purposes as Lot \_\_\_\_\_ in Square \_\_\_\_\_, as more particularly described in **Exhibit B** attached hereto and made a part hereof (the “**Adjacent Property**”; hereinafter referred to collectively with the Property as the “**Properties**”). The Adjacent Property is currently \_\_\_\_\_ [vacant **OR** improved with a building that is approximately \_\_\_\_\_ feet in height with \_\_\_\_\_ stories and of \_\_\_\_\_ construction type (the “**Adjacent Building**”, and collectively with the Building, the “**Buildings**)”].

D. Declarant has submitted to **DCRA** an application for a building permit number \_\_\_\_\_ (the “**Application**”) that includes the creation of openings in the Building’s exterior wall (the “**Openings**”) that have a fire separation distance of \_\_\_\_\_ and that are within \_\_\_\_\_ feet of the Common Property Line or other interior lot line not bordering on a public right-of-way for the purpose of \_\_\_\_\_ [e.g., ~~creating~~ ducts or vents **OR** creating windows that are not required by the Construction Codes **OR** providing access between the Properties not required by the Construction Codes **OR** connecting two otherwise separate structure to meet the definition of a “single building” under the Zoning Regulations **OR** providing required emergency egress across the Common Property Line for the Properties **OR** other reason]. The Openings are more particularly depicted and labeled on (i) the plat showing the Properties and the Common Property Line and (ii) the accompanying elevations showing the \_\_\_\_\_ [Building **OR** Buildings] attached hereto as **Exhibit C**.

## Example of Completed Template

C. The Property shares a common property line (the “**Common Property Line**”) with a certain real property in the District of Columbia having a street address of **1234 Acorn Street, NW 20024** and known for assessment and taxation purposes as Lot **123** in Square **4567**, as more particularly described in **Exhibit B** attached hereto and made a part hereof (the “**Adjacent Property**”; hereinafter referred to collectively with the Property as the “**Properties**”). The Adjacent Property is currently **improved** with a building that is approximately **40** feet in height with **3** stories and of **wood** construction type (the “**Adjacent Building**”, and collectively with the Building, the “**Buildings**)”].

D. Declarant has submitted to **DCRA** an application for building permit number **B1234567** (the “**Application**”) that includes the creation of openings in the Building’s exterior wall (the “**Openings**”) that have a fire separation distance of **0** feet and that are within **0** feet of the Common Property Line or other interior lot line not bordering on a public right-of-way for the purpose of **creating windows that are not required by the Construction Codes**. The Openings are more particularly depicted and labeled on (i) the plat showing the Properties and the Common Property Line and (ii) the accompanying elevations showing the **Building** attached hereto as **Exhibit C**.

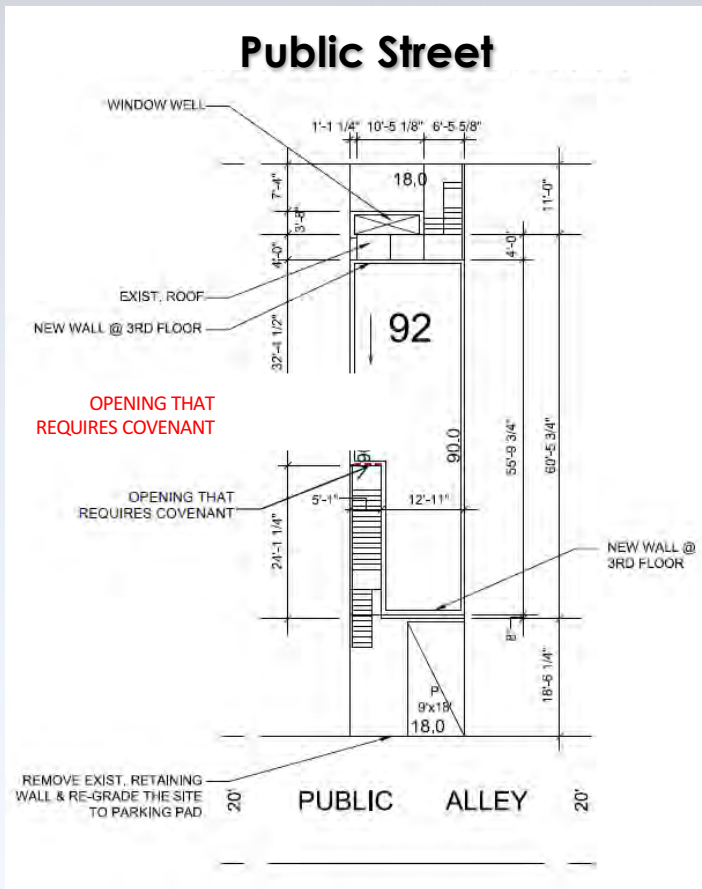
# OPENINGS COVENANTS – REQUIRED EXHIBITS



