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## **CHAPTER 1 INTRODUCTION TO SPECIAL PURPOSE ZONES**

### **100 GENERAL PROVISIONS**

**100.1 THE PURPOSE OF THE SPECIAL PURPOSE (K) ZONES is TO PROVIDE FOR** single large sites that require a cohesive, self-contained set of regulations to guide site design, building height and bulk, land uses, or other aspects of development.

## CHAPTER 2 SOUTHEAST FEDERAL CENTER

### 200 GENERAL PROVISIONS

- 200.1 The Southeast Federal Center (SEFC) zones provide for the development of a vibrant, urban, mixed-use, waterfront neighborhood, offering a combination of uses that will attract residents, office workers, and visitors from across the District and beyond
- 200.2 The objectives of the SEFC zone are to:
- (a) Assure development of the area with a mixture of residential and commercial uses and a suitable height, bulk, and design of buildings, as generally identified in the Comprehensive Plan and in recognition of the objectives of the Anacostia Waterfront Initiative and the Near Southeast Urban Design Framework Plan.
  - (b) Encourage high-density residential development with a pedestrian-oriented streetscape through flexible zoning parameters.
  - (c) Encourage a variety of support and visitor-related uses, such as retail, service, entertainment, cultural, and hotel or inn uses.
  - (d) Provide for a reduced height and bulk of buildings along the Anacostia riverfront in the interest of ensuring views over and around waterfront buildings, and provide for continuous publicly-accessible open space along the waterfront.
  - (e) Require suitable ground-floor level retail and service uses near the Navy Yard Metrorail station, along M Street S.E., near the SEFC-4 zone, and at other key pedestrian locations.
  - (f) Encourage the design and development of properties in a manner that is sensitive to the adjacent Navy Yard and the historically significant buildings within the SEFC.
  - (g) Establish zoning incentives and restrictions to provide for the development of a publicly-accessible park along the Anacostia River and encourage uses in that park as permitted in the SEFC-4 Zone.
- 200.3 The SEFC-1 Zone provides for high density mixed use development with ground floor retail, and review of the relationship of new buildings to the M Street SE corridor and the adjacent Washington Navy Yard.
- 200.4 The SEFCF-2 Zone provides for high density residential development with limited ground floor retail, and the review of the relationship of new buildings to the SEFC waterfront park open space area.

- 200.5 The SEFC-3 Zone provides for medium density residential development with limited ground floor retail, and the review of the relationship of new buildings to the SEFC waterfront park open space area.
- 200.6 The SEFC-4 District provides for a five (5) acre minimum public park along the Anacostia River, with a defined retail area to serve residents of the neighborhood and the District.
- 200.7 Additional objectives for the SEFC-4 Zones are to:
- (a) Encourage open space;
  - (b) Promote a lively, interactive waterfront environment;
  - (c) Discourage parking;
  - (d) Provide a Development Area for retail and cultural uses;
  - (e) Provide an Open Space Area, intended to be the site of open space recreation use as well as limited uses that are directly waterfront dependent; and
  - (f) Allow for a continuous publicly-accessible pedestrian and bicycle trail along and adjacent to the waterfront as part of the Anacostia Waterfront Trail system.
- 200.8 The SEFC-4 District is divided into two geographic areas:
- (a) SEFC-4A, Development Area, consisting of the northeastern portion of the SEFC-4 District, specifically the existing Building 173 and that portion of the SEFC-4 District located directly to the east of Building 173, north of a line extending east from the south elevation of Building 173; and
  - (b) SEFC-4B, Open Space Area, consisting of all property within the SEFC-4 District that is located outside of the Development Area.
- 200.9 Notwithstanding the subdivision requirements of C § 302, two or more principal buildings or structures may be erected as a matter of right on a single subdivided lot within the SEFC-4 zone provided that such principal buildings or structures comply with all other theoretical lot subdivision requirements of C § 305.
- 200.10 Parking:
- (a) The provision of vehicular parking spaces shall not be required. Any parking spaces and access provided shall conform to the requirements of Subtitle C chapter 7.

- (b) Bicycle parking spaces shall be required, in accordance with the standards of Subtitle C chapter 8.
- (c) Parking for boathouses, marinas, yacht clubs, or other recreational uses shall be located in accordance with the provisions of Subtitle C §1102.

**201 DEVELOPMENT STANDARDS FOR THE SEFC-1 ZONE (CR)**

201.1 The development standards in §§ 202 through 210 control the bulk of structures in the SEFC-1 zone.

**202 DENSITY**

202.1 The maximum permitted Floor Area Ratio (FAR) for building in the SEFC-1 zone shall be 6.0 with a maximum FAR of 3.0 for non-residential uses.

202.2 The matter of right FAR limit shall serve as the maximum permitted floor area ratio for a planned unit development ("PUD").

202.3 Combined lot development of two or more lots within the SEFC-1 zone, whether contiguous or non-contiguous, is permitted for the purpose of allocating density for residential and non-residential uses, regardless of any other limitation on floor area by uses as established in this chapter, in accordance with K § 240, provided that:

- (a) The aggregate residential and non-residential floor area shall not exceed the matter-of-right maximum height or density of the SEFC-1 Zone;
- (b) A site that is permitted a height of 130 feet is permitted a maximum non-residential density of 6.5 FAR through combined lot development; and
- (c) Ground floor area required for ground-floor street-oriented preferred uses required in accordance with K § 237.5 may not be transferred to any other lot through combined lot development.

202.4 A record lot may be created with respect to the parcel on which Building 167 is located, notwithstanding other requirements of Subtitle C chapter 3. Any enlargements or additions to Building 167 shall comply with all requirements of this title.

**203 HEIGHT**

203.1 The maximum permitted height in the SEFC-1 zone shall be one-hundred and ten (110) feet.

203.2 The matter of right height shall serve as the maximum permitted height for a planned unit development ("PUD").

- 203.3 A site that has frontage on any portion of New Jersey Avenue, S.E. that is south of and within 322 feet of M Street, S.E., is permitted a maximum height of 130 feet.
- 203.4 Sites fronting on M Street, S.E. east of 4th Street, S.E. are restricted to a height of 90 feet. A building height of 110 feet maximum is permitted if reviewed and approved by the Zoning Commission pursuant to the procedures of K § 211. For the purposes of this review, the Commission shall consider the relationship of the new building to the Navy Yard to the east and may require graduated height and/or design features because of the building's proximity to the Navy Yard.

## **204 LOT OCCUPANCY**

- 204.1 The maximum permitted lot occupancy in the SEFC-1 zone shall be one-hundred (100) percent for non-residential uses and seventy-five (75) percent for residential uses.
- 204.2 A building occupied by both residential and non-residential preferred uses provided in accordance with K § 206.3 shall be permitted 100% lot occupancy for the ground and second stories.
- 204.3 No public recreation and community center shall occupy more than twenty percent (20%) of the lot upon which it is located; except that it may occupy up to forty percent (40%) if approved by the Zoning Commission, provided that the agency shows that the increase is consistent with the preservation of open space.

## **205 FRONT SETBACK**

- 205.1 A front setback of fifteen (15) feet minimum for the entire height and frontage of each new building along M Street, S.E., measured from the face of the adjacent curb along M Street, S.E. shall be required in the SEFC-1 zone.
- 205.2 A front setback of twenty (20) feet minimum for the entire height and frontage of each new building along the east side of 4th Street, S.E., measured from the face of the adjacent curb along 4th Street, S.E. shall be required in the SEFC-1 zone.

## **206 REAR SETBACK**

- 206.1 A rear setback of two and one-half inches per foot of height (2.5" per foot of height) or a minimum of twelve (12) feet shall be provided for each structure located in the SEFC-1 zone.

## **207 SIDE SETBACK**

- 207.1 No side setback is required. However, any side setback provided shall be five (5) feet minimum.

**208 COURTYARD**

208.1 Where a courtyard is provided, it shall have the following minimum dimensions:

	<b>Open Courtyard Width:</b>	<b>Closed Courtyard Width</b>	<b>Closed Courtyard Area:</b>
<b>Residential (except hotel):</b>	Four inches per foot (4 in./ft.) of height of courtyard; Ten feet (10 ft.) minimum.	Four inches per foot (4 in./ft.) of height of courtyard; Fifteen feet (15 ft.) minimum.	Twice the square of the required width of courtyard dimension; Three hundred and fifty square feet (350 sq. ft.) minimum.
<b>Non-Residential and Lodging:</b>	Two and one-half inches per foot (2 1/2 in./ft.) of height of courtyard; Six feet (6 ft.) minimum.	Two and one-half inches per foot (2 1/2 in./ft.) of height of courtyard; Twelve feet (12 ft.) min.	Twice the square of the required width of courtyard dimension; Two hundred and fifty square feet (250 sq. ft.) minimum.

**209 GREEN AREA RATIO**

209.1 A minimum Green Area Ratio (GAR) of 0.20 shall be required in the SEFC-1 zone.

**210 GROSS FLOOR AREA**

210.1 Non-residential floor area shall be the total gross floor area of the building not dedicated to uses in one of the following Use Groups:

- (a) Residential;
- (b) Emergency Shelter; or
- (c) Lodging.

**211 DRIVEWAYS AND PARKING**

211.1 No driveway may be constructed or used from M Street, S.E. to vehicular parking spaces in or adjacent to a new building.

**212 LOADING**

212.1 No driveway may be constructed or used from M Street, S.E. to access loading spaces in or adjacent to a new building.

**213 DEVELOPMENT STANDARDS FOR THE SEFC-2 ZONE**

213.1 The development standards in §§ 214 through 220 control the bulk of structures in the SEFC-2 zone.

**214 DENSITY**

- 214.1 The maximum permitted Floor Area Ratio (FAR) for building in the SEFC-2 zone shall be 6.0 with a maximum FAR of 0.5 for non-residential uses.
- 214.2 The matter of right floor area ratio limit shall serve as the maximum permitted floor area ratio for a planned unit development ("PUD").
- 214.3 The density associated with preferred uses shall be in addition to otherwise permitted FAR, and shall not exceed 0.5 FAR.

## **215 HEIGHT**

- 215.1 The maximum permitted height in the SEFC-2 zone shall be one-hundred and ten (110) feet.
- 215.2 For the purposes of determining maximum height permitted under the Height Act of 1910, and for achieving the height permitted in K § 202.1, the SEFC-2 Zone is considered a "Mixed-Use" District.
- 215.3 The matter of right height shall serve as the maximum permitted height for a planned unit development ("PUD").
- 215.4 Maximum height shall be that equal to the width of the adjacent right-of-right, increased by twenty feet, but not to exceed one hundred and thirty feet (130 ft.), or less if otherwise restricted by the Height Act.

## **216 LOT OCCUPANCY**

- 216.1 The maximum permitted lot occupancy in the SEFC-2 zone shall be seventy-five (75) percent.
- 216.2 A building occupied by both residential and non-residential preferred uses provided in accordance with K § 207.3 shall be permitted 100% lot occupancy for the ground and second stories.
- 216.3 No public recreation and community center shall occupy more than twenty percent (20%) of the lot upon which it is located; except that it may occupy up to forty percent (40%) if approved by the Zoning Commission, provided that the agency shows that the increase is consistent with the preservation of open space.

## **217 REAR SETBACK**

- 217.1 A rear setback of two and one-half inches per foot of height (2.5" per foot of height) or a minimum of twelve (12) feet shall be provided for each structure located in the SEFC-2 zone.

## **218 SIDE SETBACK**

- 218.1 No side setback is required. However, any side setback provided shall be five (5)

feet minimum.

## 219 COURTYARD

219.1 Where a courtyard is provided, it shall have the following minimum dimensions:

	<b>Open Courtyard Width:</b>	<b>Closed Courtyard Width</b>	<b>Closed Courtyard Area:</b>
<b>Residential (except hotel):</b>	Four inches per foot (4 in./ft.) of height of courtyard; Ten feet (10 ft.) minimum.	Four inches per foot (4 in./ft.) of height of courtyard; Fifteen feet (15 ft.) minimum.	Twice the square of the required width of courtyard dimension; Three hundred and fifty square feet (350 sq. ft.) minimum.
<b>Non-Residential and Lodging:</b>	Two and one-half inches per foot (2 1/2 in./ft.) of height of courtyard; Six feet (6 ft.) minimum.	Two and one-half inches per foot (2 1/2 in./ft.) of height of courtyard; Twelve feet (15 ft.) min.	Twice the square of the required width of courtyard dimension; Two hundred and fifty square feet (250 sq. ft.) minimum.

## 220 GREEN AREA RATIO

220.1 A minimum Green Area Ratio (GAR) of 0.3 shall be required in the SEFC-2 zone.

## 221 DEVELOPMENT STANDARDS FOR THE SEFC-3 ZONE

221.1 The development standards in §§ 222 through 228 control the bulk of structures in the SEFC-3 zone.

## 222 DENSITY

222.1 The maximum permitted Floor Area Ratio (FAR) for building in the SEFC-3 zone shall be 3.5 with a maximum FAR of 0.5 for non-residential uses.

222.2 The matter of right floor area ratio limit shall serve as the maximum permitted floor area ratio for a planned unit development ("PUD").

222.3 The density associated with preferred uses shall be in addition to otherwise permitted FAR, and shall not exceed 0.5 FAR.

## 223 HEIGHT

223.1 The maximum permitted height in the SEFC-3 zone shall be ninety (90) feet.

223.2 For the purposes of determining maximum height permitted under the Height Act of 1910, and for achieving the height permitted in K § 203.1, the SEFC-3 zones is considered "Mixed-Use" Districts.

223.3 The matter of right height shall serve as the maximum permitted height for a planned unit development ("PUD").

223.4 Maximum height shall be that equal to the width of the adjacent right-of-right, increased by twenty feet, but not to exceed one hundred and thirty feet (130 ft.), or less if otherwise restricted by the Height Act.

**224 LOT OCCUPANCY**

224.1 The maximum permitted lot occupancy in the SEFC-3 zone shall be seventy-five (75) percent.

224.2 A building occupied by both residential and non-residential preferred uses provided in accordance with K § 207.3 shall be permitted 100% lot occupancy for the ground and second stories.

224.3 No public recreation and community center shall occupy more than twenty percent (20%) of the lot upon which it is located; except that it may occupy up to forty percent (40%) if approved by the Zoning Commission, provided that the agency shows that the increase is consistent with the preservation of open space.

**225 REAR SETBACK**

225.1 A rear setback of two and one-half inches per foot of height (2.5” per foot of height) or a minimum of twelve (12) feet shall be provided for each structure located in the SEFC-3 zone.

**226 SIDE SETBACK**

226.1 No side setback is required. However, any side setback provided shall be four (4) feet minimum.

**227 COURTYARD**

227.1 Where a courtyard is provided, it shall have the following minimum dimensions:

	<b>Open Courtyard Width:</b>	<b>Closed Courtyard Width</b>	<b>Closed Courtyard Area:</b>
<b>Residential (except hotel):</b>	Four inches per foot (4 in./ft.) of height of courtyard; Ten feet (10 ft.) minimum.	Four inches per foot (4 in./ft.) of height of courtyard; Fifteen feet (15 ft.) minimum.	Twice the square of the required width of courtyard dimension; Three hundred and fifty square feet (350 sq. ft.) minimum.
<b>Non-Residential and Lodging:</b>	Two and one-half inches per foot (2 1/2 in./ft.) of height of courtyard; Six feet (6 ft.) minimum.	Two and one-half inches per foot (2 1/2 in./ft.) of height of courtyard; Twelve feet (15 ft.) min.	Twice the square of the required width of courtyard dimension; Two hundred and fifty square feet (250 sq. ft.) minimum.

**228 GREEN AREA RATIO**

228.1 A minimum Green Area Ratio (GAR) of 0.3 shall be required in the SEFC-3 zone.

**229 DEVELOPMENT STANDARDS FOR THE SEFC-4 ZONE**

229.1 The development standards in §§ 230 through 235 control the bulk of structures in the SEFC-4 zone.

**230 DENSITY**

230.1 The maximum permitted Floor Area Ratio (FAR) in the SEFC-4 zone shall be 0.5.

230.2 The matter of right floor area ratio limit shall serve as the maximum permitted floor area ratio for a planned unit development ("PUD").

230.3 Floor area ratio shall be the gross floor area of all buildings and structures located on land and any associated permanent structure located on, in, or over water, other than a floating home, divided by the total area of the lot.

230.4 The floor area ratio on a lot used exclusively for recreational use, marina, yacht club, or boathouse buildings and structures shall not exceed 0.75.

230.5 The gross floor area of existing Building 173 shall not count toward any FAR computation. The second story of Building 173 may be used for general office purposes on an interim basis of not more than twenty (20) years from the date of the initial Certificate of Occupancy for this use; provided that any such office space is suitably designed for future occupancy by retail uses and to not adversely impact ground floor retail uses.

230.6 Two or more lots, whether contiguous or non-contiguous, within the SEFC-4 District may be combined for the purposes of allocating density as provided for and limited by K § 230.7, in accordance with the procedures outlined in K § 240.

230.7 A lot or lots in the SEFC-4A area may receive and use density allocated from a lot or lots in the SEFC-4B area, subject to all other applicable area restrictions. If a single lot is included within both geographic areas, the portion of the lot in the SEFC-4A area may use the unused density from the portion of the lot in the SEFC-4B area.

**231 HEIGHT**

231.1 The maximum permitted height in the SEFC-4 zone shall be forty (40) feet.

231.2 The matter of right height shall serve as the maximum permitted height for a planned unit development ("PUD").

231.3 A building or structure located on, in or over the water; or a watercraft, including a floating home shall have a height of twenty five (25) feet maximum. For the

purposes of this subsection, the maximum height shall be measured from the mean high water level along the shore directly in front of the building, structure or watercraft to the highest point of the building or structure, not including sailboat masts.

**232 LOT OCCUPANCY**

- 232.1 The maximum permitted lot occupancy in the SEFC-4 zone shall be twenty-five (25) percent.
- 232.2 Lot occupancy shall be the total area occupied by all buildings and structures located on land and by any associated permanent structure located on, in, or over water, other than a floating home, divided by the total area of the lot.
- 232.3 The lot occupancy on a lot used exclusively for a recreational use, marina, yacht club, or boathouse buildings and structures shall not exceed fifty percent (50%).

**233 SIDE SETBACK**

- 233.1 A minimum required side setback of twelve (12) feet shall be provided in the SEFC-4 zone.
- 233.2 No setback is required for any building or structure located entirely on, over, or in the water. If a side setback is provided, its minimum width shall be at least five (5) feet.
- 233.3 Any building or structure located in whole or in part on land shall provide a side setback on each side of twelve feet (12 ft.) minimum.

**234 COURTYARD**

234.1 Where a courtyard is provided, it shall have the following minimum dimensions:

	<b>Open Courtyard Width:</b>	<b>Closed Courtyard Width</b>	<b>Closed Courtyard Area:</b>
<b>Residential (except hotel):</b>	Four inches per foot (4 in./ft.) of height of courtyard; Ten feet (10 ft.) minimum.	Four inches per foot (4 in./ft.) of height of courtyard; Fifteen feet (15 ft.) minimum.	Twice the square of the required width of courtyard dimension; Three hundred and fifty square feet (350 sq. ft.) minimum.
<b>Non-Residential and Lodging:</b>	Two and one-half inches per foot (2 1/2 in./ft.) of height of courtyard; Six feet (6 ft.) minimum.	Two and one-half inches per foot (2 1/2 in./ft.) of height of courtyard; Twelve feet (15 ft.) min.	Twice the square of the required width of courtyard dimension; Two hundred and fifty square feet (250 sq. ft.) minimum.

**235 WATERFRONT SETBACK**

- 235.1 A Waterfront Setback shall be provided in accordance with the provisions of Subtitle C chapter 23.

235.2 The Waterfront Setback shall have a depth of one hundred feet (100 ft.) minimum.

## **236 PREFERRED USE PROVISIONS**

236.1 The following uses groups shall be considered Preferred Uses within the SEFC zones:

- (a) Animal Care, Sales, and Boarding provided there is no overnight boarding of dogs except for convalescence at a veterinary hospital;
- (b) Arts, Design & Creation;
- (c) Eating and Drinking Establishments;
- (d) Retail;
- (e) Financial Service provided a bank or financial institution shall not be located at the intersection of two streets.
- (f) General Service

236.2 Preferred Uses shall be located on the ground-floor and street-oriented.

## **237 USE PERMISSIONS (SEFC-1)**

237.1 Except as prescribed below, use permissions, including uses permitted as a matter of right, as a special exception, and as an accessory use, and uses not permitted shall be in accordance with the Use Group G (MU-10 Zone) of Subtitle G.

237.2 Notwithstanding K § 237.1, the following additional use restrictions and permissions of this section shall apply in the SEFC-1 zone.

237.3 Uses subject to special exception review in the MU-10 zone that are not listed in K § 237.4 as being subject to Zoning Commission review and approval, are not permitted within the SEFC-1 zone.

237.4 Within the SEFC-1 zone, the following buildings, structures, and uses are permitted only if reviewed and approved by the Zoning Commission, in accordance with the standards specified in K § 241 and procedures specified in K § 242:

- (a) All buildings and structures that have frontage along M Street, S.E.; subject also to the applicant proving that the architectural design, site plan, landscaping, and sidewalk treatment of the proposed building are of superior quality;
- (b) Automobile rental agency, provided the use has no exterior automobile storage area;

- (c) Dental lab;
- (d) Department store;
- (e) Hotel/inn;
- (f) International organization;
- (g) Library;
- (h) Museum;
- (i) Institution, Religious, which may include a parsonage, vicarage, rectory, or Sunday school building, as well as any related programs.
- (j) Education, Private and Education, Public, including trade school;
- (k) Solid, freestanding wall and/or security gate exceeding a height of four (4) feet, including structural supports;
- (l) Education, College/University;
- (m) Entertainment, Assembly, and Performing Arts;
- (n) Medical Care;
- (o) Automobile, truck, or motorcycle accessory sales, including installation;
- (p) Gas station; and
- (q) Temporary parking lot or garage, for a maximum approval period of five (5) years, which may be renewed by the Zoning Commission, as a principal use located at or above grade;

237.5

Preferred uses listed in K § 236 shall be permitted in accordance with the following criteria:

- (a) Any building or structure with frontage on M Street, S.E. or N Street, S.E. shall provide preferred uses comprising a minimum of seventy-five percent (75%) of the frontage on M Street, S.E. or N Street, S.E. and a minimum of seventy-five percent (75%) of that portion of the gross floor area of the ground floor within a depth of fifty (50) feet from the exterior facade of the front of building, not including parking, parking access, mechanical and fire control rooms, and other non-public spaces. This requirement shall not apply to:
  - (1) Buildings directly south of the historic wall along M Street, S.E. between 4th Street, S.E. and the Washington Navy Yard, for so long as the wall remains; or

- (2) Any addition to a building with frontage on M Street, S.E. or N Street, S.E. if the addition to such building has no frontage on such streets but, as allowed pursuant to K § 237.5(b) below, preferred uses may be provided on the ground floor level of such buildings;
- (b) In addition to the preferred uses listed in K § 236, the preferred use space requirement of K § 237.5 (a) may also be met by any use listed in K §§ 237.4 (a) through (n), if reviewed and approved by the Zoning Commission in accordance with the standards specified in K § 241 and procedures specified in K § 242;
- (c) In addition to the locations in which preferred uses are required pursuant to K § 237.5(a), preferred uses may be provided on the ground floor level of buildings in other areas within the SEFC-1 District, but are not required. If provided, such preferred use area shall not be required to conform to the requirements of K §§ 237.5 (a)(e), (f), and (g);
- (d) For good cause shown, the Commission may authorize interim occupancy of the preferred use space required under K § 237.5(a) by other uses permitted in the SEFC zones for up to a five (5) year period; provided that the ground-floor space is suitably designed for future occupancy by preferred uses;
- (e) Not less than fifty percent (50%) of the surface area of the street wall, including building entrances, of those building frontages described in K § 237.5(a) shall be devoted to doors or display windows having clear or low emissivity glass;
- (f) Preferred uses shall provide direct, exterior access to the ground level; and
- (g) The minimum floor-to-ceiling height for portions of the ground floor level devoted to preferred uses shall be fourteen (14) feet.

**238 USE PERMISSIONS (SEFC-2 AND SEFC-3)**

238.1 Except as prescribed below, use permissions, including uses permitted as a matter of right, as a special exception and as an accessory use, and uses not permitted shall be in accordance with the use provisions of the RA-5 zone of Subtitle F.

238.2 Notwithstanding K § 238.1, the following buildings, structures, and uses are not permitted in the SEFC-2 and SEFC-3 zones:

- (a) Detached, semi-detached or rowhouse dwelling;
- (b) Parking lot or garage as a principal use located on or above grade, except as a temporary use as permitted by special exception in K § 238.3.
- (c) Sanitarium; and

- (d) Uses subject to special exception review in the RA-5 zone that are not listed in K § 238.3 as being subject to Zoning Commission review and approval are not permitted in the SEFC-3 and SEFC-2 zones, unless such uses are permitted as preferred uses pursuant to K § 236.

