TITLE 11 – ZONING

SUBTITLE C GENERAL RULES

CHAPTER 1 INTRODUCTION TO GENERAL RULES

100 PURPOSE AND APPLICABILITY

100.1 Subtitle C provides general regulations applicable to all zones unless otherwise stated in this title.

SOURCE: Final Rulemaking & Order No. 08-06A published at 63 DCR 2447 (March 4, 2016 – Part 2).

CHAPTER 2 NONCONFORMITIES

200 INTRODUCTION TO NONCONFORMITIES

200.1 This chapter addresses structures, uses of land, and uses of structures that were lawful before this title was adopted, but that would be prohibited, regulated, or restricted under the terms of this title as it may be amended, and provides:

(a) Guidance regarding continuance, expansion, or replacement of nonconforming uses;

(b) Guidance on additions or expansions to nonconforming structures; and

(c) Regulations for rebuilding nonconforming structures or reestablishing nonconforming uses.

200.2 Nonconformities shall be regulated in the following categories:

(a) Nonconforming use of land or structures; and

(b) Nonconforming structures.

200.3 A particular property could be regulated as either or both category.

SOURCE: Final Rulemaking & Order No. 08-06A published at 63 DCR 2447 (March 4, 2016 – Part 2).

201 GENERAL PROVISIONS

201.1 Except as otherwise permitted in this chapter, nonconforming structures or uses may not be enlarged upon, expanded, or extended, nor may they be used as a basis for adding other structures or uses prohibited elsewhere in the same zone district.

201.2 Any nonconforming use of a structure or of land, or any nonconforming structure lawfully existing on the effective date of this title that remains nonconforming, and any use or structure lawfully existing that became nonconforming on the effective date of this title, may be continued, operated, occupied, or maintained, subject to the provisions of this chapter.

201.3 It is necessary and consistent with the establishment of the separate zone districts under this title that all uses and structures incompatible with permitted uses or structures shall be regulated strictly and permitted only under rigid controls, to the extent permitted by the Zoning Act of 1938.

SOURCE: Final Rulemaking & Order No. 08-06A published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 08-06E published at 63 DCR 10932 (August 26, 2016).

202 NONCONFORMING STRUCTURES

202.1 Except as provided in Subtitle C § 203.8, ordinary repairs, alterations, and modernizations to the structure, including structural alterations, shall be permitted.

202.2 Enlargements or additions may be made to the structure; provided that the addition or enlargement itself shall:

(a) Conform to the use and development standards;

(b) Neither increase nor extend any existing, nonconforming aspect of the structure; nor create any new nonconformity of structure and addition combined; and

(c) Any enlargement or addition not meeting paragraphs (a) and (b) must obtain relief from the applicable development standards.

SOURCE: Final Rulemaking & Order No. 08-06A published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 19-14 published at 67 DCR 8068 (July 3, 2020).

203 DESTRUCTION OF A NONCONFORMING STRUCTURE

203.1 If a nonconforming structure is destroyed by fire, collapse, explosion, or act of God to an extent of more than seventy-five percent (75%) of the cost of reconstructing the entire structure, the nonconforming structure shall not be restored or reconstructed except in conformity with all provisions of this title, except as provided otherwise in Subtitle C §§ 203.2 through 203.7.

203.2 If a casualty or act of God results in damage to an extent of more than seventy-five percent (75%), and if the structure is nonconforming only with respect to percentage of lot occupancy the structure may be reconstructed or restored to its previous condition or to a more conforming condition, even if that condition does not comply with the applicable percentage of lot occupancy.

203.3 If a casualty or act of God results in damage to an extent of seventy-five percent (75%) or less of the cost of reconstructing the entire structure, the structure may be restored or reconstructed to its previous condition or to a more conforming condition; provided, that the reconstruction or restoration shall be started within twenty-four (24) months of the date of the destruction and continued diligently to completion.

203.4 If there is a dispute between the property owner and the Zoning Administrator as to whether the structure has been destroyed to the extent of seventy-five percent (75%) of reconstruction cost, the costs of restoration and of reconstruction shall be determined by the average of the estimates furnished by three (3) independent qualified contractors. One (1) contractor shall be selected by the owner, one (1)

by the Zoning Administrator, and one (1) by the first two (2) mentioned contractors.

203.5 The estimates required by Subtitle C § 203.4 shall be prepared and submitted according to a standard procedure and format established by the Zoning Administrator, and the cost of estimates shall be at the expense of the property owner.

203.6 Notwithstanding the restrictions of Subtitle C § 203.1, a nonconforming structure that is a historic landmark or certified by the Historic Preservation Office to be a structure that contributes to the character of the historic district within which it is located, may be restored or reconstructed regardless of the extent of destruction of the structure, subject to the provisions of the Historic Landmark and Historic District Protection Act of 1978.

203.7 The twenty-four (24) month period provided in Subtitle C § 203.3 may be extended for as long as it takes to apply for and receive any governmental approvals necessary to accomplish the reconstruction or restoration, including but not limited to approvals from the Board of Zoning Adjustment, the Historic Preservation Review Board, and the Mayor's Agent for the Historic Landmark and Historic District Protection Act.

203.8 If a nonconforming antenna stops functioning, a temporary replacement antenna may be installed, subject to the following conditions:

(a) A permanent replacement antenna cannot be installed as a matter of right;

(b) The temporary installation shall be removed no later than one (1) year after the nonconforming antenna stops functioning;

(c) Within three (3) months after the nonconforming antenna stops functioning, the owner or occupant of the land or structure on which the antenna is installed shall apply to the Board of Zoning Adjustment for a special exception under Subtitle X, Chapter 9, to install a longer term replacement; and

(d) If the owner or occupant elects to install an immediate replacement antenna, the cost of the temporary replacement shall not be considered by the Board of Zoning Adjustment as a basis for approval of a special exception to install a longer term replacement.

SOURCE: Final Rulemaking & Order No. 08-06A published at 63 DCR 2447 (March 4, 2016 – Part 2).

204 NONCONFORMING USE

204.1 A nonconforming use of land or structure shall not be extended in land area, gross floor area, or use intensity; and shall not be extended to portions of a structure not devoted to that nonconforming use at the time of enactment of this title.

204.2 Where the nonconforming use occupies only a portion of the structure, the restrictions in this section shall apply only to that part of the structure devoted to the nonconforming use.

204.3 A new structure shall not be constructed to contain a nonconforming use, and any addition to an existing structure containing a nonconforming use shall be devoted to a conforming use.

204.4 Discontinuance for any reason of a nonconforming use of a structure or of land, except where governmental action impedes access to the premises, for any period of more than three (3) years, shall be construed as *prima facie* evidence of no intention to resume active operation as a nonconforming use. Any subsequent use shall conform to the regulations of the zone in which the use is located.

204.5 This presumption may only be rebutted by objective proof of a continuing use or of affirmative steps taken to resume the use during the period of time identified by the Zoning Administrator when revoking an existing certificate of occupancy or denying an application for a replacement certificate of occupancy.

204.6 A nonconforming use that is discontinued for any reason for a period of three (3) years or less shall be allowed to resume operation provided there was no intervening conforming use, there are no changes to the nonconforming use, and it conforms with Subtitle C § 204.1.

204.7 Ordinary repairs, alterations, or modernizations may be made to a structure or portion of a structure devoted to a nonconforming use. Structural alterations shall not be allowed, except those required by other municipal law or regulation; provided, that structural alterations shall be permitted to a lawfully existing, nonconforming flat or apartment house located in a Residential House (R) zone, or to a lawfully existing, nonconforming apartment house located in a Residential Flat (RF) zone.

204.8 A non-conforming use may be changed to a use permitted as a matter of right in the zone in which the property is located.

204.9 If approved by the Board of Zoning Adjustment, a nonconforming use may be changed to another nonconforming use, subject to the general special exception criteria of Subtitle X, Chapter 9, and the following conditions:

(a) The proposed non-conforming use would be permitted as a matter-of-right in the most restrictive subtitle in which the existing non-conforming use is permitted as a matter of right, in accordance with following order, from most restrictive to least restrictive subtitle:

(1) Subtitle D – Residential House (R) zones;

(2) Subtitle E – Residential Flat (RF) zones;

(3) Subtitle F – Residential Apartment (RA) zones;

(4) Subtitle H – Neighborhood Mixed-Use (NC) zones;

(5) Subtitle G – Mixed-Use (MU) zones;

(6) Subtitle I – Downtown zones (D);

(7) Subtitle J – Production, Distribution, and Repair (PDR) Zones; and

(8) Subtitle K – Special Purpose Zones.

(b) In the R, RF, or RA zones, the proposed use shall be either a single dwelling unit, flat, or a multiple dwelling unit development; except on an alley lot, the proposed use may only be a single dwelling unit;

(c) In the R and RF zones, the corner store provisions of the relevant subtitle shall apply;

(d) The external impacts of the proposed use will be deemed to be no greater than the existing use;

(e) The proposed use shall not adversely affect the present character or future development of the surrounding area within at least three hundred feet (300 ft.) of the site;

(f) The proposed use shall not create any deleterious external effects, including, but not limited to, noise, traffic, parking and loading considerations, illumination, vibration, odor, and design and siting effects;

(g) When an existing nonconforming use has been changed to a conforming or more restrictive use, it shall not be changed back to a nonconforming use or less restrictive use; and

(h) The Board of Zoning Adjustment may require the provision of changes, modifications, or amendments to any design, plan, screening, landscaping, type of lighting, nature of any sign, pedestrian or vehicular access, parking and loading, hours of operation, or any other restriction or safeguard it deems necessary to protect the value, utilization, or enjoyment of property in the neighborhood.

SOURCE: Final Rulemaking & Order No. 08-06A published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 08-06L published at 64 DCR 8596 (September 1, 2017).

205 DESTRUCTION OF A STRUCTURE DEVOTED TO A NONCONFORMING USE

205.1 If a structure devoted to a nonconforming use is destroyed by fire, collapse, explosion, or act of God to an extent of more than fifty percent (50%) of the cost of reconstructing the entire structure, it shall not be restored or reconstructed except in conformity with all provisions of this title, except as provided otherwise in this section.

205.2 If the casualty or act of God results in damage to an extent of fifty percent (50%) or less of the cost of reconstructing the entire structure, the structure may be restored or reconstructed to its previous condition or to a more conforming condition; provided, that the reconstruction or restoration shall be started within twenty-four (24) months of the date of the destruction and diligently continued to completion.

205.3 If there is a dispute between the property owner and the Zoning Administrator as to whether the structure has been destroyed to the extent of fifty percent (50%) of reconstruction cost, the costs of restoration and of reconstruction shall be determined by the average of the estimates furnished by three (3) independent qualified contractors, with one (1) of the contractors shall be selected by the owner, one (1) by the Zoning Administrator, and one (1) by the first two (2) mentioned contractors.

205.4 The estimates required by Subtitle C § 205.3 shall be prepared and submitted according to a procedure and format established by the Zoning Administrator, and the cost of preparing the estimates shall be at the expense of the property owner.

205.5 Notwithstanding the restrictions of Subtitle C § 205.1, a structure devoted in whole or in part to a nonconforming use that is an historic landmark or certified by the Historic Preservation Office to be a structure that contributes to the character of the historic district within which it is located, may be restored or reconstructed and the non-conforming use shall be allowed to be continued, regardless of the extent of destruction of the structure, subject to the provisions of the Historic Landmark and Historic District Protection Act of 1978.

205.6 The twenty-four (24) month period provided in Subtitle C § 205.2 may be extended for as long as it takes to apply for and receive any governmental approvals necessary to accomplish the reconstruction or restoration, including but not limited to approvals from the Board of Zoning Adjustment, the Historic Preservation Review Board, and the Mayor's Agent for the Historic Landmark and Historic District Protection Act.

SOURCE: Final Rulemaking & Order No. 08-06A published at 63 DCR 2447 (March 4, 2016 – Part 2).

CHAPTER 3 SUBDIVISION

300 INTRODUCTION

300.1 This chapter provides:

(a) General rules for the creation of new record lots;

(b) Guidance regarding how to determine the applicability of lot dimension and shape regulations to a zone;

(c) General rules for measurement and standards that relate to the dimension and shape of lots; and

(d) Controls on the number of buildings on a record lot.

300.2 Lot dimension and size regulations are intended to ensure the dimensions and shapes of lots created are consistent with the purposes of a zone.

SOURCE: Final Rulemaking & Order No. 08-06A published at 63 DCR 2447 (March 4, 2016 – Part 2).

301 SUBSTANDARD LOTS

301.1 A record lot existing prior to the effective date of this title that does not conform with the lot dimension and lot area requirements of the zone in which it is located may be considered a conforming lot for the purposes of building permits and uses provided any building or structure thereon shall meet the development standards of the relevant zone and provided the non-conformity shall not be increased.

301.2 The minimum lot area and lot width requirements for the creation of new residential subdivisions are located in Subtitle D, Chapter 2 and Subtitle E, Chapter 2.

SOURCE: Final Rulemaking & Order No. 08-06A published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 08-06E published at 63 DCR 10932 (August 26, 2016).

302 SUBDIVISION REGULATIONS

302.1 Where a lot is divided, the division shall be effected in a manner that will not violate the provision of this title for yards, courts, other open space, minimum lot width, minimum lot area, floor area ratio, percentage of lot occupancy, parking spaces, or loading berths applicable to that lot or any lot created; except that:

(a) A non-Alley Lot recorded as a tax lot with the Office of Tax and Revenue prior to May 12, 1958, which shared an underlying record lot with an Alley Tax Lot that has been converted to an Alley Record Lot under

Subtitle C § 306.3, may be converted to a record lot without complying with these development standards; and

(b) A non-Alley Lot recorded as a tax lot with the Office of Tax and Revenue prior to September 6, 2016, which shared an underlying record lot with an Alley Tax Lot that has been converted to an Alley Record Lot under Subtitle C § 306.4, may be converted to a record lot if granted by the Board of Zoning Adjustment as a special exception pursuant to Subtitle X, Chapter 9.

302.2 Each new primary building and structure shall be erected on a separate lot of record in all R, RF, and RA zones, except as follows:

(a) As provided for in the theoretical lot subdivision regulations of Subtitle C § 305.1;

(b) Buildings and structures erected in conformance with an approved campus plan, medical campus plan, or private school plan; and

(c) Buildings and structures erected in conformance with an approved planned unit development.

302.3 No building or structure in any zone may be erected to cover more than one (1) record lot.

302.4 In all other zones, multiple primary buildings may be erected on a single record lot provided that each building, and the buildings as a group, shall meet all of the development standards for the zone.

SOURCE: Final Rulemaking & Order No. 08-06A published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 19-13 published at 67 DCR 12690 (October 30, 2020).

303 LOT FRONTAGE

303.1 All new record lots shall have at least one (1) street lot line on a public street or a public access easement approved by the District Department of Transportation, except that new Alley Record Lots shall instead comply with the rules of Subtitle C § 306.

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

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

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

SOURCE: Final Rulemaking & Order No. 08-06A published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 08-06A published at 64 DCR 6110 (June 30, 2017); Final Rulemaking & Order No. 19-13 published at 67 DCR 12690 (October 30, 2020).

304 RULES OF MEASUREMENT FOR LOT WIDTH

304.1 Where the lot is an interior lot, lot width shall be determined as follows:

(a) Establish two points by measuring along each side lot line a distance of thirty feet (30 ft.) from the intersection point of each side lot line and the street lot line;

(b) Measure the distance of a straight line connecting the two points described in paragraph (a) of this subsection; and

(c) The distance of the straight line connecting the two points described in paragraph (b) of this subsection shall be the "lot width" of the lot.

304.2 Where the lot is a through lot, lot width shall be determined as follows:

(a) Identify the longest street lot line;

(b) Establish two points by measuring a distance of thirty feet (30 ft.) from the intersection of each side lot line and the street lot line identified in paragraph (a) of this subsection, along each side lot line;

(c) Measure the distance of a straight line connecting the two points described in paragraph (b) of this subsection; and

(d) The distance of the straight line connecting the two points described in paragraph (c) of this subsection shall be the "lot width" of the through lot.

304.3 Where the lot is a corner lot, the lot width shall be determined by measuring the width of the longest street lot line.

304.4 [DELETED]

304.5 [DELETED]

SOURCE: Final Rulemaking & Order No. 08-06A published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 08-06J published at 64 DCR 6110 (June 30, 2017).

305 THEORETICAL SUBDIVISIONS

305.1 In the R, RF, and RA zones, the Board of Zoning Adjustment may grant, through special exception, a waiver of Subtitle C § 302.1 to allow multiple primary buildings on a single record lot provided that, in addition to the general special exception criteria of Subtitle X, Chapter 9, the requirements of this section are met.

305.2 The number of buildings permitted by this section shall not be limited; provided, satisfactory evidence is submitted that all the requirements of this section are met based on a plan of theoretical subdivision where individual theoretical lots serve as boundaries for assessment of compliance with the Zoning Regulations.

305.3 The following development standards shall apply to theoretical lots:

(a) Side and rear yards of a theoretical lot shall be consistent with the requirements of the zone;

(b) Each means of vehicular ingress and egress to any principal building shall be at least twenty-four feet (24 ft.) in width, exclusive of driveways;

(c) The height of a building governed by the provisions of this section shall be measured from the finished grade at the middle of the building façade facing the nearest street lot line; and

(d) The rule of height measurement in Subtitle C § 305.3(c) shall supersede any other rules of height measurement that apply to a zone, but shall not be followed if it conflicts with the Height Act.

305.4 For a theoretical subdivision application, the following information is required to be submitted to the Board of Zoning Adjustment, in addition to other filing requirements pursuant to Subtitle Y § 300:

(a) Site plans including the following information:

(1) A plat of the record lots proposed for subdivision;

(2) The location of proposed streets and designated fire apparatus roads;

(3) Location of proposed easements;

(4) Lot lines of proposed theoretical lots, and the delineation of the lot lines shared by theoretical lots that will serve as private drives or easements;

(5) Existing grading and proposed grading plans;

(6) Existing landscaping and proposed landscaping plans, including the sizes and locations of all trees on or adjacent to the property on public or private lands;

(7) Plans for the location of building footprints on theoretical lots; and

(8) Required yards (rear, side and front) based on the regulations applicable to a zone or any modifications to regulations provided through this section;

(b) Typical or individual floor plans and elevations for the proposed buildings and structures; and

(c) A table of zoning information including required and proposed development standards.