- “At risk” openings allowed by Section 705.8.7 must be clearly identified in the Covenant Exhibits -
- **Plan** showing closest public street and any adjacent structures within fifteen feet (15') of exterior wall with proposed openings
- **All** elevations with at-risk openings with directional label (e.g., North Elevation)
- All openings labeled on plan and elevations

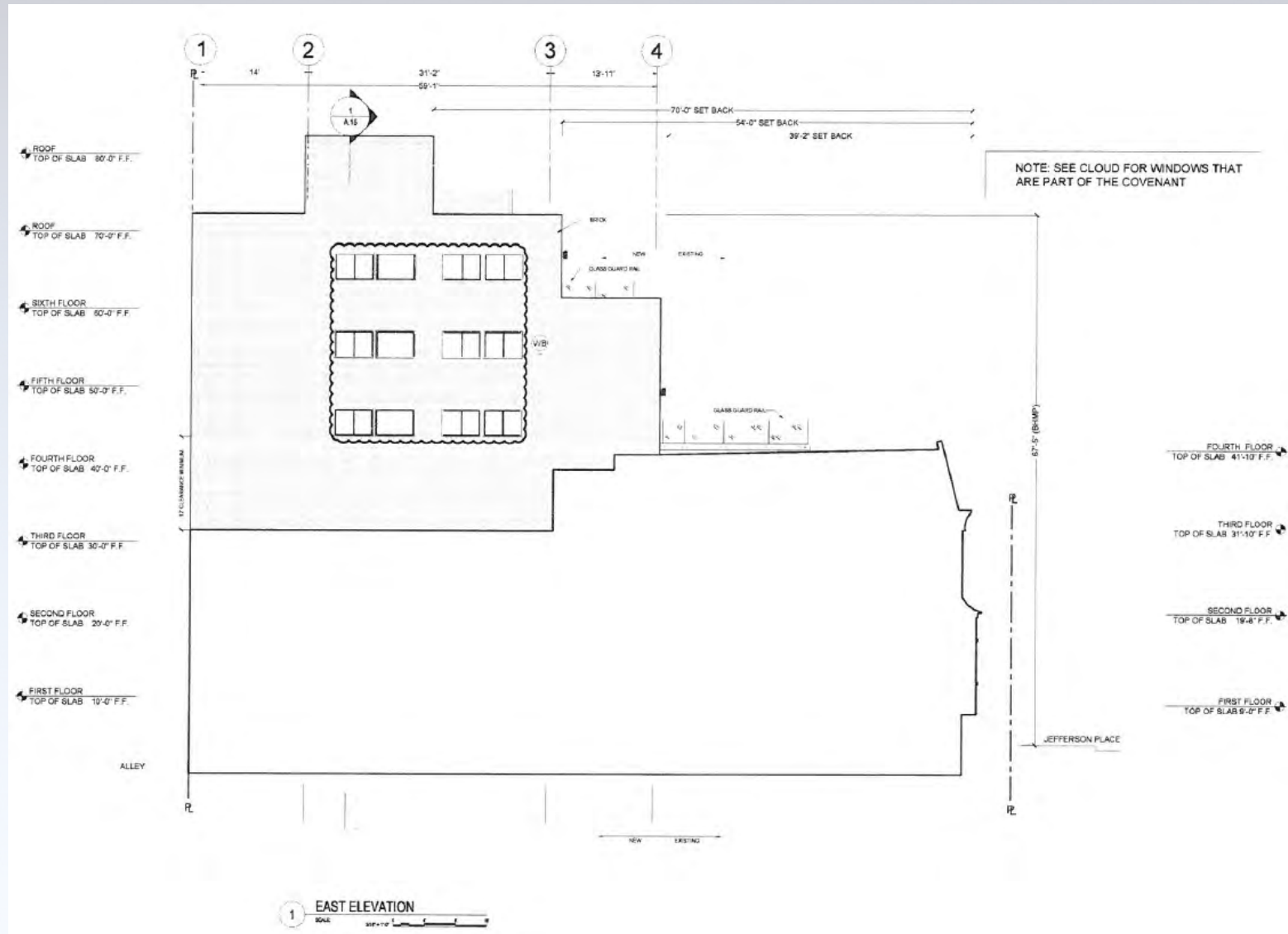


# OPENINGS COVENANTS – REQUIRED EXHIBITS



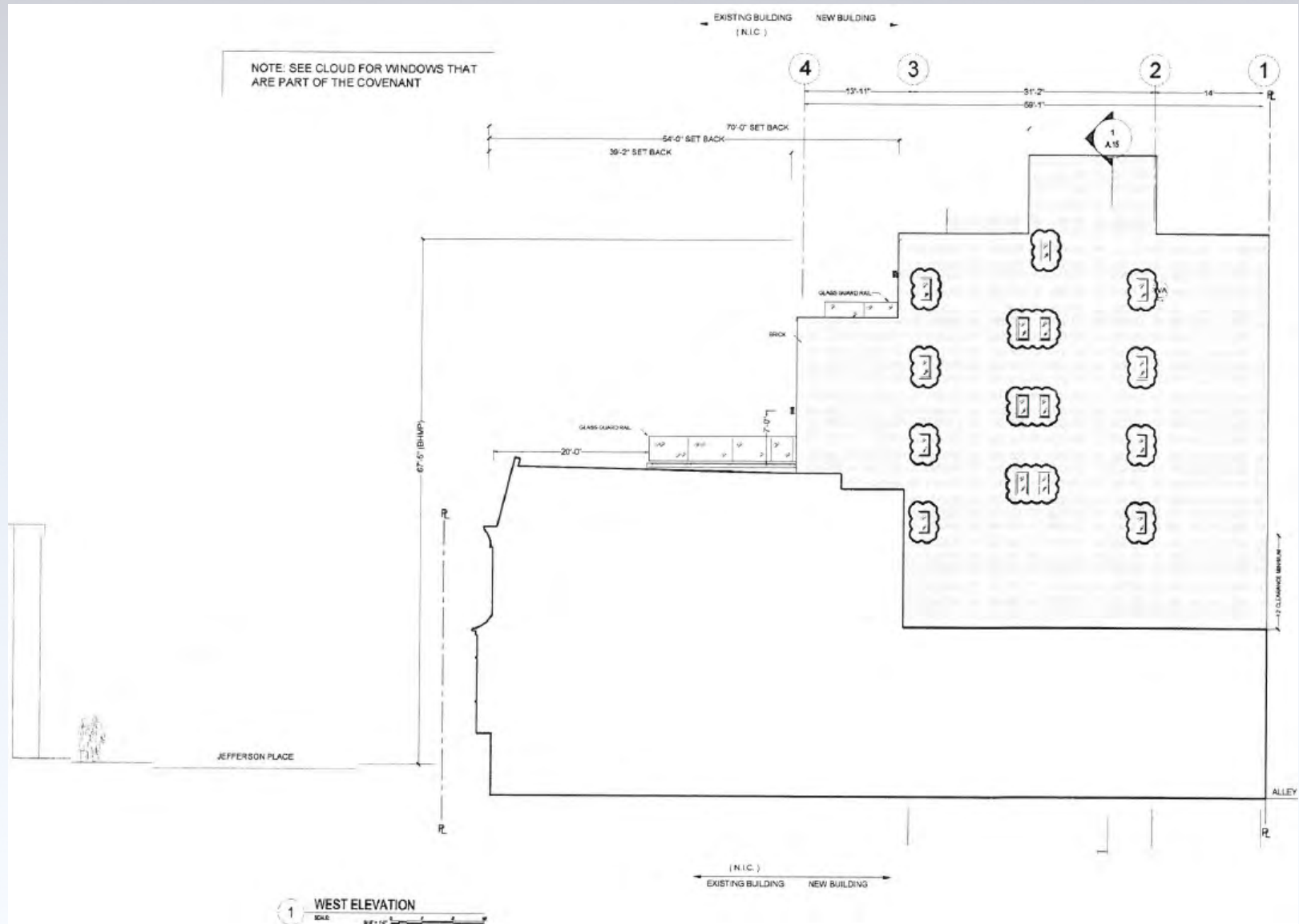
- Exhibits – at least SITE PLAN and ELEVATION, with labels:
  - adjacent public streets
  - adjacent building (exterior wall) triggering 12A DCMR 705.8.7 and covenant
  - openings subject to covenant