238.3

Notwithstanding K § 238.1, the following buildings, structures, and uses are permitted only if reviewed and approved by the Zoning Commission, in accordance with the standards specified in K § 241 and procedures specified in K § 242:

- (a) All buildings and structures that abut the SEFC-4B zone, whether or not a street intervenes but excluding buildings and structures that abut the SEFC-4A zone including existing Building 160 and any additions thereto and any building or structure to be constructed immediately to the east of Building 160 (i.e., north of Water Street, S.E., west of 4th Street, S.E. east of Third St., S.E., and south of Tingey Street, S.E.).
- (b) Uses within the Arts, Design & Creation and the Lodging use groups, subject to an overall cap within the SEFC-3 and SEFC-2 zones of 1.0 FAR maximum;
- (c) Medical Care;
- (d) Institutional, Religious Based, which may include a parsonage, vicarage, rectory, or Sunday school building, as well as any related programs.
- (e) Private club, lodge, fraternity house, sorority house, or dormitory;
- (f) Education, Private and Education, Public, including trade school; except a trapeze school as provided in K § 238.5;
- (g) Temporary parking lot or garage, for a maximum approval period of five (5) years, which may be renewed by the Zoning Commission, as a principal use, located at or above grade;
- (h) Solid, freestanding wall and/or security gate exceeding a height of four (4) feet;
- (i) Education, College/University; and
- (j) Daytime Care.

238.4

Within the SEFC-3 and SEFC-2 Districts, "preferred uses" listed in K § 236 of this Title shall be regulated in accordance with the following criteria:

- (a) Preferred uses shall be provided in any building or structure facing:

- (1) Tingey Street, S.E., west of 4th Street, S.E., and east of 4th Street, S.E., but in the latter case, only along the southern side of Tingey Street, S.E., for a length of fifty (50) feet minimum as measured from the west exterior facade of any building or structure constructed on the southeast corner of Tingey St., S.E. and 4th Street, S.E., or
  - (2) The SEFC-4 Zones.
- (b) Where required, preferred uses shall comprise a minimum of seventy-five percent (75%) of the frontage facing Tingey Street, S.E., or the SEFC-4 District, and a minimum of seventy-five percent (75%) of the applicable portion of the gross floor area of the ground floor with a depth of fifty (50) feet from the exterior facade of the front of the building, not including parking, parking access, mechanical and fire control rooms, and other non-public spaces.
  - (c) The requirement to provide preferred uses shall not apply to any addition to a building facing onto Tingey Street, S.E. or the SEFC-4 District if the addition to the building has no frontage facing onto Tingey Street, S.E. or the SEFC-4 District, but, as allowed pursuant to K § 238.4 (d) below, preferred uses may be provided on the ground floor level of such addition.
  - (d) For Building 160, notwithstanding the requirements noted above, the total amount of preferred use space shall be a minimum of 3,000 square feet of space facing Tingey Street, S.E. and a minimum of 6,000 square feet of space facing Water Street, S.E., for a total of at least 9,000 square feet.
  - (e) In addition to the locations in which preferred uses are required pursuant to K § 238.4(a) above, preferred uses may be provided on the ground floor level of buildings or structures in other areas within the SEFC-3 and SEFC-2 Districts, but are not required. If provided, such preferred use area shall not be required to conform to the requirements of K § 238.4(a), (g), (h), and (i). If the bonus density authorized pursuant to K § 238.4(e), is used to provide non-required preferred uses, the preferred use area must be dedicated to preferred uses for the life of the building;
  - (f) The density associated with preferred uses shall be in addition to otherwise permitted FAR, and shall not exceed 0.5 FAR;
  - (g) For good cause shown, the Commission may authorize interim occupancy of the preferred use space required under K § 238.4(a) by other uses permitted in the RA-5 Zones for up to a five (5) year period; provided that the ground floor space is suitably designed for future occupancy by preferred uses;
  - (h) Not less than fifty percent (50%) of the surface area of the street wall, including building entrances, of those building frontages dedicated to

preferred uses described in K § 238.4 shall be devoted to doors or display windows having clear or low emissivity glass;

- (i) Preferred uses shall provide direct, exterior access to the ground level; and
- (j) The minimum floor-to-ceiling height for portions of the ground floor level devoted to preferred uses shall be fourteen feet (14 ft.).

238.5 A trapeze school and aerial performing arts center may be established and continued as a matter of right in Parcel O until December 31, 2014, during which time no parking shall be required.

238.6 The continuation of the trapeze school and aerial performing arts center use after December 31, 2014 shall require approval by the Zoning Commission in accordance with the standards specified in K § 241 and procedures specified in K § 242, and shall include a determination as to whether and what amount of parking should be required.

### **239 USE PERMISSIONS (SEFC-4)**

239.1 Within the SEFC-4A development area, use permissions, including uses permitted as a matter of right, as a special exception, and as an accessory use, and uses not permitted shall be in accordance with the provisions of Use Group B (MU-11 zone) of Subtitle U, as prescribed in U §§ 505 - 506.

239.2 Within the SEFC-4B open space area, only the following uses shall be permitted as a matter of right:

- (a) Boat construction on an occasional basis by a local community organization;
- (b) Community garden operated by a local community organization or District government agency;
- (c) Publicly-accessible park or open space, playground, or athletic field, including pedestrian and bicycle trails, necessary support facilities, and fitness circuits;
- (d) Public nature education or interpretive center including a boat dock; and
- (e) Seasonal or occasional market for produce, arts, and crafts, with non-permanent structures.

239.3 Within the SEFC-4B Open Space Area, the following buildings, structures, and uses are permitted only if reviewed and approved by the Zoning Commission in accordance with the standards specified in K § 241 and procedures specified in K § 242:

- (a) Boat launching facility, dock, wharf, or pier for use by the general public;
- (b) Boat rental facility for non-motorized water vessels;
- (c) Cruise line operation, including necessary associated dock and land facilities;
- (d) Solid, freestanding wall and/or security gate exceeding a height of four (4) feet, not including structural supports;
- (e) Marina, not including Floating Homes;
- (f) Public food concession stand(s) / kiosk(s) which may serve alcoholic drinks, to a maximum of 3,000 gross square feet;
- (g) Water taxi and related facilities, including information / ticket booth and passenger shelter; and
- (h) Other publicly-accessible maritime uses normally requiring direct access to the water.

239.4 The minimum floor-to-ceiling height for the ground floor level of buildings shall be fourteen (14) feet.

239.5 All proposed structures in the SEFC-4 Districts, or any proposed exterior renovation to any existing buildings or structures in the SEFC-4 Districts that would result in an alteration of the exterior design, shall be subject to review and approval by the Zoning Commission, in accordance with the standards set forth in K § 241 and procedures set forth in K § 242.

**240 COMBINED LOT DEVELOPMENT PROCEDURES (SEFC-1 AND SEFC-4)**

240.1 Combined lot development is permitted within the SEFC-1 zone in accordance with K § 202.3, and in the SEFC-4 District in accordance with K §§ 230.6 and 230.7.

240.2 No allocation of gross floor area shall be effective unless an instrument, legally sufficient to effect such a transfer, is filed with the Zoning Administrator in accordance with this Section.

240.3 The instrument shall bind the present and future owners of the respective SEFC-1 lots so as to permanently devote residential and non-residential gross floor area on site equal to that square footage transferred or received, and shall specify the allocation of residential and non-residential uses among the lots.

240.4 The instrument shall bind the present and future owners of the SEFC-4 lots that are situated within the Open Space Area, as described in K § 200.8 (b), to

permanently forego the development of such square footage as was transferred to a lot in the Development Area and shall specify the amount of square footage transferred.

- 240.5 The Office of the Attorney General shall certify the instrument for legal sufficiency. The instrument shall also contain a certification by the Office of Planning attesting to:
- (a) The lots' eligibility to send and receive allocated residential and non-residential uses; and
  - (b) The accuracy of the computations with respect to the amount of residential and non-residential uses or density reallocated or transferred.
- 240.6 The District of Columbia need not be made a party to the instrument if the instrument provides that it shall neither be modified nor terminated without the express permission of the Zoning Commission of the District of Columbia.
- 240.7 The instrument shall be recorded for all affected lots in the Office of Recorder of Deeds, so that the notice of restrictions and transfer shall run with the title and deed to each affected lot and so that the land records that pertain to each affected lot accurately reflect the amount and type of density associated with the lots.
- 240.8 A certified copy of the recorded instrument shall be filed with the Zoning Administrator before approval of any building permit application that is affected by such allocation of uses or density.

## **241 ZONING COMMISSION REVIEW STANDARDS**

- 241.1 In addition to proving that the proposed uses, buildings, or structures meet the standards set forth in Subtitle Y, the applicant for Zoning Commission approval of a use or structure within a SEFC zone shall further demonstrate conformance to the following standards:
- (a) The use, building, or structure will help achieve the goals and objectives of the SEFC Zone as set forth in K § 200.2 through 200.7, as applicable;
  - (b) The proposed building or structure shall be designed with a height, bulk, and siting that provide for openness of view and vistas to and from the waterfront and, where feasible, shall maintain views of federal monumental buildings, particularly along the New Jersey Avenue, S.E. corridor;
  - (c) On or above-grade parking adjacent to, or visible from, the street shall be limited. Where parking cannot be placed underground, other uses such as retail or residential shall separate parking areas from the street, or where this is not possible, green landscaping or architectural treatment of facades shall adequately screen parking from the street and adjacent development.

241.2

In evaluating the application, the Commission also may consider:

- (a) Compatibility with buildings in the surrounding area through overall massing, siting, details, and landscaping;
- (b) Use of high standards of environmental design that promote the achievement of sustainable development goals;
- (c) Facade articulation that minimizes or eliminates the visibility of unarticulated blank walls from public spaces;
- (d) Landscaping which complements the building;
- (e) For buildings that include preferred uses in accordance with K §§ 237 or 238, the Commission may consider the balance and location of preferred uses;
- (f) In connection with its review pursuant to K § 238.3, the Commission may consider the effect of the proposed use on the predominantly residential character of the SEFC-2 and/or SEFC-3 zones; and
- (g) For development within or adjacent to the SEFC-4 District, the Commission may consider whether the project is consistent with the following goals:
  - (1) Providing a wide variety of active and passive recreational uses;
  - (2) Encouraging uses that open to, overlook, and benefit the waterfront park;
  - (3) Utilizing siting and design of buildings and uses to improve the natural ecology, to illustrate the importance of natural systems, and/or to interpret the historically important maritime context of the site.

## **242**

### **ZONING COMMISSION REVIEW PROCEDURES**

242.1

At the time the Zoning Commission is considering an application for approval authorized by this chapter, the Commission may hear and decide any additional requests for zoning relief needed for the subject property.

242.2

At the time of filing an application with the Commission, the applicant shall pay the filing fee specified in Subtitle Y plus such fees as apply to any additional zoning relief requested. The provisions of Subtitle Y relating to the administration of fees shall apply, except that the applicant may appeal any decision of the Director regarding the fee schedule to the Commission, which shall decide the appeal at a meeting or hearing as a preliminary matter to hearing the application.

## CHAPTER 3 UNION STATION NORTH (USN)

### 300 GENERAL PROVISIONS

300.1 The purposes of the USN Zone are to:

- (a) Implement the Comprehensive Plan by ensuring that development of the air rights is not inconsistent with the goals and policies of the Comprehensive Plan including:
  - (1) Creation of a catalytic development that would provide an active streetscape connection between neighborhoods west of the railroad tracks and east of the railroad tracks;
  - (2) Infill of an underutilized property near a multi-modal transportation hub with the provision of a mix of high density commercial and residential uses; and
  - (3) Preservation and enhancement of Union Station, and general economic development of the NoMa area and the District of Columbia.
- (b) Reconnect the City by creating an urban fabric that will reconnect the H Street commercial corridor to the east, North Capitol Street to the west, NoMa to the north and west, and Union Station to the south;
- (c) Provide a Suitable Visual Relationship to Surroundings by ensuring the provision of exemplary architecture for any building in the USN Zone, and encouraging upper story setbacks and minimized penthouses;
- (d) Improve the Character of H Street by establishing H Street, N.E., between 1<sup>st</sup> and 2<sup>nd</sup> Streets, N.E., as an attractive, active, pedestrian- oriented street with active ground floor uses and a varied façade;
- (e) Utilize Transportation Infrastructure by facilitating development that would take advantage of Union Station's unique combination of local, regional and national investment in pedestrian, bicycle, rail transit, bus transit, and intercity rail infrastructure, and ensuring that development complements, and allows the expansion and enhancement of the transportation infrastructure;
- (f) Establish a Mix of Uses throughout the USN Zone including residential and retail, as well as office, hotel and other permitted uses; and
- (g) Create a Walkable Environment by requiring suitable ground floor uses, appropriate building design and appropriate site layout, including wide sidewalks.

- 300.2 The Union Station North (USN) Zone is created to implement the Comprehensive Plan and other public policy goals and objectives.
- 300.3 The USN Zone recognizes the unique characteristics and development constraints of the site and provides for appropriate, site specific methods for the measurement of height and density.
- 300.4 The USN Zone shall constitute the Zoning Regulations for the geographic area referred to in K § 300.6. Where there are conflicts between this chapter and other chapters or subtitles of this title, the provisions of the USN Zone shall govern.
- 300.5 When used in this chapter, the term “Transportation Way” means any piece of infrastructure, the intent of which is to convey people or goods from one place to another. Examples include, but are not limited to, sidewalks, stairs, elevators, fixed guideways for transit, and streets. Transportation ways may be either on, above or below ground, and may be either publicly or privately owned. Transportation ways do not include internal components of any portion of a building.
- 300.6 The land and the volume of space below the air rights lots shall not be zoned USN. Development will occur on top of a structural platform that will span the railroad tracks underneath.
- 300.7 The USN Zone shall not be applied to any lot located on the ground or any air rights lot outside of the boundaries described in K § 300.6.

**301 RESERVED**

**302 RESERVED**

**303 THE PLATFORM (USN)**

- 303.1 The buildings to be erected within the USN will be supported by two (2) platforms erected above the existing railroad tracks and separated by H Street, N.E. (the “Platform” or “Platforms”).
- 303.2 The Platforms will be generally horizontal structures that provide support for the new surface area, above the railroad tracks, on which development will be built.
- 303.3 In addition to providing structural support, the Platforms may house mechanical equipment, parking and loading areas, and non-residential, residential, retail, and arts uses permitted by K § 313, as well as utilities and rail-related uses.
- 303.4 Structures below the grade of the railroad tracks and generally vertical, above-grade columns and structures will support the Platforms (collectively “Foundation Systems”). The term “Platform” or “Platforms”, when used in this chapter, does not include Foundation Systems or any station and rail-related functions or facilities that are constructed below the Platforms on the subjacent lots.

303.5 Although portions of a Platform may extend below the volume of an air rights lot, any provision of this chapter pertaining to the Platform shall apply to the entire Platform.

**304 SINGLE BUILDINGS AND BUILDING UNITS (USN)**

304.1 For the purposes of the USN Zone, each Platform and all improvements constructed thereon are deemed to comprise a single building.

304.2 Any part of a single building that is not connected to any other part of the same single building, other than through the structure of the Platform, will be hereinafter referred to as a Building Unit.

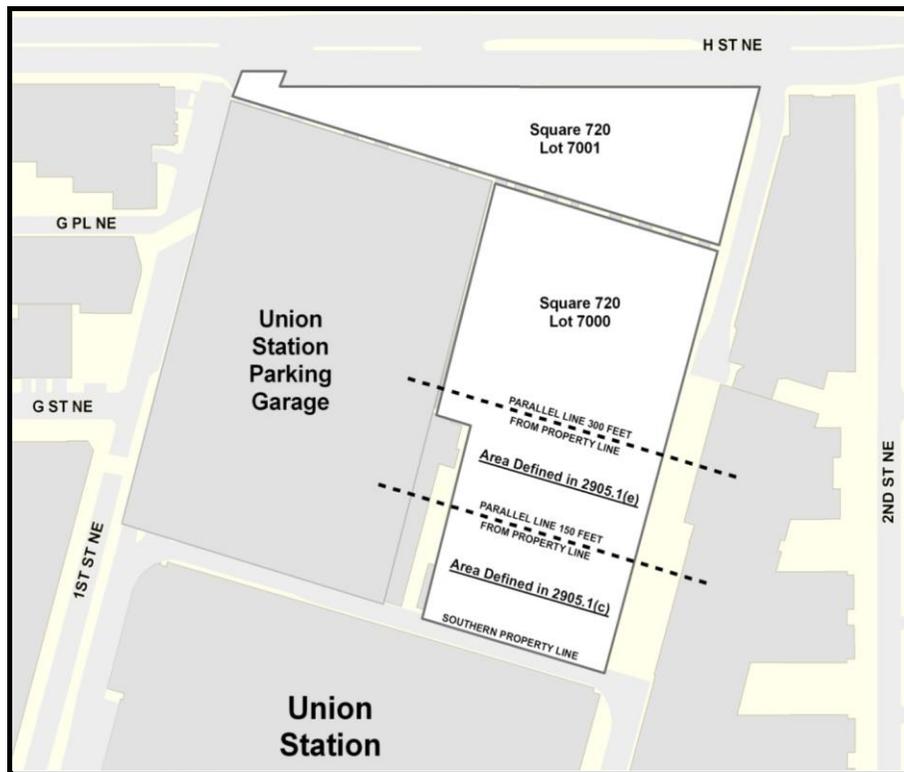
**305 HEIGHT (USN)**

305.1 The maximum height of a building or structure shall not exceed one hundred thirty feet (130 ft.), except that:

- (a) The maximum height of any portion of a building or structure that is both north of the centerline of Eye Street and east of a north-south line located two hundred feet (200 ft.) west of the eastern boundary of Lot 7002 in Square 717 shall not exceed ninety feet (90 ft.);
- (b) Within the area defined in K § 305.1(a), a height of greater than ninety feet (90 ft.) and no more than one hundred ten feet (110 ft.) shall be permitted if reviewed and approved by the Zoning Commission pursuant to the procedures set forth in K §§ 315 and 317, and subject to the following:
  - (1) The Commission will make a preliminary decision whether to approve the additional height as part of its Stage 1 review;
  - (2) The preliminary approval will become final unless modified or disapproved during the Stage 2 review;
  - (3) In making its decision, the Commission shall consider the design review criteria set forth in K §§ 323.3, 323.5, and 323.8 and 325.3 and 325.9;
  - (4) The Commission must find that the building unit or units located within the defined area exhibit exceptional architectural quality; and
  - (5) The Commission may require upper story setbacks or other design modifications that it deems necessary.
- (c) The maximum height of any portion of a building or structure that is both north of the southern property line of Lot 7000 in Square 720 and south of

a parallel line one hundred fifty feet (150 ft.) from the southern property line (as that area is depicted in the illustration appended to this subsection) shall not exceed ninety feet (90 ft.);

- (d) Within the area defined in K § 305.1(c), a height of greater than ninety feet (90 ft.) and no more than one hundred ten feet (110 ft.) shall be permitted if reviewed and approved by the Zoning Commission pursuant to the procedures set forth in K §§ 315 and 317, and subject to the criteria of K §§ 305.1(b)(1) through 305.1(b)(5);
- (e) The maximum height of any portion of a building or structure that is both north of a line parallel to and one hundred fifty feet (150 ft.) from the southern property line of Lot 7000 in Square 720 and south of a parallel line three hundred feet (300 ft.) from the southern property line (as that area is depicted in the illustration appended to this subsection) shall not exceed one hundred ten feet (110 ft.); and
- (f) Within the area defined in K § 305.1(e), a height of greater than one hundred ten feet (110 ft.) and no more than one hundred thirty feet (130 ft.) shall be permitted if reviewed and approved by the Zoning Commission pursuant to the procedures set forth in K §§ 315 and 317, and subject to the criteria of K §§ 305.1(b)(1) through 305.1(b)(5).



305.2

The measurement of building height shall be taken from the elevation of the sidewalk on H Street at the middle of the front of the building, to the highest point

of the roof or parapet rather than from grade as would otherwise be required by Subtitle C chapter 5.

305.3 The matter of right height permitted in K § 305.1 shall serve as the maximum permitted height for a planned unit development ("PUD").

**306 ROOF STRUCTURES (USN)**

306.1 Rooftop penthouses not intended for human occupation, such as penthouses over mechanical equipment, a stairway, or an elevator shaft shall be erected or enlarged pursuant to Subtitle B chapter 5.

306.2 Such a penthouse shall not exceed twenty feet (20 ft.) in height above the roof upon which it is located. Mechanical equipment shall not extend above the permitted twenty feet (20 ft.) height of the housing.

306.3 A penthouse not intended for human occupancy may be erected to a height in excess of that authorized in the USN Zone subject to the provisions of the Height Act.

306.4 Spires, towers, domes, pinnacles, or minarets serving as architectural embellishments, ventilator shafts, antennas, chimneys, smokestacks, or fire sprinkler tanks may be erected to a height in excess of that which this section otherwise authorizes.

**307 MAXIMUM FLOOR AREA RATIO – SINGLE BUILDING (USN)**

307.1 The maximum floor area ratio (FAR) for any single building in the USN Zone shall be six and one half (6.5), which shall be computed in accordance with K § 309.

**308 MAXIMUM NON-RESIDENTIAL FLOOR AREA RATIO – ZONE-WIDE LIMIT (USN)**

308.1 The maximum non-residential FAR for the entire USN Zone is five and one half (5.5).

308.2 Until a one half (0.5) FAR of residential uses have been developed within the entire USN Zone, as evidenced by a certificate or certificates of occupancy for residential uses, no certificate of occupancy for non-residential uses may be issued that would result in a non-residential FAR for the entire USN Zone of greater than three (3.0).

308.3 Until one (1.0) FAR of residential uses have been developed within the entire USN Zone, as evidenced by a certificate or certificates of occupancy for residential uses, no certificate of occupancy for non-residential uses may be issued that would result in a non-residential FAR for the entire USN Zone of greater than four (4.0).

308.4 The minimum residential FAR may be apportioned between the single building north of H Street and the single building south of H Street, provided that the aggregate residential floor area is not decreased.

308.5 The minimum residential FAR shall not include the FAR dedicated to residential parking located above the level of the Platform.

**309 COMPUTATION OF FAR (USN)**

309.1 Computation of the maximum gross floor area for each building shall be determined by multiplying six and one half (6.5) by the area of a single building's lot, subject to the exclusions identified in K § 309.5.

309.2 Computation of the maximum non-residential gross floor area for the entire USN shall be determined by multiplying three (3.0), four (4.0) or five and one half (5.5), as applicable, by the combined areas of each single building's lot, subject to the exclusions identified in K § 309.5.

309.3 The lot of the single building north of H Street consists of the area within lots 7001 and 7002 in Square 717.

309.4 The lot of the single building south of H Street consists of the area within lots 7000 and 7001 in Square 720.

309.5 Lot area shall not include private rights-of-way that generally serve the principal entrances to building units, including the fourteen foot (14 ft.) minimum sidewalk width required by K § 321.5.

309.6 Notwithstanding K § 309.5, lot area shall include private rights-of-way that generally provide access to service, loading or automobile parking areas, as well as sidewalk area beyond the fourteen foot (14 ft.) minimum width required by K § 321.5.

309.7 The term "gross floor area" has the same meaning as in Subtitle B chapter 1, except that the term only applies to the area of all enclosed structures above the top of the Platforms.

309.8 The matter of right FAR permitted in K §§ 307 and 308 shall serve as the maximum permitted FAR for a planned unit development ("PUD").

**310 BICYCLE PARKING (USN)**

310.1 Bicycle parking spaces shall be provided at a minimum as follows:

Type of use	Indoor Spaces	Outdoor spaces
Residential	One for every three units	One for every twenty units, with a minimum of two
Non-residential	One for every 10,000 square feet of gross floor area, with a minimum of two	One for every 40,000 square feet of gross floor area, with a minimum of two

Type of use	Indoor Spaces	Outdoor spaces
Retail/service	One for every 10,000 square feet of gross floor area, with a minimum of two	One for every 5,000 square feet of gross floor area, with a minimum of two

- 310.2 All bicycle parking spaces shall be well lit and provide convenient access to the uses they are intended to serve.
- 310.3 Outdoor spaces may be provided in public space subject to the approval of the District Department of Transportation (DDOT).
- 310.4 All required bicycle parking spaces shall be a minimum of two feet (2 ft.) in width and six feet (6 ft.) in length.
- 310.5 An aisle five feet (5 ft.) in width shall be provided between rows of bicycle parking spaces and the perimeter of the area devoted to bicycle parking.
- 310.6 If a room or common locker not divided into individual spaces is used to meet these requirements, twelve square feet (12 sq. ft.) of floor area shall be considered the equivalent of one (1) bicycle parking space. Where manufactured metal lockers or racks are provided, each locker or stall devoted to bicycle parking shall be counted as one bicycle parking space.
- 310.7 Signs shall be posted stating where bicycle parking spaces are located in each building or structure where bicycle parking spaces are required. The signs shall be located in a prominent place at each entrance to the building or structure. The sign shall have a white background with black lettering that is no less than two inches (2 in.) in height.

**311 OFF STREET AUTOMOBILE PARKING (USN)**

- 311.1 The provisions of Subtitle C chapter 19 (Parking) do not apply to the USN Zone.
- 311.2 There shall be no minimum number of automobile parking spaces required in the USN Zone.
- 311.3 No lease or purchase agreement for a dwelling unit may include within its terms the sale or lease of an automobile parking space.
- 311.4 Automobile parking spaces need not be located on the same lot with the building or building unit they are intended to serve, but must be located on a lot within or below the USN Zone.

**312 LOADING (USN)**

- 312.1 Loading shall be provided as required in Subtitle C chapter 21.
- 312.2 The Zoning Commission may, as a special exception, permit the reduction, elimination, relocation or consolidation of loading facilities, provided that the

applicant demonstrates that:

- (a) The proposed number of loading facilities will be adequate to serve the related uses;
- (b) The loading facilities are designed such that loading and unloading of service vehicles would be accomplished without the need to move goods and materials across public areas;
- (c) The proposed loading facilities would not tend to affect adversely other modes of transportation using the adjacent public or private transportation way;
- (d) The proposed loading facilities would not tend to affect adjacent properties adversely; and
- (e) The Commission may impose conditions as to screening, lighting, coping, setbacks, fences, location of entrances and exits, widening of abutting transportation ways, or any other requirement it deems necessary to protect the adjacent property and the safety and function of other modes of travel.