305.5 Before taking final action on an application under this section, the Board of Zoning Adjustment shall refer the application to the Office of Planning for coordination, review, and report, including:

(a) The relationship of the proposed development to the overall purpose and intent of the Zoning Regulations, and 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; provided, that the planning considerations that are addressed shall include, but not be limited to:

(1) Public safety relating to police and fire concerns including emergency vehicle access;

(2) The environment relating to water supply, water pollution, soil erosion, and solid waste management;

(3) Public education;

(4) Recreation;

(5) Parking, loading, and traffic;

(6) Urban design; and

(7) As appropriate, historic preservation and visual impacts on adjacent parkland;

(b) Considerations of site planning; the size, location, and bearing capacity of driveways; deliveries to be made to the site; side and rear setbacks; density and open space; and the location, design, and screening of structures;

(c) Considerations of traffic to be generated and parking spaces to be provided, and their impacts;

(d) The impact of the proposed development on neighboring properties; and

(e) The findings, considerations, and recommendations of other District government agencies.

305.6 The proposed development shall comply with the substantive intent and purpose of this title and shall not be likely to have an adverse effect on the present character and future development of the neighborhood.

305.7 The Board of Zoning Adjustment may impose conditions with respect to the size and location of driveways; floor area ratio; height, design, screening, and location of structures; and any other matter that the Board determines to be required to protect the overall purpose and intent of the Zoning Regulations.

305.8 Any modification to a theoretical subdivision application resulting from an addition to a one (1) dwelling unit building may be reviewed as an expedited review, pursuant to Subtitle Y, Chapter 4.

SOURCE: Final Rulemaking & Order No. 08-06A published at 63 DCR 2447 (March 4, 2016 – Part 2).

306 NEW ALLEY RECORD LOTS

306.1 A new Alley Record Lot shall:

(a) Have frontage along a public alley with a minimum alley width of twenty-four feet (24 ft.), with the alley frontage no less than fourteen feet (14 ft);

(b) Have access to a public street through a public alley or alleys with an alley width of not less than twenty-four feet (24 ft.) at any point between the new Alley Record Lot and the street;

(c) Meet the lot area standards applicable for non-Alley Lots in the same zone; if no minimum lot area standard is provided, the Alley Record Lot shall be a minimum of eighteen hundred square feet (1,800 sq. ft.) of lot area; and

(d) Not be created by subdividing an existing record lot unless the subdivision application includes a statement, supported by a plat depicting the proposed Alley Record Lot and its existing record lot, that establishes to the Zoning Administrator's satisfaction that the remainder of that existing record lot and the new Alley Record Lot each comply with Subtitle C § 302 in addition to all other applicable requirements.

306.2 An Alley Record Lot may be combined with an abutting Alley Record Lot to create a larger Alley Record Lot without meeting the requirements of Subtitle C §§ 306.1.

306.3 An Alley Record Lot recorded with the Office of Tax and Revenue prior to May 12, 1958, may be converted into an Alley Record Lot without meeting the requirements of Subtitle C § 306.1, if the Alley Tax Lot:

(a) Has a minimum square footage of four hundred and fifty square feet (450 sq. ft.); or

(b) Is combined with an abutting Alley Tax Lot created before May 12, 1958, or with an abutting Alley Record Lot, to create a larger Alley Record Lot.

306.4 An Alley Tax Lot not meeting the requirements of Subtitle C §§ 306.1 through 306.3 that was recorded with the Office of Tax and Revenue prior to September 6, 2016, may be converted to an Alley Record Lot if approved by the Board of Zoning Adjustment as a special exception under Subtitle X, Chapter 9, and subject to the following requirements:

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

(b) The Office of Zoning shall refer the application to the following agencies for their review and recommendation, if filed to the case record within the forty (40) day period established by Subtitle A § 211:

(1) Department of Transportation (DDOT);

(2) Department of Public Works (DPW);

(3) Metropolitan Police Department (MPD);

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

(5) DC Water (WASA); and

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

SOURCE: Final Rulemaking & Order No. 19-13 published at 67 DCR 12690 (October 30, 2020)

CHAPTER 4 TREE PROTECTION

400 INTRODUCTION

400.1 Tree protection regulations of this title shall apply only in designated zones and are intended to:

(a) Preserve mature trees in the District to the maximum extent possible;

(b) Prevent adverse impacts on open space, parkland, stream beds, or other environmentally sensitive natural areas that can result from loss of tree cover; and

(c) Encourage improved air quality and stormwater control that result from mature tree cover.

400.2 Tree protection regulations of this chapter are not to be construed to relieve a property owner of their obligation to comply with the provisions of the Urban Forest Preservation Act of 2002, as administered by the Urban Forestry Administration within the District Department of Transportation, and the regulations promulgated under its authority, currently codified in Chapter 37 of the Public Space and Safety Regulations, Title 24 DCMR.

400.3 The tree protection regulations of this chapter are only applicable when required by a specific zone as indicated in this title.

SOURCE: Final Rulemaking & Order No. 08-06A published at 63 DCR 2447 (March 4, 2016 – Part 2).

401 TREE PROTECTION REGULATIONS

401.1 The tree protection standards required by specific zones shall apply when:

(a) Constructing a building, accessory building, horizontal building addition, or other structure; or

(b) Causing any other land disturbing activity to the lot that could result in the disturbance of the existing tree canopy.

401.2 Tree protection standards are based on trunk circumference. Trunk circumference shall be measured at a height of four feet-six inches (4 ft. 6 in.) above the ground.

401.3 Construction of a building, accessory building, or an addition to a building, creating any impervious surface area, subdividing any unimproved lot, or subdividing any improved lot so as to increase the number of principal structures thereupon, shall only be permitted as a matter of right subject to the following tree removal limitations:

(a) The restrictions of this section against removing, cutting down, or fatally damaging trees apply only to trees having a circumference of twelve inches (12 in.) or greater at a height of four feet-six inches (4 ft. 6 in.) above ground;

(b) The prohibitions of this section do not apply to the removal or cutting down of any dead or unhealthy tree or a tree that creates an unsafe condition. The need for removal of any tree shall be certified by a tree care professional certified by the International Society of Arboriculture;

(c) No tree that has a circumference of seventy-five inches (75 in.) or more at a height of four feet-six inches (4 ft. 6 in.) above ground may be removed, cut down, or fatally damaged;

(d) No more than three (3) trees that have a circumference of more than thirty-eight inches (38 in.) at a height of four feet-six inches (4 ft. 6 in.) above ground may be removed, cut down, or fatally damaged and none of these may be located within twenty-five feet (25 ft.) of any building restriction line or lot line abutting a public street; and

(e) The total circumference inches of all trees removed or cut down on a lot may not exceed twenty-five percent (25%) of the total circumference inches of all trees on the lot having a circumference greater than twelve inches (12 in.); provided, that this section does not abrogate the right to remove or cut down up to three (3) trees as provided in paragraph (d) of this subsection; or any tree having a circumference of twelve inches (12 in.) or less at a height of four feet-six inches (4 ft. 6 in.) above ground.

401.4 Where removal or cutting of trees has occurred that would have been prohibited by this section if an application for a building permit had been contemporaneously filed, no building permit shall be issued for a period of five (5) years from such removal or cutting unless the Board of Zoning Adjustment grants a special exception pursuant to Subtitle X, Chapter 9 and Subtitle D § 5202.

SOURCE: Final Rulemaking & Order No. 08-06A published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 08-06E published at 63 DCR 10932 (August 26, 2016).

CHAPTER 5 PERVIOUS SURFACES

500 INTRODUCTION

500.1 Pervious surface regulations are intended to provide a minimum amount of pervious area and limit the amount of impervious surface on a lot.

SOURCE: Final Rulemaking & Order No. 08-06A published at 63 DCR 2447 (March 4, 2016 – Part 2).

501 PERVIOUS SURFACE REQUIREMENT

501.1 The minimum pervious surface percentage shall be as required by the development standards for the R and RF zones.

501.2 The minimum pervious surface percentage requirement shall be applicable only in conjunction with the following:

(a) The construction of a new principal structure;

(b) An addition to a principal or accessory structure, other than a historic resource, that increases the existing lot occupancy at the time of building permit application by ten percent (10%) or more;

(c) The construction of a new accessory structure that increases the existing lot occupancy at the time of building permit application by ten percent (10%) or more; or

(d) An addition to a historic resource that increases the existing lot occupancy at the time of building permit application by twenty-five percent (25%) or more.

SOURCE: Final Rulemaking & Order No. 08-06A published at 63 DCR 2447 (March 4, 2016 – Part 2).

502 RULES OF MEASUREMENT FOR PERVIOUS SURFACES

502.1 Only the following shall be considered pervious surfaces for the purposes of calculating the pervious surface area:

(a) Grass, mulched groundcover, all areas of a vegetated roof planted with a growing medium, and other planted areas;

(b) Permeable or pervious pavers or paving that facilitate the infiltration of water into the soil; and

(c) Decks or porches constructed above the surface of the lot that are erected on pier foundations, and that maintain a permeable surface underneath that can facilitate the infiltration of water into the soil.

502.2 Pervious surfaces on a lot shall not include:

(a) On-grade surface treatments used for purposes of recreation (e.g. patios), outdoor stairways, walking, driving and parking areas made of concrete, brick, asphalt, decorative pavers, compacted gravel or other material that does not facilitate the infiltration of water directly into the subsurface of the lot;

(b) The building footprint based on its foundation perimeter, whether located below grade or at grade;

(c) Where a building does not have a foundation, the area of the roof; and

(d) The area dedicated to a below or above grade swimming pool.

502.3 The percent of pervious surface area shall be calculated by dividing the total area of pervious surfaces on the lot by the total area of the lot.

SOURCE: Final Rulemaking & Order No. 08-06A published at 63 DCR 2447 (March 4, 2016 – Part 2).

CHAPTER 6 GREEN AREA RATIO

600 INTRODUCTION TO GREEN AREA RATIO

600.1 Green Area Ratio (GAR) is the ratio of the weighted value of landscape elements to land area. The GAR score relates to an increase in the quantity and quality of environmental performance of the urban landscape.

600.2 GAR sets integrated environmental requirements for landscape elements and site design that contribute to the reduction of stormwater runoff, the improvement of air quality, and the mitigation of the urban heat island effect.

600.3 The purposes of the GAR regulations are to:

(a) Implement a value-based system of requirements for environmental site design that provides flexibility in meeting environmental performance standards; and

(b) Promote attractive and environmentally functional landscapes.

600.4 The purpose of this chapter is to:

(a) Provide general guidance about the regulation of GAR requirements;

(b) Define the applicability of GAR;

(c) Set forth the formula for calculating the GAR and define its component parts;

(d) Identify those landscape elements that are included in the GAR, explain how their area is measured, and set forth eligibility conditions;

(e) Establish multipliers for each eligible landscape element;

(f) Indicate what plans and certifications must accompany an application submitted to demonstrate proof of GAR compliance; and

(g) Establish maintenance requirements for the landscape elements that are provided as part of a property's GAR requirement.

SOURCE: Final Rulemaking & Order No. 08-06A published at 63 DCR 2447 (March 4, 2016 – Part 2).

601 APPLICABILITY OF GREEN AREA RATIO STANDARDS

601.1 The requirements of this chapter became applicable October 1, 2013.

601.2 Except as provided in Subtitle C § 601.3 and pursuant to the conditions and requirements of this chapter, properties in all zones except R and RF shall provide a GAR as specified in the development standards chapter for the specific zone.

601.3 The GAR standards set forth in this chapter shall apply to all new buildings and to all existing buildings where any additions, interior renovations, or both within any twelve (12) month period exceed one hundred percent (100%) 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 the building permit application, except:

(a) Buildings that do not require certificates of occupancy;

(b) Municipal wastewater treatment facilities operated by the District of Columbia Water and Sewer Authority;

(c) The interior renovation of an existing building that meets all of the following:

(1) Is located in the Central Employment Area;

(2) Has an existing one hundred percent (100%) lot occupancy prior to the filing of the building permit;

(3) Has an existing roof that cannot support a dead load of four inches (4 in.) of growth medium on the roof; and

(4) The work proposed by the building permit application will not result in a roof capable of supporting a dead load of four inches (4 in.) of growth medium on the roof; or

(d) A historic resource and any additions thereto subject to the provisions of Subtitle C § 601.7.

601.4 Notwithstanding Subtitle C § 601.2 and Subtitle A § 301.4, the provisions of this chapter shall not apply to any application for a building permit:

(a) That has been officially accepted by the Department of Consumer and Regulatory Affairs as being complete prior to October 1, 2013 if the building permit plans are consistent; or

(b) Filed on or after October 1, 2013 if the building permit plans are consistent with:

(1) An unexpired approval of a first-stage, second-stage, or consolidated planned unit development, variance, special exception, design review under the CG or SEFC zones, or concept design by the Historic Preservation Review Board or Commission

of Fine Arts; provided the vote to approve occurred prior to October 1, 2013;

(2) An unexpired approval of a variance, special exception, or design review under the CG or SEFC zones granted on or after October 1, 2013, for which a public hearing was held prior thereto; or

(3) An unexpired approval of a first-stage, second-stage, or consolidated planned unit development that was granted after October 1, 2013, but which was set down for a public hearing prior thereto.

601.5 Any approved change or modification to a permit, project or application in Subtitle C §§ 601.3 and 601.4 that results in an increase in impervious surface or lot occupancy of twenty percent (20%) or more shall cause the GAR to be applicable for that portion of a project that is effected by the modification.

601.6 In addition to meeting the applicable burden for obtaining further processing approval under a campus plan to construct or add to a building, the college or university applicant shall demonstrate the extent to which the building or addition meets the GAR standards. Further processing approval shall include the determination by the Zoning Commission that the proposed building is compliant with the intent of the GAR regulations.

601.7 A historic resource and any additions thereto are exempt from the requirement of this chapter as a result of a change of use or an increase of intensity of use, except that this chapter shall be applicable when any addition results in an increase in the gross floor area of the historic resource by fifty percent (50%) or more. For the purposes of this chapter a "historical resource" is a building or structure listed in the District of Columbia Inventory of Historic Sites or a building or structure certified in writing by the Historic Preservation Office as contributing to the character of the historic district in which it is located.

601.8 The cost basis for additions, alterations or repairs to an existing building shall be the amount indicated by the applicant on the application for a building permit.

SOURCE: Final Rulemaking & Order No. 08-06A published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 08-06D published at 63 DCR 10620 (August 19, 2016).

602 CALCULATION OF GREEN AREA RATIO

602.1 The GAR shall be calculated using the following formula:

$$GAR = \frac{\text{(area of landscape element 1 x multiplier)+ (area of landscape element 2 x multiplier)+…}}{\text{Lot Area}}$$

602.2 For the purposes of the above formula and the remainder of this chapter:

(a) The term "landscape element" refers to one (1) of the elements listed in the table in Subtitle C § 602.9, and will be hereafter referred to as "landscape element" or "element";

(b) The term "multiplier" refers the number listed Table C § 602.9 that corresponds to a "landscape element"; and

(c) The "area of landscape element" shall be the square feet of a landscape element, unless the element is a tree or large shrub, in which case "area of landscape element" refers to the element's equivalent square footage as indicated in Subtitle C § 602.7.

602.3 The process for calculating a property's GAR under the formula is as follows:

(a) The area of each landscape element is multiplied by its corresponding multiplier;

(b) The resulting numbers for all landscape elements are added together;

(c) The resulting point total is then divided by the total land area of the lot; and

(d) The product of the equation equals the property's GAR.

602.4 The total points for all permeable paving and enhanced tree growth credits may not count for more than one-third (1/3) of the GAR score for a lot.

602.5 If multiple landscape elements occupy the same area, for example groundcover under a tree or trees and shrubs on an intensive green roof, the full square footage or equivalent square footage of each element may be counted.

602.6 A landscape element must meet the eligibility conditions of Subtitle C § 603.

602.7 Equivalent square feet of tree canopy and large shrubs are identified in the table below:

TABLE C § 602.7: GAR EQUIVALENT SQUARE FEET OF TREE CANOPY AND LARGE SHRUBS

GAR LANDSCAPE ELEMENTS	EQUIVALENT SQ. FT.
Plants, not including grasses, at least 2 feet tall at maturity	9 sq. ft. per plant
Tree canopy for trees 2.5 inches to 6 inches in diameter	50 sq. ft. per tree
Tree canopy for trees 6 inches to 12 inches in diameter	250 sq. ft. per tree
Tree canopy for trees 12 inches to 18 inches in diameter	600 sq. ft. per tree
Tree canopy for trees 18 inches to 24 inches in diameter	1,300 sq. ft. per tree
Tree canopy for trees larger than 24 inches in diameter	2,000 sq. ft. per tree

602.8 Landscape elements of the GAR shall be measured in the following ways:

(a) All trees shall be measured for diameter at a height four feet, six inches (4 ft. 6 in.) above grade when planted and the square footage equivalent based on diameter shall be as established in the table in Subtitle C § 602.7;

(b) For vegetated walls, the area calculated is the height times the width of the area to be covered by vegetation; and

(c) For all other elements other than trees, large shrubs, perennials, and vegetated walls, square footage is determined by the area of a horizontal plane that is over the landscape element.