# OPENINGS COVENANTS – REQUIRED EXHIBITS – OPENINGS ON MULTIPLE SIDES

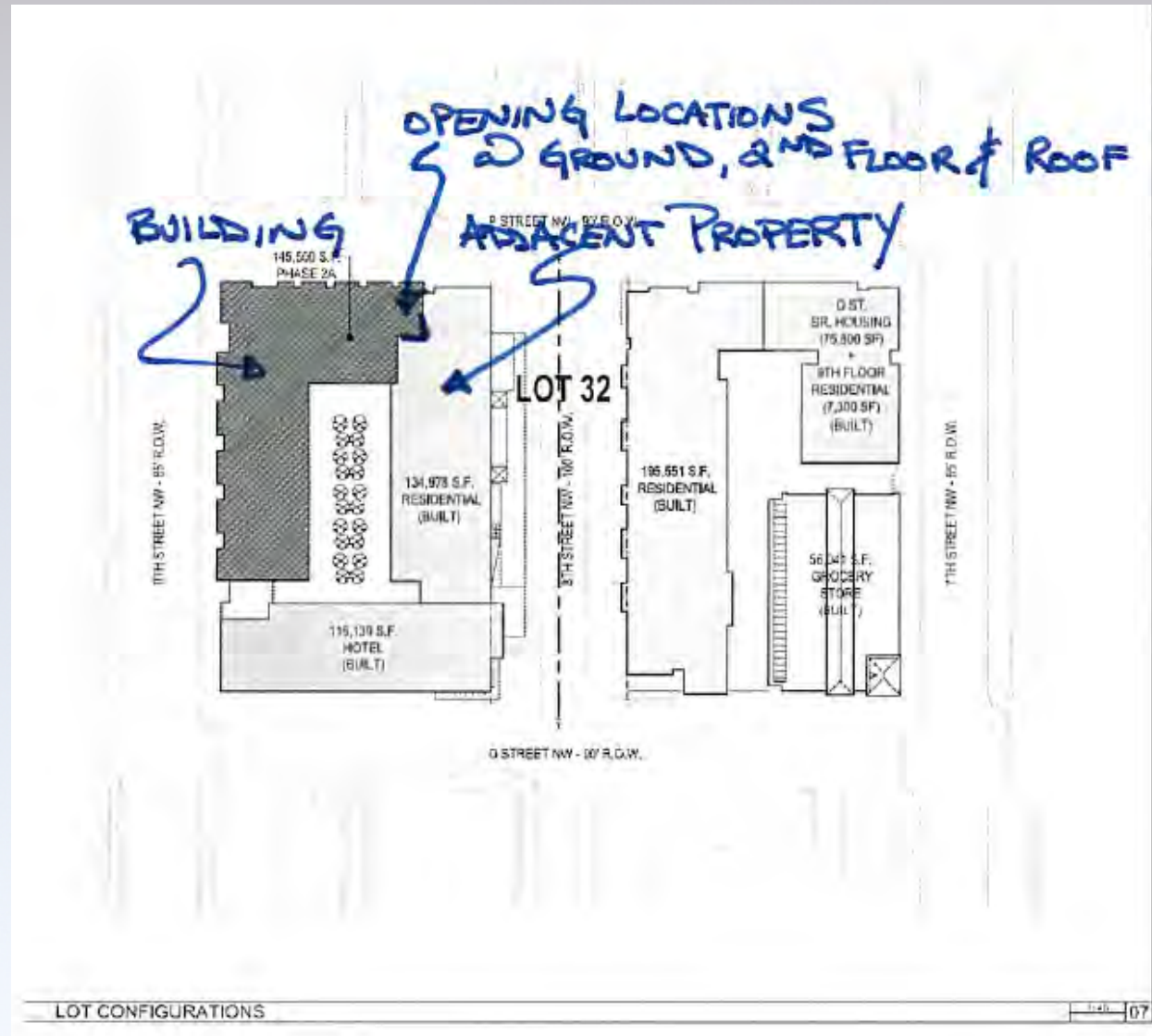




# OPENINGS COVENANTS – REQUIRED EXHIBITS – OPENINGS ON MULTIPLE SIDES