**313 USE PERMISSIONS (USN)**

313.1 The table below identifies use permissions and references to regulations applicable to the USN zone.

Use Categories	Use Code
Agriculture, Residential	P
Agriculture, Large	P
Animal Sales, Care, and Boarding	S (§ 313.2)
Arts Design and Creation	P
Basic Utilities	P
Chancery	P
Community-based Inst. Facility	P
Daytime Care	P
Education, public	P
Education, private	P
Education, College/University	P
Emergency Shelter	P
Ent., Assembly, and Perf Arts	P
Firearm Sales	C (§ 313.3)
Eating and Drinking Establishments	P
Government, Large Scale	S (§ 313.4)
Government, Local	P
Health Care	P

Use Categories	Use Code
Institutional, General	P
Institutional, Religious	P
Lodging	P
Marine	N
Motor Vehicle-related	C (§ 313.5) S (§ 313.6)
Office	P
Parking	P
Parks and Recreation	P
Production, Dist., and Repair	C (§ 313.7)
Residential	P
Retail	P
Service, General	P
Service, Financial	C (§ 314.2)
Sexually-Based Business	N
Transportation Infrastructure	P
Waste-related Services	N

313.2

Animal Sales, Care and Boarding uses may be approved by the Board of Zoning Adjustment, subject to the following conditions in addition to the general special exception criteria of Subtitle Y :

- (a) Animal uses, such as animal boarding, pet grooming establishments, pet shops, veterinary boarding hospitals and animal shelters, shall be subject to the following:
  - (1) The use shall not be located on a lot that abuts a Residential zone; and
  - (2) Shall be located and designed to create no objectionable condition to adjacent properties resulting from animal noise, odor or waste.
- (b) Any use that is a commercial establishment for the overnight boarding and/or recurring daily care of animals for a fee, or other establishment that permits the boarding of ten or more animals for reasons other than convalescence, shall be subject to the following additional criteria:
  - (1) The use shall take place entirely within an enclosed and soundproofed building in such a way so as to produce no noise or odor objectionable to nearby properties. The windows and doors of the premises shall be kept closed.
  - (2) All animal waste shall be placed in closed waste disposal containers and shall utilize a qualified waste disposal company to collect and dispose of all animal waste at least weekly. Odors shall

be controlled by an air filtration system (for example, High Efficiently Particulate Air “HEPA” filtration) or an equivalently effective odor control system.

- (3) External yards or other external facilities for the keeping of animals shall not be permitted.
  - (4) The Board may impose additional requirements pertaining to the location of buildings or other structures; entrances or exits; buffers, barriers and fencing; soundproofing; odor control; waste storage and waste removal (including frequency); the species and/or number and/or breeds of animals; or other requirements, as the Board deems necessary to protect adjacent or nearby property.
- (c) Any use that trims or cleans domestic pets for a fee shall be subject to the following additional criteria:
- (1) All animal waste shall be placed in closed waste disposal containers and shall utilize a qualified waste disposal company to collect and dispose of all animal waste at least weekly. Odors shall be controlled by means of an air filtration system or an equivalently effective odor control system.
  - (2) External yards for the keeping of animals shall not be permitted.
  - (3) The sale of pet supplies is permitted as an accessory use.
  - (4) The Board may impose additional requirements as it deems necessary to protect nearby properties.
- (d) Any use that boards animals as an independent line of business in association with a veterinary hospital for reasons other than convalescence, shall be subject to the following additional criteria:
- (1) The use may board any animal permitted to be lawfully sold in the District of Columbia, pursuant to D.C. Official Code § 8-1808(h) (1), except domesticated dogs.
  - (2) No more than fifty percent (50%) of the gross floor area of the veterinary boarding hospital may be devoted to the boarding of animals.
  - (3) Pet grooming, the sale of pet supplies and incidental boarding of animals as necessary for convalescence, are permitted as accessory uses.
  - (4) External yards or other external facilities for the keeping of animals shall not be permitted.

- (5) The Board may impose additional requirements as it deems necessary to protect nearby properties.
- (e) Any business engaged in the sale of dogs, cats, birds, tropical fish, and/or other domesticated pets, as permitted by the D.C. Official Code § 8-1808(h)(1), including related supplies and equipment, shall be subject to the following additional criteria:
  - (1) External yards or other external facilities for the keeping of animals shall not be permitted; and
  - (2) The Board may impose additional requirements as it deems necessary to protect nearby properties.
- (f) Any business that houses and feeds stray or abandoned animals without a fee and is operated by a non-profit organization or governmental agency shall be subject to the following additional criteria:
  - (1) The use shall utilize industry standard sound-absorbing materials, such as acoustical floor and ceiling panels, acoustical concrete and masonry and acoustical landscaping.
  - (2) All animal waste shall be placed in closed waste disposal containers and shall utilize a qualified waste disposal company to collect and dispose of all animal waste at least weekly. Odors shall be controlled by means of an air filtration system or an equivalently effective odor control system.
  - (3) External yards or other external facilities for the keeping of animals shall not be permitted unless the entire yard is located a minimum of two hundred feet (200 ft.) from an existing residential use or Residential Zone.
  - (4) The Board may impose additional requirements as it deems necessary to protect nearby properties.

313.3 Firearm Sales uses are permitted as a matter of right provided that no portion of the establishment shall be located within three hundred feet (300 ft.) of a Residential zone, Institutional use, or Parks and Open Space use.

313.4 Large Scale Government uses may be approved by the Board of Zoning Adjustment, subject to the general special exception criteria of Subtitle Y chapter 8.

313.5 Motor Vehicle Related uses are permitted as a matter of right provided the use conforms to the following list of conditions:

- (a) The use shall not include fuel sales; and

- (b) The use shall not include vehicle repair or service, except as incidental and accessory to other permitted use categories.
- (c) Motor Vehicle Related uses not meeting conditions above may be permitted by special exception. Refer to K § 313.6 for special exception criteria.

313.6 Motor Vehicle Related uses may be approved by the Board of Zoning Adjustment if, in addition to the general special exception criteria of Subtitle Y chapter 8, the use does not include auto body or fender repair.

313.7 Production, Distribution and Repair uses are permitted as a matter of right provided the use conforms to the following list of conditions:

- (a) All aspects of the use shall be conducted within a fully enclosed building or structure; and
- (b) The use, including any storage, shall occupy no more than ten thousand (10,000) square feet.

**314 GROUND FLOOR AREAS REQUIRED TO BE DEVOTED TO PREFERRED USES**

314.1 One hundred percent (100%) of the ground floor H Street frontage of building units, except for space devoted to building entrances or lobbies, space required to be devoted to fire control, or space dedicated to transit or rail entrances or passenger circulation, shall be occupied by uses from the following use categories:

- (a) Arts Design and Creation;
- (b) Entertainment, Assembly and Performing Arts;
- (c) Eating and Drinking Establishments;
- (d) Retail;
- (e) Service, General;
- (f) Any arts use listed in C § 2404.3, other than the uses listed in C § 2404.3(g), the Design Use Group.

314.2 Uses in the category Service, Financial may meet the requirement of 314.1, subject to the following limitations:

- (a) Service, Financial uses shall occupy no more than one hundred (100) total linear feet of ground floor H Street frontage;
- (b) Service, Financial uses shall occupy no more than fifty feet (50 ft.) of

ground floor H Street frontage in any one building unit.

- 314.3 No single commercial occupancy shall occupy more than one hundred (100) total linear feet of ground floor H Street frontage.
- 314.4 The entire ground floor of all building units shall have a minimum slab to slab height of fourteen feet (14 ft.), except for those spaces within the ground floor of any building unit devoted to the following uses: mechanical, electrical, and plumbing; storage; fire control; loading; and retail corridors and service corridors.

### **315 ZONING COMMISSION REVIEW – GENERAL**

- 315.1 Due to the unique nature of the USN zone, all proposed buildings, structures, or any proposed exterior renovation to any existing buildings or structures that would result in an alteration of the exterior design, as well as any associated open spaces such as parks or plazas, shall be subject to review and approval by the Zoning Commission in accordance with the following provisions. No review or approval by the Zoning Commission is required for construction of Foundation Systems within the USN Zone.
- 315.2 K §§ 316 and 317 describe the following types of Zoning Commission reviews:
- (a) Master Plan;
  - (b) Stage 1;
  - (c) Stage 2; and
  - (d) Consolidated.
- 315.3 Any application must be signed by the owner of the subject air rights lot, but need not be signed by the owner of the subjacent lots, even if a portion of the Platform extends into the air space below the level of the air rights lot.

### **316 ZONING COMMISSION REVIEW – MASTER PLAN**

- 316.1 Prior to or together with either the first Stage 1 or the first Consolidated application submitted pursuant to this chapter, the applicant shall submit for review and approval by the Commission a Master Plan for the entire USN Zone.
- 316.2 A Master Plan review will examine, for the entire USN Zone, the dimensions and locations of transportation ways and the general locations of open spaces and building sites, in accordance with the review criteria of K § 321.
- 316.3 A Master Plan shall be determined by the Commission to be not inconsistent with the Comprehensive Plan, to generally further the purposes of the USN Zone and to be acceptable in all the review criteria of § K 321.

316.4 An approved Master Plan may be modified through application to the Commission, and the application for modification shall be subject to the same approval criteria as set forth in K § 316.3.

316.5 An applicant must return to the Commission for review and approval of Stage 1 and Stage 2 applications or a Consolidated application prior to applying for a building permit or beginning construction of any portion of the approved Master Plan application.

**317 ZONING COMMISSION REVIEW – STAGE 1, STAGE 2, AND CONSOLIDATED APPLICATIONS**

317.1 A Stage 1 or Stage 2 application may request review and approval of one (1) or more building units, structures or open spaces, or of one (1) or two (2) buildings.

317.2 An applicant may request consideration of the Stage 1 or Stage 2 applications individually or through a consolidated review.

317.3 A Stage 1 review will examine the specific arrangement of building units on the site, the specific location of open spaces, the massing and height of building units, the mix of uses, access to structures, the location of transportation ways, and access to and from the Platforms, in accordance with the Review Criteria of K § 323.

317.4 A Stage 2 review will examine the outward appearance of building units, the design of landscape and hardscape, the functionality of transportation ways, and the general location of uses, in accordance with the Review Criteria of K § 325.

317.5 A Consolidated review will examine all the aspects of design mentioned in K §§ 317.3 and 317.4, in accordance with the Review Criteria of K §§ 323 and 325. An application for Consolidated Review shall include all submittal requirements listed in K §§ 322 and 324.

317.6 A Stage 1, Stage 2, or Consolidated application shall be determined by the Commission to be not inconsistent with the Comprehensive Plan, not inconsistent with the approved Master Plan, to provide for a mix of uses, to be acceptable in all other applicable Review Criteria as set forth in K §§ 323 and 325, to generally further the purposes of the USN Zone, and to comply with all other requirements of this chapter.

317.7 An approved Stage 1, Stage 2 or Consolidated application may be modified through application to the Commission, and the application for modification shall be subject to the same approval criteria as set forth in K § 317.6.

317.8 Upon the effective date of the Zoning Commission Order granting approval of a Stage 1 application, the applicant may apply for a building permit to construct any portion of the Platforms related to that Stage 1 application.

317.9 An applicant must return to the Commission for review and approval of a Stage 2 application prior to applying for a building permit or beginning construction for any other portion of the approved Stage 1 Review Application.

### **318 COMMUNITY REVIEW**

318.1 The affected Advisory Neighborhood Commission (ANC) shall be granted party status to any application submitted pursuant to this chapter, and may participate in the public hearing for the application pursuant to Subtitle Z.

### **319 AGENCY REVIEW**

319.1 The Office of Zoning shall refer the application to the Office of Planning, the District Department of Transportation, Fire and Emergency Services, the District Department of the Environment, and any other relevant District agencies for review and comment.

### **320 MASTER PLAN SUBMITTAL REQUIREMENTS**

320.1 An applicant requesting approval of a Master Plan application shall provide:

- (a) A written description of the proposal, including a description of how the Master Plan review criteria are met; and
- (b) A plan or plans encompassing the entire USN Zone and showing:
  - (1) The location and dimensions of private rights-of-way and alleys;
  - (2) The lot areas to be used for FAR calculations, both for the entire USN Zone as well as the north and south buildings, pursuant to K § 309;
  - (3) The general locations of plazas, parks, or other open spaces;
  - (4) The general locations of sites for future building units; and
  - (5) Any other information needed to understand the project.

### **321 MASTER PLAN REVIEW CRITERIA**

321.1 The criteria stated in the subsections that follow are applicable to Master Plan applications.

321.2 Internal Connectivity – Internal connections shall result in a form of development that generally reflects the grid pattern of the District and that avoids the creation of excessively large building blocks. Internal connections shall be provided through a combination of private rights-of-way, sidewalks, paths, plazas, and parks, with a main multi-modal access point to both buildings from H Street, N.E.

- 321.3 External Connectivity – The Master Plan shall provide the opportunity for pedestrian connections in appropriate and feasible locations to surrounding development and surrounding neighborhoods including Union Station, NoMa west of the railroad tracks, and northern Capitol Hill.
- 321.4 Private Rights-of-Way Width – To facilitate pedestrian and bicycle movement, the curb-to-curb width of private rights-of-way shall not be excessively large.
- 321.5 Sidewalk Width – The width of sidewalks along private rights-of-way that generally serve the principal entrances to building units shall not be less than fourteen feet (14 ft.).
- 321.6 Community Outreach – The application shall demonstrate that community outreach has occurred through participation in multiple venues and through multiple formats, including the affected ANC, and which could include but not be limited to meetings with the community, an informational website, emails, or mailed flyers.

## **322 STAGE 1 SUBMITTAL REQUIREMENTS**

- 322.1 An applicant requesting approval of a Stage 1 Review Application shall provide:
- (a) A written description of the proposal, including a description of how the applicable review criteria are met;
  - (b) Site plans, elevations, renderings, photographic simulations, aerial axonometric massing diagrams, or any other suitable materials necessary to describe the project;
  - (c) For any building unit located south of H Street, N.E. ground-level view studies from multiple vantage points showing the relationship between the proposed building unit and Union Station;
  - (d) A circulation plan, including the location of all transportation ways, off-street parking spaces and loading berths, including an indication of which spaces are designated for which use, and a reasonable numerical range of the number of parking spaces to be provided. The circulation plan shall show how the design facilitates north-south bicycle movement through the site and to areas outside the site, including the Metropolitan Branch Trail;
  - (e) The area and dimensions of the application site;
  - (f) The gross floor area and floor area ratio for each building unit, including a break-down for each use, and the total gross floor area and floor area ratio for the building, including a breakdown for each use;
  - (g) A comprehensive transportation assessment for the development under consideration, addressing pedestrian, bicycle, transit, and automobile

capacity and circulation;

- (h) Estimated quantities of potable water required by the project, and of sanitary sewage and storm water to be generated, including the methods of calculating those quantities; and
- (i) Any other information needed to understand the project.

### **323 STAGE 1 REVIEW CRITERIA**

- 323.1 The criteria stated in the subsections that follow are applicable to Stage 1 applications.
- 323.2 External Connectivity – The development shall provide pedestrian connections in appropriate and feasible locations to surrounding development and surrounding neighborhoods including Union Station, NoMa west of the railroad tracks, and northern Capitol Hill. The application shall indicate the location of all such proposed connections. Connections are especially encouraged near the intersection of 1<sup>st</sup> and K Streets, N.E., 2<sup>nd</sup> and K Streets, N.E., and 2<sup>nd</sup> and Eye Streets, N.E.
- 323.3 Building Unit Heights and Visual Relationship to Surroundings – A suitable height for each building unit and appropriate massing relationship between proposed building units and adjacent neighborhoods, Union Station and other historic landmarks, and the Federal precincts near the Capitol and the Supreme Court shall be provided, with particular attention paid to the eastern portion of the property north of Eye Street, N.E. The application shall also generally indicate what types of materials would be used on the portions of the exterior of the Platforms constructed pursuant to K § 317.8 that would be visible to the public.
- 323.4 Transportation Hierarchy – The movement of pedestrians, bikes and transit shall be prioritized, and provide reasonable accommodation for automobiles. The location of parking and loading access shall not unduly impact the movement of pedestrians and bicyclists.
- 323.5 Division of Building Form – Monolithic buildings or the creation of excessively large building blocks shall be avoided. Building unit massing and orientation should reflect the pattern of other development in the District.
- 323.6 Publicly Accessible Space – Any public space provided such as streets, parks or plazas shall be easily visible and publicly accessible.
- 323.7 Mix of Uses – The application shall demonstrate how the proposal contributes to an overall mix of uses in the USN Zone.
- 323.8 Impacts on Surroundings – The proposed development shall not tend to substantially affect nearby properties adversely due to obstruction of light or air or because of noise, odors, or other impacts on air quality, including exhaust from

trains. The development shall incorporate sufficient venting mechanisms for railroad uses below the site.

323.9 Building Livability – The vibration and noise caused by the movement of trains under residential buildings shall be mitigated.

323.10 Community Outreach – The application shall demonstrate that community outreach has occurred through participation in multiple venues and through multiple formats, including the affected ANC, and which could include but not be limited to meetings with the community, an informational website, emails, or mailed flyers.

## **324 STAGE 2 SUBMITTAL REQUIREMENTS**

324.1 An applicant requesting approval of a Stage 2 Review Application shall provide:

- (a) Information required in K § 322.1(a) through (f);
- (b) Elevations, detail drawings, renderings, or other graphics that clearly demonstrate the proposed architectural details, signage, materials to be used, and the lighting scheme for the building units;
- (c) Typical floor plans and sections that show the location of uses, access to uses, points of fenestration, general internal circulation, projections and any other feature necessary to understand the project, and a table showing the floor area of each use;
- (d) A detailed landscaping plan;
- (e) A list of environmental features and characteristics of the development; and
- (f) Any other information needed to understand the overall architectural character of the project.

## **325 STAGE 2 REVIEW CRITERIA**

325.1 The criteria stated in the subsections that follow are applicable to Stage 2 applications.

325.2 External Connectivity – External connections shall provide adequate size, materials, lighting and signage to move users easily and safely.

325.3 Visual Relationship to Surroundings – A suitable visual relationship between building units and adjacent neighborhoods, Union Station and other historic landmarks, and the Federal precincts near the Capitol and the Supreme Court shall be provided, with particular attention paid to the eastern portion of the property north of Eye Street, N.E.

- 325.4 Active Entrances to Building Units – Public and publicly accessible areas such as sidewalks, parks, and plazas shall be activated through the use of operational entrances to retail, office, residential, and other uses.
- 325.5 Visual Façade Permeability – Where there are no operational entrances to uses, design of structures fronting on public and publicly accessible areas shall incorporate windows. Or, where windows are not appropriate, unarticulated blank walls shall be minimized to the extent possible.
- 325.6 Environmental Stewardship – A high degree of environmental stewardship should be demonstrated. Characteristics may include, but not be limited to the following:
- (a) Onsite energy generation;
  - (b) Rainwater harvesting;
  - (c) Green roofs, including green spaces on the upper surface of the Platforms;
  - (d) Other landscaping on the upper surface of the Platforms such as rainwater capturing tree boxes;
  - (e) Use of native species, drought tolerant species, adequate planting depth and efficient irrigation in landscaping;
  - (f) Use of efficient plumbing fixtures and fittings, enhanced insulation, and cool roofing;
  - (g) Use of environmentally friendly products in construction and operation;
  - (h) Natural lighting, including large windows, light wells, skylights, and daylight penetration to railroad facilities below the Platforms;
  - (i) Natural ventilation, including balconies, terraces, operable windows, and vent shafts;
  - (j) Minimizing construction waste; or
  - (k) Facilitation of transit usage by allowing and/or constructing improved access to transit facilities and interconnections between transit modes.
- 325.7 Private Open Space – Residential uses shall incorporate private open space such as balconies and terraces for individual units where practical and architecturally compatible.
- 325.8 Design of Open Spaces – Public and private open spaces shall incorporate shaded areas and adequate seating capacity.
- 325.9 Light and Air – Adequate light and air shall be provided to all building units in the USN Zone.

325.10 Parking Access – Convenient access shall be provided from any parking provided to the uses it is intended to serve.

325.11 Community Outreach – The application shall demonstrate that community outreach has occurred through participation in multiple venues and through multiple formats, including the affected ANC, and which could include but not be limited to meetings with the community, an informational website, emails, or mailed flyers.

## **326 ASSOCIATED RELIEF**

326.1 Relief from any section of this chapter may be heard and decided by the Commission as a special exception in accordance with Subtitle Y chapter 8. The applicant shall also demonstrate that the purposes of the USN Zone would be met if the relief were granted.

326.2 An applicant requesting approval of a project that would result in nonconformity with the minimum residential or maximum non-residential FAR for the USN Zone, as established by K § 308, shall demonstrate how the proposal would not be inconsistent with the purpose of establishing a mix of uses.

326.3 The Zoning Commission may hear and decide any additional request for special exception or variance relief from any other provision of the Zoning Regulations for the subject property.

326.4 Request for relief shall be advertised, heard, and decided together with the application for Zoning Commission review and approval.

## **327 TIMEFRAME FOR APPROVAL**

327.1 The Zoning Commission may approve timeframes within which time an application must be filed for a building permit or a Stage 2 application must be filed.

## **328 MINOR MODIFICATIONS**

328.1 The Zoning Administrator shall have authority to approve minor modifications in the final plans approved by the Zoning Commission as set forth in Subtitle A § 304.4.

## CHAPTER 4 HILL EAST (HE)

### 400 GENERAL PROVISIONS (HE)

400.1 The purposes of the Hill East Zone are to:

- (a) Connect and integrate Reservation 13 with adjacent neighborhoods, and the new waterfront park along the Anacostia River;
- (b) Utilize the site to meet a diversity of public needs, including health care, education, employment, government services and administration, retail, recreation and housing;
- (c) Extend the existing pattern of local streets to and through the site to create simple, well-organized city blocks and appropriately-scaled development;
- (d) Maintain a human-scale of building heights that match existing neighborhood buildings and increase in height as the site slopes downward to the Anacostia waterfront;
- (e) Connect the Hill East neighborhood and the city at large to the waterfront via tree-lined public streets, recreational trails, and increased access to waterfront parklands;
- (f) Demonstrate environmental stewardship through environmentally-sensitive design, ample open spaces, and a waterfront park that serve as public amenities and benefit the neighborhood and the city;
- (g) Promote the use of mass transit by introducing new uses near Metro stations, and create an environment where the pedestrian, bicycle, and auto are all welcome, complementary, and unobtrusive, reducing the impact of traffic on adjacent neighborhood streets;
- (h) Limit the Central Detention Facility and the Correction Treatment Facility to areas south of Massachusetts Avenue; and
- (i) Create attractive “places” of unique and complementary character including:
  - (1) A new, vital neighborhood center around the Metro station at C and 19th Streets that serves the unmet neighborhood commercial needs of the community and extends to the waterfront with a new residential district;
  - (2) Massachusetts Avenue as a grand Washington ‘boulevard’ in the tradition of the L’Enfant plan;
  - (3) A district for city-wide uses and services, such as health care,

education, and recreation along Independence Avenue; and

- (4) A grand public waterfront park incorporating monumental places and quiet natural retreats accessed by a meandering park drive set back from the Anacostia River.

400.2 The Hill East zone shall constitute the Zoning Regulations for the geographic area referred to in K § 400. Where there are conflicts between this chapter and other parts of the Zoning Regulations, the provisions of this chapter shall govern.

400.3 Unless specifically exempted, the requirements of the HE District shall apply to all new buildings and to all other buildings where any additions, alterations, or repairs within any 12 (twelve) month period exceed 100 % (one hundred percent) of the assessed value of the building as set forth in the records of the Office of Tax and Revenue as of the date of a building permit application, provided:

- (a) The cost basis for alterations or additions to an existing building shall be the amount indicated by the applicant on the application for a building permit; and
- (b) In the case of an addition, the requirements and incentives of this chapter apply only to the addition.

400.4 Any reference to a street or a square refers to proposed streets and squares as depicted in Map A attached to the Office of Planning report dated June 1, 2007, filed in Zoning Commission Case Number 04-05, which may be viewed at the D.C. Office of Zoning.

400.5 Any reference to a street shall be deemed to include a reference to the Southeast (S.E.) quadrant.

400.6 For the purposes of this chapter, the terms:

- (a) “Primary street” shall mean Independence Avenue, Massachusetts Avenue, and Water Street; and
- (b) “Secondary street” shall refer to 19<sup>th</sup> Street, 20<sup>th</sup> Street, 21<sup>st</sup> Street, Burke Street, C Street, and C Place.

400.7 The boundaries of the HE District correspond to Federal Reservation 13, which is generally bounded by Independence Avenue on the north, 19th Street on the west, Water Street on the east, and the Congressional Cemetery on the south.

400.8 The HE district is divided into the following four zones for the purpose of lot occupancy, floor area ratio (“FAR”) and building height:

- (a) HE-1 (19<sup>th</sup> Street), which includes squares with frontage onto 19<sup>th</sup> Street, between Independence Avenue and Massachusetts Avenue;

- (b) HE-2 (20<sup>th</sup> Street), which includes squares with frontage on 20<sup>th</sup> Street;
- (c) HE-3 (Water Street), which includes squares with frontage on Water Street; and
- (d) HE-4 (Corrections), which includes squares N and O.