602.9 Eligible landscape elements are identified in the table below:

TABLE C § 602.9: GAR LANDSCAPE ELEMENTS AND MULTIPLIERS

GAR LANDSCAPE ELEMENTS	MULTIPLIER
Landscaped area (select 1 of the following for each area)	
Landscaped areas with a soil depth of less than 24 inches	0.3
Landscaped areas with a soil depth of 24 inches or more	0.6
Bioretention facilities	0.4
Plantings	
Ground covers, or other plants less than 2 feet tall at maturity	0.2
Plants, not including grasses, at least 2 feet tall at maturity	0.3
Tree canopy for all new trees with mature canopy spread of 40 ft. or less calculated at 50 sq. ft. per tree	0.5
Tree canopy for all new trees with mature canopy spread of greater than 40 ft. calculated at 250 sq. ft. per tree	0.6
Tree canopy for preservation of existing trees 6 inches to 24 inches in diameter	0.7
Tree canopy for preservation of existing trees 24 inches in diameter or larger	0.8
Vegetated wall, plantings on a vertical surface	0.6
Vegetated roofs	
Extensive vegetated roof over at least 2 inches but less than 8 inches of growth medium	0.6
Intensive vegetated roof over at least 8 inches of growth medium	0.8
Permeable paving	
Permeable paving over at least 6 inches and less than 2 feet of soil or gravel	0.4
Permeable paving over at least 2 feet of soil or gravel	0.5
Other	
Enhanced tree growth systems	0.4
Renewable energy generation (area of)	0.5

GAR LANDSCAPE ELEMENTS	MULTIPLIER
Water features (using at least 50% recycled water)	0.2
Bonuses	
Native plant species listed in Subtitle C § 603.9	0.1
Landscaping in food cultivation	0.1
Harvested stormwater irrigation	0.1

SOURCE: Final Rulemaking & Order No. 08-06A published At 63 DCR 2447 (March 4, 2016 – Part 2).

603 LANDSCAPE ELEMENT CONDITIONS FOR GREEN AREA RATIO

603.1 No landscape element may be counted towards a property's GAR unless it meets the applicable conditions stated in this section.

603.2 Plantings over the specified soil depths shall meet the required conditions listed in Table C § 602.9: GAR Landscape Elements and Multipliers.

603.3 Bioretention facilities shall be landscaped areas that receive rainwater from surrounding areas and use plants and soils to slow, filter, and infiltrate stormwater runoff. Bioretention facilities include, but are not limited to, rain or rainwater gardens, bioretention planters, or linear cells or swales. These do not include structures made of cement or concrete alone.

603.4 Trees shall meet the following conditions:

(a) All trees shall be at least two and one-half inches (2.5 in.) in diameter measured at a height four feet, six inches (4 ft. 6 in.) above grade when planted and shall be replaced if damaged or killed by any cause; and

(b) All trees shall meet the American Standard for Nursery stock, as set forth by the American Nursery and Landscape Association.

603.5 Vegetated walls shall meet the following conditions:

(a) The maximum calculated vertical dimension shall not exceed thirty feet (30 ft.) unless the vegetated wall features a built-in growth medium;

(b) The area calculated for the vegetated wall features shall be fully covered within a period of two (2) to five (5) years from planting;

(c) The walls shall be at least five feet (5 ft.) from a side or rear lot line; and

(d) Where stormwater harvesting for irrigation is proposed, vegetated walls shall contain a connection to the proposed irrigation system.

603.6 Vegetated roofs shall meet the following conditions:

(a) Designs for vegetated roofs must include plans to provide supplemental water;

(b) Where stormwater harvesting for irrigation is proposed, vegetated roofs shall contain a connection to the proposed irrigation system; and

(c) The groundcover vegetation on a vegetated roof is not additionally eligible for groundcover value towards GAR requirements.

603.7 Water features shall meet the following conditions:

(a) Water features must use harvested rainwater for at least fifty percent (50%) of the annual flow; and

(b) The water features must be under water for at least six (6) out of twelve (12) months.

603.8 Enhanced tree growth systems shall meet the following conditions:

(a) Be at least twenty-four inches (24 in.) deep, under pavement, and adjacent to planting areas; and

(b) Be composed of soils that are not considered contaminated or compacted according to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, approved December 11, 1980 (94 Stat. 2767; 42 U.S.C. §§ 9601 *et seq*.).

603.9 Native plant species shall meet the following conditions:

(a) The plants are listed in the U.S. Fish and Wildlife Service's Native Plants for Wildlife Conservation Landscaping: Chesapeake Bay Watershed guide; or

(b) The applicant provides two (2) references in current publications showing that the plant is native to the region.

603.10 Food cultivation shall meet the following conditions:

(a) All food cultivation areas must be easily accessible to at least one (1) occupant of the building;

(b) All food cultivation areas must have a source of water that can reach all portions of the food cultivation area; and

(c) The cultivation of animals for food is not eligible for GAR credits.

603.11 Harvesting stormwater for irrigation shall meet the following conditions:

(a) If the irrigation type is spray, applicants shall follow treatment standards set forth in the current District Department of Energy and Environment's Stormwater Management Guidebook; and

(b) If the irrigation type is drip, no additional treatment of stormwater is required.

603.12 Plant species shall not be listed on the U.S. Fish and Wildlife Service's list of Plant Invaders of Mid-Atlantic Natural Areas or other lists acceptable to the reviewing agency.

SOURCE: Final Rulemaking & Order No. 08-06A published at 63 DCR 2447 (March 4, 2016 – Part 2).

604 SUBMITTAL REQUIREMENTS FOR GREEN AREA RATIO

604.1 This section lists the submittal requirements for demonstrating compliance with a GAR requirement.

604.2 For the purposes of this section, the term "Certified Landscape Expert" means a person who is a:

(a) Commonwealth of Virginia certified landscape architect;

(b) State of Maryland certified landscape architect;

(c) International Society of Arboriculture Certified Arborist;

(d) Maryland's certified Professional Horticulturist; or

(e) Landscape Contractors Association MD-DC-VA Certified Landscape Technician.

604.3 Applicants shall submit a GAR score sheet with the GAR calculated for the given lot at the time of building permit application.

604.4 Applicants shall provide a landscape plan prepared by a Certified Landscape Expert that includes the following information:

(a) GAR elements called out by category and area, which may be provided as a part of the landscape plan or as a separate document;

(b) Lot dimension and size;

(c) Location and areas of all landscape elements with dimensions;

(d) Location, size, and species of all plants used to meet requirements;

(e) Both common and botanical names of all plant material;

(f) Identification of all existing trees that are to be preserved, with their location, trunk diameter at four feet, six inches (4 ft. 6 in.) above grade, canopy radius, and species;

(g) Plans indicating how preserved trees and other plants will be protected during demolition and construction;

(h) Location and dimensions of wheel stops, curbs, or other devices to protect landscaping for landscaped areas adjacent to driveways;

(i) A schematic irrigation and drainage plan and the size and depth of all plant containers for rooftop or container landscaping or areas to be irrigated with rainwater;

(j) Location and size of any trees to be removed;

(k) Specifications for soil improvement; and

(l) Signature of the Certified Landscape Expert who prepared the plans together with verification that plantings and other landscape elements meet the requirements of this chapter.

604.5 Applicants shall provide a landscape maintenance plan prepared and signed by a Certified Landscape Expert that describes how the plantings, water features, and hardscape features will be cared for and maintained including:

(a) Soil preparation;

(b) Use of compost;

(c) Plant replacement;

(d) Irrigation;

(e) Weed and pest control; and

(f) Control of noxious or invasive species.

604.6 The following modifications or substitutions to the landscape elements of an approved landscape plan require a plan revision and approval:

(a) Number of trees, shrubs, or groundcovers;

(b) Location of required plantings or landscape features;

(c) Substitution of species; or

(d) Revisions of any feature that could decrease the planting area or lower the GAR score.

604.7 Except as provided below, approved landscape elements shall be installed in accordance with the approved plan prior to the issuance of the certificate of occupancy.

604.8 Prior to the issuance of the certificate of occupancy, a landscape checklist must be signed by a Certified Landscape Expert, verifying that that landscaping was installed according to the building permit approved by Department of Consumer and Regulatory Affairs.

604.9 The Zoning Administrator may grant a temporary certificate of occupancy when installation of the required landscaping is not currently possible due to weather, season, or site construction subject to the condition that the required landscaping must be installed within four (4) months after the date the temporary certificate is issued.

604.10 The Zoning Administrator may grant up to two (2) extensions of a temporary certificate of occupancy, each for a four (4) month period based on the same conditions of Subtitle C § 604.9.

SOURCE: Final Rulemaking & Order No. 08-06A published at 63 DCR 2447 (March 4, 2016 – Part 2).

605 SPECIAL EXCEPTIONS FOR GREEN AREA RATIO

605.1 The Board of Zoning Adjustment may grant, as a special exception, a full or partial reduction in the GAR required under this chapter if, in addition to meeting the general requirements of Subtitle X, Chapter 9, the applicant demonstrates that providing the GAR is impractical as a result of equivalent sustainability measures already being implemented on the property that achieve the intent of the GAR through methods not available through the GAR requirement.

SOURCE: Final Rulemaking & Order No. 08-06A published at 63 DCR 2447 (March 4, 2016 – Part 2).

606 MAINTENANCE REQUIREMENTS FOR GREEN AREA RATIO

606.1 All plantings and landscape elements used to calculate a property's GAR must be maintained for the life of the project. If, for any reason, the installed landscape elements fall below the minimum required GAR score, new eligible landscape elements shall be added to compensate and result in the required ratio. These elements are not required to be the same as the submitted plans, so long as the GAR achieved is equivalent.

SOURCE: Final Rulemaking & Order No. 08-06A published at 63 DCR 2447 (March 4, 2016 – Part 2).

CHAPTER 7 VEHICLE PARKING

700 INTRODUCTION

700.1 This chapter provides parking regulations intended to:

(a) Ensure that vehicular parking areas are located, accessed, and designed to minimize negative impacts on adjacent property, urban design, the pedestrian environment, and public spaces;

(b) Ensure that vehicle parking areas are safe and accessible; and

(c) Ensure that surface parking areas are planted and landscaped to be compatible with their surroundings, and to reduce environmental impacts.

700.2 Any building permit application for new construction or an addition to an existing building shall be accompanied by a detailed parking plan demonstrating full compliance with this chapter.

700.3 The Zoning Administrator may, at his or her discretion, request that the District Department of Transportation review and make a recommendation regarding any item on the vehicle parking plan prior to approving the building permit application.

700.4 No certificate of occupancy shall be issued unless the vehicle parking spaces have been constructed in accordance with the approved parking plans.

SOURCE: Final Rulemaking & Order No. 08-06A published at 63 DCR 2447 (March 4, 2016 – Part 2).

701 MINIMUM VEHICLE PARKING REQUIREMENTS

701.1 The minimum parking requirements set forth in this section shall apply to the R, RF, RA, MU, NC, and PDR zones; and only as specified in zones within Subtitle K.

701.2 Where required, the minimum parking requirements set forth in Subtitle C § 701.5, in addition to any specific parking requirements of this title, shall be met when a new building is constructed.

701.3 Parking standards for uses in the residential use categories are calculated in the number of parking spaces per dwelling unit.

701.4 Parking standards for uses based on gross floor area are calculated in the number of parking spaces per one thousand square feet (1,000 sq. ft.) of gross floor area as described in Subtitle C § 709.

701.5 Except as provided for in Subtitle C § 702, parking requirements for all use categories are as follows (all references to "sq. ft." refers to square feet of gross floor area as calculated in Subtitle C § 709):

TABLE C § 701.5: PARKING REQUIREMENTS

Use Category	Minimum number of vehicle parking spaces
Agriculture, large	1.67 per 1,000 sq. ft.
Agriculture, residential	None
Animal sales, care and boarding	1 per 1,000 sq. ft. in excess of 3,000 sq. ft.
Antennas	None
Arts, design, and creation	1 per 1,000 sq. ft. in excess of 3,000 sq. ft.
Basic utilities	0.33 per 1,000 sq. ft. in excess of 3,000 sq. ft.
Chancery	0.5 per 1,000 sq. ft. in excess of 3,000 sq. ft., or as determined by the Foreign Mission Board of Zoning Adjustment.
Community-based institutional facility	1 per 1,000 sq. ft.
Daytime care	0.5 per 1,000 sq. ft. with a minimum of 1 space required.
Eating and drinking establishments	1.33 per 1,000 sq. ft. in excess of 3,000 sq. ft. A minimum of 1 parking space shall be required for a food delivery service.
Education, college/university	For each building: 2 for each 3 teachers; plus either 1 for each 10 classroom seats or 1 for each 12 stadium seats or 1 for each 10 auditorium seats, whichever is greater, except if a campus plan has been approved by the Zoning Commission or the Board of Zoning Adjustment for the college or university, in which case the parking shall be provided as set forth in the approved campus plan.
Education, private	Elementary and middle school: 2 for each 3 teachers and other employees; High school and accessory uses: 2 for each 3 teachers and other employees, plus either 1 for each 20 classroom seats or 1 for each 10 seats in the largest auditorium, gymnasium or area usable for public assembly, whichever is greater.
Education, public	0.25 per 1,000 sq. ft.
Emergency shelter	0.5 per 1,000 sq. ft.
Entertainment, assembly, and performing arts	2 per 1,000 sq. ft.
Firearm sales	1.33 per 1,000 sq. ft. in excess of 5,000 sq. ft.
Government, large-scale	None
Government, local	0.5 space per 1,000 sq. ft. in excess of 2,000 sq. ft. with a minimum of 1 space required; except: Public recreation and community center: 0.25 space per 1,000 sq. ft. in excess of 2,000 sq. ft. with a minimum of 1

Use Category	Minimum number of vehicle parking spaces
	space required; and Kiosk public library – no requirement.
Medical care	1 per 1,000 sq. ft. in excess of 3,000 sq. ft., with a minimum of 1 space required.
Institutional, general	1.67 per 1,000 sq. ft. in excess of 5,000 sq. ft.
Institutional, religious	1 for each 10 seats of occupancy capacity in the main sanctuary; provided, that where the seats are not fixed, each 7 sq. ft. usable for seating or each 18 in. of bench if benches are provided shall be considered 1 seat.
Lodging	0.5 per 1,000 sq. ft. in excess of 3,000 sq. ft.
Marine	0.5 per 1,000 sq. ft.
Motor vehicle-related	2 per 1,000 sq. ft.
Office	0.5 per 1,000 sq. ft. in excess of 3,000 sq. ft., except: a medical or dental office, clinic, or veterinary hospital: 1 per 1,000 sq. in excess of 3,000 sq. ft.
Parking	None
Parks and recreation	0.5 per 1,000 sq. ft.
Production, distribution, repair	1 per 1,000 sq. ft. in excess of 3,000 sq. ft., except warehouse or storage facility – 1 per 3,000 sq. ft.
Residential, single dwelling unit	1 per principal dwelling.
Residential, flat	1 per 2 dwelling units.
Residential, multiple dwelling unit	1 per 3 dwelling units in excess of 4 units, except: 1 per 2 dwelling units for any R or RF zone; 1 per 6 units of publicly assisted housing, reserved for the elderly and/or handicapped.
Retail	1.33 per 1,000 sq. ft. in excess of 3,000 sq. ft.
Service, general	1.33 per 1,000 sq. ft. in excess of 3,000 sq. ft.
Service, financial	1.33 per 1,000 sq. ft. in excess of 3,000 sq. ft.
Sexually-based business establishment	1.67 per 1,000 sq. ft. in excess of 5,000 sq. ft.
Transportation infrastructure	None
Waste-related services	1 per 1,000 sq. ft.

701.6 If two (2) or more uses are located on a single lot or in a single building and the applicable parking standard for such uses exempts an initial floor area (for example, the first 3,000 sq. ft. of gross floor area), only one exempt floor area may be deducted from the total combined parking requirements for the uses and the exempt floor area shall be pro-rated among uses.

701.7 If two (2) or more uses are located on a single lot or in a single building, the number of parking spaces provided on-site, or off-site in accordance with Subtitle

C § 701.8(b), must equal the total number of parking spaces required for all uses, except when parking is shared among uses as provided in Subtitle C § 701.9. If a single use falls into more than one (1) use category for which different parking minimums apply, the greater number of parking spaces shall apply.

701.8 Required parking spaces shall be located either:

(a) On the same lot as the use or structure they are meant to serve; or

(b) On another lot, subject to the following provisions:

(1) The off-site location shall be a maximum of six hundred feet (600 ft.) from the use or structure that the parking spaces serve, as measured from the nearest lot line;

(2) The off-site location may be located within a different zone, except that the off-site parking location for a use within any zone other than an R or RF zone shall not be located within an R or RF zone, except parking for Transportation Infrastructure uses as permitted by Subtitle U § 202.1(q); and

(3) Spaces provided off-site in accordance with Subtitle C § 701.8(b) shall not serve as required parking for any other use, unless they are shared parking spaces in accordance with Subtitle C § 701.9;

(c) Unless under common ownership, a written agreement shall remain in effect between the owner of the parking area and the owner of the use for which the parking spaces are required (the use);

(d) A draft of the written agreement shall be provided as part of any building permit application associated with either the site of the parking area or the site for which the parking spaces are required. The final, original written agreement shall be filed with the Zoning Administrator prior to the issuance of the first certificate of occupancy for the use and any amendment or successor agreement must be filed no later than ten (10) days following execution by the parties;

(e) The Zoning Administrator shall maintain a file of all written agreements and amendments for the lot where the use is located and the lot providing the required parking spaces; and

(f) The Board of Zoning Adjustment may allow off-site parking spaces to be located elsewhere than as permitted pursuant to Subtitle C § 701.8(b)(1) in accordance with the general special exception requirements of Subtitle X, subject to:

(1) The applicant's demonstration that the accessory parking spaces shall be located so as to furnish reasonable and convenient

parking facilities for the occupants or guests of the building or structures that they are designed to serve; and

(2) The Board of Zoning Adjustment may impose conditions as to screening, coping, setbacks, fences, the location of entrances and exits, or any other requirement it deems necessary to protect adjacent or nearby property. It may also impose other conditions it deems necessary to assure the continued provision and maintenance of the spaces.

701.9 Parking spaces, whether required or not, may be shared among more than one (1) use, whether the uses are on the same lot or on separate lots. Parking spaces that are shared among more than one (1) use shall be subject to the following conditions:

(a) The spaces shall not serve as required parking for any other use during the days and times each use they serve is in operation;

(b) Parking may be shared:

(1) Between uses and a parking site within the same zone; or

(2) Between uses and a parking site within an R and RF zone; or

(3) Between a use in an R or RF zone and a parking site in any other zone; but

(4) May not be shared between a parking site within an R or RF zone and a use located in any other zone;

(c) Unless under common ownership, a written agreement shall remain in effect between the owner of the parking area and the owner of the use for which the parking spaces are required (the use), and shall include the obligation set forth in Subtitle C § 701.9;

(d) A draft of the written agreement shall be provided as part of any building permit application associated with either the site of the parking area or the site for which the parking spaces are required. The final, original written agreement shall be filed with the Zoning Administrator prior to the issuance of the first certificate of occupancy for the use and any amendment or successor agreement must be filed no later than ten (10) days following execution by the parties; and

(e) The Zoning Administrator shall maintain a file of all written agreements and amendments for the lot where the use is located and the lot providing the required parking spaces.