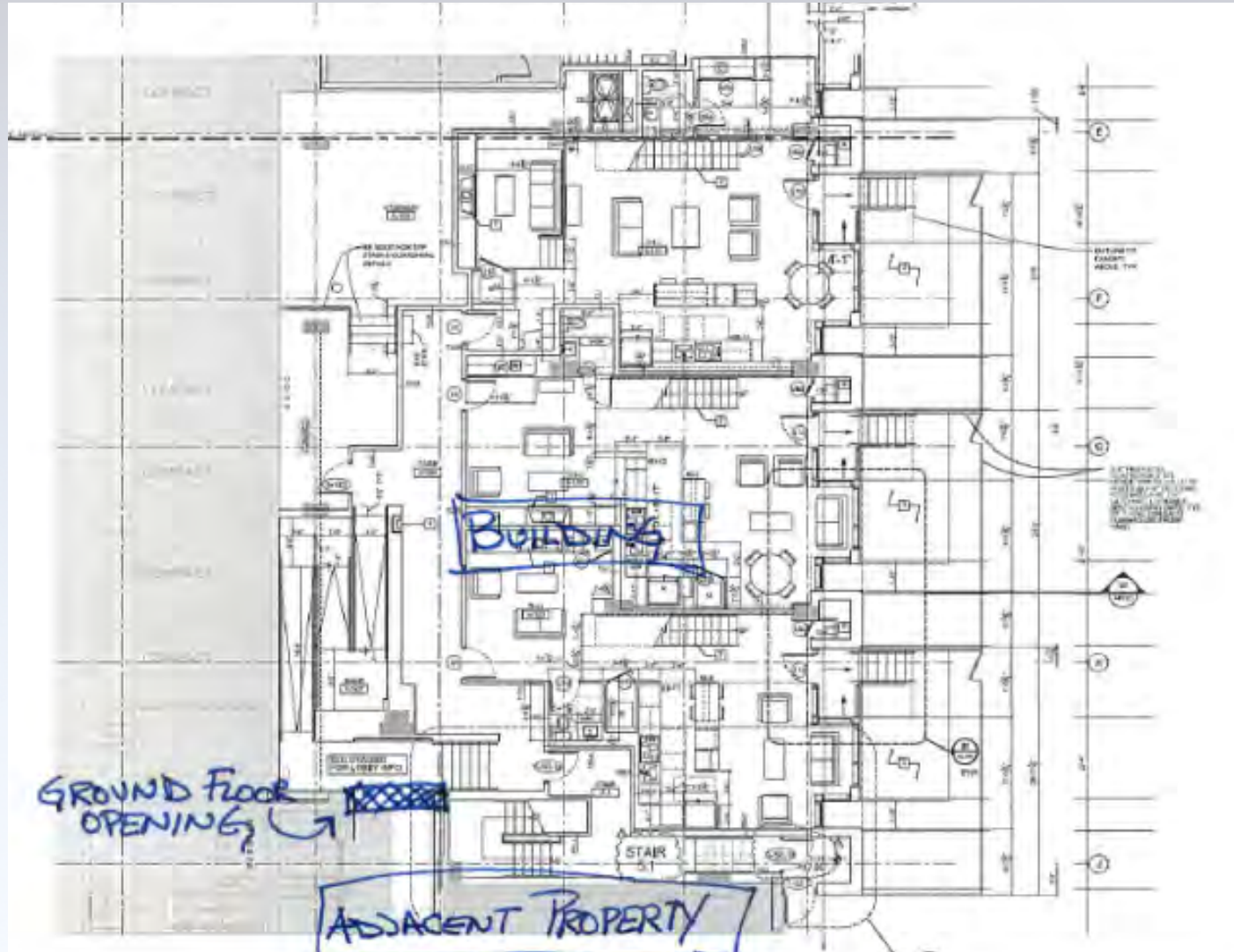
# OPENINGS COVENANTS - REQUIRED EXHIBITS ELEVATIONS WITH OPENINGS LABELLED





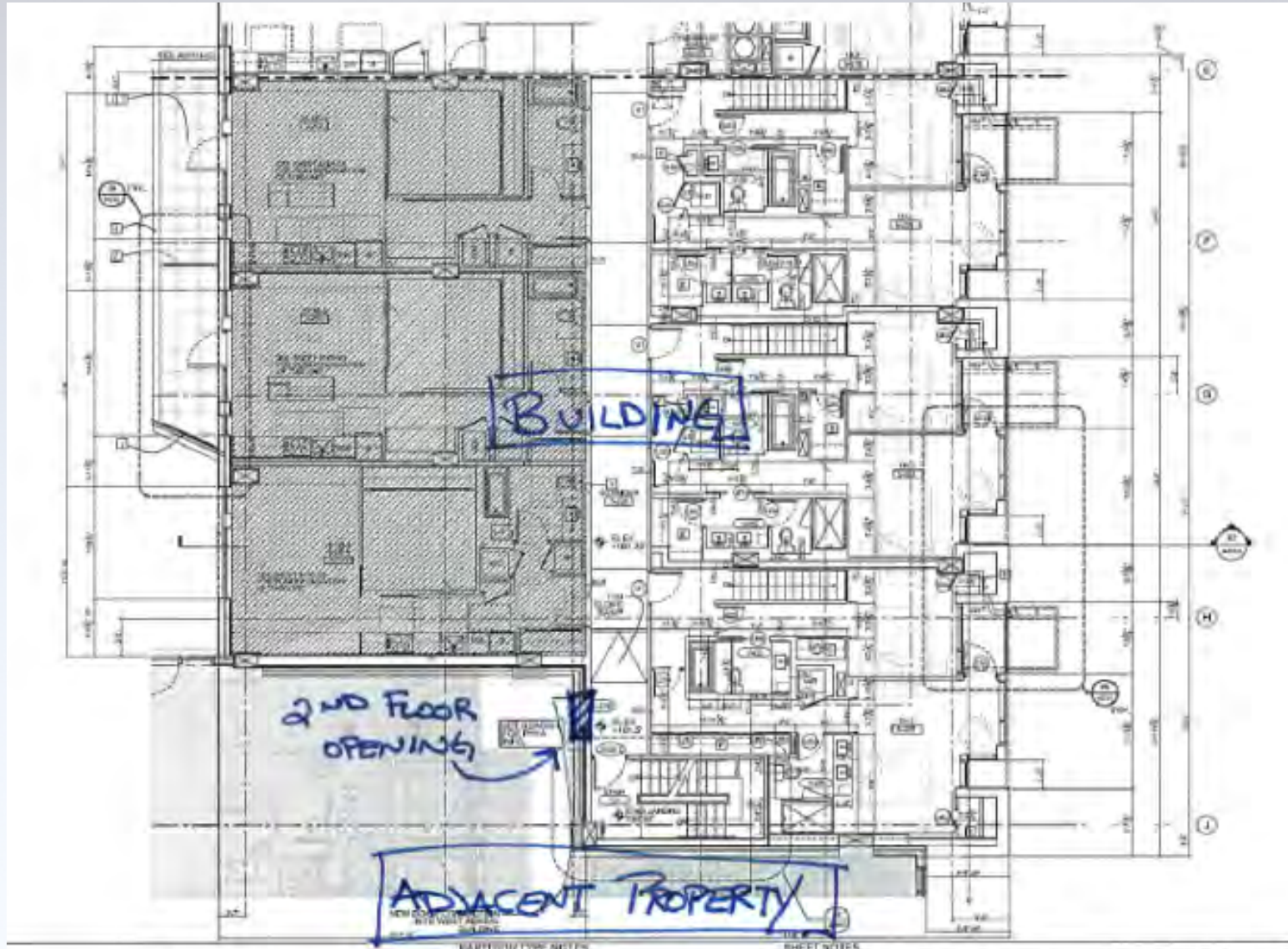
# OPENINGS COVENANTS - REQUIRED EXHIBITS