400.9 Development in the HE zones shall be in accordance with the development standards found at § 402.

**401 DEVELOPMENT STANDARDS (HE)**

401.1 The development standards in §§ 402 through 407 control the bulk of structures in the HE zones.

**402 DENSITY**

402.1 The maximum permitted floor area ratio (FAR) of buildings in HE shall be given in the following table:

HE Sub district	Maximum Floor Area Ratio
HE-1 (19 <sup>th</sup> St.)	3.0
HE-2 (20 <sup>th</sup> St.)	4.8
HE-3 (Water St.)	7.2
HE-4 (Corrections)	6.0
Square E (Park)	0.2

402.2 The following FAR limitations on non-residential uses apply within the HE District, but only in the Squares listed below:

Square	Maximum Non-residential Floor Area Ratio
F	0.8
G	1.0
H	0.5
I	3.0

402.3 The matter of right FAR shall serve as the maximum permitted height and floor area ratio for a planned unit development ("PUD").

402.4 The minimum lot area for row dwellings shall be eighteen hundred square feet (1,800 sq. ft.) with a minimum lot width of eighteen feet (18 ft.).

**403 HEIGHT (HE)**

403.1 The maximum permitted height and number of stories in HE shall be given in the following table:

HE Sub district	Building Height		No. of Stories
	Minimum	Maximum	
HE-1 (19 <sup>th</sup> St.)	26 ft.	50 ft.	4
HE-2 (20 <sup>th</sup> St.)	40 ft.	80 ft.	7
HE-3 (Water St.)	80 ft.	110 ft.	10

HE Sub district	Building Height		No. of Stories
	Minimum	Maximum	
HE-4 (Corrections)	-	90 ft.	8
Square E (Park)	-	26 ft.	-

- 403.2 Building height shall be measured from the lowest curb level along a street frontage abutting the lot.
- 403.3 A hospital located in the HE-2 subdistrict may exceed eighty feet (80 ft.) in height, to a maximum of one hundred ten feet (110 ft.), if approved as a special exception by the Zoning Commission pursuant to K § 416.
- 403.4 Architectural embellishments, such as spires, towers, domes, pinnacles or minarets; penthouses over elevator shafts, ventilator shafts; antennas, chimneys, smokestacks, or fire sprinkler tanks may be erected to a height in excess of that which this section otherwise authorizes, pursuant to the Act to Regulate the Height of Buildings in the District of Columbia, approved June 1, 1910 (36 Stat. 452, as amended; D.C. Official Code §§ 6-601.01 to 6.601.09 (2001).
- 403.5 The provisions of C chapter 5 shall apply to roof structures in the HE District.
- 403.6 The gross floor area of roof structures permitted under this section shall not be counted in determining the amount of off-street parking that is required by Subtitle C chapter 7.
- 403.7 The matter of right height shall serve as the maximum permitted height and floor area ratio for a planned unit development ("PUD").

#### **404 LOT OCCUPANCY**

- 404.1 The maximum permitted lot occupancy in HE shall be given in the following table: The development standards for the HE zones are set forth in the following table.

HE Sub district	Maximum Lot Occupancy
HE-1 (19 <sup>th</sup> St.)	80%
HE-2 (20 <sup>th</sup> St.)	75%
HE-3 (Water St.)	80%
HE-4 (Corrections)	75%
Square E (Park)	20%

#### **405 SETBACKS (HE)**

- 405.1 Buildings or structures in the HE district that abut the HE-1 zone shall provide a twelve (12) foot setback from the zone boundary line for any part of the building or structure that exceeds fifty (50) feet in height.
- 405.2 Buildings or structures in the HE district that abut the HE-2 zone, or have street frontage on Burke Street, C Street, C Place, or Massachusetts Avenue, shall

provide a twelve (12) foot setback for any part of the building that exceeds eighty (80) feet in height.

405.3 The portion of Square A devoted to St. Coletta's School shall be subject to Zoning Commission Order 03-21.

#### **406 REAR YARD (HE)**

406.1 Except as provided in K § 406.2, no rear yard shall be required for entirely non-residential buildings.

406.2 Notwithstanding K § 406.1, an entirely non-residential building shall have a rear yard if:

- (a) The building's rear wall faces a wall of a residential building;
- (b) The distance between the rear wall of the non-residential building and a wall of the residential buildings is forty feet (40 ft.) or less; and
- (c) A window located on the non-residential building's rear wall would afford a direct view into the interior of the residential building through one or more of the latter's windows.

406.3 The rear yard required by this section shall have a depth equal to the distance between the rear wall of the non-residential building and the facing wall of the residential building.

406.4 All residential buildings shall provide a rear yard in accordance with either K § 406.5 or K § 406.6.

406.5 When the residential portion of a building begins at or below grade, the building shall provide a rear yard with a minimum depth of three inches (3 in.) per foot of vertical distance from the mean finished grade at the middle of the rear of the structure to the highest point of the main roof, but not less than twelve feet (12 ft.).

406.6 When the residential portion of a building begins above grade, the building shall provide a rear yard with a minimum depth of three inches (3 in.) per foot of vertical distance from the horizontal plane at which the residential use begins to the highest point of the main roof, but not less than twelve feet (12 ft.). The rear yard shall be provided at and above the horizontal plane at which residential use begins.

#### **407 SIDE SETBACKS**

407.1 No side setback is required; however, if a side setback is provided it shall be no less than eight feet (8 ft.).

**408            PARKING, LOADING, AND VEHICLE ACCESS (HE)**

- 408.1            Parking requirements for the HE zones are as specified in Subtitle C.
- 408.2            Bicycle parking requirements for the HE zones are as specified in Subtitle C.
- 408.3            Loading requirements for the HE zones are as specified in Subtitle C.
- 408.4            Loading berths shall not front onto a primary or secondary street.
- 408.5            No driveway or garage entrance providing access to parking or loading areas shall be permitted from a primary or secondary street.
- 408.6            Driveways or garage entrances shall not be located closer than forty feet (40 ft.) from the intersection of an alley and secondary street as measured from the intersection of the curb lines extended.
- 408.7            A garage shall be set back at least twelve feet (12 ft.) from the center line of an alley.
- 408.8            Exceptions from the prohibitions and limitations of this section, except those that pertain to use,) shall be permitted if approved by the Zoning Commission pursuant to Subtitle Y chapter 8, provided the applicant demonstrates that:
  - (a)            There is no practical alternative means of serving the parking, loading, or drop-off needs of the building to be served by the proposed driveway or garage entrance;
  - (b)            The driveway or garage entrance will not impede the flow of pedestrian traffic; and
  - (c)            The driveway or garage entrance is not inconsistent with the DDOT landscape plans for the public rights of way in the Hill East Waterfront area, to the extent that such plans exist at the time of the special exception application.

**409            ZONING COMMISSION REVIEW**

- 409.1            The Zoning Commission shall review the design of all new buildings, or additions to existing buildings for consistency with the design guidelines set forth at K §§ 419 through 421 and with the purposes as stated in K § 400 of this chapter.
- 409.2            For good cause shown, the Zoning Commission, in its discretion, may waive one or more of the design standards set forth in K §§ 417 through 419.
- 409.3            The Commission may hear and decide any additional requests for special exception or variance relief needed for the subject property, including the special exceptions provided for in this chapter. Such requests shall be advertised, heard,

and decided together with the application for Zoning Commission review and approval.

409.4 At the time of filing an application with the Zoning Commission, the applicant shall pay the filing fee specified in Subtitle Z, plus such fees as apply to any additional zoning relief requested.

409.5 The provisions of Subtitle relating to the administration of fees shall apply, except that the applicant may appeal any decision of the Director of the Office of Zoning regarding the fee schedule to the Zoning Commission, which shall decide the appeal as a preliminary matter to hearing the application.

#### **410 USE PERMISSIONS (HE)**

410.1 This chapter contains use permissions and any applicable conditions in the HE zones.

410.2 Antenna uses are permitted matter of right, subject to the standards and procedures that apply to the particular class of antenna pursuant to C chapter 13.

410.3 Agriculture, Residential

410.4 Arts Design and Creation

410.5 Community-based Institutional facility uses are permitted subject to the following provisions:

- (a) The uses shall not house more than six (6) persons, not including resident supervisors or staff and their families;
- (b) A use which houses seven (7) to fifteen (15) persons, not including resident supervisors or staff and their families, is permitted, provided that there shall be no property containing an existing community-based institutional facility for 7 (seven) or more persons either in the same Square or within a radius of 500 (five hundred) feet from any portion of the subject property; and
- (c) A community based residence facility not meeting these criteria may be approved by special exception in accordance with K § 414.3

410.6 Daytime Care

410.7 Eating and drinking establishments subject to the following conditions:

- (a) A drive-through, fast food restaurant or food delivery service shall not be permitted;
- (b) Carry-out services shall be limited to those that are customarily accessory

to the eating or drinking establishment

- 410.8 Emergency shelter uses are permitted by-right provided that the use may not house more than 4 persons, not including resident supervisors or staff and their families.
- 410.9 Entertainment , Assembly, and Performing Arts
- 410.10 Government, Local
- 410.11 Lodging
- 410.12 Office
- 410.13 Parks and Recreation
- 410.14 Residential
- 410.15 Retail
- 410.16 Service, General and Financial

**411 PREFERRED USES**

- 411.1 For the purposes of the HE District preferred uses shall include Retail, Entertainment Assembly, and Performing Arts, or Service uses.

**412 USES PERMITTED BY SPECIAL EXCEPTION**

- 412.1 The uses in this section shall be permitted as a special exception if approved by the Board of Zoning Adjustment under Subtitle Y, subject to K § 413 and any applicable provisions of this section.
- 412.2 Basic Utilities uses and supporting infrastructure facilities, such as an electrical substation, natural gas regulator station, pump station, telephone exchange, or any co-generation facility. Additional Subtitle Y Subtitle Y setbacks and screening requirements may be required as the Board deems necessary for protection of the surrounding neighborhood.
- 412.3 A community-based institutional facility not meeting the matter of right conditions of K § 410 Subtitle Y Subtitle Y:
  - (a) Residential uses for nine (9) to fifteen (15) persons, not including resident supervisors or staff and their families Subtitle Y Subtitle Y;
  - (b) Community-based Institutional Facility for one (1) to fifteen (15) persons, not including resident supervisors or staff and their families;

- (c) Additions to or replacement of the Central Detention Facility and the Correction Treatment Facility, provided:
  - (1) Any addition or replacement to the facilities shall be located only on Squares N and O; and
  - (2) The application shall include a detailed plan for the facilities and accessory facilities, showing the location, height, and bulk of all improvements, including but not limited to buildings, parking and loading facilities, screening, signs, and utility facilities.

412.4 Private School, including residences for teachers and/or staff, subject to Subtitle YSubtitle YSubtitle Ythe following conditions:

- (a) The use shall be located only on Squares A, B, C, and/or K
- (b) The use shall comply with the height, floor area ratio and lot occupancy standards of each respective square; and
- (c) The use shall meet the requirements of X chapter 1.

412.5 Campus plan for a college or University use, including a college or university hospital, dormitory, fraternity, or sorority house, proposed to be located on the campus of a college or university, subject to the following conditions:

- (a) The use shall be located only on Squares A, B, C, and/or K
- (b) The use shall comply with the height, floor area ratio and lot occupancy standards of each respective square; and
- (c) The use shall meet the requirements of X chapter 1.

412.6 Emergency Shelter uses for five (5) to fifteen (15) persons, not including resident supervisors or staff and their familiesSubtitle YSubtitle YSubtitle Y.

412.7 A Fast Food EstablishmentSubtitle YSubtitle YSubtitle Y or Food delivery business subject to the following conditions:

- (a) The use shall not include a drive-through;
- (b) The use shall be designed and operated so as not to become objectionable to neighboring properties because of noise, sounds, odors, lights, hours of operation, or other conditions;
- (c) There shall be adequate facilities to allow deliveries to be made and trash to be collected without obstructing public rights-of-way or unreasonably obstructing parking spaces, aisles, or driveways on the site; and
- (d) The Commission may impose conditions pertaining to design, screening,

lighting, soundproofing, off-street parking spaces, signs, method and hours of trash collection, or any other matter necessary to protect adjacent or nearby property.

412.8 Health Care uses Subtitle Y Subtitle Y Subtitle Y:

- (a) A hospital use may be located only on Square B and/or C subject to the design conditions of this chapter and provided that:
  - (1) Need of the facility is demonstrated through a Certificate of Need, including a review and report by the Department of Human Services on the need for the facility and on the ability of the specific design of the facility to meet that need; and
  - (2) There is a detailed plan for the facility and accessory buildings, showing the location, height, and bulk of all improvements, including but not limited to buildings, parking and loading facilities, screening, signs, capacities of the various facilities, and public utility facilities.
- (b) A skilled care facility or intermediate nursing care facility under the Health Care Facilities and Community Residence Regulations.

412.9 Subtitle Y Subtitle Y Subtitle Y A community service center to accommodate organizations created for the purpose of improving the social or economic well-being of the residents of the area in which the center is proposed to be located, which may include, but not be limited to, centers for job training, family counseling, consumer cooperatives, and such other facilities as are similar in nature and purpose, provided that the community service center shall not be organized for profit, and no part of its net income shall inure to the benefit of any private shareholder or individual.

412.10 Parking uses, subject to the following conditions Subtitle Y Subtitle Y Subtitle Y:

- (a) Parking in above grade structures, provided:
  - (1) Structures shall not directly front onto a primary or secondary street,
  - (2) Preferred uses, as defined in K § 411, shall occupy the ground floor to a minimum depth of thirty (30) feet to separate parking areas from the primary or secondary street; and
  - (3) Upper floors shall be separated from a primary or secondary street by commercial or residential uses.
- (b) New or expanded at-grade surface parking lots accessory to an existing use or building for a period of five (5) years which may be renewed a

maximum of two (2) times.

- 412.11 Other principal uses that are not permitted by K § 410, but not prohibited by K § 415 shall be permitted in the HE District as a special exception subject to the following conditions in addition to the general special exception criteria of Subtitle Y and K § 416; provided the Commission considers that the use is appropriate in furthering the purposes of the HE District.

#### **413 SPECIAL EXCEPTIONS – GENERAL USE PROVISIONS**

- 413.1 In addition to the general standard set forth in Subtitle Subtitle Y, and any specific conditions set forth in K § 412, an applicant for a special exception within the HE District must demonstrate the following:

- (a) Parking and traffic conditions associated with the operation of a proposed use shall not adversely affect adjacent or nearby uses;
- (b) Noise associated with the operation of a proposed use shall not adversely affect adjacent or nearby uses;
- (c) The proposed building will comply with the applicable ground floor use and design requirements of K §§ 416 through 419;
- (d) The building's architectural design will enhance the urban design features of the immediate vicinity in which it is located; and
- (e) Vehicular access and egress will be located and designed so as to encourage safe and efficient pedestrian movement, minimize conflict with principal pedestrian ways, function efficiently, and create no dangerous or otherwise objectionable traffic conditions.

- 413.2 The D.C. Office of Planning shall refer applications for special exceptions filed pursuant to this section to the D.C. Department of Transportation and shall submit a report for each such application addressing:

- (a) Whether the proposed use furthers the purposes of the HE District;
- (b) The relationship of the proposed use to other planning considerations for the area and the District of Columbia as a whole, including the plans, programs, and policies of other departments and agencies of the District government;
- (c) The impact of the proposed use on neighboring properties; and
- (d) Any other matters that are within the Office of Planning's jurisdiction.

- 413.3 The Board or Commission may impose requirements pertaining to design, appearance, signs, massing, landscaping, and other such requirements as it deems

necessary to protect neighboring property and to achieve the purposes of the HE District.

**414 ACCESSORY USES**

414.1 Except when required as a special exception by K § 412 or not permitted by this section, accessory uses, buildings, or structures customarily incidental and subordinate to the principal uses permitted in K § 410 shall be permitted in the HE District as a matter of right subject to any limitations of this Subtitle.

414.2 Parking as an accessory use shall be permitted except at-grade accessory surface parking lots shall not be permitted.

**415 PROHIBITED USES IN THE HE ZONES**

415.1 The following uses are prohibited within the HE District as both principal and accessory uses, unless otherwise noted:

- (a) Any establishment that has as its principal use the administration of massages;
- (b) Any industrial use first permitted in an M District;
- (c) At-grade surface parking lots, except as provided in § 2803.11;
- (d) Drive-through establishment (any establishment where goods are sold/rented or services rendered, directly to occupants of motor vehicles while in the vehicles).
- (e) Self-service storage establishment that provides separate storage areas for individual or business uses;
- (f) Sexually-oriented business establishment; and
- (g) Vehicle sales, repair and servicing, including full-serve and mini-serve gas stations, unattended key card stations, car washes, quick lubrication services, and vehicle emission test sites.

**416 SUBTITLE Y SUBTITLE Y SUBTITLE Y INCLUSIONARY HOUSING REQUIREMENTS**

416.1 Development that is subject to the inclusionary zoning requirements in Subtitle C chapter 10 shall be constructed according to the provisions set forth in K § 402, notwithstanding any bonus it may be granted by Subtitle C chapter 10.

**417 GROUND FLOOR USE CONDITIONS**

417.1 The following locations are required to devote not less than sixty-five percent (65 %) of the ground floor frontage to preferred uses and main building entrances, or

lobbies to office and residential uses, and shall comply with the design requirements of K §§ 418 through 420:

- (a) The west face of Square F (19th Street frontage);
- (b) The northwest corner of Square G;
- (c) The southeast corner of Square J at Massachusetts Avenue and Water Street, facing the monumental circle;
- (d) The northeast corner of Square M at Massachusetts Avenue and Water Street, facing the monumental circle; and
- (e) All Independence Avenue and Massachusetts Avenue frontages.

417.2 The following locations are permitted to have ground floor preferred uses, provided that the building shall be constructed so that not less than sixty-five percent (65 %) of the ground floor frontage will be devoted to preferred uses and main building entrances, or lobbies to office and residential uses and shall comply with the design requirements of K §§ 418 through 420:

- (a) All frontages on 19th Street;
- (b) All frontages on Burke Street;
- (c) The C Street frontage of Square H, facing the park in Square E, for a maximum length of 200 (two hundred) feet from Square H's northeast corner at the intersection of C Street and 21st Street;
- (d) The 21st Street frontage of Square D;
- (e) The southeast corner of Square D, which faces the intersection of C Street and Water Street;
- (f) The northeast corner of Square I, which faces the intersection of C Street and Water Street; and
- (g) All frontages on Water Street.

#### **418 DESIGN STANDARDS FOR GROUND FLOOR PREFERRED USES CONDITIONS**

418.1 Wherever preferred uses, as defined in K §411, are required or allowed pursuant to K §§ 412, such ground floor preferred uses shall:

- (a) If located on a corner, wrap around the corner to a minimum depth of twenty feet (20 ft.) on the side street;
- (b) Occupy the ground floor to a minimum depth of thirty feet (30 ft.);

- (c) Have a minimum clear floor-to-ceiling height of fourteen feet (14 ft.), measured from the finished grade, for the area of the ground floor dedicated to preferred uses;
- (d) The street-facing facades of buildings on primary streets shall devote not less than seventy-five percent (75 %) per individual use or fifty percent (50 %) of the length and fifty percent (50 %) of the surface area of the street wall at the ground level to windows associated with preferred uses or windows associated with main building entrances; and
- (e) The street-facing facades of mixed-use or non-residential buildings on secondary streets shall devote not less than seventy-five percent (75 %) per individual use or thirty percent (30 %) of the length and thirty percent (30 %) of the surface area of the street wall at the ground level to windows associated with preferred uses or windows associated with main building entrances.

418.2 The windows required by K § 418.1(d) shall have clear or clear/low emissivity glass allowing transparency to a depth of twenty feet (20 ft.) into the preferred ground level space with bottom sills no more than four feet (4 ft.) above the adjacent sidewalk grade.

418.3 Such windows must allow views from within the building to the street.

## **419 DESIGN CONDITIONS**

419.1 The provisions of this section establish the design requirements for all buildings and structures located in the HE District.

419.2 Except as provided in K § 418.2, the front of a building or structure shall extend to the property line(s) abutting the street right-of-way for not less than ninety percent (90 %) of the property line and to a height of not less than twenty-five feet (25 ft.).

419.3 Whatever portion of the front of a building or structure that does not extend to the property line(s) pursuant to K § 419.2 must extend to within twenty-five feet (25 ft.) of the front property line and to a height of not less than twenty-five feet (25 ft.).

419.4 Awnings, canopies, bay windows, and balconies may extend forward of the required building line to the extent permitted by any other regulations.

419.5 For every fifty feet (50 ft.) of uninterrupted building façade length, the building shall incorporate modulated and articulated building wall planes through the use of projections, recesses and reveals expressing structural bays, changes in color graphical patterns, texture, or changes in building material of the façade.

419.6 The articulation shall have a minimum change of plane of six inches (6 in.).

- 419.7 Façade articulation of less than two feet (2 ft.) in depth shall qualify to meet the street frontage required building line standards of K §§ 419.2 and 419.3.
- 419.8 Any single articulation feature shall not exceed sixty percent (60 %) of the building façade width.
- 419.9 Buildings with ground floor retail shall incorporate vertical elements to create a series of storefront-type bays with entrances that are no more than fifty feet (50 ft.) apart.
- 419.10 Security grilles shall have no less than seventy percent (70 %) transparency.
- 419.11 Street-facing facades shall not have blank walls (without doors or windows) greater than 10 feet (ten ft.) in length.
- 419.12 Each use within a building shall have an individual public entrance that is clearly defined and directly accessible from the public sidewalk.
- 419.13 Exterior display of goods and exterior storage between the building line and the front lot line is prohibited. Outdoor seating for restaurants and pedestrian-oriented accessory uses, such as flower, food, or drink stands, or other appropriate vendors are permitted to the extent consistent with other District laws.
- 419.14 Windows shall cover the following minimum area of street-facing facades above the ground floor level.

Location	Minimum Percentage	
	Non-Residential	Residential
Primary Street	35%	20%
Secondary Street	40%	20%

- 419.15 Buildings and structures should clearly articulate a base, middle, and top, except for row dwellings and flats.
- 419.16 High quality, durable materials which enhance the building and convey permanence shall be required.
- 419.17 The use of synthetic stucco, vinyl siding, and/or other low-grade exterior finishes is prohibited.

**420 DESIGN CONDITIONS FOR BUILDINGS LOCATED ON PRIMARY STREETS**

- 420.1 The provisions of this section set forth standards for buildings and structures with frontage(s) on a primary street.
- 420.2 Notwithstanding K §§ 419.2 and 419.3, the fronts of buildings located at street intersections shall be constructed to the property lines abutting each intersecting street, without any setback, for a minimum of fifty feet (50 ft.) from the

intersection, along each street frontage.

- 420.3 The corner of the building at the intersection of two primary streets or a primary and secondary street shall incorporate articulation such as, but not limited to, being angled, curved, or chamfered to emphasize the corner.
- 420.4 The distance from the corner shall not exceed twenty feet (20 ft.), measured from the corner of the lot to the end of the angled or curved wall segment.
- 420.5 Entrances into a building shall be no more than fifty feet (50 ft.) apart and recessed no more than six feet (6 ft.) deep or ten feet (10 ft.) wide.
- 420.6 Buildings shall incorporate vertical elements in the street-facing façade to create a series of storefront-type bays where preferred uses are present.
- 420.7 Residential buildings shall have at least one primary entrance directly accessible from the public sidewalk.
- 420.8 Instead of the windows required by K § 418.1(d), on primary streets, artwork and displays relating to activities occurring within the building shall be permitted as a special exception if approved by the Zoning Commission pursuant to Subtitle Y chapter 8, provided the applicant demonstrates that:
- (a) The building has more than 50 (fifty) percent of its ground level space in storage, parking, or loading areas, or in uses which by their nature are not conducive to windows (such as theaters); and
  - (b) The artwork or displays are consistent with the objective of providing a pleasant, rich, and diverse pedestrian experience.

## CHAPTER 5 CAPITOL GATEWAY (CG)

### 500 GENERAL PROVISIONS

500.1 The purposes of the Capitol Gateway (CG) zones are to:

- (a) Assure development of the area with a mixture of residential and commercial uses, and a suitable height, bulk and design of buildings, as generally indicated in the Comprehensive Plan and recommended by planning studies of the area;
- (b) Encourage a variety of support and visitor-related uses, such as retail, service, entertainment, cultural and hotel or inn uses;
- (c) Allow for continuation of existing industrial uses, which are important economic assets to the city, during the extended period projected for redevelopment;
- (d) Provide for a reduced height and bulk of buildings along the Anacostia riverfront in the interest of ensuring views over and around waterfront buildings, and provide for continuous public open space along the waterfront with frequent public access points;
- (e) Require suitable ground-level retail and service uses and adequate sidewalk width along M Street, S.E., near the Navy Yard Metrorail station;
- (f) Provide for development of Squares 702-706 and Reservation 247 as a ballpark for major league sport and entertainment and associated uses;
- (g) Provide for the establishment of South Capitol Street between M Street SE and the Anacostia waterfront as a monumental civic boulevard;
- (h) Provide for the development of Half Street S.E. as an active pedestrian-oriented street with active ground floor uses and appropriate setbacks from the street facade to ensure adequate light and air, and a pedestrian scale; and
- (i) Provide for the development of First Street S.E. as an active pedestrian-oriented street with active ground floor uses, connecting M Street, the Metro Station, and existing residential neighborhoods to the Ballpark site and the Anacostia Waterfront.

500.2 The CG zones shall constitute the Zoning Regulations for the geographic area referred to in W § 100.1. Where there are conflicts between this chapter and other chapters or subtitles of this title, the provisions of the CG Zone shall govern.

500.3 Development in the CG zones shall be in accordance with the development

standards found at K §§ 501 through 506.

**501 DEVELOPMENT STANDARDS – CG-1 (R5E)**

**501.1 PURPOSE AND INTENT**

- (a) The CG-1 zone (CG/R5E) is intended to permit high density housing and appropriate renovation of or addition to the existing housing stock .