701.10 The number of required parking spaces shall not be reduced below the minimum required as long as the use that generated that requirement remains in existence.

701.11 Dedicated car-share parking spaces may be counted toward fulfillment of a minimum parking requirement.

701.12 Uses governed by a campus plan are subject to the minimum parking requirement approved by the Zoning Commission and are not subject to the parking requirements otherwise applicable.

701.13 Parking spaces provided in an amount which exceeds that required by this section shall be subject to the provisions of Subtitle C § 707.

701.14 Required parking spaces shall be provided and maintained so long as the structure that the parking spaces are designed to serve exists.

SOURCE: Final Rulemaking & Order No. 08-06A published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 08-06D published at 63 DCR 10620 (August 19, 2016); Final Rulemaking & Order No. 08-06E published at 63 DCR 10932 (August 26, 2016); Final Rulemaking & Order No. 08-06G published at 64 DCR 22 (January 6, 2017).

702 EXEMPTIONS FROM MINIMUM PARKING REQUIREMENTS

702.1 Except as provided in Subtitle C § 702.2, within any zone other than an R or RF zone, the minimum vehicle parking requirement identified in the table of Subtitle C § 701.5 shall be reduced by fifty percent (50%) for any site which is located:

(a) Within one-half mile (0.5 mi.) of a Metrorail station that is currently in operation or is one for which a construction contract has been awarded; or

(b) Within one-quarter mile (0.25 mi.) of streetcar line that is currently in operation or for which a construction contract has been awarded; or

(c) Within one-quarter mile (.25 mi.) of one (1) of the following Priority Corridor Network Metrobus Routes located entirely or partially within the District of Columbia, provided that the property is on a street on which participation in a District Residential Parking Permit program is not permitted, or is otherwise exempted from a District Residential Parking Permit program:

(1) Georgia Avenue/7th Street (Routes 70, 79);

(2) Wisconsin Avenue/Pennsylvania Avenue (Routes 31, 32, 34, 36, 37, 39);

(3) Sixteenth Street (Routes S1, S2, S4, S9);

(4) H Street/Benning Road (Routes X1, X2, X3, X9);

(5) U Street/Garfield (Routes 90, 92, 93);

(6) Anacostia/Congress Heights (Routes A2, A4, A5, A6, A7, A8, A9, A 42, A46, A48);

(7) Fourteenth Street (Routes 52, 53, 54);

(8) North Capitol Street (Route 80); and

(9) Rhode Island Avenue (Route G8).

702.2 In any zone, a public school shall be permitted to reduce its minimum vehicle parking requirement by fifty percent (50%) pursuant to the criteria of Subtitle C § 702.1(a), (b), or (c).

702.3 Any applicant claiming a reduction in required parking in accordance with Subtitle C § 702.1 shall provide evidence to the Zoning Administrator that meets at least one (1) of the locational requirements of Subtitle C §§ 702.1(a), (b), or (c).

702.4 Vehicle parking shall not be required:

(a) For a building containing a single principal dwelling unit or flat within the R or RF zone, if the lot does not have access to an open, improved, and public alley with a right of way of ten feet (10 ft.) width minimum;

(b) Within the D zones, except:

(1) Parking requirements applicable to a disposition lot as defined in the Urban Renewal Plan for the Downtown Urban Renewal Area shall be as specified in that plan; and

(2) Within the D-5 zone west of 20th Street N.W., parking shall be required in accordance with Subtitle C §§ 701.5 and 702.1;

(c) Within the SEFC or USN zones;

(d) On any property within the CG zones that has frontage on or is located east of South Capitol Street;

(e) Within the MU-11 zone; or

(f) For structures erected on Kingman and Heritage Islands, for which the construction of parking spaces shall be prohibited except for handicap spaces.

SOURCE: Final Rulemaking & Order No. 08-06A published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 08-06J published at 64 DCR 6110 (June 30, 2017); Final Rulemaking & Order No. 17-23 published at 66 DCR 2337 (February 22, 2019); Final Rulemaking & Order No. 19-11 published at 67 DCR 3776 (April 3, 2020).

703 SPECIAL EXCEPTIONS FROM MINIMUM PARKING NUMBER REQUIREMENTS

703.1 This section provides flexibility from the minimum required number of parking spaces when the provision of the required number of spaces would be contrary to other District of Columbia regulations; or impractical or unnecessary due to the shape or configuration of the site, a lack of demand for parking, or proximity to transit.

703.2 The Board of Zoning Adjustment may grant a full or partial reduction in number of required parking spaces, subject to the general special exception requirements of Subtitle X, and the applicant's demonstration of at least one (1) of the following:

(a) Due to the physical constraints of the property, the required parking spaces cannot be provided either on the lot or within six hundred feet (600 ft.) of the lot in accordance with Subtitle C § 701.8;

(b) The use or structure is particularly well served by mass transit, shared vehicle, or bicycle facilities;

(c) Land use or transportation characteristics of the neighborhood minimize the need for required parking spaces;

(d) Amount of traffic congestion existing or which the parking for the building or structure would reasonably be expected to create in the neighborhood;

(e) The nature of the use or structure or the number of residents, employees, guests, customers, or clients who would reasonably be expected to use the proposed building or structure at one time would generate demand for less parking than the minimum parking standards;

(f) All or a significant proportion of dwelling units are dedicated as affordable housing units;

(g) Quantity of existing public, commercial, or private parking, other than on-street parking, on the property or in the neighborhood, that can reasonably be expected to be available when the building or structure is in use;

(h) The property does not have access to an open public alley, resulting in the only means by which a motor vehicle could access the lot is from an improved public street and either:

(1) A curb cut permit for the property has been denied by the District Department of Transportation; or

(2) Any driveway that could access an improved public street from the property would violate any regulation of this chapter, of the parking provisions of any other subtitle in the Zoning Regulations, or of Chapters 6 or 11 of Title 24 DCMR;

(i) The presence of healthy and mature canopy trees on or directly adjacent to the property; or

(j) The nature or location of a historic resource precludes the provision of parking spaces; or providing the required parking would result in significant architectural or structural difficulty in maintaining the integrity and appearance of the historic resource.

703.3 Any reduction in the required number of parking spaces shall be only for the amount that the applicant is physically unable to provide, and shall be proportionate to the reduction in parking demand demonstrated by the applicant.

703.4 Any request for a reduction in the minimum required parking shall include a transportation demand management plan approved by the District Department of Transportation, the implementation of which shall be a condition of the Board of Zoning Adjustment's approval.

SOURCE: Final Rulemaking & Order No. 08-06A published at 63 DCR 2447 (March 4, 2016 – Part 2).

704 MINIMUM PARKING REQUIREMENTS FOR ADDITIONS TO EXISTING BUILDINGS OR STRUCTURES

704.1 An addition to an existing building triggers additional parking requirements only when the gross floor area of the building is expanded or enlarged by twenty-five percent (25%) or more beyond the gross floor area on the effective date of this title, or in the case of a new building, the gross floor area used to calculate the initial parking requirement. The additional minimum parking required shall be calculated based upon the entire gross floor area added.

704.2 Notwithstanding Subtitle C § 704.1, additions to historic resources shall be required to provide additional parking spaces for an addition only if:

(a) The addition results in at least a fifty percent (50%) increase in gross floor area beyond the gross floor area existing on the effective date of this title; and

(b) The resulting requirement is at least four (4) parking spaces.

SOURCE: Final Rulemaking & Order No. 08-06A published at 63 DCR 2447 (March 4, 2016 – Part 2).

705 MINIMUM PARKING REQUIREMENTS FOR AN EXPANSION OR CHANGE OF USE WITHIN AN EXISTING BUILDING OR STRUCTURE

705.1 Additional parking spaces shall be required only when the minimum number of parking spaces required for the new use exceeds the number of spaces required for the prior use that occupied the same gross floor area.

705.2 When determining the required number of additional required parking spaces, it shall be assumed that the previous use provided at least the minimum number of spaces required.

705.3 A historic resource shall not be required to provide additional parking spaces for a change in use without expansion.

705.4 If a use operates solely outside of a building or structure, any expansion of that use shall conform to the applicable parking standards.

SOURCE: Final Rulemaking & Order No. 08-06A published at 63 DCR 2447 (March 4, 2016 – Part 2).

706 MAXIMUM PARKING REQUIREMENTS

706.1 The maximums land area for all newly constructed parking areas, and for parking areas that increase the number of parking spaces or the land area by twenty-five percent (25%) or more, shall not exceed one hundred thousand square feet (100,000 sq. ft.).

706.2 The Board of Zoning Adjustment may grant, as a special exception, an increase in the maximum size of parking area allowed under Subtitle C § 706.1(a) or the maximum parking standards of a land use subtitle if, in addition to meeting the general requirements of Subtitle X, the applicant demonstrates that a transportation demand management plan approved by the District Department of Transportation will be implemented. The Board of Zoning Adjustment may impose as a condition of its approval, requirements as to screening, landscaping, setbacks, fences, the location of entrances and exits, or any other requirement it deems necessary to protect adjacent or nearby property.

SOURCE: Final Rulemaking & Order No. 08-06A published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 08-06D published at 63 DCR 10620 (August 19, 2016).

707 MITIGATION FOR PARKING SIGNIFICANTLY IN EXCESS OF THE MINIMUM REQUIREMENT

707.1 For the purposes of this section, the term “excess parking space” is defined as all vehicle parking spaces provided in excess of the minimum parking requirement for that location and use pursuant to Subtitle C § 701, but shall not include either parking spaces to be dedicated to an off-site use in accordance with the provisions

of Subtitle C §§ 701.7 and 701.8, or dedicated car-share spaces provided in accordance with the provisions of Subtitle C § 708.

707.2 For the purposes of this section, the term "minimum parking required" shall mean:

(a) The minimum required number of parking spaces pursuant to Subtitle C § 701.5 for the relevant use(s); or

(b) Within the D and CG zones, where there is no minimum parking requirement, the minimum number of parking spaces otherwise required for that use pursuant to Subtitle C § 701.5.

707.3 The provision of excess parking spaces shall require the following transportation demand management features:

(a) For any site for which the parking requirement of Subtitle C § 701.5 is twenty (20) parking spaces or greater, any excess parking spaces greater than two times (2 X) the minimum parking required for that use shall require the following transportation demand management measures:

(1) Bicycle parking spaces provided in accordance with the provisions of Subtitle C § 801 at a rate of one (1) bicycle parking space for each three (3) excess parking spaces, to a maximum of one-hundred (100) additional bicycle parking spaces, with such bicycle parking spaces being provided at the same ratio of long and short term spaces as required in Subtitle C § 802.1;

(2) One (1) tree for every ten (10) excess parking spaces, with such trees to be planted within public space in the Ward in which the site is located, at a location to be determined by the Urban Forestry Division of the District Department of Transportation, and of a species and size consistent with industry standards for street trees;

(3) One (1) on-site or publicly accessible electric car charge station for every twenty (20) excess parking spaces;

(4) One (1) car share space to be provided in accordance with the provisions of Subtitle C §§ 708.3 through 708.4 for every twenty (20) excess parking spaces, to a maximum of ten (10) car share spaces; and

(5) The GAR required for the site pursuant to Subtitle C, Chapter 6 shall be increased by a rate of .001 for each two (2) excess parking spaces, to a maximum of an additional 0.1;

(b) In addition, the provision of more than one hundred (100) excess parking spaces shall require the provision of one (1) Capital Bikeshare station with

a minimum of twelve (12) bike stalls, and the provision of more than two hundred (200) excess parking spaces shall require the provision of two (2) Capital Bikeshare stations with a minimum of twelve (12) bike stalls each, or the provision of one (1) Capital Bikeshare station with a minimum of twenty-four (24) bike stalls. These shall be located on site or at an off-site location within the Ward at a location to be determined by the District Department of Transportation;

(c) Requirements of this section shall be provided in full prior to the issuance of a certificate of occupancy for the site;

(d) Any requirement of this section shall be in addition to any other requirements of Subtitle C, Chapters 7 and 8; and

(e) The Board of Zoning Adjustment may grant, as a special exception, relief from Subtitle C §§ 707.3(a) and (b) if, in addition to meeting the general requirements of Subtitle X, the applicant demonstrates that:

(1) Mitigation requirements for the excess parking spaces are not required due to other transportation demand management, bike way, or pedestrian way improvement commitments of the applicant, to be provided prior to the issuance of a certificate of occupancy for the building or site containing the parking; or

(2) The excess parking spaces will serve a District-identified need for parking in the community, and will be entirely shared (non-dedicated) parking spaces available at regular market rates to the public at all times that the facility with the parking is open.

SOURCE: Final Rulemaking & Order No. 08-06A published at 63 DCR 2447 (March 4, 2016 – Part 2).

708 CAR-SHARE PARKING SPACE PROVISIONS

708.1 Dedicated car-share parking spaces may be counted toward fulfillment of any minimum parking requirement in any zone other than an R or RF zone.

708.2 Up to two (2) dedicated car share spaces provided in accordance with this provision may each count as three (3) required parking spaces for the purposes of calculating the provision of required parking pursuant to Subtitle C § 701.5.

708.3 Any car-share space provided pursuant to Subtitle C § 708.2 shall be made available to any car-share organization with a valid business license, for the purpose of providing car-share services for its subscribers, in accordance with the following provisions:

(a) The car-share spaces shall be accessible at all times to subscribers who may or may not be residents or employees of uses on the lot. Reasonable security measures, such as keyless entry devices, may be used; and

(b) The following information shall be provided to the Zoning Administrator:

(1) Written notice of the number and location of car-share spaces that will be available;

(2) A D.C. Surveyor's Plat of the property;

(3) A floor plan or site plan of the parking area clearly identifying the required car-share spaces;

(4) The square and lot number, address, property owner contact information; and

(5) Any other pertinent information as determined by the Zoning Administrator.

708.4 Within any R or RF zone, up to two (2) car-share spaces may be provided on the property, subject to the following provisions:

(a) Any car-share space is provided in addition to any required parking space for the principal dwelling;

(b) The lot has access to an open and improved alley with a width of ten feet (10 ft.) minimum;

(c) If one (1) car-share space is to be provided on the property, the property has either:

(1) A width along the property line from which access to the car-share space is to be provided of at least twenty-five feet (25 ft.); or

(2) A minimum of fifteen feet (15 ft.) between the parking area and the principal dwelling;

(d) If two (2) car-share spaces are to be provided on the property, the property has either:

(1) A width along the property line from which access to the car-share space is to be provided of at least thirty-five feet (35 ft.); or

(2) A minimum of ten feet (10 ft.) between the parking area and the principal dwelling; and

(e) The car-share spaces shall be accessible at all times to subscribers who may or may not be residents on the lot.

SOURCE: Final Rulemaking & Order No. 08-06A published at 63 DCR 2447 (March 4, 2016 – Part 2).

709 RULES OF CALCULATION

709.1 Gross floor area shall be as defined in Subtitle B, except that for purposes of calculating off-street parking requirements:

(a) In all zones, gross floor area shall not include floor area devoted to off-street parking or loading facilities, including aisles, ramps, and maneuvering space or space devoted exclusively to bicycle storage or support (lockers and showers) facilities;

(b) In all zones, gross floor area shall include penthouse habitable space except that recreation space for residents or tenants of the building or other ancillary space associated with a rooftop deck shall not be included;

(c) In the R, RF, RA, and MU-11 through MU-14 zones, gross floor area shall include cellar floor area devoted to uses within the Government, Local use;

(d) In the MU-3, MU-4, MU-7, MU-17, MU-24, MU-25, MU-26, MU-27, NC-1, NC-2, NC-3, NC-4, NC-6, NC-7, NC-8, NC-9, NC-12, NC-14, NC-15, NC-16, RC-2, ARTS-1, ARTS-3, PDR-1, PDR-4, PDR-5, PDR-6, and PDR-7 zones, gross floor area shall include cellar floor area devoted to uses within following use groups:

(1) Animal sales, care and boarding;
(2) Arts, design and creation;
(3) Chancery;
(4) Eating and drinking establishments;
(5) Firearm sales;
(6) Medical care;
(7) Office;
(8) Retail; and
(9) Service, general and financial; and

(e) In the PDR-2 and PDR-3 zones, gross floor area shall include the cellar floor area devoted to uses within the Office and Chancery use groups.

709.2 When an initial amount of floor area or number of dwelling units is exempted, that amount or number is subtracted from the total before the minimum parking requirement is calculated.

709.3 Calculations of parking spaces that result in a fractional number of one-half (0.5) or more shall be rounded up to the next whole number. Any fractional result of less than one-half (0.5) shall be rounded down to the previous whole number.

709.4 The number of teachers or employees shall be computed on the basis of the greatest number of persons to be employed at any one period during the day or night, including persons having both full-time and part-time employment.

SOURCE: Final Rulemaking & Order No. 08-06A published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 08-06D published at 63 DCR 10620 (August 19, 2016).

710 LOCATION RESTRICTIONS

710.1 The intent of this section is to prevent negative impacts on neighboring property from excessive parking, minimize vehicle-pedestrian conflicts, respect the pedestrian environment, foster good urban design, and provide space for active uses to line parking structures.