## PLANS WITH OPENINGS LABELLED



# OPENINGS COVENANTS - REQUIRED EXHIBITS

## PLANS WITH OPENINGS LABELLED

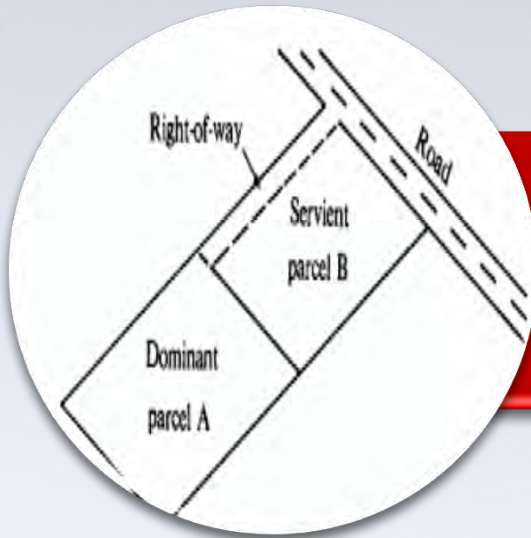








[illegible]



# EASEMENTS

# EASEMENTS

- Easements provide property rights over a property to a non-owner
- Easements are used by DCRA when necessary to ensure compliance with the Construction Codes or Zoning Regulations - examples include:
  - Required Emergency Egress Across an Adjacent Property
  - Access to Required Parking Across an Adjacent Property
  - Right to Use Part of an Adjacent Property for Electrical Connection to Utility
- Easements must be approved for technical sufficiency; and for legal sufficiency by OAG
- Once approved by DCRA for technical and legal sufficiency, an easement must be recorded on the Land Records, with a certified copy provided to DCRA