**501.2 DEVELOPMENT STANDARDS**

- (a) The development standards of K §§ 501.3 to 501.9 shall control the bulk of buildings in CG-1 zone.

**501.3 DENSITY**

- (a) The maximum permitted Floor Area Ratio (FAR) in the CG-1 zone shall be 6.0 (7.2 with IZ) with a maximum residential FAR of 6.0.

**501.4 HEIGHT**

- (a) The maximum permitted height in the CG-1 zone shall be ninety (90) feet.
- (b) K § 510 contains design-related conditions on height and upper story setbacks for South Capitol Street, a Designated Street of K § 508.

**501.5 LOT OCCUPANCY**

- (a) The maximum permitted lot occupancy in the CG-1 zone shall be seventy-five (75) percent (ninety (90) percent with IZ).

**501.6 REAR SETBACK**

- (a) A minimum rear setback of fifteen (15) feet shall be required in the CG-1 zone.
- (b) The Board of Zoning Adjustment may grant a special exception for an addition that cannot comply with the rear setback regulations. In addition to complying with the general special exception criteria of Y chapter 8, the Board shall find that the addition, together with the original building, as viewed from the street, alley, and other public way, shall not substantially visually intrude upon the character, scale and pattern of buildings along the subject street frontage.

**501.7 SIDE SETBACK**

- (a) No side setback is required for the principal building; however, any side setback provided to any portion of the principal building shall be at least

three inches (3 in.) per foot of height, and no less than five feet (5 ft.).

501.8 COURTYARDS

- (a) Where an open court is provided, the court shall have the following minimum dimensions:

	<b>Open Court Width:</b>	<b>Closed Court Width</b>	<b>Closed Court Area:</b>
<b>Residential (except hotel):</b>	Four inches per foot (4 in./ft.) of height of court; Ten feet (10 ft.) minimum.	Four inches per foot (4 in./ft.) of height of court; Fifteen feet (15 ft.) minimum.	Twice the square of the required width of court dimension; Three hundred and fifty square feet (350 sq. ft.) minimum.
<b>Non-Residential and Lodging:</b>	Two and one-half inches per foot (2 1/2 in./ft.) of height of court; Six feet (6 ft.) minimum.	Two and one-half inches per foot (2 1/2 in./ft.) of height of court; Twelve feet (15 ft.) min.	Twice the square of the required width of court dimension; Two hundred and fifty square feet (250 sq. ft.) minimum.

- (b) In the case of an alteration affecting the amount of light and ventilation required in an existing building in a Residence District by other municipal law or regulation, no legally required window shall be permitted to open onto a court that does not comply with the dimensions given in K § 501.9(a).

501.9 GREEN AREA RATIO

- (a) The minimum required Green Area Ratio (GAR) for the CG-1 zone shall be 0.3.

502 CG-2 (CG/C-2-C)

502.1 PURPOSE AND INTENT

- (a) The CG-2 zone (CG/C2C) is intended to permit medium density mixed-use development with a focus on residential use and provide for the establishment of South Capitol Street as a monumental civic boulevard

502.2 DEVELOPMENT STANDARDS

- (a) The development standards in K §§ 502.3 through 502.8 shall control the bulk of buildings in CG-2 zone.

502.3 DENSITY

- (a) The maximum permitted Floor Area Ratio (FAR) in the CG-2 zone shall be 6.0 (7.2 with IZ) with a maximum non-residential FAR of 2.0.
- (b) Non-residential floor area shall be the total gross floor area of the building not dedicated to uses in one of the following categories:

- (1) Residential;
- (2) Emergency Shelter;
- (3) Lodging uses; or
- (4) Education uses that are operated or chartered by the District government.

502.4 HEIGHT

- (a) The maximum permitted height in the CG-2 zone shall be ninety (90) feet.
- (b) K § 510 contains design-related conditions on height and upper story setbacks for South Capitol Street, a Designated Street of K § 508. .

502.5 REAR SETBACK

- (a) A minimum rear setback of fifteen (15) feet shall be required in the CG-2 zone.
- (b) If the property does not abut an alley, the required rear setback shall be measured as follows:
  - (1) Measure a horizontal plane, from the mean elevation of the rear lot-line, parallel to the rear lot line, into the lot, the distance of the required minimum setback identified in the development standards table; and
  - (2) From the furthest point from the rear lot-line, along the horizontal plane, identified in the previous paragraph, define a vertical plane, up to the maximum height limit of the zone. This vertical plane will form the rear setback.
- (c) If the property abuts and alley, the required rear setback shall be measured as follows:
  - (1) Measure a horizontal plane twenty-five feet (25 ft.) above the mean elevation of the rear lot-line, parallel to the rear lot line, into the lot, the distance of the required minimum setback identified in the development standards table; and
  - (2) From the furthest point from the rear lot-line, along the horizontal plane identified in the previous paragraph, measure a vertical plane, up to the maximum height limit of the zone. This vertical plane will form the rear setback.

502.6 SIDE SETBACK

- (a) No side setback is required for the principal building; however, any side setback provided on any portion of the principal building shall be at least two inches (2 in.) per foot of height, and no less than five feet (5 ft.).

502.7 COURTYARDS

- (a) Where an open court is provided, the court shall have the following minimum dimensions:

	<b>Open Court Width:</b>	<b>Closed Court Width</b>	<b>Closed Court Area:</b>
<b>Residential (except hotel):</b>	Four inches per foot (4 in./ft.) of height of court; Ten feet (10 ft.) minimum.	Four inches per foot (4 in./ft.) of height of court; Fifteen feet (15 ft.) minimum.	Twice the square of the required width of court dimension; Three hundred and fifty square feet (350 sq. ft.) minimum.
<b>Non-Residential and Lodging:</b>	Two and one-half inches per foot (2 1/2 in./ft.) of height of court; Six feet (6 ft.) minimum.	Two and one-half inches per foot (2 1/2 in./ft.) of height of court; Twelve feet (15 ft.) min.	Twice the square of the required width of court dimension; Two hundred and fifty square feet (250 sq. ft.) minimum.

- (b) In the case of an alteration affecting the amount of light and ventilation required in an existing building in a Residence District by other municipal law or regulation, no legally required window shall be permitted to open onto a court that does not comply with the dimensions given in K § 502.7(a).

502.8 GREEN AREA RATIO

- (a) The minimum required Green Area Ratio (GAR) for the CG-2 zone shall be 0.3.

**503 CG-3 (C3C)**

503.1 PURPOSE AND INTENT

- (a) The CG-3 zone (CG/C-3-C) is intended to permit high density mixed-use development with a focus on employment and provide for the establishment of South Capitol Street as a monumental civic boulevard.

503.2 DEVELOPMENT STANDARDS

- (a) The development standards in K §§ 503.3 through 503.8 shall control the bulk of buildings in CG-3 zone.

503.3 DENSITY

- (a) The maximum permitted Floor Area Ratio (FAR) in the CG-3 zone shall

be 6.5 (7.8 with IZ).

- (b) Non-residential floor area shall be the total gross floor area of the building not dedicated to uses in one of the following categories:
  - (1) Residential;
  - (2) Emergency Shelter;
  - (3) Lodging uses; or
  - (4) Education uses that are operated or chartered by the District government.

#### 503.4 HEIGHT

- (a) The maximum permitted height in the CG-3 zone shall be ninety (90) feet.
- (b) K § 510 contains design-related conditions on height and upper story setbacks for segments of South Capitol Street, a Designated Street of K § 508.

#### 503.5 REAR SETBACK

- (a) A minimum rear setback of twelve (12) feet shall be required in the CG-3 zone.
- (b) The required rear setback shall be measured as follows:
  - (1) If the lot abuts an alley, the rear setback may be measured from the center line of an alley abutting a rear-lot line, instead of the rear lot-line. If the lot does not abut an alley, the rear setback shall be measured from the rear lot line;
  - (2) Measure a horizontal plane twenty-five feet (25 ft.) above the mean elevation of the rear lot-line, parallel to the rear lot-line, into the lot, the distance of the required minimum setback identified in the development regulations table;
  - (3) From the furthest point from the rear lot-line, along the horizontal plane identified in the previous paragraph, measure a vertical plane, up to the maximum height limit of the zone;
  - (4) Measure an angular plane, from the mean elevation of the rear lot-line, into the lot, with a vertical rise to horizontal run ratio of four and sixty six tenths to one (4.66:1), up to the maximum height limit of the zone; and

- (5) The vertical plane of paragraph (3), and, the angular plane of paragraph (4) from the point where it intersects the vertical plane of paragraph (3), shall form the rear setback.

503.6 SIDE SETBACK

- (a) No side setback is required for the principal building; however, any side setback provided on any portion of the principal building shall be at least two inches (2 in.) per foot of height, and no less than five feet (5 ft.).

503.7 COURTYARDS

- (a) Where an open court is provided, the court shall have the following minimum dimensions:

	<b>Open Court Width:</b>	<b>Closed Court Width</b>	<b>Closed Court Area:</b>
<b>Residential (except hotel):</b>	Four inches per foot (4 in./ft.) of height of court; Ten feet (10 ft.) minimum.	Four inches per foot (4 in./ft.) of height of court; Fifteen feet (15 ft.) minimum.	Twice the square of the required width of court dimension; Three hundred and fifty square feet (350 sq. ft.) minimum.
<b>Non-Residential and Lodging:</b>	Two and one-half inches per foot (2 1/2 in./ft.) of height of court; Six feet (6 ft.) minimum.	Two and one-half inches per foot (2 1/2 in./ft.) of height of court; Twelve feet (15 ft.) min.	Twice the square of the required width of court dimension; Two hundred and fifty square feet (250 sq. ft.) minimum.

- (b) In the case of an alteration affecting the amount of light and ventilation required in an existing building in a Residence District by other municipal law or regulation, no legally required window shall be permitted to open onto a court that does not comply with the dimensions given in K § 503.7(a).

503.8 GREEN AREA RATIO

- (a) The minimum required Green Area Ratio (GAR) for the CG-3 zone shall be 0.25.

504 CG-4 (CR)

504.1 PURPOSE AND INTENT

- (a) The CG-4 zone (CG/CR) is intended to permit medium to high density mixed-use development with a balance of uses conducive to a higher quality of life and environment for residents, businesses, employees, and institutions; encourage provision of active pedestrian-oriented streets with active ground floor uses, particularly along specified primary streets; and promote pedestrian safety by separating pedestrian and vehicular circulation patterns.

504.2 DEVELOPMENT STANDARDS

- (a) The development standards in §§ 504.3 through 504.9 shall control the bulk of buildings in CG-4 zone.

504.3

DENSITY

- (a) The maximum permitted Floor Area Ratio (FAR) in the CG-4 zone shall be 7.0 (7.2 with IZ) with a maximum non-residential FAR of 3.0.
- (b) A building shall be allowed a maximum density of 8.2 FAR; provided that the additional 1.0 FAR shall be devoted solely to residential uses, which, for the purposes of this subsection, does not include hotel uses.
- (c) An FAR of 8.5 maximum is permitted pursuant to the combined lot provisions K § 511 on a parcel for which a height of 130 feet is permitted by the Height Act.
- (d) The Zoning Commission may, at its discretion, grant an additional transfer of density of 1.0 FAR maximum to or within Squares 700, 701, and 702, subject to the applicant addressing to the satisfaction of the Zoning Commission the objectives and guidelines of K § 513, as applicable.
- (e) The non-residential floor area of a building may exceed the zone's non-residential FAR, up to the maximum total FAR permitted within that zone, through the Combined Lot provisions of K § 511.
- (f) Non-residential floor area shall be the total gross floor area of the building not dedicated to uses in one of the following categories:
  - (1) Residential;
  - (2) Emergency Shelter; or
  - (3) Lodging uses.
- (g) A building or structure for a Parks and Recreation use shall have a maximum permitted gross floor area of forty-thousand (40,000) square feet; and

504.4

HEIGHT

- (a) The maximum permitted height in the CG-4 zone shall be ninety (90) feet and one-hundred (100) feet with IZ.
- (b) Maximum permitted height shall be that permitted under the Height Act for any site receiving combined lot density within the CG/CR District, but only to the extent necessary to accommodate any additional density received from another parcel.

- (1) K § 510 contains design-related conditions on height and upper story setbacks for segments of Half Street SE, Potomac Avenue, and South Capitol Street, Designated Streets of K § 508.
- (2) In Squares 601, 656, and 657, those lots abutting or separated only by a street or alley from residentially zoned property shall provide a one-to-one (1:1) building setback for any part of a building or structure that exceeds 90 feet on the side abutting the residential zone.

504.5 FRONT SETBACK

- (a) The setback along M Street shall be measured from the face of the adjacent curb along M Street to the building or structure.
- (b) The front setback from South Capitol Street SE and SW shall be:
  - (1) Provided for the entire height and frontage for each new building or structure.

504.6 REAR SETBACK

- (a) The required rear setback shall be measured as follows:
  1. Measure a horizontal plane twenty-five feet (25 ft.) above the mean elevation of the rear lot-line, parallel to the rear lot line, into the lot, the distance of the required minimum setback identified in the development standards table; and
  2. From the furthest point from the rear lot-line, along the horizontal plane identified in the previous paragraph, measure a vertical plane, up to the maximum height limit of the zone. This vertical plane will form the rear setback.

504.7 COURTYARDS

- (a) Where an open court is provided, the court shall have the following minimum dimensions:

	<b>Open Court Width:</b>	<b>Closed Court Width</b>	<b>Closed Court Area:</b>
<b>Residential (except hotel):</b>	Four inches per foot (4 in./ft.) of height of court; Ten feet (10 ft.) minimum.	Four inches per foot (4 in./ft.) of height of court; Fifteen feet (15 ft.) minimum.	Twice the square of the required width of court dimension; Three hundred and fifty square feet (350 sq. ft.) minimum.
<b>Non-Residential and Lodging:</b>	Two and one-half inches per foot (2 1/2 in./ft.) of height of court;	Two and one-half inches per foot (2 1/2 in./ft.) of height of court;	Twice the square of the required width of court dimension;

	<b>Open Court Width:</b>	<b>Closed Court Width</b>	<b>Closed Court Area:</b>
	Six feet (6 ft.) minimum.	Twelve feet (15 ft.) min.	Two hundred and fifty square feet (250 sq. ft.) minimum.

- (b) In the case of an alteration affecting the amount of light and ventilation required in an existing building in a Residence District by other municipal law or regulation, no legally required window shall be permitted to open onto a court that does not comply with the dimensions given in K § 504.7(a).

504.8 GREEN AREA RATIO

- (a) The minimum required Green Area Ratio (GAR) for the CG-4 zone shall be 0.2.

504.9 PLAZA

- (a) Within the CG-4 zone, a plaza comprising eight (8) percent of the lot area shall be provided for development on a lot of greater than 10,000 sq. ft., in accordance with the provisions of C chapter 14.
- (b) Where preferred use space is required under this chapter and provided, the requirement to provide plaza space shall not apply.

**505 CG-5 (CG/W-2)**

505.1 PURPOSE AND INTENT

- (a) The CG-5 zone (CG/W2) is intended to permit medium density mixed-use development generally in the vicinity of the waterfront; encourage a variety of support and visitor-related uses, such as retail, service, entertainment, cultural and hotel or inn uses; provide for a reduced height and bulk of buildings along the Anacostia River in the interest of ensuring views over and around waterfront buildings; and provide for continuous public open space along the waterfront with frequent public access points

505.2 DEVELOPMENT STANDARDS

- (a) The development standards in §§ 505.3 through 505.9 shall control the bulk of buildings in CG-5 zone.

505.3 DENSITY

- (a) The maximum permitted Floor Area Ratio (FAR) in the CG-5 zone shall be 4.0 (4.8 with IZ) with a maximum non-residential FAR of 2.0.
- (b) Non-residential floor area shall be the total gross floor area of the building

not dedicated to uses in one of the following categories:

- (1) Residential;
  - (2) Emergency Shelter;
  - (3) Lodging uses; or
  - (4) Education uses that are operated or chartered by the District government.
- (c) The Zoning Commission may grant bonus density for residential development in a building or a combined lot development, using a guideline of 1.0 FAR in excess of the normally-allowed maximum of 4.0 FAR; provided that:
1. The building or combined lot development shall include at least 2.0 FAR of Residential uses;
  2. The Zoning Commission, at its discretion, may allow construction of such bonus density on the property zoned CG-5 or may allow only for the bonus density to be transferred off-site to a lot or lots zoned CG-4; and
  3. The provisions of K § 520 shall govern the procedures for transferring bonus density off-site if permitted by the Zoning Commission.
- (d) The Zoning Commission, at its discretion, may also provide for additional on-site or off-site bonus density to be earned for setbacks required under this section, based on the land area of the setback and the proposed features for public open space uses; provided, that 2.0 FAR based on the land area of the open space setback shall be used as a general guideline.
- (e) A building or structure for a Local Government or Parks and Recreation use shall have a maximum permitted FAR of 1.8; and

#### 505.4

#### HEIGHT

- (a) The maximum permitted height in the CG-5 zone shall be sixty (60) feet and eighty (80) feet with IZ.
- (b) K § 510 contains design-related conditions on height and upper story setbacks for segments of Potomac Avenue, and South Capitol Street, Designated Streets of K § 508.
- (c) The Zoning Commission, at its discretion, may grant an additional ten (10) feet of height in excess of the base amount to accommodate the bonus

density provision of K § 505.3.

- (d) A building or structure located on, in or over the water; or a watercraft, including a floating home shall have a maximum height of twenty five (25) feet. For the purposes of this subsection, the maximum height shall be measured from the mean high water level along the shore directly in front of the building, structure or watercraft to the highest point of the building or structure, not including sailboat masts.

505.5 Side Setback (CG-5)

- (a) No side setback is required for the principal building; however, any side setback provided on any portion of the principal building shall be at least two inches (2 in.) per foot of height, and no less than five feet (5 ft.).

505.6 REAR SETBACK

- (a) A minimum rear setback of twelve (12) feet shall be provided in the CG-5 zone.

505.7 WATERFRONT SETBACK

- (a) The waterfront setback shall be provided in accordance with C chapter 11 for all buildings and structures constructed after January 7, 2005 on any lot that faces or abuts the Anacostia River.
- (b) If the Zoning Commission finds that the setback creates an undue economic hardship for the owner of the lot, the Commission may reduce the depth of the required setback but shall in no case approve a setback of less than 50 feet in depth.
- (c) No private driveway to any parking or loading berth areas in or adjacent to a building or structure constructed after January 7, 2005 shall directly face the waterfront.

505.8 COURTS

- (a) Where an open court is provided, the court shall have the following minimum dimensions:

	<b>Open Court Width:</b>	<b>Closed Court Width</b>	<b>Closed Court Area:</b>
<b>Residential (except hotel):</b>	Four inches per foot (4 in./ft.) of height of court; Ten feet (10 ft.) minimum.	Four inches per foot (4 in./ft.) of height of court; Fifteen feet (15 ft.) minimum.	Twice the square of the required width of court dimension; Three hundred and fifty square feet (350 sq. ft.) minimum.
<b>Non-Residential and Lodging:</b>	Two and one-half inches per foot (2 1/2 in./ft.) of height of	Two and one-half inches per foot (2 1/2 in./ft.) of height of	Twice the square of the required width of court dimension;

	<b>Open Court Width:</b>	<b>Closed Court Width</b>	<b>Closed Court Area:</b>
	court; Six feet (6 ft.) minimum.	court; Twelve feet (15 ft.) min.	Two hundred and fifty square feet (250 sq. ft.) minimum.

- (b) In the case of an alteration affecting the amount of light and ventilation required in an existing building in a Residence District by other municipal law or regulation, no legally required window shall be permitted to open onto a court that does not comply with the dimensions given in K § 505.8(a).

505.9 GREEN AREA RATIO

- (a) The minimum required Green Area Ratio (GAR) for the CG-5 zone shall be 0.3.

**506 CG-6 AND CG-7 (CG W-1 AND W-3)**

506.1 PURPOSE AND INTENT

- (a) The CG-6 zone (CG/W-1) is mapped only on lands occupied by the Fort McNair Naval Facility.
- (b) The CG-7 zone (CG/W3) is mapped only on lands occupied by the Fort McNair Naval Facility.

506.2 DEVELOPMENT STANDARDS

- (a) The development standards for the CG-6 zone shall be as established for the MU-12 zone, Subtitle G chapter 5.
- (b) The development standards for the CG-7 zone shall be as established for the MU-14 zone, Subtitle G, chapter 5.

**507 USE PROVISIONS (CG)**

507.1 The following use permissions include uses permitted as a matter of right, as a special exception, and as an accessory use; and uses not permitted.

507.2 Subtitle Y Subtitle Y Subtitle Y Use permissions for the CG-1 (CG/R-5-E) zone are as specified in Subtitle U chapter 4.

507.3 Use permissions for the CG-2 (CG//C-2-C) zone are as specified in Subtitle U chapter 5 Use Group E.

507.4 Use permissions for the CG-3 (CG/C-3-C) zone are as specified in Subtitle U chapter 4 Use Group F.

507.5 Use permissions for the CG-4 (CG/CR) zone are as specified in Subtitle U chapter

4 Use Group G.

- 507.6 Use permissions for the CG-5 (CG/W-2) zone are as specified in Subtitle U chapter 4 Use Group C.
- 507.7 Use permissions for the CG-6 (CG/W-1) zone are as specified in Subtitle U chapter 4 Use Group C.
- 507.8 Use permissions for the CG-7 (CG/W-3) zone are as specified in Subtitle U chapter 4 Use Group C.
- 507.9 Buildings, structures and uses with frontage on the designated streets of K § 508 shall provide specified ground floor uses in accordance with the requirements and provisions of K § 509.

**508 DESIGNATED STREETS (CG)**

- 508.1 Designated street segments are those segments and side of street rights-of-way where a building with frontage on that street segment must comply with use and/or design regulations that may differ from the requirements of the zone through which the segment passes.
- 508.2 Refer to K § 509 for preferred use requirements that apply to specified designated streets.
- 508.3 Refer to K § 510 for design related requirements that apply to specified designated streets.
- 508.4 If a lot faces more than one designated street segment or designated area, the regulations governing each category apply.
- 508.5 Designated Street Segments include any portion of the following streets zoned CG-1 through CG-5:
- (a) M Street SE or SW (south side of street);
  - (b) South Capitol Street (both sides of street, south of M Street and West side of street north of M Street);
  - (c) Half Street SE (both sides of street);
  - (d) First Street SE (west side of street);
  - (e) Potomac Avenue SE or SW (both sides of street); or
  - (f) P Street SW (both sides of street).

**509 USE REQUIREMENTS FOR DESIGNATED STREETS (CG)**

- 509.1 Preferred use requirements shall apply only to the following designated streets:
- (a) M Street SE or SW;
  - (b) Half Street SE; and
  - (c) First Street SW.
- 509.2 Preferred uses of this section shall include uses within the following use categories:
- (a) Arts Design and Creation;
  - (b) Eating and Drinking Establishments;
  - (c) Entertainment, Assembly, and Performing Arts;
  - (d) Retail;
  - (e) Service, General or Financial
- 509.3 Any new building or structure with frontage on the streets identified in K § 509.1 shall:
- (a) Devote not less than 0.5 FAR of the ground floor gross floor area to one or more of the designated use categories.
  - (b) Devote no more than 25 percent of the ground floor gross floor area retail requirement to Service, General or Financial uses;
  - (c) Devote 100 percent of the building's street frontage along the designated street to required uses except for space devoted to building entrances or required for fire control.
  - (d) For good cause shown, the Zoning Commission may authorize interim occupancy of the preferred use space required by this subsection by a non-preferred use for up to 5 years; provided that:
    - (1) The ground floor space is suitably designed for future occupancy by the preferred use space; and
    - (2) The ground floor area is designed to fully meet the applicable design regulations of K § 510.

**510 DESIGN REQUIREMENTS FOR DESIGNATED STREETS (CG)**

- 510.1 The following design requirements shall apply to the portion of a building or structure with frontage on designated streets as noted.

510.2

M Street SE or SW:

- (a) The streetwall of each new building shall be set back for its entire height and frontage along M Street not less than fifteen feet (15 ft.) measured from the face of the adjacent curb along M Street, S.E.
- (b) The ground floor shall have a minimum clear height of fourteen (14) feet, as measured from the point used for the building's height measurement, for a continuous depth of at least thirty-six feet (36 ft.) from the building line on the primary street.
- (c) The ground story shall devote at least fifty percent (50%) of the surface area of to display windows or pedestrian entrances having clear low-emissivity glass, and ensure that the view through the display windows and pedestrian entrances is not blocked for at least ten feet (10 ft.) from the building line.
- (d) Ground floor pedestrian entrances, or areas where a future ground floor entrance could be installed without structural changes, shall be located no more than an average distance of 40 feet apart on the façade facing the primary street. In no case shall there be fewer than one door.
- (e) No vehicular garage or loading entrance or exit shall be permitted to a building or structure constructed after February 16, 2007, unless otherwise required by the District Department of Transportation (DDOT), or permitted by the Board of Zoning Adjustment as a special exception evaluated according to Subtitle Y chapter 8.

510.3

South Capitol Street:

- (a) Each new building or structure located on South Capitol Street shall be set back for its entire height and frontage not less than 15 feet, with the exception of a:
  - (1) Buildings within Squares 649 and 651; and
  - (2) Replacement of an existing row dwelling; or
  - (3) Vertical addition to an existing row dwelling, not extending out into the South Capitol Street right-of-way and not exceeding 50% of the gross floor area of the original row dwelling.
- (b) A minimum of 60% of the street-wall shall be constructed on the setback line, with the exception of:
  - (1) Buildings within Squares 649 and 651 where a minimum of 60% of the street-wall shall be constructed to the South Capitol Street property line; and

- (2) Replacement of or an addition to an existing row dwelling within Squares 653 or 655.
- (c) Any portion of a building or structure that exceeds one hundred and ten feet (110 ft.) in height shall provide a one-to-one (1:1) step-back from the building line along South Capitol Street.
- (d) No vehicular garage or loading entrance or exit shall be permitted to a building or structure constructed after February 16, 2007, unless otherwise required by the District Department of Transportation (DDOT), or permitted by the Board of Zoning Adjustment as a special exception evaluated according to Y chapter 8.