710.2 Vehicle parking spaces shall be located:

(a) Within or below a building or structure; except in all zones except for any R, RF, or Subtitle K zones, parking spaces provided within a structure shall be located at least twenty feet (20 ft.) from all lot lines that abut public streets or a waterfront setback required pursuant to Subtitle C § 1102, unless the surface of the parking spaces is at least ten feet (10 ft.) below grade, at all points along the building frontage; and

(b) On an open area of the lot, except:

(1) Between a building restriction and a front lot line;

(2) In any zone other than a PDR zone, surface parking spaces shall not be located within a front yard. A building used solely as a parking attendant shelter shall not trigger this restriction;

(3) Surface parking spaces shall be permitted only as a special exception pursuant to Subtitle C § 1102.5 if located:

(A) Anywhere on a lot within the MU-11 through MU-14; or

(B) Within a waterfront setback area pursuant to Subtitle C § 1102;

(4) Parking spaces and access isles for and buildings, structures or uses adjacent to the Anacostia River, Potomac River, or Washington Channel shall be sited and designed in accordance with the requirements of Subtitle C § 1102; or

(5) Within all R and RF zones ~~of~~, any surface parking lot for more than ten (10) parking spaces shall be located a minimum of six feet (6 ft.) from any property line, with the space between the surface

parking lot and the property line providing landscaping and screening consistent with Subtitle C §§ 714 and 715.

710.3 The Board of Zoning Adjustment may allow surface parking spaces to be located anywhere on the lot upon which the building or structure is located in accordance with the general special exception requirements of Subtitle X, and the applicant's demonstration of the following:

(a) The Board of Zoning Adjustment shall determine that it is not practical to locate the spaces in accordance with Subtitle C § 710.2 for the following reasons:

(1) Unusual topography, grades, shape, size, or dimensions of the lot;

(2) The lack of an alley or the lack of appropriate ingress or egress through existing or proposed alleys or streets;

(3) Traffic hazards caused by unusual street grades; or

(4) The location of required parking spaces elsewhere on the same lot or on another lot would result in more efficient use of land, better design or landscaping, safer ingress or egress, and less adverse impact on neighboring properties;

(b) The accessory parking spaces shall be located so as to furnish reasonable and convenient parking facilities for the occupants or guests of the building or structures that they are designed to serve; and

(c) The Board of Zoning Adjustment may impose conditions as to screening, coping, setbacks, fences, the location of entrances and exits, or any other requirement it deems necessary to protect adjacent or nearby property. It may also impose other conditions it deems necessary to assure the continued provision and maintenance of the spaces.

SOURCE: Final Rulemaking & Order No. 08-06A published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 08-06J published at 64 DCR 6110 (June 30, 2017); Final Rulemaking & Order No. 08-06P published at 65 DCR 11927 (October 26, 2018).

711 ACCESS REQUIREMENTS

711.1 Approval of a driveway under this title does not constitute 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 from the District Department of Transportation.

711.2 All required parking spaces, driveways, and entrances that provide access to parking areas, shall conform to the requirements of this section.

711.3 All required parking spaces, other than as permitted in Subtitle C § 711.4, shall be accessible at all times from a driveway accessing either:

(a) An improved street, except as restricted in Subtitle C § 711.9; or

(b) An improved alley or alley system with a minimum width of ten feet (10 ft.).

711.4 An automated parking garage shall meet the requirements of Subtitle C § 711.3, although individual parking spaces provided as part of the automated parking garage do not.

711.5 Within twenty feet (20 ft.) of all street lot lines, a driveway shall be at least eight feet (8 ft.) wide and not more than ten feet (10 ft.) wide if it:

(a) Provides access to parking spaces serving a single dwelling unit or flat;

(b) Provides access to no more than two (2) parking spaces for any use; or

(c) Provides shared access across public or private property to no more than three (3) single dwelling units or flats.

711.6 Within twenty feet (20 ft.) of all street lot lines, a driveway other than as described in Subtitle C § 711.5 shall be:

(a) At least twelve feet (12 ft.) wide for one-way traffic or twenty feet (20 ft.) wide for two-way traffic; and

(b) Not more than twenty-four feet (24 ft.) wide.

711.7 Except for Alley Lots, when parking spaces are provided within a building or structure, all vehicular entrances or exits shall be setback at least twelve feet (12 ft.) from the center line of any adjacent alley for a minimum height of ten feet (10 ft.).

711.8 A driveway that provides access to required parking spaces shall have a maximum grade of twelve percent (12%) with a vertical transition at the property line.

711.9 Driveways to required parking spaces for groups of three (3) or more row dwellings that are constructed concurrently on adjacent lots shall be governed by the following provisions:

(a) Access to vehicle parking from a public or private street to individual rowhouses shall not be permitted; and

(b) For vehicle parking provided on a separate lot in accordance with Subtitle C § 701.8, the Board of Zoning Adjustment may allow by special

exception a single driveway access from a public or private street in accordance the requirements of Subtitle X and the following provisions:

(1) There is no alternative access to on-site parking spaces through open and improved existing or proposed alleys;

(2) The Board of Zoning Adjustment determines that the parking access does not impose traffic hazards or any adverse impact on the surrounding neighborhood; and

(3) The Board of Zoning Adjustment may impose conditions as to the location of the parking access, screening, or any other requirement it deems necessary to ensure safety and to protect adjacent or nearby property.

711.10 Required parking spaces for a motor vehicle-related use category may be arranged so that all spaces are not accessible at all times. All parking spaces provided under this subsection shall be designed and operated so that sufficient access and maneuvering space is available to permit the parking and removal of any vehicle without moving any other vehicle onto public space.

SOURCE: Final Rulemaking & Order No. 08-06A published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 19-13 published at 67 DCR 12690 (October 30, 2020).

712 SIZE AND LAYOUT REQUIREMENTS

712.1 All required parking spaces and parking aisles shall conform to the dimension requirements of this section, except as provided in Subtitle C § 717.

712.2 An automated parking garage is exempt from the requirements of this section.

712.3 At least fifty percent (50%) of the required parking spaces must meet the minimum full-sized parking space standards of Subtitle C § 712.5. All other spaces must meet the minimum compact parking space standards in Subtitle C § 712.6.

712.4 Parking spaces provided on the same lot as a historic resource shall meet the minimum dimensional requirements of Subtitle C § 712.6.

712.5 The minimum dimensions for full-sized parking spaces and aisles are as follows:

TABLE C § 712.5: MINIMUM DIMENSIONS FOR FULL-SIZED PARKING SPACES AND AISLES

Parking Angle	Stall Width	Depth of Stalls Perpendicular to Aisle	One-Way Drive Aisle Width	Two-Way Drive Aisle Width
45º	9 ft.	17.5 ft.	17 ft.	N/A
60º	9 ft.	19 ft.	17 ft.	N/A

90º	9 ft.	18 ft.	20 ft.	20 ft.
Parallel	22 ft.	8 ft.	12 ft.	20 ft.

712.6 The minimum dimensions for spaces and aisles exclusively for compact parking spaces are as follows:

TABLE C § 712.6: MINIMUM DIMENSIONS FOR COMPACT PARKING SPACES AND AISLES

Parking Angle	Stall Width	Depth of Stalls Perpendicular to Aisle	One-Way Drive Aisle Width	Two-Way Drive Aisle Width
45º	8 ft.	16.5 ft.	16 ft.	N/A
60º	8 ft.	17 ft.	16 ft.	N/A
90º	8 ft.	16 ft.	20 ft.	20 ft.
Parallel	20 ft.	8 ft.	12 ft.	20 ft.

712.7 All parking spaces and access ways to and from spaces shall have a minimum vertical clearance of six feet, six inches (6 ft., 6 in.).

712.8 Above grade parking areas shall be designed so that no vehicle shall project over any lot line, front setback line, or building restriction line.

712.9 Except on a lot that only has one (1) or two (2) dwelling units:

(a) Wheel bumper guards, curbs, guard rails, or screening shall be installed between the property line and the perimeter of the parking area; and

(b) All parking areas and spaces shall be designed and operated so that sufficient access and maneuvering space is available to permit the parking and removal of any vehicle without moving any other vehicle onto public space.

712.10 All individual compact parking spaces shall be clearly labelled as such.

SOURCE: Final Rulemaking & Order No. 08-06A published at 63 DCR 2447 (March 4, 2016 – Part 2).

713 MAINTENANCE REQUIREMENTS

713.1 All parking areas, including access aisles, driveways, and ramp areas, shall be surfaced and maintained with an all-weather surface. In addition to traditional impervious surfaces, allowable all-weather surfaces include porous (or pervious) concrete, porous asphalt, and mechanically reinforced grass. Gravel and grass that is not mechanically reinforced are not allowed as surface materials required under this subsection.

713.2 All parking spaces shall be clearly striped according to the dimensions specified in Subtitle C § 712. Durable all-weather materials shall be used for striping. Striping shall be maintained for as long as the parking spaces are in use.

713.3 A parking lot serving a use in the retail or eating and drinking establishment use category shall provide at least one (1) litter receptacle within the parking area.

SOURCE: Final Rulemaking & Order No. 08-06A published at 63 DCR 2447 (March 4, 2016 – Part 2).

714 SCREENING REQUIREMENTS FOR SURFACE PARKING

714.1 Screening shall be required for any external surface parking spaces except:

(a) On a property located in a PDR zone that does not abut property that is not within a PDR zone; or

(b) On a property devoted to residential uses with a maximum of three (3) dwelling units.

714.2 Screening of external surface parking shall be provided in accordance with the following provisions:

(a) Screening shall be provided around the entire perimeter of the surface parking area;

(b) Gaps in the screening are allowed only to provide driveways and pedestrian exits or entrances that open directly onto a street, sidewalk or alley. No individual gap may exceed twenty feet (20 ft.) in width; and

(c) The screening shall be either:

(1) A wall or solid fence at least forty-two (42) inches high; or

(2) Evergreen hedges or evergreen growing trees that are thickly planted and maintained, and that are at least forty-two (42) inches in height when planted, and maintained in perpetuity.

714.3 The Board of Zoning Adjustment may grant, as a special exception, a modification or waiver of these screening requirements. In addition to the general requirements of Subtitle X, the Board of Zoning Adjustment may consider:

(a) Impacts on the pedestrian environment within adjacent streets, sidewalks, and other public areas;

(b) Existing vegetation, buildings or protective and screening walls located on adjacent property;

(c) Existing topographic conditions;

(d) Traffic conditions; and

(e) In granting a modification or waiver, the Board of Zoning Adjustment may require any special treatment of the premises that it deems necessary

to prevent adverse impacts on neighboring properties or the general public.

714.4 Notwithstanding the requirements of Subtitle C § 714.2, screening for a public school's external surface parking shall be provided in accordance with the following provisions:

(a) Screening shall be provided around the entire perimeter of the surface parking area, except no screening is required to be provided for driveways and pedestrian exits or entrances that open directly onto a street, sidewalk**,** or alley; and

(b) The screening shall be either:

(1) A solid or non-solid fence or wall at least forty-two (42) inches high; or

(2) Evergreen shrubs or trees that are planted between four feet (4 ft.) to six feet (6 ft.) on center, and that are at least forty-two (42) inches in height when planted and maintained in perpetuity.

SOURCE: Final Rulemaking & Order No. 08-06A published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 08-06G published at 64 DCR 22 (January 6, 2017); Final Rulemaking & Order No. 19-11 published at 67 DCR 3776 (April 3, 2020).

715 LANDSCAPING REQUIREMENTS FOR SURFACE PARKING LOTS

715.1 Surface parking lots with ten (10) or more parking spaces shall conform to the landscaping, tree canopy cover, and lighting requirements of this section:

715.2 A minimum of ten percent (10%) of the total area devoted to parking, including aisles and driveways shall be covered by landscaped areas planted with trees and shrubs.

715.3 The landscaping shall be maintained in a healthy, growing condition. Dead or dying plant material shall be replaced.

715.4 The landscaping shall be designed and maintained to accept storm water runoff from the surrounding parking area.

715.5 All end islands of parking rows longer than nine (9) parking spaces, and all areas otherwise not used for ingress and egress, aisles, and parking spaces shall be landscaped.

715.6 The following shall not count towards the landscape area requirements of this section:

(a) Landscape areas of less than one (1) foot in any horizontal dimension;

(b) Landscaping around the perimeter of the parking area greater than a distance of six feet (6 ft.) from the parking pavement area;

(c) Moveable planters;

(d) Any landscape area with a soil depth of less than one (1) foot; or

(e) Permeable surface area used for parking or access to parking, or otherwise incapable of being landscaped.

715.7 The parking area shall be provided with the equivalent of one (1) canopy tree per five (5) parking spaces subject to the following requirements:

(a) Trees of the species listed in the District Department of Transportation Green Infrastructure Standards shall be planted with the following conditions:

(1) For every tree planted from the list of small trees, a tree from the list of medium or large tress, or a substitute approved by the Urban Forestry Administration (UFA), shall be planted;

(2) Species not on the list in Green Infrastructure Standards may be planted if determined by the UFA to be equivalent to species from the list; and

(3) The Zoning Administrator may accept any written communication from the UFA as approval of a tree species;

(b) Trees shall be planted in areas that are included in the landscaped areas required by Subtitle C §§ 715.4 and 715.5; and

(c) New trees, or existing trees that are retained, shall count toward the tree requirement based on the following:

(1) Preservation of existing trees and vegetation shall be given special consideration, contingent upon adequate tree preservation techniques being applied to ensure a high survival rate;

(2) All newly planted trees shall have a minimum diameter of two and one-half inches (2.5 in.) in diameter;

(3) All trees shall be planted or retained in a space that provides a minimum of five hundred (500) cubic feet of soil volume per tree;

(4) Trees shall be planted a minimum of four feet (4 ft.) from any protective barrier, such as curbs or wheel stops with no horizontal

dimension less than four feet (4 ft.) and a minimum depth of three feet (3 ft.); and

(5) If tree planting areas are located adjacent to vehicle overhangs, trees shall be planted within one foot (1 ft.) of lines extending from the stripes between parking spaces.

715.8 Any lighting used to illuminate a parking area or its accessory buildings shall be arranged so that all direct light rays are confined to the surface of the parking area.

715.9 The Board of Zoning Adjustment may grant, as a special exception, a full or partial reduction in the landscape standards for parking lots required by this section if, in addition to meeting the general requirements of Subtitle X, the applicant demonstrates that complying with the landscape standards is impractical because of size of lot, or other conditions relating to the lot or surrounding area that would tend to make full compliance unduly restrictive, prohibitively costly, or unreasonable.

SOURCE: Final Rulemaking & Order No. 08-06A published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 08-06D published at 63 DCR 10620 (August 19, 2016).

716 DRIVE-THROUGH QUEUING LANES

716.1 A driveway serving as a motor vehicle queuing lane shall conform to the standards in this section.

716.2 The queuing lane shall provide a minimum of five (5) queuing spaces before the first service location and one (1) queuing space after the last service location before entering public space.

716.3 No queuing space may be located within twenty feet (20 ft.) of any street lot line.

716.4 Each queuing space shall be a minimum of ten feet (10 ft.) in width by nineteen feet (19 ft.) in length and shall constitute an exclusive queuing lane.

716.5 The queuing lane shall not be the only entry or exit lane on the premises.

716.6 Any lighting used to illuminate the queuing lane shall be so arranged that all direct light rays are confined to the surface of the queuing lane.

SOURCE: Final Rulemaking & Order No. 08-06A published at 63 DCR 2447 (March 4, 2016 – Part 2).

717 EXCEPTIONS FROM PARKING SIZE, LAYOUT AND MAINTENANCE REQUIREMENTS FOR ATTENDANT PARKING

717.1 In an MU or D zone, the Zoning Administrator may waive the parking space dimensional, size, design, and striping requirements stated in Subtitle C §§ 712.4 through 712.7, and 713 for parking located within a building if:

(a) The parking area is a minimum of twenty-thousand square feet (20,000 sq. ft.);

(b) A minimum of two hundred eighty-five square feet (285 sq. ft.) of parking area will be provided for each parking space;

(c) Residential uses will occupy no more than twenty percent (20%) of the gross floor area of the building or structure;

(d) Parking will be managed from 7:00 a.m. to 7:00 p.m. by employed attendants to park the vehicles within the parking area; and

(e) No individual area measuring less than seven feet (7 ft.) by fourteen feet (14 ft.), exclusive of column obstructions, shall be used to park motor vehicles.

717.2 The request for a waiver under Subtitle C § 717.1 must be accompanied by:

(a) A written parking plan submitted to the Zoning Administrator that demonstrates how parking shall be provided if attendant parking is discontinued; and

(b) A certification by the building owner that the parking will be operated in conformance with Subtitle C § 717.3.

717.3 Parking granted a waiver pursuant to Subtitle C § 717.1 shall be operated in conformance with the following conditions:

(a) A permanent sign shall be posted at each entrance in full view of the public that states: "Attendant assisted parking is required by the District of Columbia Zoning Regulations," and that states the hours during which attendant parking is provided;

(b) The sign shall have a white background, with black lettering that is at least two inches (2 in.) in height;

(c) All parking areas and spaces provided under this subsection shall be designed and operated so that sufficient access and maneuvering space is available to permit the parking and removal of any vehicle without moving any other vehicle onto public space;

(d) Where aisles are provided, they shall meet the design requirements stipulated in Subtitle C § 712; and

(e) If attendant parking is discontinued, the parking spaces shall thereafter conform to the requirements in Subtitle C §§ 712.4 through 712.7, and 713 and the parking area shall be operated in conformance with the parking plan required by Subtitle C § 717.2(a). The purpose of the parking plan is to demonstrate that all unattended parking spaces will meet the size and layout requirements of these subsections, and that any minimum parking requirement will be met.

SOURCE: Final Rulemaking & Order No. 08-06A published at 63 DCR 2447 (March 4, 2016 – Part 2).

718 TEMPORARY SURFACE PARKING LOTS FOR BALLPARK

718.1 A temporary surface parking lot for the Ballpark shall be permitted on Squares 603, 605, 657, 658, 660, 661, 662, 662E, 664, 664E, 665, 700, 701, 707, 708, 708E, 708S, 744S, and 882; Square 658, Lot 7; Square 767, Lots 44-47; Square 768, Lots 19-22; and Square 769, Lots 18-21 ("the subject squares"), when permitted by the regulations of the relevant land use subtitle, and subject to the provisions of this section.

718.2 The cumulative total of all temporary surface parking spaces for which a valid building permit has been issued pursuant to this section shall not exceed three thousand seven hundred seventy-five (3,775) parking spaces, except as provided in Subtitle C § 718.7.

718.3 Any certificate of occupancy issued pursuant to this subsection shall expire no later than April 1, 2018, except that, with respect to Square 767, Lots 44-47; Square 768, Lots 19-22; and Square 882, Lot 77, any certificate of occupancy issued pursuant to this subsection shall expire no later than April 1, 2023.