**Public Street**

**PUBLIC ALLEY**

**Public Street**

**Public Street**

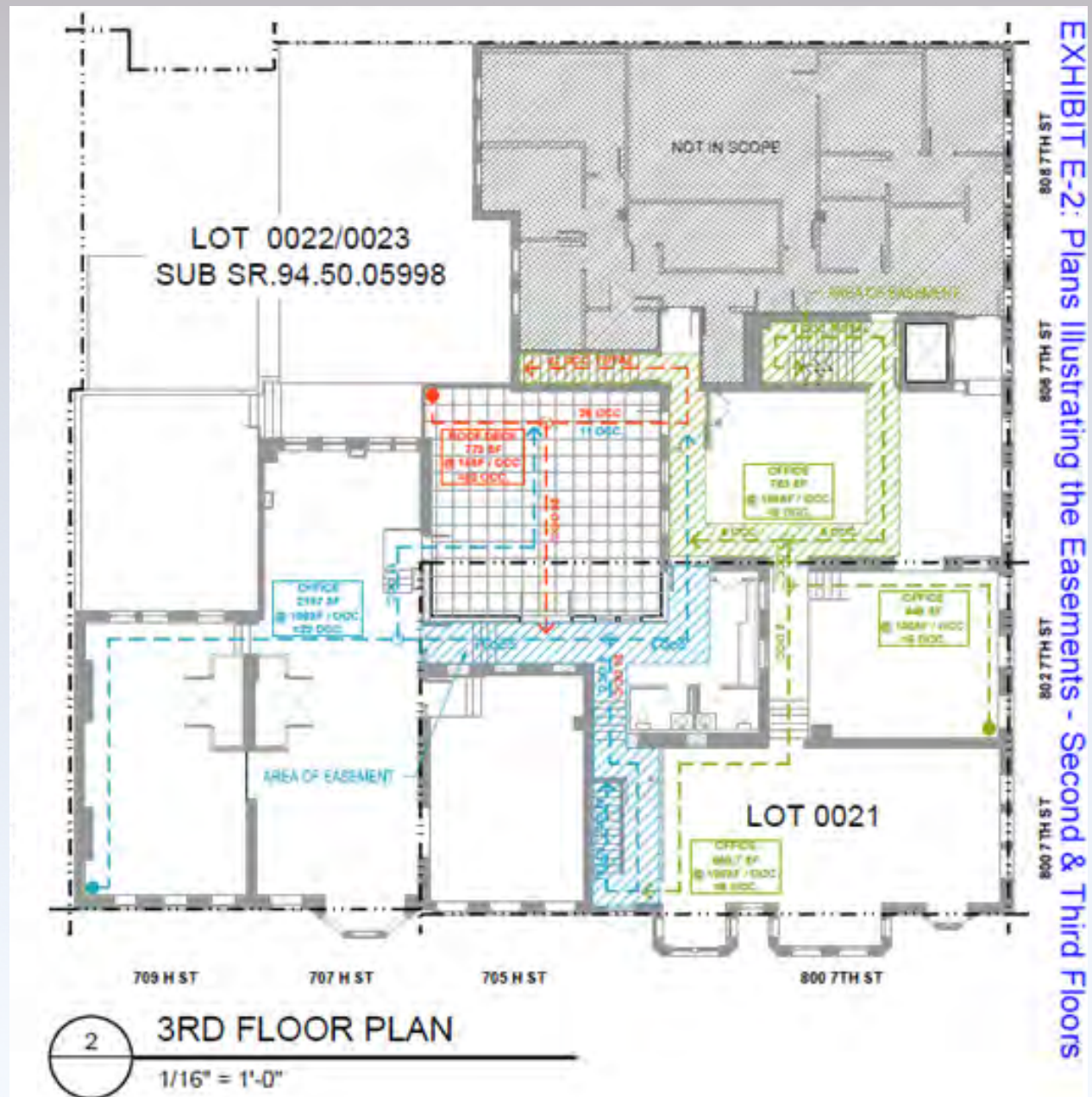
LOT 837  
600 T STREET, NW  
TWO STORY STRUCTURE