510.4 Half Street SE:

- (a) Any portion of a building or structure that exceeds sixty-five feet (65 ft.) in height shall provide a minimum step-back of twenty feet (20 ft.) in depth from the building line along Half Street SE; provided that:
  - (1) The Zoning Commission may grant relief pursuant to Subtitle Z, chapter 9 from this requirement, to a maximum of fifteen feet (15 ft.) in height and eight feet in depth, for the provision of reasonable building footprints.
- (b) The ground floor shall have a minimum *clear height* of fourteen feet (14 ft.), as measured from the point used for the building's height measurement, for a continuous depth of at least thirty-six feet (36 ft.) from the building line on the *primary street*.
- (c) The ground story shall devote at least fifty percent (50%) of the surface area to display windows or pedestrian entrances having clear low-emissivity glass, and ensure that the view through the display windows and pedestrian entrances is not blocked for at least ten feet (10 ft.) from the building line.
- (d) Ground floor pedestrian entrances, or areas where a future ground floor entrance could be installed without structural changes, shall be located no more than an average distance of forty feet (40 ft.) apart on the façade facing the primary street. In no case shall there be fewer than one door.
- (e) No vehicular garage or loading entrance or exit shall be permitted to a building or structure constructed after February 16, 2007, unless otherwise required by the District Department of Transportation (DDOT), or permitted by the Board of Zoning Adjustment as a special exception evaluated according to Y chapter 8.

510.5 First Street SE

- (a) The ground floor shall have a minimum clear height of fourteen feet (14 ft.), as measured from the point used for the building's height measurement, for a continuous depth of at least thirty-six feet (36 ft.) from the building line on the primary street.
- (b) The ground story shall devote at least fifty percent (50%) of the surface area of to display windows or pedestrian entrances having clear low-emissivity glass, and ensure that the view through the display windows and pedestrian entrances is not blocked for at least ten feet (10 ft.) from the building line.
- (c) Ground floor pedestrian entrances, or areas where a future ground floor entrance could be installed without structural changes, shall be located no more than an average distance of forty feet (40 ft.) apart on the façade facing the primary street. In no case shall there be fewer than one door.

510.6 Potomac Avenue SE or SW

- (a) Any portion of a building or structure that exceeds one hundred and ten feet (110 ft.) in height shall provide a one-to-one (1:1) step-back from the building line along Potomac Avenue.

510.7 P Street SW:

- (a) No vehicular garage or loading entrance or exit shall permitted from P Street SW to a building or structure constructed after February 16, 2007, be unless otherwise required by the District Department of Transportation (DDOT), or permitted by the Board of Zoning Adjustment as a special exception evaluated according to Y chapter 8.

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**511 SUBTITLE YSUBTITLE YSUBTITLE YCOMBINED LOT  
DEVELOPMENT IN THE CG-4 (CG/CR) ZONE**

511.1 To help ensure the provision of the desired range of uses, this subtitle provides for

combined lot development to encourage the development of a mix of uses in the CG-4 zone.

511.2 Two or more lots within the CG-4 zone may be combined for the purposes of allocating residential and non-residential uses regardless of the normal limitation on floor area by uses on each lot. This section may not be used to transfer density to or from any other zone.

511.3 The aggregate residential and non-residential floor area on a lot shall not exceed the matter of right maximum floor area or height of the zone district, except when bonus density is being constructed in accordance with the provisions of K § 504.3.

511.4 The amount of commercial density transferred from one parcel to another may not exceed the lesser of a density of 3.0 FAR or the amount of residential density being transferred.

## **512 CERTIFICATION OF COMBINED LOT DEVELOPMENTS**

512.1 No allocation of gross floor area shall be effective unless an instrument, legally sufficient to effect such a transfer, is filed with the Zoning Administrator and recorded by the Recorder of Deeds in the land records against all lots included in the combined lot development

512.2 The instrument shall be in the form of a declaration of covenants that:

- (a) Is signed by the owners of all affected lots;
- (b) Runs with the land in perpetuity;
- (c) Burdens all lots involved in the allocation of gross floor area;
- (d) Binds the present and future owners of the lot sending nonresidential gross floor area to forgo the nonresidential development and occupation of an on-site area equal to the amount of gross floor area of nonresidential uses transferred; and
- (e) States the maximum permitted gross floor areas for all uses in all lots, the maximum allowed gross floor area for nonresidential uses in all lots, and the gross floor area of nonresidential uses allocated. The covenant shall further state that, after the transfer, the combined lots conform with the maximum gross floor area limitations for nonresidential uses on the lots before the transfer.

512.3 The declaration of covenants shall expressly state that it may be substantively amended or terminated only with the approval of the Zoning Commission, after public hearing, and only upon a finding that the proposed amendment or termination is fully justified and consistent with the purposes of this chapter.

512.4 The declaration of covenants shall be approved in content by the Zoning Administrator and certified for legal sufficiency by the Office of the Attorney General. The declaration shall also contain a written statement by the Director of the D.C. Office of Planning attesting to:

- (a) The lots' eligibility to allocate residential and nonresidential uses;
- (b) The accuracy of the computations with respect to the amount of residential and nonresidential uses allocated; and
- (c) Whether, after the transfer, the combined lots will conform with the maximum gross floor area limitations on nonresidential uses for the lots before any such transfer.

**513            SUBTITLE Y SUBTITLE Y SUBTITLE Y SUBTITLE Y SUBTITLE  
Y SUBTITLE Y SUBTITLE Y SUBTITLE Y SUBTITLE Y SUBTITLE  
Y SUBTITLE Y SUBTITLE Y ZONING COMMISSION REVIEW OF  
BUILDINGS, STRUCTURES, AND USES (CG)**

513.1 The provisions of this section apply to properties:

- (a) Within the CG-5 zone;
- (b) Abutting M Street S.E.;
- (c) Located within Squares 700 or 701;
- (d) Abutting South Capitol Street, other than renovation or replacement of an existing row dwelling within Squares 653 or 655; or for a minor addition not exceeding 50% of the gross floor area of the original row dwelling structure;
- (e) Within Squares 601, 656, or 657; or
- (f) Which are the recipient of density through the Combined Lot provisions of K § 511.

513.2 With respect to those properties described in K § 513.1, all proposed uses, buildings, and structures, or any proposed exterior renovation to any existing buildings or structures that would result in an alteration of the exterior design, shall be subject to review and approval by the Zoning Commission in accordance with the following provisions.

513.3 In addition to proving that the proposed use, building, or structure meets the standards set forth in Subtitle Y and the relevant provisions of this chapter, an applicant requesting approval under this section shall prove that the proposed building or structure, including the sitting, architectural design, site plan, landscaping, sidewalk treatment, and operation, will:

- (a) Help achieve the objectives of the Capital Gateway defined in K § 500.1,
- (b) Help achieve the desired use mix, with the identified preferred uses specifically being residential, hotel or inn, cultural, entertainment, retail, or service uses;
- (c) Be in context with the surrounding neighborhood and street patterns;
- (d) Minimize conflict between vehicles and pedestrians;
- (e) Minimize unarticulated blank walls adjacent to public spaces through facade articulation; and
- (f) Minimize impact on the environment, as demonstrated through the provision of an evaluation of the proposal against LEED certification standards.

513.4 With respect to a building or structure to be constructed on a lot within the CG-5 District:

- (a) The building or structure shall provide suitably designed public open space along the waterfront;
- (b) A plan shall be included in the application for suitable open space treatment of the setback area for such uses as walkway and bikeway, passive or active recreational use, and including provisions assuring private maintenance of the space, convenient and permanent public access to the space, and suitable connections to adjacent public space along the waterfront; and
- (c) The application shall include a view analysis that assesses openness of waterfront views and vistas, and views and vistas toward the Capitol Dome, other federal monumental buildings, existing neighborhoods, South Capitol Street, and the Frederick Douglass Bridge.

513.5 With respect to a building or structure which has frontage on Half Street S.E.

- (a) The building or structure shall provide for safe and active streetscapes through building articulation, landscaping, and the provision of active ground level uses including retail, entertainment, cultural, and pedestrian concourse space;
- (b) The building or structure shall provide for safe and convenient movement to and through the site, including to public transit, the Ballpark, and to the Anacostia River; and
- (c) The application shall include a view analysis that assesses openness of views and vistas around, including views toward the Capitol Dome, other

federal monumental buildings, the Ballpark, and the waterfront.

513.6 With respect to a building or structure that has frontage on South Capitol Street S.E.:

- (a) The building or structure shall incorporate massing, materials, and buildings and streetscape landscaping to further the design and development of properties in a manner that is sensitive to the establishment of South Capitol Street as a monumental civic boulevard;
- (b) The building or structure shall incorporate massing, location of access to parking and loading, and location of service areas to recognize the proximate residential neighborhood use and context, as applicable; and
- (c) The application shall include a view analysis that assesses openness of views and vistas around, including views toward the Capitol Dome, other federal monumental buildings, the Ballpark, and the waterfront.

513.7 The Commission may hear and decide any additional requests for special exception or variance relief needed for the subject property. Such requests shall be advertised, heard, and decided together with the application for Zoning Commission review and approval.

513.8 At the time of filing an application with the Zoning Commission, the applicant shall pay the filing fee specified in Subtitle Z, plus such fees as apply to any additional zoning relief requested. The provisions relating to the administration of fees shall apply, except that the applicant may appeal any decision of the Director regarding the fee schedule to the Zoning Commission, which shall decide the appeal as a preliminary matter to hearing the application.

## **514 PARKING AND LOADING REGULATIONS**

514.1 This chapter provides conditions and requirements related to parking spaces, including location and access.

514.2 Parking Requirements:

- (a) There is no minimum number of vehicular parking space requirement for any use located within a CG zone on any property with frontage on or located east of South Capitol Street; except as required in K §516.1(e) for the ballpark..
- (b) Bicycle parking in accordance with the requirements of Subtitle C chapter 8 shall be provided.
- (c) All parking shall be sited and designed to conform to the requirements of Subtitle C chapters 7, Parking and 8, Bicycle Parking; except

- (1) Parking located on a property which front or abuts the Anacostia River shall also conform to the requirements of Subtitle C chapter 11, Waterfront.

**515 PLANNED UNIT DEVELOPMENTS**

515.1 A Planned Unit Development (PUD) in the CG zones shall be subject to the following provisions in addition to the provisions of **11 DCMR Subtitle C**:

- (a) The PUD shall be granted only for projects that are superior in achieving the purposes of this chapter and, particularly, the adopted objectives and policies of the Lower Anacostia Waterfront/Near Southwest Area Elements of the Comprehensive Plan;
- (b) The PUD process shall not be used to reduce requirements in this chapter for the preferred uses.
- (c) An applicant for a PUD within the CG-4 zone seeking non-residential FAR greater than the non-residential FAR permitted in this chapter shall demonstrate to the Zoning Commission that combined lot density pursuant to K § 511 has been acquired to the maximum extent feasible prior to the PUD application.

**516 BALLPARK DISTRICT (CG)**

516.1 Sub-Area Use Regulations

- (a) A Ballpark may be constructed and operated within Squares 702, 703, 704, 705, and 706 and Reservation 247 (the "Ballpark Site"), bounded by N Street SE, First Street SE, Potomac Avenue SE, and South Capitol Street SE.
- (b) For the purposes of this section, the term "Ballpark" means a stadium or arena, including accessory buildings or structures (including, but not limited to office and transportation facilities) that has as its primary purpose the hosting of professional athletic team events.
- (c) The Ballpark may also be used to host events customarily held in such facilities including, but not limited to performances, amateur sporting events, municipal functions, and public or private ceremonies.
- (d) Notwithstanding other provisions for residential or mixed uses in this chapter, no portion of the FAR need be used for residential purposes within the Ballpark Site.
- (e) A maximum of 1,225 vehicular parking spaces shall be provided for the Ballpark use within the Ballpark Site, in addition to bus parking requirements of K § 516.3(d). Of this number, a minimum of 125 shall be

designated handicapped parking spaces. Any parking spaces in addition to the 1,225 amount shall be permitted if approved by the Zoning Commission pursuant to K § 516.4 subject to the applicant demonstrating:

- (1) That the parking spaces are needed to satisfy parking demand generated by the Ballpark not met by existing or approved but not yet constructed parking facilities; and
  - (2) Compliance with the provisions of K § 516.4.
- (f) In considering whether to approve additional ballpark-related at or above-ground parking spaces under K §516.1(e), the Zoning Commission shall judge, balance, and reconcile the need for additional on-site parking against any adverse impacts the presence of the parking will have on traffic, and the aesthetics and development of the surrounding neighborhood.
- (g) All parking spaces within the Ballpark Site shall be provided underground. At or above grade parking spaces shall be permitted if approved by the Zoning Commission pursuant to K § 516.4; subject to the applicant demonstrating:
- (1) Practical difficulty with the provision of underground parking; and
  - (2) Compliance with the provisions of K § 516.4.

## 516.2 Preferred Use Regulations

- (a) Preferred uses of this section shall include one or more of the following use categories:
- (1) Retail;
  - (2) Entertainment, Assembly, and Performing Arts;
  - (3) Eating and Drinking Establishments;
  - (4) Arts Design and Creation;
  - (5) Services.
- (b) Not less than twenty percent (20%) of the Ballpark building's exterior perimeter frontage, not including any detached accessory building, shall be devoted to preferred uses of K § 516.2 (a) in accordance with the provisions of the following provisions:
- (1) Preferred uses shall have a street orientation;
  - (2) Preferred uses shall provide direct exterior access at ground level;

- (3) Not less than fifty percent (50%) of area devoted to preferred uses shall be devoted to display windows having clear or low-emissivity;
  - (4) The minimum floor to ceiling height of area devoted to preferred uses shall be fourteen (14) feet clear; and
  - (5) The average depth from the exterior facade in towards the center of the building for space devoted to preferred retail shall be fifty (50) feet minimum.
- (c) The Zoning Commission may grant relief to a maximum of fifty percent (50%) of the amount of space required by K § 516.2 (b) if necessary for the economic viability of the Ballpark and if consistent with the purposes of the Capital Gateway zones as stated in K § 500.1 and the provisions of K §§ 524.4.

### 516.3 Design Regulations

- (a) The Ballpark's maximum permitted height shall be that permitted by the Height Act, as amended. For the purposes of determining height for a Ballpark, height shall mean the vertical distance measured from the level of the curb opposite the middle of the front of the building to the highest point of the building including a scoreboard, roof, cantilevered sunscreen, or parapet.
- (b) Each building or structure located on the portion of South Capitol Street that lies within the Ballpark Site shall be set back for its entire height and frontage not less than fifteen (15) feet, provided that a minimum of sixty percent (60%) of the street-wall shall be constructed on the setback line
- (c) In addition to the streetwall setbacks of K § 516.3 (b), any portion of the Ballpark that exceeds 110 feet in height shall provide an additional one-to-one (1:1) step back from the building line along South Capitol Street.
- (d) Any on-site bus parking shall be located internal to a building, with doors and entranceways designed to complement the building facade, and shall permit safe and convenient vehicular and pedestrian movement. The Zoning Commission may grant relief from this requirements pursuant to K § 516.4. if necessary to the economic viability of the Ballpark and if consistent with the purposes of the Capital Gateway as stated in K § 500.1 and the provisions of K § 516.4.
- (e) Loading platforms and berths for the Ballpark shall be located internal to a building, with doors and entranceways designed to complement the building facade, and shall permit safe and convenient vehicular and pedestrian movement.

- (f) A minimum of one pedestrian entrance gate to the Ballpark shall be provided on each street frontage.
- (g) No private driveway may be constructed or used from South Capitol Street to any parking or loading berth areas in or adjacent to a building or structure constructed after November 4, 2005.

516.4 Zoning Commission Review

- (a) The Ballpark and all other proposed buildings or structures within the Ballpark Site shall be subject to the approval of the Zoning Commission in accordance with the following provisions:

- (1) An applicant requesting approval under this section shall prove that the proposed building or structure, including the siting, architectural design, site plan, landscaping, sidewalk treatment, and operation, will minimize potential impacts to the neighborhood and the United States Capitol by:

- i. Minimizing associated noise, particularly into adjacent residential neighborhoods;
- ii. Minimizing light spill, particularly into adjacent residential neighborhoods;
- iii. Minimizing parking and traffic conflict between Ballpark patrons and neighborhood residents;
- iv. Encouraging the use of bicycles through the provision of safe, secure and convenient bike storage, as well as other forms of alternative transportation to the site;
- v. Minimizing conflict between vehicles and pedestrians;
- vi. Encouraging the design and development of properties in a manner that is sensitive to the establishment of South Capitol Street as a monumental civic boulevard while recognizing the proximate residential neighborhood use and context;
- vii. Being in context with the surrounding neighborhood and street patterns;
- viii. Providing view analysis which assesses openness of views and vistas around the Ballpark, including views toward the Capitol Dome, other federal monumental buildings, and the waterfront, from the surrounding neighborhood and neighborhoods east of the Anacostia River, South Capitol

Street, the Frederick Douglas Bridge, and the waterfront;

- ix. Providing for safe and convenient movement to and through the site, including to public transit and to the Anacostia River; and
- x. Ensuring that signage on the exterior of building or internal to the ballpark structure but visible from the outside, including the scoreboard, will not have such intensity or brilliance as to cause glare or impair the vision of any driver, or otherwise interfere with the driver's operation of a motor vehicle; adversely impact an owner's enjoyment of residential property located proximate to the ballpark; or impact the character and integrity of the ballpark site.

(2) In addition to the required provisions of K §516.4(a)(1), an applicant requesting approval under this section shall also demonstrate that the proposed building or structure, including the siting, architectural design, site plan, landscaping, sidewalk treatment, and operation will:

- i. Help achieve the objectives of the Capital Gateway as set forth in K § 500.1;
- ii. Be of a superior quality;
- iii. Encourage safe and active streetscapes through building articulation, landscaping, and the provision of active ground level uses including retail, entertainment, cultural, and pedestrian concourse space;
- iv. Minimize unarticulated blank walls adjacent to public spaces through facade articulation; and
- v. Promote the use of best practice environmental design, including minimizing potential impacts on the Anacostia River through stormwater management and recycling practices.

- (b) The Zoning Commission may impose requirements pertaining to building or structure design, appearance, landscaping, signage, lighting, and other such requirements, as it deems necessary to protect neighboring property and to achieve the purposes of the Capitol Gateway zones.
- (c) The Zoning Commission may hear and decide any additional requests for relief from Zoning Regulations for the subject site. Such requests may be advertised, heard, and decided together with the application for Zoning Commission review and approval.

- (d) At the time of filing an application with the Zoning Commission, the applicant shall pay the filing fee specified in Subtitle Z, chapter 2001 plus such fees as apply to any additional zoning relief requested. The provisions of Subtitle A, chapter 2 relating to the administration of fees shall apply, except that the applicant may appeal any decision of the Director regarding the fee schedule to the Zoning Commission, which shall decide the appeal as a preliminary matter to hearing the application.
  
- (e) At any time after the application is filed, but no later than 30 days prior to the hearing date, at the request of one or more Zoning Commission member(s), the Zoning Commission may, at a regular or special public meeting, offer preliminary comment on the design presented. Written notice of the Zoning Commission's intent to offer preliminary comment shall be provided to the Applicant, the ANC within which the project is located, and the Office of Planning. The Office Planning may participate at the meeting only through responding to the Zoning Commission's questions and offering solutions to any concerns expressed.

## CHAPTER 6 SAINT ELIZABETHS EAST CAMPUS (StE)

### 600 GENERAL PROVISIONS (STE)

- 600.1 The Saint Elizabeths East Campus (StE) District is a unique location district created to implement the public policy goal and objectives of the Comprehensive Plan, the St. Elizabeths Redevelopment Framework Plan, as approved by the Council of the District of Columbia on December 16, 2008, and the Saint Elizabeths East Master Plan and Design Guidelines, June 4, 2012.
- 600.2 The StE District shall constitute the Zoning Regulations for the geographic area referred to in K § 600.2. Where there are conflicts between this chapter and other chapters of this title, the provisions of the StE District shall govern.
- 600.3 The purposes of the Saint Elizabeths East Campus Zone are to:
- (a) The StE District is intended to provide for the development of this site with a mix of uses, achieved through the adaptive reuse of existing buildings as well as new construction.;
  - (b) The StE District is intended to provide for a broad mix of uses, including residential, commercial, hospitality, educational, and civic uses consistent with the Master Plan, with a target of approximately four million two hundred thousand (4,200,000) square feet of development, exclusive of the StE-2, StE-18, and StE-19 subdistricts and specified above-grade parking.
  - (c) Improve community connectivity and access to and through the campus;
  - (d) Enhance the unique and historic identity of the campus;
  - (e) Reinvigorate the campus as an important neighborhood center;
  - (f) Preserve and adaptively reuse the historic resources;
  - (g) Embody the District's design and sustainability goals;
  - (h) Create a safe public realm and enhanced pedestrian experience;
  - (i) Enhance multi-modal transportation networks;
  - (j) Support wider economic development initiatives;
  - (k) Ensure a parking supply that meets the needs of the St Elizabeths site while minimizing impacts on surrounding neighborhoods and incurring acceptable impacts on the surrounding road network.
- 600.4 Land Use and Design Principles
- (a) Create a safe environment by providing for a mix of uses and open spaces

that are capable of being programmed to ensure vitality and social activity;

- (b) Create a desirable development opportunity by providing for flexibility in uses and appropriate building heights and densities;
- (c) Provide street-activating uses such as retail on the ground floor of buildings along designated public streets;
- (d) Recognize the unique and historic characteristics of the site and provide for the appropriate reuse of the historic buildings and new development that will respect the site’s historic nature;
- (e) Design and site new development sensitively to preserve existing gateways, vistas, and campus landmarks;
- (f) Create focal points to help establish a unique sense of place and orientation;
- (g) Provide for significant open space, including community parks, plazas, and natural open space on the site;
- (h) Provide for significant open space, including community parks, plazas, and natural open space on the site; and
- (i) Promote the use of best practice environmental and stormwater management design.

**601 DEVELOPMENT STANDARDS (STE)**

- 601.1 The development standards in §§ 602 through 610 shall control the bulk of buildings in the STE zones.
- 601.2 The StE District is divided into the StE-1 through StE-19 Districts for the purpose of floor area ratio (FAR), lot occupancy, and building height.
- 601.3 Except as provided in this chapter, the FAR, height of a building or structure , lot occupancy and rear yard in a StE District shall not exceed or be less than that set forth in K § 602.

**602 DENSITY**

602.1 The maximum permitted FAR of buildings in the StE zones shall be given in the following table:

Zone District	FAR (Max.)	FAR – Required Residential (Min.)	FAR – Above Grade Parking (Max.)
StE-1	0.20	-	-
StE-2	4.00	-	-

<b>Zone District</b>	<b>FAR (Max.)</b>	<b>FAR – Required Residential (Min.)</b>	<b>FAR – Above Grade Parking (Max.)</b>
StE-3	2.50	-	-
StE-4	0.50	-	-
StE-5	1.50	-	-
StE-6	3.20	1.60	-
StE-7	1.50	1.00	K § 603.1
StE-8	0.40	-	-
StE-9	1.50	-	-
StE-10	1.50	-	-
StE-11	0.70	-	-
StE-12	3.00	1.50	-
StE-13	3.20	1.60	-
StE-14a	1.50	-	-
StE-14b	1.50	1.00	-
StE-15	2.00	1.00	K § 603.1
StE-16	3.20	1.60	-
StE-17	0.50	-	K § 603.1
StE-18	4.00	-	-
StE-19	0.00	-	-

602.2

FAR for structured parking located above grade is regulated as follows:

- (a) In addition to the FAR permitted by K § 602.1, additional FAR for above grade parking is permitted as follows:
  - (1) Within the StE-7 subdistrict – 1.0 FAR;
  - (2) Within the StE-15 subdistrict – 1.0 FAR; and
  - (3) Within the StE-17 subdistrict – 2.0 FAR;
- (b) Any of the FAR permitted under K § 603.1(a) that is not used for above grade parking may be utilized for any other use permitted within that zone;
- (c) Any above grade parking shall conform to the standards of K § 610; and
- (d) This density may not be transferred through the Combined Lot Provisions of K § 608 to another parcel.

602.3

The minimum lot area for row dwellings in any StE District shall be one thousand eight hundred square feet (1,800 sq. ft.) with a minimum lot width of eighteen feet

(18 ft.).