718.4 The application for a building permit for matter-of-right construction shall include a detailed accounting demonstrating that the circumstances described in Subtitle C § 718.7 do not apply.

718.5 No certificates of occupancy for this use shall be issued until the District Department of Transportation has approved a traffic routing plan for the lot, which shall include the impact of other proposed lots if required by District Department of Transportation.

718.6 The traffic routing plan described in Subtitle C § 718.5 shall not direct traffic through I Street, S.W., P Street, S.W., or 4th Street, S.W.

718.7 If and when valid building permits issued pursuant to this section authorize an aggregate of three thousand seven hundred seventy-five (3,775) or more parking spaces, the construction and use of additional temporary spaces on any of the subject squares shall require special exception approval of the Board of Zoning

Adjustment pursuant to Subtitle X, and in accordance with Subtitle §§ 718.8 through 718.10 and the following provisions:

(a) Any certificate of occupancy issued pursuant to this subsection shall expire no later than April 1, 2018, except that, with respect to Square 767, Lots 44-47; Square 768, Lots 19-22; and Square 882, Lot 77, any certificate of occupancy issued pursuant to this subsection shall expire no later than April 1, 2023; and

(b) The Board of Zoning Adjustment application shall include a detailed accounting of the number and locations of temporary parking spaces provided pursuant to Subtitle C §§ 718.2 through 718.5; 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.

718.8 Any parking lot authorized by this section shall be available for exclusive use of attendees at any baseball game or other public event held at the Ballpark for a period extending from one and a half (1.5) hours prior to the scheduled start of the event, to three (3) hours after the event. At all other times, the parking lot may be used for:

(a) Parking on a general basis for Non-Commercial Motor Vehicles as that term is defined by 18 DCMR § 1312.3(c), except vehicles equipped to serve as temporary or permanent living quarters; or

(b) A seasonal or occasional market for produce, arts or crafts with non-permanent structures.

718.9 No use, other than permitted in this section shall be conducted from or upon the premises, and no structure other than an attendant's shelter shall be erected or used upon the premises unless the use or structure is otherwise permitted in the zone in which the parking lot is located.

718.10 A temporary surface parking lot provided in accordance with this section shall comply with provisions of Subtitle C §§ 711 through 715 and the following standards:

(a) A minimum of five percent (5%) of parking spaces shall be reserved for a registered and recognized, publicly accessible car/ride-share program with a significant District user base and a mandate that is not commuter-oriented; and

(b) The car/ride share spaces shall be provided in premium, visible, bannered locations, and will be available, for a fee, exclusively for this use until the start of the event on that day.

SOURCE: Final Rulemaking & Order No. 08-06A published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 07-08C published at 66 DCMR 7666 (June 28, 2019).

CHAPTER 8 BICYCLE PARKING

800 INTRODUCTION

800.1 Any building permit application for new construction or addition to an existing building shall be accompanied by a bicycle parking plan, which shall be depicted on detailed site plans and building plans and demonstrate full compliance with this chapter.

800.2 The Zoning Administrator may at his or her discretion, request that District Department of Transportation review and make a recommendation regarding any item on the bicycle parking plan prior to approving the building permit application.

800.3 No certificate of occupancy shall be issued unless the bicycle parking spaces have been constructed in accordance with the approved bicycle parking plan.

SOURCE: Final Rulemaking & Order No. 08-06A published at 63 DCR 2447 (March 4, 2016 – Part 2).

801 BICYCLE PARKING REQUIREMENTS

801.1 When bicycle parking spaces are required, signs shall be posted in a prominent place at each entrance to the building or structure stating where bicycle parking spaces are located.

801.2 A property owner shall provide and maintain all required bicycle parking spaces so long as the structure that the bicycle parking spaces are designed to serve exists. Maintenance of required bicycle parking spaces shall include keeping all racks and spaces clear of snow, ice, and any other obstructions.

801.3 Where required bicycle parking is provided as racks, the racks must meet the following standards:

(a) The bicycle frame and one (1) wheel can be locked to the rack with a high security U-shaped shackle lock without removing a wheel from the bicycle;

(b) A bicycle six feet (6 ft.) long can be securely held with its frame supported in at least two (2) places so that it cannot be pushed over or fall in a manner that would damage the wheels or components;

(c) Racks shall be placed a minimum of thirty inches (30 in.) on center from one another; twenty-four inches (24 in.) from any other obstructions; with a forty-eight inch (48 in.) minimum aisle separating racks; and provide a minimum clearance width of twelve inches (12 in.) for each bicycle; and

(d) The rack shall be securely anchored.

801.4 Each required bicycle parking space shall be accessible without moving another bicycle.

SOURCE: Final Rulemaking & Order No. 08-06A published at 63 DCR 2447 (March 4, 2016 – Part 2).

802 MINIMUM NUMBER OF BICYCLE PARKING SPACES

802.1 All residential uses with eight (8) or more dwelling units and non-residential uses with four thousand square feet (4,000 sq. ft.) or more of gross floor area shall provide bicycle parking spaces as follows:

TABLE C § 802.1: MINIMUM NUMBER OF BICYCLE PARKING SPACES

Use	Long-Term Spaces	Short-Term Spaces
Agriculture, large	None	2 spaces
Agriculture, residential	None	None
Animal sales, care and boarding	1 space for each 10,000 sq. ft.	1 space for each 10,000 sq. ft.
Antennas	None	None
Arts, design and creation	1 space for each 10,000 sq. ft.	1 space for each 20,000 sq. ft.
Basic utilities	1 space for each 20,000 sq. ft.	None
Chancery	1 space for each 5,000 sq. ft.	1 space for each 40,000 sq. ft.
Community-based institutional facility	1 space for each 10,000 sq. ft.	1 space for each 10,000 sq. ft.
Daytime care	1 space for each 10,000 sq. ft.	1 space for each 10,000 sq. ft.
Eating and drinking establishment	1 for each 10,000 sq. ft.	1 space for each 3,500 sq. ft.
Education, college / university	1 space for each 7,500 sq. ft.	1 space for each 2,000 sq. ft.
Education, private school	1 space for each 7,500 sq. ft.	1 space for each 2,000 sq. ft.
Education, public	1 space for each 7,500 sq. ft.	1 space for each 2,000 sq. ft.
Emergency shelter	1 space for each 10,000 sq. ft.	1 space for each 10,000 sq. ft.
Entertainment, assembly, and performing arts	1 space for each 10,000 sq. ft.	1 space for each 10,000 sq. ft.
Firearm sales	1 space for each 10,000 sq. ft.	1 space for each 3,500 sq. ft.
Government, large-scale	1 for each 7,500 sq. ft.	1 space for each 40,000 sq. ft. but no less than 6 spaces
Government, local	1 for each 7,500 sq. ft.	1 space for each 40,000 sq. ft. but no less than 6 spaces
Medical care	1 space for each 10,000 sq. ft.	1 space for each 40,000 sq. ft.
Institutional, general	1 space for each 7,500 sq. ft.	1 space for each 2,500 sq. ft. but no less than 8 spaces
Institutional, religious	1 space for each 7,500 sq. ft.	1 space for each 2,500 sq. ft. but no less than 8 spaces
Lodging	1 space for each 10,000 sq. ft.	1 space for each 40,000 sq. ft.
Marine	None	1 space for each 3,500 sq. ft.
Motor vehicle-related	1 space for each 20,000 sq. ft.	1 space for each 10,000 sq. ft.
Office	1 for each 2,500 sq. ft.	1 space for each 40,000 sq. ft.
Parking	None	None
Parks and recreation	None	1 space for each 10,000 sq. ft. but no less than 6 spaces
Production, distribution, & repair	1 space for each 20,000 sq. ft.	None
Residential apartment	1 space for each 3 dwelling units	1 space for each 20 dwelling units
Residential house	None	None

Use	Long-Term Spaces	Short-Term Spaces
Residential flat		
Residential, multiple dwelling unit	1 space for each 3 dwelling units	1 space for each 20 dwelling units
Residential, single dwelling unit Residential, flat	None	None
Retail	1 for each 10,000 sq. ft.	1 space for each 3,500 sq. ft.
Service, general	1 for each 10,000 sq. ft.	1 space for each 3,500 sq. ft.
Service, financial	1 for each 10,000 sq. ft.	1 space for each 3,500 sq. ft.
Sexually-based business establishment	1 for each 10,000 sq. ft.	1 space for each 10,000 sq. ft.
Transportation infrastructure	None	None
Waste-related services	1 space for each 20,000 sq. ft.	None

802.2 After the first fifty (50) bicycle parking spaces are provided for a use, additional spaces are required at one-half (0.5) the ratio specified in Subtitle C § 802.1

802.3 Notwithstanding Subtitle C §§ 802.1 and 802.2, no property shall be required to provide more than one hundred (100) short-term bicycle parking spaces. All properties with a long-term bicycle parking requirement shall provide at least two (2) long-term spaces, and all properties with a short-term requirement shall provide at least two (2) short-term spaces. The bicycle parking standards of this chapter shall be met when a new building is constructed.

802.4 When a property changes use categories or adds a use category, the property shall add any bicycle parking spaces necessary to meet the requirements for the new use. However, historic resources shall not be required to provide additional bicycle parking spaces for a change in use when the gross floor area of the building is not expanded.

802.5 An addition to an existing building, or the expansion of a use within a building, triggers additional bicycle parking requirements only when the gross floor area of the building or use is expanded or enlarged by twenty-five percent (25%) or more beyond the gross floor area on the effective date of this title, or in the case of a new building, the gross floor area used to calculate the initial parking requirement. The additional minimum parking required shall be calculated based upon the entire gross floor area added.

802.6 Additions to historic resources shall be required to provide additional bicycle parking spaces only for the addition's gross floor area and only when the addition results in at least a fifty percent (50%) increase in gross floor area beyond the gross floor area existing on the effective date of this title.

802.7 Special exception relief from additional bicycle parking requirements for historic resources is provided for in Subtitle C § 807.

802.8 If a use operates solely outside of a building, any expansion of that use shall conform to the applicable bicycle parking standards.

802.9 Uses governed by a campus plan are subject to the bicycle parking requirements approved by the Zoning Commission and are not subject to the bicycle parking requirements otherwise applicable.

802.10 When there is more than one (1) use on a lot, the number of bicycle parking spaces provided must equal the total required for all uses. If a single use falls into more than one (1) use category for which different bicycle parking minimums apply, the standard that requires the greater number of bicycle parking spaces shall apply.

SOURCE: Final Rulemaking & Order No. 08-06A published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 08-06D published at 63 DCR 10620 (August 19, 2016).

803 RULES OF CALCULATION

803.1 All bicycle parking standards shall be calculated on the basis of gross floor area, except for residential uses, which base bicycle parking standards on the number of dwelling units.

803.2 For purposes of calculating bicycle parking standards:

(a) Gross floor area does not include floor area devoted to off-street parking or loading facilities, including aisles, ramps, and maneuvering space, or space devoted exclusively to bicycle storage or support (lockers and showers) facilities; and

(b) Gross floor area shall include penthouse habitable space, except that recreation space for residents or tenants of the building or other ancillary space associated with a rooftop deck shall not be included.

803.3 Calculations of bicycle parking spaces that result in a fractional number of one-half (0.5) or more shall be rounded up to the next consecutive whole number. Any fractional result of less than one-half (0.5) shall be rounded down to the previous consecutive whole number.

SOURCE: Final Rulemaking & Order No. 08-06A published at 63 DCR 2447 (March 4, 2016 – Part 2).

804 SHORT-TERM BICYCLE PARKING SPACE REQUIREMENTS

804.1 Required short-term bicycle parking spaces shall be located either on the same lot as the use they are intended to serve or on public space within twenty feet (20 ft.) of the lot. A use providing short-term bicycle parking on adjacent public space must obtain approval of a public space application under Title 24 DCMR.

804.2 Required short-term bicycle parking spaces shall be located within one-hundred and twenty feet (120 ft.) of a primary entrance to the building they serve.

804.3 Areas devoted to short-term bicycle parking on private property shall be surfaced and maintained with an all-weather surface conforming to the requirements of Subtitle C § 713.1.

804.4 Required short-term bicycle parking spaces shall be provided as bicycle racks that meet the standards of Subtitle C § 801.3.

804.5 An aisle at least four feet (4 ft.) wide between rows of bicycle parking spaces and the perimeter of the area devoted to bicycle parking shall be provided. Aisles shall be kept clear of obstructions at all times. Where the bicycle parking is on or adjacent to a sidewalk, the aisle may extend into the right-of-way.

804.6 Required short-term bicycle parking spaces shall be provided in a convenient, well-lit location that can be viewed from the building the spaces are intended to serve. Required short-term bicycle parking spaces shall be available for shoppers, customers, commuters, messengers, and all other visitors to the site.

SOURCE: Final Rulemaking & Order No. 08-06A published at 63 DCR 2447 (March 4, 2016 – Part 2).

805 LONG-TERM BICYCLE PARKING SPACE REQUIREMENTS

805.1 All required long-term bicycle parking spaces shall be located within the building of the use requiring them.

805.2 Required long-term bicycle parking spaces shall be located no lower than the first cellar level or the first complete parking level below grade, and no higher than the first above-grade level. Spaces shall be available to employees, residents, and other building occupants.

805.3 Required long-term bicycle parking shall be provided as racks or lockers. Bicycle racks for required long-term parking shall be provided in a parking garage or a bicycle storage room.

805.4 Where required long-term bicycle parking is provided in a garage, it shall be clearly marked and be separated from adjacent motor vehicle parking spaces by wheel stops or other physical automobile barrier.

805.5 Where required long-term bicycle parking is provided in a bicycle room, the room shall have either solid walls or floor-to-ceiling fencing. The room shall have locked doors.

805.6 For any bicycle room with solid walls, the entirety of the interior of the bicycle room shall be visible from the entry door. A motion-activated security light enclosed in a tamper-proof housing shall be provided in each bicycle room.

805.7 Where required long-term bicycle parking is provided in lockers, the lockers shall be securely anchored and meet the following minimum dimensions:

(a) Twenty-four inches (24 in.) in width at the door end;

(b) Eight inches (8 in.) in width at the opposite end;

(c) Seventy-two inches (72 in.) in length; and

(d) Forty-eight inches (48 in.) in height.

805.8 Each required long-term bicycle parking space shall be directly accessible by means of an aisle of a minimum width of four feet (4 ft.) and have a minimum vertical clearance of seventy-five inches (75 in.). Aisles shall be kept clear of obstructions at all times.

805.9 A minimum of fifty percent (50%) of the required long-term bicycle parking spaces shall allow the bicycles to be placed horizontally on the floor or ground. Vertical bicycle racks shall support the bicycle without the bicycle being suspended.

805.10 Each required long-term bicycle parking space shall be a minimum width of twenty-four inches (24 in.), and shall be:

(a) A minimum of seventy-two inches (72 in.) in length if the bicycles are to be placed horizontally; or

(b) A minimum of forty inches (40 in.) in length if the bicycles are to be placed vertically.

805.11 Public schools may locate some or all required long-term bicycle parking spaces outside the school building generating the requirement subject to the following conditions:

(a) Required long-term bicycle parking spaces shall be located on the public school property on which the school building is located and shall be available to all occupants of the building;

(b) Required long-term bicycle spaces shall be located in one or more dedicated bicycle parking areas within one-hundred and twenty feet (120 ft.) of a primary entrance to the school building;

(c) Required long-term bicycle spaces shall be provided either as bicycle racks that meet the standards of Subtitle C §§ 801.3 and 801.4, or as bicycle lockers that meet the standards of Subtitle C § 805.7; and

(d) An aisle at least four feet (4 ft.) wide between rows of bicycle parking spaces and the perimeter of the area devoted to bicycle parking shall be provided. Aisles shall be kept clear of obstructions at all times.

SOURCE: Final Rulemaking & Order No. 08-06A published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 19-11 published at 67 DCR 3776 (April 3, 2020).

806 REQUIREMENTS FOR SHOWERS AND CHANGING FACILITIES – NON-RESIDENTIAL USES

806.1 The intent of this section is to ensure that long-term bicycle parking spaces are usable by the long-term occupants, especially employees, of non-residential uses.

806.2 The requirements of this section shall apply to:

(a) Newly constructed buildings; and

(b) Buildings that expand in gross floor area by more than twenty-five percent (25%).

806.3 Notwithstanding the requirements of Subtitle C §§ 806.4 through 806.6, public elementary schools shall provide a minimum of two (2) showers and two (2) clothing lockers for staff and shall not be required to provide shower and changing facilities for students.

806.4 A non-residential use that requires long-term bicycle parking spaces and that occupies more than twenty-five thousand square feet (25,000 sq. ft.) in gross floor area shall provide a minimum of two (2) showers. An additional two (2) showers shall be installed for every fifty thousand square feet (50,000 sq. ft.) of gross floor area above the first twenty-five thousand square feet (25,000 sq. ft.), up to a maximum requirement of six (6) showers.

806.5 A non-residential use that requires long-term bicycle parking spaces and that occupies more than twenty-five thousand square feet (25,000 sq. ft.) in gross floor area shall provide a minimum number of clothing lockers equal to six-tenths (0.6) times the minimum number of required long-term bicycle parking spaces. Each locker required by this subsection shall be a minimum of twelve inches (12 in.) wide, eighteen inches (18 in.) deep, and thirty-six inches (36 in.) high.

806.6 Showers and lockers required by this section shall be accessible to employees and other long-term occupants of the use requiring them. Showers and lockers shall be located within the same building as the use requiring them.

SOURCE: Final Rulemaking & Order No. 08-06A published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 08-06D published at 63 DCR 10620 (August 19, 2016): Final Rulemaking & Order No. 19-11 published at 67 DCR 3776 (April 3, 2020).

807 SPECIAL EXCEPTIONS FROM BICYCLE PARKING REQUIREMENTS

807.1 This section provides flexibility from the requirements of this chapter when providing the number of bicycle parking spaces or showers and changing facilities

required is impractical or contrary to other District regulations, or when it is unnecessary due to a lack of demand for bicycle parking.