LOT 838  
ROOF DECK SEATING

LOT 819  
1840 8TH STREET, NW  
3 STORY STRUCTURE  
COVERED BAR, BATHROOM & STORAGE

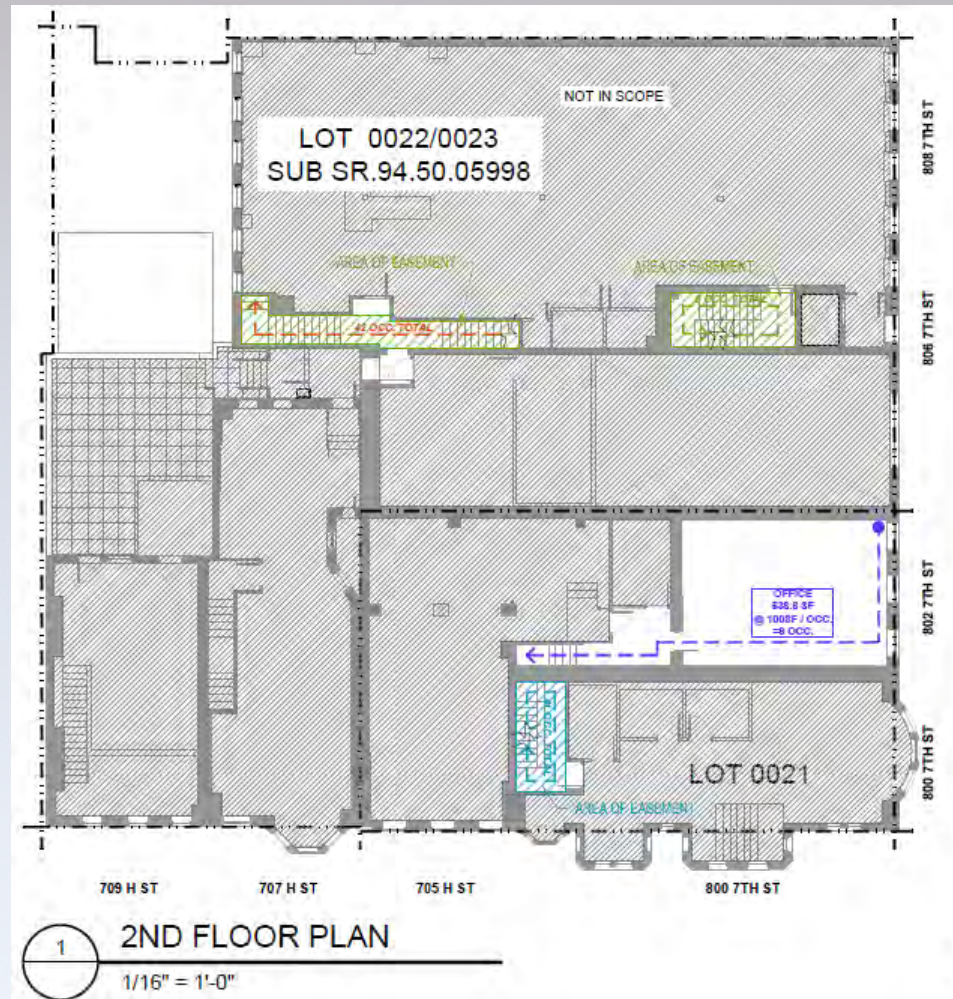
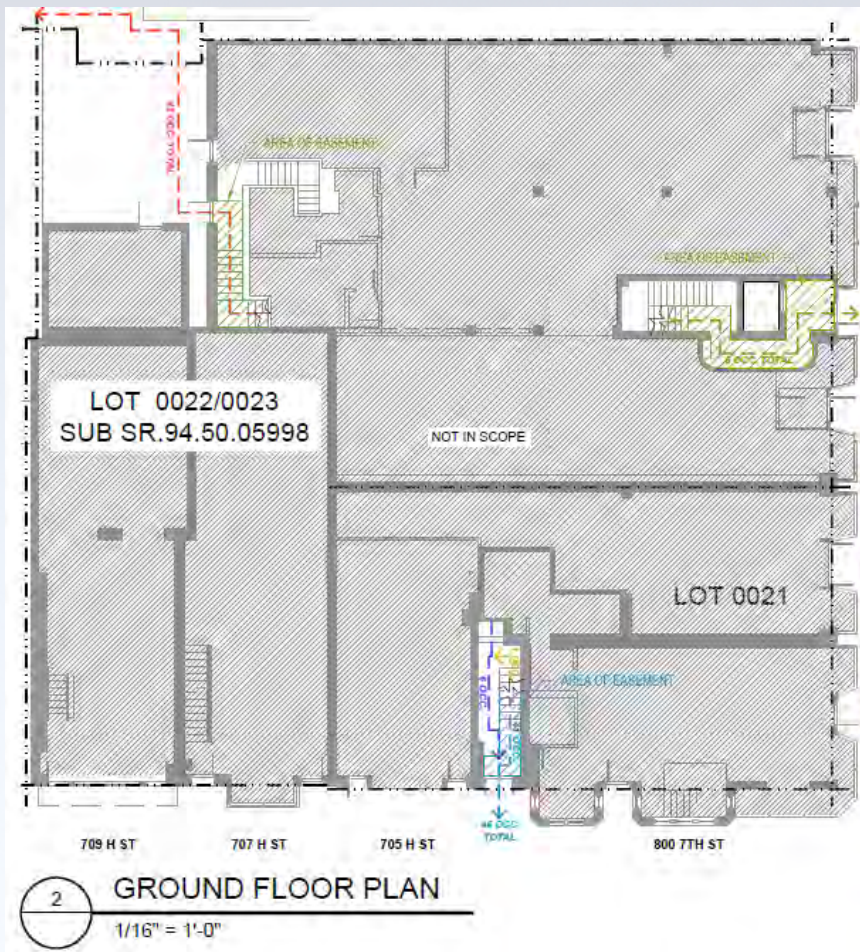
Dimensions include:  
 - Lot widths: 22.16, 18.00, 53.17  
 - Lot depths: 15', 16.88, 29.02  
 - Setbacks: 16.88, 11.95, 18.00, 52.05  
 - Building footprint dimensions: 28.83, 18.0, 20.84, 60.58, 39.89, 28.83, 14.30, 3.33, 3.42, 13.35, 3.84, 16.88, 28.83, 11.95, 18.00, 52.05, 53.17  
 - Other labels: PROPERTY LINE, ROOF DECK SEATING, COVERED BAR, BATHROOM & STORAGE

# EASEMENT FOR REQUIRED EMERGENCY EGRESS





# EASEMENT FOR REQUIRED EMERGENCY EGRESS





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Thank you for your time.

QUESTIONS?

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