- 602.4 In any StE subdistrict with a minimum residential requirement, two (2) or more lots within such a subdistrict may be combined for the purpose of achieving the required FAR equivalent of residential uses, subject to the following:
- (a) The total height and density limits of the subdistrict(s) shall not be exceeded; and
  - (b) The combined lot provisions may not be used to transfer density to or from any property within the StE-2, StE-10, StE-14a, StE-14b, StE-18, or StE-19 subdistricts.
- 602.5 No allocation of gross floor area shall be effective unless an instrument, legally sufficient to effect such a transfer, is filed with the Zoning Administrator and recorded by the Recorder of Deeds in the land records against all lots included in the combined lot development.
- 602.6 The instrument shall be in the form of a declaration of covenants that:
- (a) Is signed by the owners of all affected parcels;
  - (b) Runs with the land in perpetuity;
  - (c) Burdens all parcels involved in the allocation of gross floor area; and
  - (d) States the maximum permitted gross floor areas for all uses in all parcels, the maximum allowed gross floor area for nonresidential uses in all parcels and the gross floor area of nonresidential uses allocated. The covenant shall further state that, after the transfer, the combined lots conform with the maximum gross floor area limitations.
- 602.7 The declaration of covenants shall expressly state that it may be substantively amended or terminated only with the approval of the Zoning Administrator.
- 602.8 The declaration of covenants shall be approved in content by the Zoning Administrator and certified for legal sufficiency by the Office of the Attorney General. The declaration shall also contain a written statement by the Director of the D.C. Office of Planning attesting to:
- (a) The lots' eligibility to allocate residential and nonresidential uses;
  - (b) The accuracy of the computations with respect to the amount of residential and nonresidential uses allocated; and
  - (c) Whether, after the transfer, the combined lots will conform with the maximum gross floor area limitations for the lots before any such transfer.

**603****HEIGHT**

603.1

The maximum permitted height in the StE zones shall be given in the following table:

<b>Zone District</b>	<b>Height (Max. Ft.)</b>
StE-1	25
StE-2	
StE-3	80
StE-4	25
StE-5	65
StE-6	90
StE-7	K § 604.1
StE-8	25
StE-9	65
StE-10	40
StE-11	25
StE-12	80
StE-13	90
StE-14a	40
StE-14b	40
StE-15	80
StE-16	90
StE-17	70
StE-18	90
StE-19	0

603.2

Maximum permitted height within the StE-7 subdistrict is as follows:

- (a) For a distance of two-hundred fifty feet (250 ft.) measured from the north property line bounding Cypress Street, the maximum permitted height shall be eighty feet (80 ft.); and
- (b) For the remainder of this parcel, the maximum permitted height shall be fifty feet (50 ft.).

603.3

The height and FAR limits of K § 602.1 shall serve as the maximums permitted under a Planned Unit Development (PUD).

**604****LOT OCCUPANCY**

604.1

The maximum permitted lot occupancy for the StE zones shall be given in the

following table:

<b>Zone District</b>	<b>Lot Occupancy (Max. %)</b>
StE-1	25
StE-2	75
StE-3	60
StE-4	60
StE-5	60
StE-6	75
StE-7	60
StE-8	60
StE-9	60
StE-10	60
StE-11	60
StE-12	75
StE-13	75
StE-14a	60
StE-14b	60
StE-15	75
StE-16	75
StE-17	60
StE-18	75
StE-19	n/a

**605 FRONT SETBACK (STE)**

- 605.1 Buildings within the StE-17 and StE-18 subdistricts shall be setback not less than ten feet (10 ft.) from the property line that abuts Alabama Avenue and 13th Street.
- 605.2 No part of a building within the StE-17 and StE-18 subdistricts shall project above a plane drawn at a forty-five degree (45<sup>0</sup>) angle from a line located fifty feet (50 ft.) directly above the property line that abuts Alabama Avenue.

**606 REAR SETBACK (STE)**

- 606.1 A minimum required rear setback of twenty (20) feet shall be provided in the StE-10, StE-14a and StE-14b zones.
- 606.2 No part of a building within the StE-6, StE-13, and StE-16 subdistricts shall project above plane drawn at a forty-five degree (45<sup>0</sup>) angle from a line located seventy-five feet (75 ft.) directly above the eastern property line that abuts the

ravine.

**607 INCLUSIONARY ZONING (STE)**

- 607.1 All residential development is subject to Inclusionary Zoning and shall be constructed according to the provisions set forth in C chapter 22 except for § 2204.
- 607.2 The FAR, lot occupancy, and height maximums of K § 602.1 shall serve as the maximum permitted density for buildings and structures within each subdistrict including for the provision of inclusionary units.

**608 PARKING (STE)**

- 608.1 The cumulative total of all parking spaces, including below grade, surface, and above grade structured parking, shall not exceed a total of four thousand eight hundred (4,800) parking spaces, exclusive of parking on the StE-2 or StE-18 subdistricts, existing surface parking lots, historic structures, and any parking associated with existing District of Columbia Government facilities.
- 608.2 Each application to the Department of Consumer and Regulatory Affairs for a development that includes above grade or below grade structured parking or surface parking shall provide an accounting of the total number of parking spaces within the StE District which count towards the four thousand eight hundred (4,800) parking space limit.
- 608.3 Additional parking spaces beyond the four thousand eight hundred (4,800) space limit shall be permitted by special exception by the Board of Zoning Adjustment pursuant to Subtitle Y, and provided that the applicant addresses compliance with the following standards:
  - (a) The application shall include a detailed accounting of the existing and proposed number and locations of parking spaces provided pursuant to K § 610.1; and shall also include a traffic study assessing the impacts of the proposed additional parking spaces on local traffic patterns for referral to and comment by the District Department of Transportation;
  - (b) The applicant shall include a transportation demand management (TDM) plan, as well as District Department of Transportation analysis of the TDM plan. The parameters of the analysis shall be outlined by the District Department of Transportation; and
  - (c) Vehicular access and egress will be located and designed so as to encourage safe and efficient pedestrian movement, minimize conflict with principal pedestrian ways, function efficiently, and create no dangerous or otherwise objectionable traffic conditions.
- 608.4 For any application pursuant to K § 610.3:

- (a) The Board shall judge, balance, and reconcile the need for additional on-site parking against any adverse impacts the presence of the parking will have on traffic, and the aesthetics and development of the surrounding neighborhood; and
- (b) The Board may impose requirements pertaining to design, appearance, signs, massing, landscaping, and other such requirements as it deems necessary to protect neighboring property and to achieve the purposes of the StE District.

608.5 Any additional commuter parking, beyond parking that may exist as of March 29, 2013 within the St-E-18, shall be for the exclusive use of residents of, employees within, or visitors to the StE District or Federal employees of the adjacent St Elizabeths West Campus.

608.6 Parking spaces shared by more than one use is permitted.

608.7 Parking spaces need not be located on the same lot as the building or buildings they are intended to serve, but must be located on a lot within the StE District other than the StE-18 or StE-19 subdistrict.

608.8 Parking spaces shall not be located between a street right-of-way line and the more restrictive of either a building façade or a line extending from and parallel to a building façade. A building used solely as a parking attendant shelter shall not trigger this restriction.

608.9 Parking spaces provided within a structure shall be located at least twenty feet (20 ft.) from all lot lines that abut public streets, unless the surface of the parking spaces is at least ten feet (10 ft.) below grade, at all points along the building frontage.

608.10 Parking spaces within an above grade structure along 13th Street, Dogwood Street, and Sycamore Street shall be lined with preferred uses as defined in K § 621 on the ground floor to a depth of thirty feet (30 ft.) minimum.

608.11 All parking spaces, other than ones within an automated parking garage shall be accessible at all times from a driveway accessing either an improved street or an improved alley or alley system with a minimum width of ten feet (10 ft.).

608.12 Parking spaces provided within an automated parking garage need not meet the accessibility requirement of K § 610.10 as long as the mechanized parking system does.

608.13 Parking spaces and drive aisles shall be designed in accordance with the standards of Subtitle C chapter 19.

608.14 Where other options for access to parking spaces exist, such as from an alley or a different street, access to parking shall not be from a section of street where

preferred uses are required in accordance with K § 621; or from Martin Luther King Jr. Avenue, S.E., Dogwood Street, 13th Street, or Oak Drive.

608.15 Approval of a driveway under this chapter shall not be interpreted to imply permission for a curb cut in public space. An applicant for a driveway with a curb cut in public space shall have the responsibility to obtain all other necessary approvals and permissions.

**609           LOADING (STE)**

609.1 Loading requirements for each use shall be as prescribed in Subtitle C chapter 21 of this title.

609.2 Where other options for access to parking spaces exist, such as from an alley or a different street, access to loading shall not be from a section of street where preferred uses are required in accordance with K § 621; or from Martin Luther King Jr. Avenue, S.E., Dogwood Street, 13th Street, or Oak Drive.

609.3 Loading entrances shall not be located closer than thirty two feet (32 ft.) from the intersection of an alley other curb cut as measured from the intersection of the curb lines extended.

609.4 Loading entrances shall not be located closer than sixty feet (60 ft.) from the nearest intersection of a street as measured from the intersection of the curb lines extended.

609.5 Loading entrances shall make use of architectural treatments, to mitigate visual impacts,

609.6 Access points to requiring a curb cut should be a sufficient distant from any street intersection so as not to disrupt traffic flow.

**610           BICYCLE PARKING (STE)**

610.1 The bicycle parking standards of this chapter apply to all newly constructed buildings.

610.2 Bicycle parking spaces shall be provided in accordance with the requirements and standards of Subtitle C chapter 20.

**611           ROOF STRUCTURES (STE)**

611.1 Rooftop penthouses not intended for human occupation, such as penthouses over mechanical equipment, a stairway or an elevator shaft shall be erected or enlarged pursuant to Subtitle C chapter 5.

**612           USE PERMISSIONS (STE)**

- 612.1 The following uses categories shall be permitted as a matter of right in all subdistricts of the StE District, except as limited in K §§ 613 and 614, or if specifically prohibited by K§ 615.
- 612.2 Agriculture, Large and Residential
- 612.3 Animal Sales, Care, and Boarding
- 612.4 Antennas
- 612.5 Arts Design and Creation
- 612.6 Basic Utilities
- 612.7 Chancery
- 612.8 Daytime Care
- 612.9 Eating and Drinking Establishments
- 612.10 Education uses including public and private schools, colleges and universities and trade schools.
- 612.11 Emergency shelter uses that house no more than 4 persons, not including resident supervisors or staff and their families.
- 612.12 Entertainment, Assembly, and Performing Arts
- 612.13 Government, Large Scale and Local
- 612.14 Health Care
- 612.15 Institutional, general and religious
- 612.16 Lodging
- 612.17 Motor Vehicle-related sales and services
- 612.18 Office
- 612.19 Parking
- 612.20 Parks and Recreation
- 612.21 Production, Distribution and Repair
- 612.22 Residential
- 612.23 Retail

612.24 Service, General and Financial

612.25 Transportation Infrastructure

**613 USES PERMITTED BY CONDITIONS**

**613.1** The uses within the Use Categories listed in K § 612 .

**613.2** Within the StE-19 subdistrict, no use is permitted except for Open Space and transportation infrastructure.

**613**

**613.3** Uses permitted within the StE-10 and StE-14a subdistricts shall be in accordance with the RF-1 use provisions of Subtitle E, chapter 18 which includes but is not limited, to rowhouses, flats, attached or detached dwellings, and other uses compatible with a low to moderate density residential zone.

**613**

**~~613~~ USES PERMITTED BY SPECIAL EXCEPTION**

**~~613.1~~** The following uses shall be permitted in the StE District as a special exception if approved by the Board of Zoning Adjustment pursuant to the general standard of Subtitle Y the criteria set forth in K § 615.2 and the specific conditions stated below:

**613**

**613**

**613** (a) Emergency shelter for five (5) to fifteen (15) persons, not including resident supervisors or staff and their families, subject to the standards and requirements of § 1803.8; and

**613**

**613** (b) Community Based Institutional Facilities for seven (7) to fifteen (15) persons, not including resident supervisors or staff and their families, subject to the standards and requirements for Youth and Adult Rehabilitation Homes of § 1803.4.

**613**

**615 USES PROHIBITED**

**613** **615.1** The following uses are prohibited within the StE District as either a principal or an accessory use:

**613**

**613** (a) Any establishment that has as its principal use the administration of massages;

**613**

**613** (b) Any industrial use first permitted in the P-4-C zone;

**613**

**613** (c) Correctional Facility;

**613**

**613** (d) Drive-through establishment, where goods are sold/rented or services rendered, directly to occupants of motor vehicles while in the vehicles;

**613**

**613** (e) Firearm Sales, including gun store, ammunition sales, pawn shop carrying guns, or weaponry store;

**613**

**613**

**613**

- (f) Self-service storage establishment that provides separate storage areas for individual or business uses;
- (g) Sexually-oriented business establishment:
- (h) Vehicle repair and servicing, including full-serve and mini-serve gas stations, unattended key card stations, car washes, quick lubrication services, and vehicle emission test sites; and
- (i) Vehicle sales.

**616 ACCESSORY USES**

616.1 Accessory uses, buildings, or structures customarily incidental and subordinate to the principal uses permitted in K § 604.1 shall be permitted in any StE District except StE-19 as a matter of right, subject to the limitations in Subtitle C chapter 8 of this title.

**617 PREFERRED USES**

617.1 Preferred uses described in K § 621.1 shall be provided in accordance with the provisions of that section.

**618 SPECIAL EXCEPTION - GENERAL USE PROVISIONS**

618.1 In addition to the general standards set forth in Subtitle Y , an applicant for a special exception to establish a Community Based Institutional Facility pursuant to K § 616 shall demonstrate that:

- (a) The proposal addresses any conditions pertaining to that use as detailed in this chapter;
- (b) Noise and other potential impacts associated with the operation of a proposed use shall not adversely affect adjacent or nearby uses;
- (c) Traffic conditions associated with the operation of a proposed use shall not adversely affect adjacent or nearby uses; and
- (d) The proposed building will comply with the applicable ground floor use.

**619 PREFERRED USE REQUIREMENTS**

619.1 Preferred uses shall include any use within the Arts, Design & Creation; Eating and Drinking Establishments; Retail; General Service; or Financial Service use categories described in K § 614.1.

619.2 Each building that faces the following streets or locations in the following subdistricts shall devote not less than fifty percent (50%) of the gross floor area of the ground floor to preferred uses:

- (a) StE-3, facing Martin Luther King Jr. Avenue S.E., Cypress Street S.E., or Sycamore Street S.E., and the park;
- (b) StE-7, facing Martin Luther King Jr. Avenue S.E., Cypress Street S.E., or Dogwood Drive S.E., or Oak Drive S.E.;
- (c) StE-14b, facing Dogwood Drive S.E., Oak Drive S.E., or the southwest corner;
- (d) StE-15, facing Dogwood Drive S.E., 13th Street S.E., Oak Drive S.E., or the park;
- (e) StE-16, facing 13th Street S.E. and the southwest corner; and
- (f) StE-17, facing Dogwood Drive S.E., 13th Street S.E., or Oak Drive S.E.

619.3 Not less than fifty percent (50%) of the surface area of the street wall, including building entrances, of those building frontages described in K § 621.2 shall be devoted to doors or display windows having clear or low emissivity glass.

619.4 Preferred uses shall provide direct, exterior access to the ground level.

619.5 The minimum floor-to-ceiling height for portions of the ground floor level devoted to preferred uses shall be fourteen feet (14 ft.).

619.6 Ground floor area required for preferred uses may not be transferred to any other lot through the Combined Lot Development procedures of K § 608.

619.7 For good cause shown, the Board of Zoning Adjustment may authorize interim occupancy of the preferred use space required under K§ 621.2 by other uses permitted in the StE District for up to a five (5) year period, provided that:

- (a) The ground-floor space is suitably designed for future occupancy by preferred uses;
- (b) The proposed use is compatible with the surrounding uses; and
- (c) It can be demonstrated that a preferred use cannot be accommodated due to market conditions.

## CHAPTER 7 REED-COOKE (R-5-B/RC, C-2-A/RC, C-2-B/RC)

### 700 PURPOSE AND INTENT

- 700.1 The RC-1 [R-5-B/RC] zone is intended provide for areas developed with predominantly moderate and medium-density rowhouses and apartments.
- 700.2 The RC-2 [C-2-A/RC] zone is intended to permit moderate density mixed use development at a limited height and with an emphasis on housing.
- 700.3 The RC-3 [C-2-B/RC] zone is intended to permit medium density, compact mixed use development with an emphasis on residential development at a limited height and with an emphasis on housing.
- 700.4 The purpose of the Reed-Cooke Residential Apartment and Mixed-Use Zones is to:
- (a) Protect current housing and provide for the development of new housing;
  - (b) Maintain heights and densities at appropriate levels;
  - (c) Encourage small-scale business development that will not adversely affect the residential community;
  - (d) Ensure that new nonresidential uses serve the local community by providing retail goods, personal services, and other activities that contribute to the satisfaction of unmet social, service, and employment needs in the Reed-Cooke and Adams Morgan community;
  - (e) Protect adjacent and nearby residences from damaging traffic, parking, environmental, social, and aesthetic impacts; and
  - (f) Ensure the preservation and adaptive reuse of the First Church of Christ Scientist building located on Lot 872 of Square 2560, through a planned unit development process.
- 700.5 In addition to other applicable provisions of this title, the requirements of this chapter shall apply to:
- (a) All new construction;
  - (b) All additions, alterations, or repairs that, within any eighteen (18) month period, exceed in cost fifty percent (50%) of the assessed value of the structure as set forth in the records of the Office of Tax and Revenue on the date of the application for a building permit;
  - (c) Any use that requires a change in the use listed on the owner's or lessee's certificate of occupancy; and

- (d) Any existing use that requires a new permit from the Alcoholic Beverage Control Board.

700.6 If there is a dispute between the property owner and the Zoning Administrator about the cost pursuant to K § 700.5(b), the cost shall be determined by the average of the estimates furnished by three (3) independent qualified contractors selected in the following manner:

- (a) The first shall be selected by the owner;
- (b) The second shall be selected by the Zoning Administrator; and
- (c) The third shall be selected by the first two (2) contractors.

700.7 The estimates provided for by § 600.6 shall be prepared and submitted according to a standard procedure and format established by the Zoning Administrator.

700.8 The cost of estimates shall be at the expense of the property owner.

**701 DENSITY**

701.1 Except as provided in other provisions of this chapter, the maximum permitted floor area ratio (FAR) in a RC zone shall be as set forth in the following table:

Zone	Use	Floor Area Ratio Maximum
RC-1 (R-5-B/RC)	<ul style="list-style-type: none"> <li>• Pub Library</li> <li>• All Other</li> <li>• All Other with IZ</li> </ul>	<ul style="list-style-type: none"> <li>• 2.0</li> <li>• 1.8</li> <li>• 2.16</li> </ul>
RC-2 (C-2-A/RC)	<ul style="list-style-type: none"> <li>• Total</li> <li>• Total with IZ</li> <li>• Non-Residential</li> </ul>	<ul style="list-style-type: none"> <li>• 2.5</li> <li>• 3.0</li> <li>• 1.5 for lots larger than 10,000 sq. ft.</li> </ul>
RC-3 (C-2-B/RC)	<ul style="list-style-type: none"> <li>• Total</li> <li>• Total with IZ</li> <li>• Non-Residential</li> </ul>	<ul style="list-style-type: none"> <li>• 3.5</li> <li>• 4.2</li> <li>• 1.5 for lots larger than 10,000 sq. ft.</li> </ul>

701.2 In the RC-2 and RC-3 (C-2-A/RC and C-2-B/RC) zones an existing building on a lot with an area ten thousand (10,000) square feet or less, may have a maximum floor area ratio of 2.0 for non-residential uses, provided the uses are located in the ground story and the story directly above the ground story and the use shall not include eating or drinking uses.

**702 HEIGHT AND ROOF STRUCTURE REGULATIONS**

702.1 Except as specified in Subtitle C chapter 15 of this title, the height of buildings or structures in a RC zone shall not exceed that given in the following table:

Zone	Height Maximum	Maximum Number of Stories
RC-1 (R-5-B/RC)	40 ft.	3

Zone	Height Maximum	Maximum Number of Stories
RC-2 (C-2-A/RC)	40 ft.	No limit
RC-3 (C-2-B/RC)	40 ft. 50 ft. with IZ	No limit

702.2 In the RC-3 zone a building shall be permitted a maximum height of fifty feet (50 ft.), plus roof structures, provided fifty percent (50%) of the additional gross floor area made possible by the height bonus is devoted to low and moderate income household units, as defined in B chapter 2.

702.3 Roof structures shall be permitted as set forth in C chapter 15, except as otherwise required by this section.

702.4 In the RC-1 zone roof structures on any detached, semi-detached or attached single household dwelling shall be limited to ten feet (10 ft.) in height above the roof on which it is located.

### 703 LOT OCCUPANCY

703.1 No structure, including its accessory building, shall occupy its lot in excess of the percentage of lot occupancy set forth in the following table:

Zone	Use	Lot Occupancy Maximum
RC-1 (R-5-B/RC)	Pub Rec Center	20%
	All Other	60 %
RC-2 (C-2-A/RC)	Residential	60 %
	Residential with IZ	75%
	All Other	100%
RC-3 (C-2-B/RC)	Residential	80%
	Residential with IZ	80%
	All Other	100%

### 704 REAR SETBACK

704.1 A minimum rear setback shall be provided for each structure located in the RC zones as set forth in the following table:

Zone	Minimum Rear Setback Distance
RC-1 (R-5-B/RC)	A distance equal to 4 inches per 1 foot of principal building height but no less than 15 feet
RC-2, (C-2-A/RC)	15 feet
RC-3 C-2-B/RC)	15 feet

704.2 In the RC-2 and RC-3 (C-2-A/RC and C-2-B/RC) zones, a horizontal plane may be established at twenty-five feet (25 ft.) above the mean finished grade at the middle of the rear of the structure for the purpose of measuring rear setbacks.

704.3 In the RC-2 and RC-3 (C-2-A/RC and C-2-B/RC) zones, rear setbacks shall be measured as follows:

- (a) Where a lot abuts an alley:
  - (1) For that portion of the structure below a horizontal plane described in § 704.2 from the center line of the alley to the rear wall of the portion; and
  - (2) For that portion of the structure above the horizontal plane described in § 704.2, from the rear lot line to the rear wall of that portion immediately above the plane.
- (b) Where a lot does not abut an alley, the rear setback shall be measured from the rear lot line to the rear wall of the building or other structure.

**705 SIDE SETBACK**

705.1 A minimum side setback shall be provided for each structure located in the RC zones as set forth in the following table:

Zone	Minimum Side Setback Distance
RC-1 (R-5-B/RC)	None required, however, if a side setback is provided, it shall be no less than four feet (4 ft.)
RC-2 (C-2-A/RC)	None required for a principal building; however, if a side setback is provided it shall be at least two inches (2 in.) wide for each foot of height of building but no less than five feet (5 ft.)
RC-3 (C-2-B/RC)	None required for a principal building; however, if a side setback is provided it shall be at least two inches (2 in.) wide for each foot of height of building but no less than five feet (5 ft.)

705.2 In the RC-2 (C-2-A/RC) and RC-3 (C-2-B/RC) zones, any portion of a building setback from the side lot line shall be considered a side setback and not a courtyard.

**706 COURTYARDS**

706.1 A courtyard is not required in an RC zone, however if a courtyard is provided it shall have the following minimum dimensions:

	<b>Open Courtyard Width</b>	<b>Closed Courtyard Area</b>
<b>Residential, more than three units:</b>	Four inches per foot (4 in./ft.) of height of courtyard;  Ten feet (10 ft.) minimum	Twice the square of the required width of courtyard dimension;  Three hundred and fifty square feet (350 sq. ft.) minimum
<b>Non-Residential and Lodging:</b>	Two and one-half inches per foot (2 1/2 in./ft.) of height of courtyard;  Six feet (6 ft.) minimum	Twice the square of the required width of courtyard dimension;  Two hundred and fifty square feet (250 sq. ft.) minimum

**707 GREEN AREA RATIO (GAR)**

707.1 A minimum green area ratio shall be provided for each lot in a RC zones as set forth in the following table pursuant to the conditions and requirements of C Chapter:

<b>Zone</b>	<b>Minimum Green Area Ratio</b>
RC-1 (R-5-B/RC)	0.40
RC-2, (C-2-A/RC)	0.30
RC-3 (C-2-B/RC)	0.30

**708 ACCESSORY BUILDING REGULATIONS**

708.1 Accessory buildings in the RC-1 (R-5-B/RC) zone shall be regulated as outlined in F Chapter 8.

**709 ALLEY LOT REGULATIONS**

709.1 Alley lots in the RC-1 (R-5-B/RC) zone shall be regulated as outlined in F Chapter 9.

709.2 Alley lots in the RC-2 and RC-3 (C-2-A/RC and C-2-B/RC) zones shall be regulated as outlined in G Chapter 15.

**710 PLANNED UNIT DEVELOPMENTS**

710.1 The provisions of X Chapter 3 of this title shall not operate to permit a planned unit development in the RC zones to exceed the floor area ratio and height standards of K §§ 701 and 702.

710.2 Notwithstanding K § 710.1, the Zoning Commission, as part of a planned unit development permitting a hotel integrating the First Church Christ Scientist building on a new lot created by combining Lots 872, 875, and 127 of Square 2560, may permit a building height on former Lots 875 and 127 not to exceed 72 feet measured from Euclid Street, and an overall building density not to exceed

3.99 FAR.

**711 PUBLIC EDUCATION BUILDING AND STRUCTURES, PUBLIC RECREATION AND COMMUNITY CENTERS AND PUBLIC LIBRARIES**

711.1 Public education building and structures, public recreation and community centers and public libraries shall be controlled through the development standards specified in C chapter 16.

**712 MATTER OF RIGHT USES (RC ZONES)**

712.1 In the RC-1 (R-5-B/RC) zone, uses permitted as a matter of right in U chapter 4 shall be permitted as a matter of right in the RC-1 zone unless otherwise not permitted in K § 715.

712.2 In the RC-2 (C-2A/RC) zone, uses permitted as a matter of right in the MU-4 zone listed in U § 528 shall be permitted as a matter of right in the RC-2 zone unless otherwise not permitted in K § 715.

712.3 In the RC-3 (C-2B/RC) zone, uses permitted as a matter of right in the MU-5 zone listed in U § 528 shall be permitted as a matter of right in the RC-3 zone unless otherwise not permitted in K § 715.