807.2 The Board of Zoning Adjustment may grant, as a special exception, a full or partial reduction in the minimum number of long-term or short term bicycle parking spaces required for a use or structure, subject to the general requirements of Subtitle X, the limitations of Subtitle C § 807.3, and the applicant's demonstration of any of the following:

(a) Due to the physical constraints of the property, the required bicycle parking spaces cannot be provided on the lot or, in the case of short-term bicycle parking spaces, on abutting public space;

(b) The use or structure will generate demand for less bicycle parking than the minimum bicycle parking standards require, as a result of:

(1) The nature of the use or structure;

(2) Land use or topographical characteristics of the neighborhood that minimize the need for required bicycle parking spaces; or

(3) A transportation demand management plan approved by District Department of Transportation, the implementation of which shall be a condition of the Board of Zoning Adjustment's approval, that will result in demand for less short-term bicycle parking than the minimum bicycle parking standards require; or

(c) The nature or location of the historic resource precludes the provision of bicycle parking spaces; or providing the required bicycle parking would result in significant architectural or structural difficulty in maintaining the integrity and appearance of the historic resource.

807.3 A reduction in parking granted under Subtitle C § 807.2 shall only be for the amount that the applicant demonstrates cannot be physically provided, and proportionate to the reduction in bicycle parking demand demonstrated by the applicant.

807.4 The Board of Zoning Adjustment may grant, as a special exception, modifications or waivers to the requirements for showers and changing facilities in Subtitle C §§ 806.3, 806.4, and 806.5 if in addition to meeting the general requirements of Subtitle X, the applicant demonstrates that:

(a) The intent of Subtitle C § 806 is met; and

(b) Either:

(1) The use will not generate the demand for the full number of showers and changing facilities required; or

(2) The property owner has an arrangement to make use of showers and changing facilities off-site, and that the showers and changing facilities will be reasonably available to long-term occupants of the use requiring the facilities.

SOURCE: Final Rulemaking & Order No. 08-06A published at 63 DCR 2447 (March 4, 2016 – Part 2).

CHAPTER 9 LOADING

900 INTRODUCTION

900.1 Any building permit application for new construction or addition to an existing building shall be accompanied by a detailed loading plan demonstrating full compliance with this chapter.

900.2 The Zoning Administrator may, at his or her discretion, request that the District Department of Transportation review and make a recommendation regarding any item on the loading plan prior to approving the building permit application.

900.3 No certificate of occupancy shall be issued unless the loading facilities have been constructed in accordance with the approved loading plans.

SOURCE: Final Rulemaking & Order No. 08-06A published at 63 DCR 2447 (March 4, 2016 – Part 2).

901 LOADING REQUIREMENTS

901.1 All buildings or structures shall be provided with loading berths and service/delivery spaces as follows, except for structures erected on Kingman and Heritage Islands for which the construction of service delivery loading spaces shall be prohibited:

TABLE C § 901.1: LOADING BERTHS AND SERVICE/DELIVERY SPACES

Use	Minimum Number of Loading Berths Required	Minimum Number of Service/Delivery Spaces Required
Agriculture	None	None
Animal sales, care and boarding		
5,000 to 20,000 sq. ft. gross floor area	1	None
More than 20,000 to 100,000 sq. ft. gross floor area	2	1
More than 100,000 sq. ft. gross floor area	3	1
Antennas	None	None
Arts, design and creation		
5,000 to 20,000 sq. ft. gross floor area	1	None
More than 20,000 to 100,000 sq. ft. gross floor area	2	1
More than 100,000 sq. ft. gross floor area	3	1
Basic utilities		
20,000 to 50,000 sq. ft. gross floor area	1	1
More than 50,000 to 200,000 sq. ft. gross floor area	2	1
More than 200,000 sq. ft. gross floor area	3	1
Chancery		
30,000 to 100,000 sq. ft. gross floor area	1	1
More than 100,000 sq. ft. gross floor area	2	1

Use	Minimum Number of Loading Berths Required	Minimum Number of Service/Delivery Spaces Required
Community-based institutional facility		
30,000 to 100,000 sq. ft. gross floor area	1	1
More than 100,000 sq. ft. gross floor area	2	1
Daytime care		
30,000 to 100,000 sq. ft. gross floor area	1	1
More than 100,000 sq. ft. gross floor area	2	1
Education		
30,000 to 100,000 sq. ft. gross floor area	1	1
More than 100,000 sq. ft. gross floor area	2	1
Emergency shelter		
30,000 to 100,000 sq. ft. gross floor area	1	1
More than 100,000 sq. ft. gross floor area	2	1
Entertainment, assembly, and performing arts		
50,000 to 100,000 sq. ft. gross floor area	1	None
More than 100,000 to 500,000 sq. ft. gross floor area	2	None
More than 500,000 sq. ft. gross floor area	3	None
Firearm sales		
5,000 to 20,000 sq. ft. gross floor area	1	None
More than 20,000 to 100,000 sq. ft. gross floor area	2	1
More than 100,000 sq. ft. gross floor area	3	1
Food and alcohol services		
5,000 to 20,000 sq. ft. gross floor area	1	None
More than 20,000 to 100,000 sq. ft. gross floor area	2	1
More than 100,000 sq. ft. gross floor area	3	1
Government, large-scale		
30,000 to 100,000 sq. ft. gross floor area	1	1
More than 100,000 sq. ft. gross floor area	2	1
Government, local		
30,000 to 100,000 sq. ft. gross floor area	1	1
More than 100,000 sq. ft. gross floor area	2	1
Health care		
30,000 to 100,000 sq. ft. gross floor area	1	1
More than 100,000 sq. ft. gross floor area	2	1
Institutional		
30,000 to 100,000 sq. ft. gross floor area	1	1
More than 100,000 sq. ft. gross floor area	2	1
Lodging		
10,000 to 50,000 sq. ft. gross floor area	1	None
More than 50,000 to 100,000 sq. ft. gross floor area	2	None
More than 100,000 to 500,000 sq. ft. gross floor area	3	None
More than 500,000 sq. ft. gross floor area	4	None
Marine		
30,000 to 100,000 sq. ft. gross floor area	1	1
More than 100,000 sq. ft. gross floor area	2	1

Use	Minimum Number of Loading Berths Required	Minimum Number of Service/Delivery Spaces Required
Motor vehicle-related		
5,000 to 20,000 sq. ft. gross floor area	1	None
More than 20,000 to 100,000 sq. ft. gross floor area	2	1
More than 100,000 sq. ft. gross floor area	3	1
Office		
20,000 to 50,000 sq. ft. gross floor area	1	1
More than 50,000 to 200,000 sq. ft. gross floor area	2	1
More than 200,000 sq. ft. gross floor area	3	1
Parking	None	None
Parks and recreation		
More than 30,000 sq. ft. gross floor area	None	1
Production, distribution, and repair		
5,000 to 25,000 sq. ft. gross floor area	1	None
More than 25,000 sq. ft. gross floor area	2	None
For each 100,000 sq. ft. gross floor area more than 50,000 sq. ft.	1	None
Residential		
More than 50 dwelling units	1	1
Retail		
5,000 to 20,000 sq. ft. gross floor area	1	None
More than 20,000 to 100,000 sq. ft. gross floor area	2	1
More than 100,000 sq. ft. gross floor area	3	1
Service		
5,000 to 20,000 sq. ft. gross floor area	1	None
More than 20,000 to 100,000 sq. ft. gross floor area	2	1
More than 100,000 sq. ft. gross floor area	3	1
Sexually-oriented business establishment		
5,000 to 20,000 sq. ft. gross floor area	1	None
More than 20,000 to 100,000 sq. ft. gross floor area	2	1
More than 100,000 sq. ft. gross floor area	3	1
Transportation infrastructure	None	None
Waste-related services		
5,000 to 25,000 sq. ft. gross floor area	1	None
More than 25,000 sq. ft. gross floor area	2	None
For each 100,000 sq. ft. gross floor area more than 50,000 sq. ft.	1	None

901.2 The loading requirements shall be met when a new building or structure is constructed.

901.3 No loading berths are required for buildings or structures with a gross floor area less than the minimum specified in Subtitle C § 901.1.

901.4 Each loading berth shall be accompanied by one (1) adjacent loading platform.

901.5 When a property changes or adds a use category, the following shall apply:

(a) Additional loading berths, loading platforms and service/delivery spaces shall be required only when the minimum number of loading spaces required for the new use category exceeds the number of spaces required for the prior use category that occupied the same floor area;

(b) When determining the amount of additional required loading, it shall be assumed that the previous use provided the minimum number of spaces required; and

(c) Historic resources shall not be required to provide additional loading for a change in use without expansion.

901.6 Unless the existing building has provided the maximum requirements under this chapter, an addition to an existing building, or the expansion of a use within a building triggers additional loading requirements only when the gross floor area of the building or use is expanded or enlarged by twenty-five percent (25%) or more beyond the gross floor area on the effective date of this title, or in the case of a new building, the gross floor area used to calculate the initial loading requirement. The additional minimum loading berths and service/delivery spaces required shall be calculated based upon the entire gross floor area added.

901.7 An addition to a historic resource shall be required to provide additional loading berths, loading platforms, and service/delivery spaces only for the addition's gross floor area and only when the addition results in at least a fifty percent (50%) increase in gross floor area beyond the gross floor area existing on the effective date of this title.

901.8 Where two (2) or more uses share a building or structure, the uses may share loading as long as internal access is provided from all shared uses requiring loading.

901.9 For a building or structure having three (3) or more required loading berths in one (1) location, the loading berths may be stacked.

901.10 No other use shall be conducted from or upon the loading berth or service/delivery space or any portion thereof.

901.11 Each service/delivery space shall be clearly marked "For Service and Delivery Vehicles Only" and used exclusively for such vehicles.

SOURCE: Final Rulemaking & Order No. 08-06A published at 63 DCR 2447 (March 4, 2016 – Part 2).

902 RULES OF MEASUREMENT

902.1 When two (2) or more non-residential uses in the same use category share a building or structure, all of the uses in the same use category shall be added

together to derive the total gross floor area, to determine the required number of berths and spaces for that use category.

902.2 When two (2) or more uses in different use categories share a building or structure, the building or structure is only required to provide enough berths and spaces to meet the requirement for the use category with the highest requirement, and not the combination of requirements for all use categories provided that all uses that require loading have access to the loading area.

902.3 At least one (1) loading berth shall be provided when the sum of the gross floor area of the separate uses exceeds the minimum gross floor area requiring loading berths for any one of the separate uses.

902.4 For purposes of calculating loading requirements for non-residential uses:

(a) Gross floor area does not include floor area devoted to off-street parking or loading facilities, including aisles, ramps, and maneuvering space or space devoted exclusively to bicycle storage or support (lockers and showers) facilities; and

(b) Gross floor area shall include penthouse habitable space except that recreation space for tenants of the building or other ancillary space associated with a rooftop deck shall not be included.

SOURCE: Final Rulemaking & Order No. 08-06A published at 63 DCR 2447 (March 4, 2016 – Part 2).

903 LOCATION RESTRICTIONS

903.1 Except as provided in this section, all loading berths and service/delivery spaces shall be located as follows:

(a) Within the building or structure the berths or spaces are designed to serve;

(b) Within the rear yard of the building they are intended to serve; or

(c) Within a court or side yard of the building they are intended to serve, provided that on a lot that is within or adjacent to an R, RF, RA, or NC zone, the loading berths and service/delivery loading spaces shall be at least six feet (6 ft.) from any side lot line.

903.2 Loading facilities in PDR zones are not subject to the requirements of Subtitle C § 903.1. However, loading facilities:

(a) Located in a side yard on a lot that is within or adjacent to an R, RF, RA, or NC zone shall be at least six feet (6 ft.) from any side lot line; and

(b) May be located within a required transitional setback only as a special exception.

903.3 All loading platforms shall be located contiguous and with unobstructed access to the loading berth and shall have unobstructed access to an entrance to the building or structure.

903.4 All uses that require loading berths shall be capable of accessing the loading facilities.

903.5 All loading berths shall be designed so that no vehicle or any part thereof shall project over any lot line, front setback line, or building restriction line.

903.6 Required loading berths may be provided in facilities designed to serve jointly two (2) or more adjoining buildings or structures on lots that share a party wall or lot line or are separated only by an alley within a single square; provided:

(a) The number of berths in the joint facilities shall not be less than that required for the total combined requirement in Subtitle C § 901.1; and

(b) A binding covenant running with the land for the benefit of the District of Columbia, found technically sufficient by the Zoning Administrator and legally sufficient by the Office of the Attorney General, that ensures the joint use of the loading berths and entered into by all property owners concerned, shall be recorded in the land records of the District of Columbia for the affected properties. A certified true copy of the recorded covenant shall be filed with the Zoning Administrator. Joint use of the loading berths by all parties involved shall continue in effect so long as the binding agreement remains in force. If the agreement becomes legally ineffective or inoperable, the loading berths shall be provided as otherwise required by Subtitle C § 901.1.

SOURCE: Final Rulemaking & Order No. 08-06A published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 19-26 published at 67 DCR 13131 (November 6, 2020).

904 ACCESS REQUIREMENTS

904.1 All loading berths and service/delivery spaces shall be accessible at all times from a driveway meeting the requirements of Subtitle C §§ 904.2 and 904.3.

904.2 A driveway or access aisle leading to a loading berth or service/delivery space shall have a minimum width of twelve feet (12 ft.), a maximum width of twenty-four (24) feet, and a maximum slope of twelve percent (12%).

904.3 No driveway providing access to a loading berth or service/delivery space shall be located in such a way that a vehicle entering or exiting from the loading berth blocks any street intersection.

904.4 A loading berth or service/delivery space shall be designed so that it is usable and accessible by the vehicles that it is intended to serve.

904.5 All loading berth or service/delivery space shall be located to be accessed from a public alley, where an open and improved alley of fifteen feet (15 ft.) width exists.

SOURCE: Final Rulemaking & Order No. 08-06A published at 63 DCR 2447 (March 4, 2016 – Part 2).

905 SIZE AND LAYOUT REQUIREMENTS

905.1 The intent of this section is to ensure that loading facilities are adequately sized and capable of performing their intended functions.

905.2 All loading berths shall be a minimum of twelve feet (12 ft.) wide, have a minimum depth of thirty feet (30 ft.) and have a minimum vertical clearance of fourteen feet (14 ft.).

905.3 All service/delivery spaces shall be a minimum of ten feet (10 ft.) wide, have a minimum depth of twenty feet (20 ft.), and have a minimum vertical clearance of ten feet (10 ft.).

905.4 All loading berths shall be accompanied by one (1) adjacent loading platform that meets the following requirements:

(a) A loading berth that is less than fifty-five feet (55 ft.) deep shall have a platform that is at least one hundred square feet (100 sq. ft.) and at least eight feet (8 ft.) wide;

(b) A loading berth that is fifty-five feet (55 ft.) deep or greater shall have a platform that is at least two hundred square feet (200 sq. ft.) and at least twelve feet (12 ft.) wide;

(c) Loading platforms shall have a minimum vertical clearance of ten feet (10 ft.); and

(d) A loading platform floor shall consist of one (1) horizontal level.

905.5 No loading platform need be provided for loading berths if the required loading berth is increased in depth for the full width thereof, such that the resulting enlarged loading berth is equal in area to the combined area of a required loading berth and a required loading platform.

905.6 The dimensions specified in this section for loading berths and service/delivery spaces are exclusive of access aisles, maneuvering space, and loading platforms.

SOURCE: Final Rulemaking & Order No. 08-06A published at 63 DCR 2447 (March 4, 2016 – Part 2).

906 MAINTENANCE REQUIREMENTS

906.1 All loading berths and service/delivery spaces including access aisles, driveways, and maneuvering areas shall be surfaced and maintained with an all-weather surface.

906.2 A loading berth or service/delivery space, including access aisles, driveways, and maneuvering areas, shall be maintained and used as a loading berth or service/delivery space for as long as the use exists that the loading berth or service/delivery space is designed to service.

SOURCE: Final Rulemaking & Order No. 08-06A published at 63 DCR 2447 (March 4, 2016 – Part 2).

907 TRASH ROOM AND RECEPTACLE REQUIREMENTS

907.1 Buildings requiring loading shall have a designated trash area either within the building or within a loading berth or within an accessory building or structure immediately adjacent to the loading area or within an enclosed receptacle in a designated trash area within the loading area. All new development over two thousand square feet (2,000 sq. ft.) of gross floor area other than buildings with only one (1) or two (2) dwelling units must clearly show the area for the building's trash receptacles on the building plans.

907.2 Except for single dwelling units and flats, trash receptacles external to a building shall be screened and covered.

SOURCE: Final Rulemaking & Order No. 08-06A published at 63 DCR 2447 (March 4, 2016 – Part 2).

908 SCREENING AND LIGHTING REQUIREMENTS

908.1 All loading berths or service/delivery spaces that are not enclosed within a building and are located in a zone other than a PDR zone or a PDR zone that abuts an R, RF, or RA zone, shall have screening around the entire perimeter, subject to the standards of Subtitle C §§ 908.3 and 908.4.

908.2 Screening is not required if the loading area is in a rear yard and separated from all contiguous property by at least twenty-five feet (25 ft.).

908.3 The screening required by Subtitle C § 908.1 shall be a solid masonry wall at least twelve inches (12 in.) thick and seventy-two inches (72 in.) high. The wall shall harmonize with the main structure in architectural character, material, and color.

908.4 Gaps in the screening are allowed only to provide driveways and pedestrian exits or entrances that open directly onto a street or alley. No individual gap may exceed twenty feet (20 ft.) in width.

908.5 Any lighting used to illuminate a loading berth, loading platform, or service/delivery space shall be arranged so that all direct light rays are confined to the surface of the berth, platform, or space.

SOURCE: Final Rulemaking & Order No. 08-06A published at 63 DCR 2447 (March 4, 2016 – Part 2).

909 SPECIAL EXCEPTIONS FROM LOADING REQUIREMENTS

909.1 This section provides flexibility from the loading requirements when providing the number of spaces required is impractical or contrary to other District regulations.