712.4 Other accessory uses customarily incidental to the uses permitted in RC zones under the provisions of this section shall be permitted.

712.5 A drive-through accessory to any permitted use shall not be permitted.

**713 USES PERMITTED BY SPECIAL EXCEPTION**

713.1 In the RC-1 (R-5-B/RC) zone, uses listed as special exceptions in U Chapter 4 shall be permitted by special exception in the RC-1 zone if approved by the Board of Zoning Adjustment under Subtitle Y and subject to the conditions of each section unless otherwise not permitted in K § 715.

713.2 In the RC-2 (C-2A/RC) zone, uses listed as special exceptions in U § 529 shall be permitted by special exception in the RC-2 zone if approved by the Board of Zoning Adjustment under Subtitle Y and subject to the conditions of each section unless otherwise not permitted in K § 715.

713.3 In the RC-3 (C-2B/RC) zone, uses listed as special exceptions in U § 529 shall be permitted by special exception in the RC-3 zone if approved by the Board of Zoning Adjustment under Subtitle Y and subject to the conditions of each section unless otherwise not permitted in K § 715.

713.4 Chancery uses in shall be permitted subject to disapproval by the Board of Zoning Adjustment pursuant to X chapter 2.

713.5 A parking lot or garage shall be permitted by special exception if approved by the Board of Zoning Adjustment under Subtitle Y and subject to following conditions:

- (a) The parking lot or garage shall meet the conditions specified in U §§ 203.16(c) through 203.16(h);
- (b) The parking lot or garage shall meet the conditions in K § 715; and
- (c) The Board may require that all or a portion of the parking spaces be reserved for the following:
  - (1) Residential parking;
  - (2) Unrestricted commercial parking;
  - (3) Accessory parking for uses within eight hundred feet (800 ft.); and
  - (4) Shared parking for different uses by time of day.

**714 CONDITIONS ON USES IN FORMER PUBLIC SCHOOLS**

714.1 Within a building owned by the District of Columbia that formerly served as the location of a public school (“former school building”), the following use provisions shall apply:

- (a) A use permitted as a matter of right pursuant to U §§ 212.3 and 212.4 unless otherwise not permitted in K § 715;
- (b) A use permitted by special exception pursuant to U § 212.5 unless otherwise not permitted in K § 715.

**715 USES NOT PERMITTED IN REED-COOKE ZONES**

715.1 The uses in this section shall not be permitted in the RC zones either as a matter of right or by special exception:

715.2 Antenna tower in excess of twenty feet (20 ft.) in height;

715.3 Any use not permitted in the M-10 zone, except a parking lot as permitted by K § 713.5.

715.4 Assembly hall, auditorium, or public hall;

715.5 Automobile laundry;

715.6 Automobile or truck sales;

715.7 Automobile rental agency that stores or services automobiles within an RC zone;

- 715.8 Bar or cocktail lounge;
- 715.9 Billiard parlor or pool hall;
- 715.10 Boat or other marine sales;
- 715.11 Bowling alley;
- 715.12 Bus passenger depot;
- 715.13 Drive-through;
- 715.14 Funeral mortuary or other similar establishment;
- 715.15 Gasoline service station or repair garage;
- 715.16 Hotel or inn;
- 715.17 Motorcycle sales or repair;
- 715.18 Movie theater;
- 715.19 Off-premises alcoholic beverage sales;
- 715.20 On-premises dry cleaning establishment;
- 715.21 Parcel delivery service establishment other than one exclusively dedicated to serving a sound stage or a movie, video, or television production facility that existed on April 26, 1991;
- 715.22 Restaurant or fast food establishment;
- 715.23 Satellite reception dish greater than fifteen feet (15 ft.) in diameter;
- 715.24 Transient accommodations that are not home occupations;
- 715.25 Veterinary hospital; and
- 715.26 Video game parlor.

**716 RELIEF FROM DEVELOPMENT STANDARDS**

716.1 An exception from the requirements of this chapter shall be permitted by special exception if approved by the Board of Zoning Adjustment under Subtitle Y and subject to the following conditions:

- (a) The use, building, or feature at the size, intensity, and location proposed will substantially advance the stated purposes of the RC-1 zone;

- (b) Vehicular access and egress shall be designed and located so as to minimize conflict with pedestrian ways, to function efficiently, and to create no dangerous or otherwise objectionable traffic condition;
- (c) Adequate off-street parking shall be provided for employees and for trucks and other service vehicles;
- (d) Noise associated with the operation of a proposed use will not adversely affect adjacent or nearby residences;
- (e) No outdoor storage of materials, nor outdoor processing, fabricating, or repair shall be permitted; and
- (f) If located within a RC-3 (C-2-B/RC) zone, the use shall not be within twenty-five feet (25 ft.) of a residentially zoned property, unless separated there from by a street or alley.

716.2

The use, building, or feature at the size, intensity, and location proposed will not adversely affect adjacent and nearby property or be detrimental to the health, safety, convenience, or general welfare of persons living, working, or visiting in the area.

## CHAPTER 8 MIXED USE- UPTOWN ARTS (ARTS-1 ARTS-2 ARTS-3 AND ARTS-4)

### 800 PURPOSE AND INTENT

- 800.1 The purpose of the ARTS zones (ARTS-1 ARTS-2 ARTS-3 and ARTS-4) is to:
- (a) Promote the creation of arts, arts-related, and art-supporting uses;
  - (b) Encourage a pedestrian scale of development, a mixture of building uses, adaptive reuse of older buildings, strengthened design character, public safety, and eighteen hour activity; and
  - (c) Require uses that encourage pedestrian activity, especially retail, entertainment, and residential uses.
  - (d) Provide for an increased presence and integration of the arts and related cultural and arts-related support uses;
  - (e) Expand the area's housing supply in a variety of rent and price ranges;
  - (f) Expand business and job opportunities, and encourage development of residential and commercial buildings;
  - (g) Strengthen the design character and identity of the area by means of physical design standards;
  - (h) Encourage adaptive reuse of older buildings in the area and an attractive combination of new and old buildings; and
  - (i) Foster eighteen (18) hour activity and increased public safety.
- 800.2 The ARTS-1 zone (C-2-A/ARTS) is intended to permit moderate density mixed use development.
- 800.3 The ARTS-2 zone (C-2-B/ARTS) is intended to permit medium density, compact mixed use development with an emphasis on residential development.
- 800.4 The ARTS-3 zone (C-3-A/ARTS) is intended to permit medium density mixed-use development with a focus on employment.
- 800.5 The ARTS-4 zone (CR/ARTS) is intended to permit medium to high density mixed-use development with a balance of uses conducive to a higher quality of life and environment for residents, businesses, employees, and institutions.
- 800.6 The requirements of this chapter shall apply to all new construction and to any addition, alteration, or repair that within any twenty-four (24) month period exceeds seventy-five percent (75%) of the assessed value of the building;

provided:

- (a) The cost basis for alterations or additions to an existing building shall be the amount indicated by the applicant on the application for a building permit; and
- (b) The assessed value of the building shall be the value in the records of the Office of Tax and Revenue as of the date of the building permit application.

**801 DENSITY**

801.1 Except as provided in other provisions of this chapter, the maximum permitted floor area ratio (FAR) in an ARTS zone shall be as set forth in the following table:

<b>Zone</b>	<b>Use</b>	<b>Floor Area Ratio Maximum</b>
ARTS-1 (C-2-A /ARTS)	<ul style="list-style-type: none"><li>• Total</li><li>• Total with IZ</li><li>• Non-Residential</li></ul>	<ul style="list-style-type: none"><li>• 2.5</li><li>• 3.0 (IZ)</li><li>• 1.5</li></ul>
ARTS-2 (C-2-B /ARTS)	<ul style="list-style-type: none"><li>• Total</li><li>• Total with IZ</li><li>• Non-Residential</li></ul>	<ul style="list-style-type: none"><li>• 3.5</li><li>• 4.2 (IZ)</li><li>• 1.5</li></ul>
ARTS-3 (C-3-A /ARTS)	<ul style="list-style-type: none"><li>• Total</li><li>• Total with IZ</li><li>• Non-Residential</li></ul>	<ul style="list-style-type: none"><li>• 4.0</li><li>• 48 (IZ)</li><li>• 2.5</li></ul>
ARTS-4 (CR/ARTS)	<ul style="list-style-type: none"><li>• Total</li><li>• Total with IZ</li><li>• Non-Residential</li></ul>	<ul style="list-style-type: none"><li>• 6.0</li><li>• 7.2 (IZ)</li><li>• 3.0</li></ul>

801.2 In an ARTS-1 (C-2A/ARTS) and ARTS-2 (C-2B/ARTS) zone an existing building on a lot with an area ten thousand (10,000) square feet or less, may have a maximum floor area ratio of 2.0 for non-residential uses, provided the uses are located in the ground story and the story directly above the ground story and the use shall not include eating or drinking uses.

801.3 A building that includes 3.0 or more FAR devoted to residential uses is entitled to an increase of 0.5 in the building’s total FAR

801.4 In an ARTS-4 zone, development of a lot or lots in a combined lot development pursuant to C chapter 12 shall provide not less than 2.5 FAR of residential or hotel development subject to the spacing requirement of K § 811.5, concurrent with any commercial development on the lot or combined lots; provided:

- (a) This requirement shall not apply to:
  - (1) A lot or a combined lot having less than seven thousand five hundred square feet (7,500 sq. ft.) of land area;

- (2) A conversion of a building constructed before 1958 to nonresidential uses; or
- (3) A building that contributes to a historic district or is designated a landmark, and that has at least 0.5 FAR occupied by or reserved for one or more of the preferred Arts uses as listed in U chapter 7, other than Eating and Drinking Establishments.

**802 BONUS DENSITY**

802.1 A project shall be eligible for bonus density for space devoted to one or more of the preferred Arts uses of U chapter 7, subject to the following provisions:

- (a) Bonus density may be used either to increase the gross floor area of the building for any permitted use up to the maximum floor area ratio (FAR) specified in paragraph (b) of this subsection, or to provide nonresidential uses or development in excess of the otherwise applicable limitation on the gross floor area of nonresidential uses in the underlying zone district;
- (b) Bonus density may be used in accordance with the provisions this section provided that no building that uses bonus density shall achieve a maximum FAR in excess of the following
  - (1) 3.0 in the ARTS-1 zone,
  - (2) 4.5 in the ARTS-2 or ARTS-3 zones; or
  - (3) 6.0 in the ARTS-4 zone; and
- (c) No property subject to C chapter 10, Inclusionary Zoning, shall be eligible for bonus gross floor area under this chapter unless it has met the set-aside requirements and used all the bonus density available through C chapter 10, Inclusionary Zoning.

802.2 The following preferred uses shall be eligible for bonus floor area at the ratio indicated;

	<b>GFA devoted to the bonus use</b>	<b>Proportionate number of sq. ft. of additional GFA earned for on-site or off-site development</b>
Legitimate theater	1	3
Department store, drugstore, dry cleaner, laundry, grocery store, hardware store, variety store, and any use listed in § 1908 other than legitimate theater or drinking places	1	2
Any use listed in §§1907 and 1908, in excess of the required 0.5 FAR at ground level; not to be counted in addition to bonus floor area from paragraph (b) or (c) of this subsection; and	1	1.5

	<b>GFA devoted to the bonus use</b>	<b>Proportionate number of sq. ft. of additional GFA earned for on-site or off-site development</b>
Space in a building constructed before 1958 and occupied by one of the uses listed in paragraphs (a) through (d); provided, that this bonus shall count in addition to any applicable use bonus.	1	1

802.3 A building that includes 3.0 or more FAR devoted to residential use is entitled to a bonus of 0.5 FAR

802.4 Bonus density achieved through the provision of preferred uses under the provision of this chapter does not add to the set-aside requirement of Inclusionary Zoning in C chapter 10.

802.5 An existing legitimate theater shall be eligible for the bonus indicated; provided, if the theater company goes out of business or leaves the area governed by this chapter, the owner-developer shall make every good faith effort to transfer the agreement to another theater company to occupy the same or different premises of similar size;-failing which, the owner-developer shall apply to the Board of Zoning Adjustment for a special exception pursuant to Subtitle Y and K § 813, at which proceeding the Board and the applicant shall give first preference to substituting another bonus use from K § 802 in place of the prior theater use.

**803 HEIGHT AND ROOF STRUCTURE REGULATIONS**

803.1 Except as provided in this section, the heights of buildings and structures shall be as set out in the following tale:

<b>Zone</b>	<b>Height Maximum</b>
ARTS-1 (C-2-A /ARTS)	50 ft. 50 ft. (IZ)
ARTS-2 (C-2-B /ARTS)	65 ft. 70 ft. (IZ)
ARTS-3 (C-3-A /ARTS)	65 ft. 75 ft. (IZ)
ARTS-4 (CR/ARTS)	90 ft. 100 ft. (IZ)

803.2 A roof structure in the ARTS -1 zone shall not exceed 10 feet in height above the roof on which it is located, except for a mechanical penthouse as necessary for building code compliance.

803.3 A public recreation and community center shall not exceed a maximum height of forty-five feet (45 ft.) in any ARTS zone.

803.4 In the underlying ARTS-3 zone, a building may be constructed in excess of the

height limit of sixty-five feet (65 ft.), up to a maximum height of seventy-five feet (75 ft.); provided:

- (a) No roof structure permitted by this title shall exceed a height of eighty-three and one-half feet (83 1/2 ft.) above the measuring point used for the building; and
- (b) If a lot abuts either a Residence, Residence-Flat or Apartment zone or an alley that serves as the zone district boundary line of an adjacent Residence, Residence-Flat or Apartment zone, no part of the building shall project above a plane drawn at a forty-five degree (45°) angle from a line located fifty feet (50 ft.) directly above the property line that abuts the Residence, Residence-Flat, or Apartment zone or the alley.

803.5 In the ARTS-4 (CR/ARTS) zone, if a building is located on a lot that abuts a street, an alley, or a zone district boundary with a Residence, Residence-Flat or Apartment zone, no part of the building shall project above a plane drawn at a forty-five degree (45°) angle from a line located sixty-five feet (65 ft.) directly above the property line on each such street, alley, or zone district boundary line.

**804 LOT OCCUPANCY**

804.1 No structure, including its accessory building, shall occupy its lot in excess of the percentage of lot occupancy set forth in the following table:

Zone	Use	Lot Occupancy Maximum
ARTS-1 (C-2-A/ARTS)	<ul style="list-style-type: none"> <li>• Public Rec Center</li> <li>• Residential</li> <li>• Residential with IZ</li> <li>• All Other</li> </ul>	<ul style="list-style-type: none"> <li>• 20%</li> <li>• 60 %</li> <li>• 75%</li> <li>• n/a</li> </ul>
ARTS-2 (C-2-B/ARTS)	<ul style="list-style-type: none"> <li>• Public Rec Center</li> <li>• Residential</li> <li>• Residential with IZ</li> <li>• All Other</li> </ul>	<ul style="list-style-type: none"> <li>• 20%</li> <li>• 80%</li> <li>• 80%</li> <li>• n/a</li> </ul>
ARTS-3 (C-3-A/ARTS)	<ul style="list-style-type: none"> <li>• Public Rec Center</li> <li>• Residential</li> <li>• Residential with IZ</li> <li>• All Other</li> </ul>	<ul style="list-style-type: none"> <li>• 20%</li> <li>• 75%</li> <li>• 80%</li> <li>• n/a</li> </ul>
ARTS-4 (CR/ARTS)	<ul style="list-style-type: none"> <li>• Public Rec Center</li> <li>• Residential</li> <li>• Residential with IZ</li> <li>• All Other</li> </ul>	<ul style="list-style-type: none"> <li>• 20 %</li> <li>• 75 %</li> <li>• 80%</li> <li>• n/a</li> </ul>

804.2 For the purposes of this section, "residential uses" includes dwellings, flats, residential rowhouses, residential apartments, boarding houses, hospitals, and community-based institutional facilities.

**805 REAR SETBACK**

805.1 A rear setback shall be provided for each structure in the ARTS zones with a

minimum depth as set forth in the following table:

Zone	Rear Setback
ARTS-1 (C-2-A/ARTS)	15 ft.
ARTS-2 (C-2-B/ARTS)	15 ft.
ARTS-3 (C-3-A/ARTS) ARTS-4 (CR/ARTS)	2-1/2 inches per foot of vertical distance from the mean finished grade at the middle of the rear of the structure to the highest point of the main roof or parapet wall, but not less than 12 feet

805.2 In the ARTS-1, ARTS-2 and ARTS-3 zones, a horizontal plane may be established at twenty-five feet (25 ft.) above the mean finished grade at the middle of the rear of the structure for the purpose of measuring rear setbacks.

805.3 In the ARTS-1, ARTS-2 and ARTS-3 zones, rear setbacks shall be measured as follows:

- (a) Where a lot abuts an alley:
  - (1) For that portion of the structure below a horizontal plane described in § 805.2 from the center line of the alley to the rear wall of the portion; and
  - (2) For that portion of the structure above the horizontal plane described in § 805.2, from the rear lot line to the rear wall of that portion immediately above the plane.
- (b) Where a lot does not abut an alley, the rear setback shall be measured from the rear lot line to the rear wall of the building or other structure.

805.4 In the ARTS-4 zone, rear setbacks are required only for residential uses and shall be established subject to the following conditions:

- (a) A rear setback shall be established no lower than the first level of residential use;
- (b) Where a lot abuts an alley, the rear setback may be measured from the center line of the alley to the rear wall of the building or other structure;
- (c) Where a lot does not abut an alley, the rear setback shall be measured from the rear lot line to the rear wall of the building or other structure.

805.5 The Board of Zoning Adjustment may waive rear setback requirements pursuant to Subtitle Y and K § 813.

**806 SIDE SETBACK**

806.1 No side setback is required in an ARTS zone for a principal building; however, if a side setback is provided it shall be at least two inches (2 in.) wide for each foot of height of building but no less than five feet (5 ft.).

806.2 Any portion of a building setback from the side lot line shall be considered a side setback and not a courtyard.

**807 COURTYARDS**

807.1 A courtyard is not required in an ARTS zone, however if a courtyard is provided it shall have the following minimum dimensions:

Use	Open Courtyard Width	Closed Courtyard Area
<b>Residential, more than three units:</b>	Four inches per foot (4 in./ft.) of height of courtyard;	Twice the square of the required width of courtyard dimension;
	Ten feet (10 ft.) minimum	Three hundred and fifty square feet (350 sq. ft.) minimum
<b>Non-Residential and Lodging:</b>	Two and one-half inches per foot (2 1/2 in./ft.) of height of courtyard;	Twice the square of the required width of courtyard dimension;
	Six feet (6 ft.) minimum	Two hundred and fifty square feet (250 sq. ft.) minimum

**808 GREEN AREA RATIO (GAR)**

808.1 A minimum green area ratio shall be provided for each lot in an ARTS zone as set forth in the following table pursuant to the conditions and requirements of C chapter 6:

Zone	Minimum Green Area Ratio
ARTS-1 (C-2-A/ARTS)	0.30
ARTS-2 (C-2-B/ARTS)	0.30
ARTS-3 (C-3-A/ARTS)	0.25
ARTS-4 (CR/ARTS)	0.20

**809 PLANNED UNIT DEVELOPMENT**

809.1 In the ARTS zones, the bonus density and height permitted with bonus uses shall serve as the guidelines for planned unit developments.

**810 STREET FRONTAGE DESIGN REQUIREMENTS**

810.1 The following design requirements shall apply to any lot that fronts on 14th Street, U Street, 7th Street; or Florida Avenue between 7th and 9th Streets, ("pedestrian streets"):

- (a) No driveway that provides access from a pedestrian street to required parking spaces or loading berths shall be permitted.
- (b) Each new building on a lot that fronts on a pedestrian street shall be designed and built so that not less than seventy-five percent (75%) of the streetwall(s) to a height of not less than fifteen feet (15 ft.) shall be constructed to the street lot line.

- (c) Not less than fifty percent (50%) of the surface area of the streetwall(s) at the ground level of each building on a lot that fronts on a pedestrian street shall be devoted to display windows and to entrances to commercial uses or to the building; provided:
  - (1) The windows shall use clear or low-emissivity glass, except for decorative or architectural accent; and
  - (2) Entrances to the building, including entrances to shops and the main lobby, shall be separated by not more than forty feet (40 ft.) on average for the linear frontage of the building.

## **811 USE PERMISSIONS**

- 811.1 In an ARTS zone, the retail and service uses shall be permitted as a matter of right subject to the conditions of this section.
- 811.2 In the ARTS-1 and Arts-2 zones, Arts Uses in U chapter 7 shall be permitted as a matter of right in addition to the Use Group E standards of U chapter 5, subject to the limitations and conditions of this chapter.
- 811.3 In the ARTS-3 zone, the Arts Uses in U chapter 7 shall be permitted as a matter of right in addition to the Use Group F standards of U chapter 5, subject to the limitations and conditions of this chapter.
- 811.4 In the ARTS-4 zone, the Arts Uses in U chapter 7 shall be permitted as a matter of right in addition to the Use Group G standards of U chapter 5, subject to the limitations and conditions of this chapter.
- 811.5 Where there is a conflict between this chapter and Subtitle U, this chapter shall govern.
- 811.6 Arts Use Groups listed in U § 700.1 shall occupy no less than fifty percent (50%) of the ground floor level of each building on a lot that fronts on 14th Street, U Street, 7th Street; or Florida Avenue between 7th and 9th Streets; provided, this requirement shall not apply to a building located on a lot less than fifty feet (50 ft.) in width, measured along the property line that abuts the public street, if the building is used as an apartment house, multiple dwelling, or hotel.
- 811.7 A hotel shall be permitted as a matter of right provided no other hotel is located within five hundred feet (500 ft.).
- 811.8 No drive-through accessory to any use shall be permitted.
- 811.9 Eating establishments, drinking establishments, or eating and drinking establishments (“eating/drinking establishments”) shall be subject to the following limitations:

- (a) No portion of an eating/drinking establishment located on the ground floor is permitted to occupy more than fifty percent (50%) of the linear frontage of each individual square, as set forth below:

14th Street, N.W.		U Street, N.W.	
Square	Frontage (feet)	Square	Frontage (feet)
202	222.5	204	305.3
203	310.0	205	618.0
204	320.0	236	523.4
205	430.6	237	538.5
206	399.8	273	225.3
207	450.1	274	340.9
208	400.0	304	192.2
209	380.0	305	186.0
210	203.5	332	189.7
211	304.2	333	187.7
234	253.1	359	96.8
235	310.0	360	230.4
236	320.0	361	251.7
237	380.0		
238	450.0		
239	200.0		
240	391.0		
241	450.0		
242	363.1		
242N	154.5		

- (b) An eating/drinking establishment not located on the ground (street) level of a building shall not count towards the fifty percent (50%) limit; and
- (c) An entrance to an eating/drinking establishment that is not located on the ground (street) level shall not count towards the fifty percent (50%) limit.

811.10 Required parking spaces may be shared by time of day with other uses specified in this section to meet all or a portion of the parking requirement for the uses on a lot; provided:

- (a) The eligible evening uses shall be restaurant, legitimate theater, movie theater, dinner theater, or cabaret;
- (b) The eligible daytime uses shall be office use and the arts uses and arts-related uses with the exception of the evening uses listed in paragraph (a) of this subsection; and
- (c) The respective property owners shall execute an agreement that identifies the designated parking spaces and provides that use of the spaces for permitted daytime uses shall cease at no later than 6:00 p.m., Monday through Saturday, and shall be available for parking by the specified evening uses as agreed to by the parties involved. This agreement shall be filed with the Zoning Administrator to be maintained as part of the certificate of occupancy file on each affected property.

## **812 COMBINED LOT DEVELOPMENT**

812.1 Combined lot development is permitted for the purposes of transferring bonus density and allocating the permitted mixture of uses among development sites, in accordance with C chapter 12 and the following provisions.

- (a) The lots may be located in the same square or in different squares within the ARTS zones;
- (b) Bonus floor area earned by the provisions of K §§ 801.4 or 802 may be developed on any lot or combination of lots governed by the instrument required by C chapter 12; provided, no development on any lot shall exceed the maximum height and bulk standards of this chapter;
- (c) The ground level uses required by K § 811 shall not be transferred, but shall be provided on each lot; and
- (d) If a combined lot development involves the transfer of bonus density or allocates residential development rights from one lot to another, the Certificate of Occupancy for the bonus floor area for the nonresidential building shall not be issued until a building permit has been issued for the building that will provide the residential or other preferred uses.

## **813 SPECIAL EXCEPTIONS**

813.1 The Board of Zoning Adjustment may grant exceptions pursuant to Subtitle Y from the requirements or limits of this chapter, other than 811.7, subject also to the following criteria:

- (a) The uses, buildings, or features at the size, intensity, and locations proposed, will substantially advance the purposes of the M-29 through M-32 Districts and will not adversely affect neighboring property or be detrimental to the health, safety, convenience, or general welfare of persons living, working, or visiting in the area;
- (b) The architectural design of the project will enhance the urban design features of the immediate vicinity in which it is located; provided, if a historic district or historic landmark is involved, the Board shall refer the application to the State Historic Preservation Officer for review and report;
- (c) Vehicular access and egress are located and designed so as to minimize conflict with principal pedestrian ways, to function efficiently, and to create no dangerous or otherwise objectionable traffic conditions; and

813.2 The Board may impose requirements pertaining to design, appearance, signs, size, landscaping, and other such requirements as it deems necessary to protect neighboring property and to achieve the purposes of the zone districts.

813.3

A public recreation and community center may have a lot occupancy up to forty percent (40%) if approved by the Board of Zoning Adjustment pursuant to Subtitle Y, provided that the agency shows that the increase is consistent with agency policy of preserving open space.