909.2 The Board of Zoning Adjustment may grant, as a special exception, a full or partial reduction of the number of loading berths or service/delivery spaces required by Subtitle C § 901.1 if, in addition to meeting the general requirements of Subtitle X, Chapter 9, the applicant demonstrates that:

(a) The only means by which a motor vehicle could access the lot is from a public street, and provision of a curb cut or driveway on the street would violate any regulation in this chapter, or in Chapters 6 or 11 of Title 24 DCMR; or

(b) The loading berths or service/delivery spaces are required for an addition to a historic resource, and providing the required loading facilities would result in significant architectural or structural difficulty in maintaining the integrity and appearance of the historic resource.

909.3 The Board of Zoning Adjustment may grant, as a special exception, a waiver of the access requirements of Subtitle C §§ 904.2 and 904.3 if, in addition to meeting the general requirements of Subtitle X, the applicant demonstrates:

(a) The lot has unusual topography, grades, shape, size, or dimensions; or

(b) Alternate access arrangements would improve site design, landscaping, or traffic patterns or provide safer ingress or egress.

909.4 The Board of Zoning Adjustment may grant, as a special exception, modifications, or waivers of the screening requirements of Subtitle C § 908 if, in addition to meeting the general requirements of Subtitle X, the applicant demonstrates that:

(a) Existing protective and screening walls on the lot or on adjacent property are adequate to prevent adverse impacts on adjacent property; or

(b) Provision of protective screening walls would result in the removal of healthy trees or other landscaping, or architectural features determined by the Board of Zoning Adjustment to be worthy of protection or to provide equal screening benefits.

909.5 When granting a special exception under this section, the Board of Zoning Adjustment may impose conditions as to screening, lighting, coping, setbacks, fences, location of entrances and exits, widening of abutting alleys, loading

management or transportation demand management practices, or any other requirement it deems necessary to protect adjacent or nearby property and promote the public health, safety, and welfare.

SOURCE: Final Rulemaking & Order No. 08-06A published at 63 DCR 2447 (March 4, 2016 – Part 2).

CHAPTER 10 INCLUSIONARY ZONING

1000 INTRODUCTION

1000.1 The purposes of the Inclusionary Zoning (IZ) Program are:

(a) To further the Housing Element of the Comprehensive Plan by increasing the amount and expanding the geographic distribution of adequate, affordable housing available to current and future residents;

(b) To utilize the skills and abilities of private developers to produce quality affordable housing;

(c) To leverage private development, combined where appropriate with zoning density increases, to produce affordable housing throughout the District of Columbia;

(d) To mitigate the impact of market-rate residential development on the availability and cost of housing available and affordable to low- and moderate-income households;

(e) To increase the production of affordable housing units throughout the District to meet existing and anticipated housing and employment needs;

(f) To provide for a full range of housing choices throughout the District for households of all incomes, sizes, and age ranges to preserve diversity and to ensure the benefits of economic integration for the residents of the District;

(g) To stabilize the overall burden of housing costs on low- and moderate-income households;

(h) To create a stock of housing that will be affordable to low- and moderate-income residents over a long term; and

(i) To make homeownership opportunities available to low- and moderate-income residents.

1000.2 It is the intent of the Zoning Commission to promulgate only such regulations as are necessary to establish the minimum obligations of property owners applying for building permits or certificates of occupancy under the IZ Program. All other aspects of the IZ Program, including the setting of maximum purchase prices and rents, the minimum size of the units, the selection and obligations of eligible households, administrative flexibility to ensure occupancy, and the establishment of enforcement mechanisms such as covenants and certifications, shall be governed by the IZ Act:

(a) The Inclusionary Zoning Implementation Amendment Act of 2006; and

(b) Chapter 22 of the Housing Regulations (Title 14 DCMR).

SOURCE: Final Rulemaking & Order No. 08-06A published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 04-33G published at 63 DCR 15404 (December 16, 2017, effective June 5, 2017).

1001 APPLICABILITY

1001.1 Achievable bonus density is the amount of the permitted bonus density that is utilized within a particular Inclusionary Development provided in Subtitle C § 1002.

1001.2 Except as provided in Subtitle C § 1001.5, the requirements of this chapter shall apply to, and the modifications to certain development standards and bonus density of this chapter shall be available to, developments in zones in which this chapter is identified as applicable as specified in the individual subtitles of this title; provided the development falls into one of the following categories:

(a) A "Mandatory Inclusionary Development" – a development that meets one or more of the following criteria:

(1) Is proposing new gross floor area beyond that existing at the time of the building permit application that would result in ten (10) or more new dwelling units, including dwelling units located in a cellar or penthouse;

(2) Will have ten (10) or more new dwelling units constructed concurrently or in phases, on a lot, on contiguous lots, or on lots divided by an alley, if such lots were under common ownership, control, or affiliation within one (1) year prior to the application for the first building permit; or

(3) Consists of a residential building that has penthouse habitable space pursuant to Subtitle C § 1500.11; or

(b) A "Voluntary Inclusionary Development" – any single household dwelling, row dwelling, flat, or multiple dwelling development not described in Subtitle C § 1001.2(a) if the owner voluntarily agrees to comply with the requirements of Subtitle C, Chapter 10, provided:

(1) The square footage set aside achieves a minimum of one (1) Inclusionary Unit;

(2) Modifications to development standards shall only be allowed as specified in the development standards of the individual zones pursuant to Subtitle C § 1002; and

(3) Any use of the modifications of development standards and bonus density authorized by Subtitle C § 1002 and in the development standards of the individual zones in the R-2, R-3, R-10, R-13, R-

17, R-20, RF-1, RF-2, RF-3, RF-4, RF-5, or the RA-1 zones shall require special exception approval pursuant to Subtitle X, Chapter 9 and to Subtitle D § 5206, Subtitle E § 5206, or Subtitle F § 5206, as applicable.

1001.3 If more than one (1) building permit is issued for a development, the number of dwelling units and new gross floor area used to establish the applicability of the IZ requirements, and associated IZ modifications, shall be based on all the building permits issued for the development within a three (3)-year period, starting from the issuance of the first building permit for the development.

1001.4 For existing buildings that become subject to the requirements of this chapter pursuant to Subtitle C § 1001.2, the requirements of Subtitle C §§ 1003.1 and 1003.2 and the available modifications to applicable development standards shall apply:

(a) To both the existing and new gross floor area if the new gross floor area:

(1) Utilizes the bonus density provided by Subtitle C § 1002; or

(2) Results in an increase of fifty percent (50%) or more in the building's existing gross floor area; and

(b) To only the new gross floor area if it:

(1) Does not utilize the bonus density provided by Subtitle C § 1002; and

(2) Does not result in an increase of fifty percent (50%) or more in the building's existing gross floor area.

1001.5 Except for new penthouse habitable space as described in Subtitle C § 1500.11, the requirements of this chapter shall not apply to hotels, motels, or inns.

1001.6 The requirements of this chapter shall not apply to:

(a) Any development subject to a mandatory affordable housing requirement that exceeds the requirements of this chapter as a result of District law or financial subsidies funded in whole or in part by the Federal or District Government and administered and/or monitored by the Department of Housing and Community Development (DHCD), the District of Columbia Housing Finance Agency (DCHFA), or the District of Columbia Housing Authority (DCHA); provided:

(1) The development shall set aside, for so long as the project exists, affordable dwelling units (Exempt Affordable Units) in accordance with the minimum income standards of Subtitle C § 1001.6(a)(2) and equal to at least the gross square footage that would have been

otherwise required pursuant to the set-aside requirements in subtitle C § 1003 for the zone in which the development is located;

(2) The Exempt Affordable Units shall be reserved as follows:

(i) The square footage set aside for rental units shall be at or below sixty percent (60%) MFI; and

(ii) The square footage set aside for ownership units shall be at or below eighty percent (80%) MFI;

(3) The Exempt Affordable Units shall be sold or rented in accordance with the Inclusionary Zoning Program (as defined by the IZ Act) upon the expiration of the affordable housing requirements of the District law or financial subsidies administered by DHCD, DCHFA, or DCHA;

(4) The requirements set forth in subparagraphs (1), (2), and (3) of this paragraph, shall be stated as declarations within a covenant running with the land for the benefit of the District of Columbia, found technically sufficient by the Zoning Administrator and legally sufficient by the Office of the Attorney General; and

(5) The approved covenant shall be recorded in the land records of the District of Columbia prior to the date that the first application for a certificate of occupancy is filed for the project; except that for developments that include buildings with only one (1) dwelling unit, the covenant shall be recorded before the first purchase agreement or lease is executed; and

(b) Boarding houses, assisted living facilities, community residence facilities, youth residential care homes, substance abusers' homes, community based institutional facilities, or single room occupancy projects within a single building;

(c) Housing developed by or on behalf of a local college or university exclusively for its students, faculty, or staff; and

(d) Housing that is owned or leased by foreign missions exclusively for diplomatic or official staff.

1001.7 No exemption may be granted pursuant to Subtitle C § 1001.6(a) unless the Zoning Administrator receives a written certification from the DHCD Director that the development meets the requirements of Subtitle C §§ 1001.6(a)(1) and (4).

1001.8 If a development exempted from this chapter under Subtitle C §§ 1001.5 and 1001.6(b)-(d) is converted to a residential use not listed in Subtitle C §§ 1001.5

and 1001.6, the conversion shall be subject to the requirements of this chapter if the first building permit application for the conversion is filed within five (5) years of the issuance of the first building permit for the exempted development, unless the conversion is otherwise exempted.

1001.9 IZ units or square footage required by an order of the Zoning Commission or the Board of Zoning Adjustment that exceeds IZ requirements shall comply with the requirements of this chapter, unless otherwise specified in the order.

1001.10 The requirements of this chapter shall automatically terminate if title to the mortgage property is transferred following foreclosure by, or deed-in-lieu of foreclosure to, a mortgagee in the first position, or a mortgage in the first portion is assigned to the Secretary of the U.S. Department of Housing and Urban Development (HUD).

SOURCE: Final Rulemaking & Order No. 08-06A published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 08-06D published at 63 DCR 10620 (August 19, 2016); Final Rulemaking & Order No. 04-33H published at 63 DCR 15420 (December 16, 2016); Final Rulemaking & Order No. 04-33G published at 63 DCR 15404 (December 16, 2017, effective June 5, 2017); Final Rulemaking & Order No. 17-04 published at 64 DCR 7264 (July 28, 2017); Final Rulemaking & Order No. 17-23 published at 66 DCR 2337 (February 22, 2019); Final Rulemaking & Order No. 04-33I published at 66 DCR 13705 (October 18, 2019); Final Rulemaking & Order No. 19-26 published at 67 DCR 13131 (November 6, 2020).

1002 MODIFICATIONS OF DEVELOPMENT STANDARDS AND BONUSES TO INCENTIVIZE INCLUSIONARY ZONING

1002.1 Developments subject to the Inclusionary Zoning (IZ) provisions of this chapter are eligible for the modifications of development standards and bonus density established in this section.

1002.2 An Inclusionary Development is eligible for modifications to certain development standards as indicated in the specific development standards of each zone; provided that a Voluntary Inclusionary Development may only utilize these modifications pursuant to Subtitle C § 1001.2(b) if applicable.

1002.3 Inclusionary Developments, except those located in the R, RF, SEFC, HE, StE, and WR zones, may construct up to twenty percent (20%) more gross floor area than permitted as a matter of right ("bonus density") as reflected in the zone-specific development standards and subject to all other zoning requirements (as may be modified by the zone) and the limitations established by the Height Act.

1002.4 An Inclusionary Development that has met its IZ set-aside requirements and used all the bonus density permitted by IZ may be eligible for other bonus density permitted by other chapters of this title, provided the Inclusionary Development's total density does not exceed the FAR-maximum associated with the zone permitting that additional bonus density.

1002.5 A development exempted by Subtitle C § 1001.6(a) may, nevertheless, utilize the bonus density and zoning modifications provided for in this section.

SOURCE: Final Rulemaking & Order No. 08-06A published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 08-06D published at 63 DCR 10620 (August 19, 2016); Final Rulemaking & Order No. 08-06G published at 64 DCR 22 (January 6, 2017); Final Rulemaking & Order No. 04-33G published at 63 DCR 15404 (December 16, 2017, effective June 5, 2017); Final Rulemaking & Order No. 04-33I published at 66 DCR 13705 (October 18, 2019).

1003 SET-ASIDE REQUIREMENTS

1003.1 An Inclusionary Development which does not employ Type I construction as classified in Chapter 6 of the District of Columbia Building Code (Title 12-A DCMR) to construct a majority of dwelling units and which is located in a zone with a by-right height limit, exclusive of any bonus height, of fifty feet (50 ft.) or less shall set aside for Inclusionary Units the sum of the following:

(a) The greater of ten percent (10%) of the gross floor area dedicated to residential use excluding penthouse habitable space or seventy-five percent (75%) of the bonus density utilized; and

(b) An area equal to ten percent (10%) of the penthouse habitable space as described in Subtitle C § 1500.11.

This set-aside requirement shall be converted to net square footage pursuant to Subtitle C § 1003.4.

1003.2 An Inclusionary Development which employs Type I construction as classified in Chapter 6 of the District of Columbia Building Code (Title 12-A DCMR) to construct a majority of dwelling units, or which is located in a zone with a by-right height limit, exclusive of any bonus height, that is greater than fifty feet (50 ft.), shall set aside for Inclusionary Units the sum of the following:

(a) The greater of eight percent (8%) of the gross floor area dedicated to residential use excluding penthouse habitable space or fifty percent (50%) of the bonus density utilized; and

(b) An area equal to eight percent (8%) of the penthouse habitable space as described in Subtitle C § 1500.11.

This set-aside requirement shall be converted to net square footage pursuant to Subtitle C § 1003.4.

1003.3 Except as provided in Subtitle C §§ 1003.5 through 1003.6, inclusionary units resulting from the set asides required by §§ 1003.1 and 1003.2 shall be reserved for households earning equal to or less than:

(a) Sixty percent (60%) of the MFI for rental units; and

(b) Eighty percent (80%) of the MFI for ownership units.

1003.4 The square footage required to be set-aside for Inclusionary Units pursuant to Subtitle C §§ 1003.1 and 1003.2 shall be converted to net square footage based on the ratio of net residential floor area to gross residential floor area. For purposes of this chapter, "net residential floor area" means:

(a) For flats and multiple dwellings, the area of a unit that is bounded by the inside finished surface of the perimeter wall of each unit including all interior walls and columns; and

(b) For all other types of dwelling units and penthouse habitable space, the gross floor area.

1003.5 An Inclusionary Development that results from a conversion of a single dwelling unit or flat to a multiple dwelling unit development in an RF zone for four (4) or more dwelling units approved by the Board of Zoning Adjustment shall set aside every even numbered dwelling unit beginning at the fourth (4^{th}) unit as an inclusionary unit.

1003.6 An Inclusionary Development that results from a conversion of a single dwelling unit or flat to a multiple dwelling unit development in an RF zone for four (4) or more dwelling units approved by the Board of Zoning Adjustment shall set aside one hundred percent (100%) of inclusionary units for eligible households earning equal to or less than eighty percent (80%) of the MFI.

1003.7 Notwithstanding Subtitle C § 1003.3, one hundred percent (100%) of inclusionary units resulting from the set-aside required for penthouse habitable space shall be set aside for eligible households earning equal to or less than fifty percent (50%) of the MFI.

1003.8 An Inclusionary Development's entire residential floor area including dwelling units located in cellar space or enclosed building projections that extend into public space, shall be included for purposes of calculating the minimum set-aside requirements of Subtitle C §§ 1003.1 and 1003.2

1003.9 The square footage set aside applicable to an inclusionary development that is exclusively comprised of ownership units may be reduced by twenty percent (20%) provided all the units are set aside to households earning equal to or less than sixty percent (60%) of the MFI.

1003.10 Increases in FAR as a result of variances granted by the Board of Zoning Adjustment shall be included within gross floor area for the purposes of calculating the maximum IZ requirement.

SOURCE: Final Rulemaking & Order No. 08-06A published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 14-13C published at 63 DCR 9110 (July 1, 2016); Final Rulemaking & Order No. 04-33G published at 63 DCR 15404 (December 16, 2017, effective June 5, 2017); Final Rulemaking & Order No. 04-33I published at 66 DCR 13705 (October 18, 2019).

1004 PURCHASE AND TENANCY REGULATIONS

1004.1 Except as provided for in Subtitle C § 1004.2 all inclusionary units created pursuant to this chapter shall be leased or sold only to eligible households for so long as the inclusionary development exists.

1004.2 An owner/occupant of an inclusionary unit may not sell the unit at a price greater than that established by the Mayor pursuant to D.C. Official Code § 6-1041.03 of the IZ Act unless the price is offered by the Mayor or a Housing Trust authorized by the Mayor;

(a) No eligible household shall be offered an inclusionary unit for rental or sale at an amount greater than that established by the Mayor pursuant to D.C. Official Code § 6-1041.03 of the IZ Act;

(b) The Mayor or DCHA shall have the right to purchase the greater of one (1) IZ unit or twenty-five percent (25%) of inclusionary units in a for-sale inclusionary development, or any number agreed to by the owner of the development, in accordance with procedures set forth in the IZ Act.

1004.3 Notwithstanding Subtitle C § 1004.2, nothing shall prohibit the Mayor or DCHA from acquiring title to inclusionary units in a for-sale inclusionary development if any of the following circumstances exist:

(a) There is a risk that title to the units will be transferred by foreclosure or deed-in-lieu of foreclosure, or that the units' mortgages will be assigned to the Secretary of the U.S. Department of Housing and Urban Development (HUD); or

(b) Title to the units has been transferred by the foreclosure or deed-in-lieu of foreclosure, or the units' mortgages have been assigned to HUD.

SOURCE: Final Rulemaking & Order No. 08-06A published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 04-33G published at 63 DCR 15404 (December 16, 2017, effective June 5, 2017).

1005 DEVELOPMENT STANDARDS REGARDING INCLUSIONARY UNITS

1005.1 Where the set-aside requirement of Subtitle C § 1003 (excluding any set-aside requirement satisfied by providing a contribution to a housing trust fund pursuant to Subtitle C § 1006.10) is 850 square feet or more, the first Inclusionary Unit shall be a unit with at least two bedrooms, and subsequent Inclusionary Units shall be allocated such that:

(a) The percentage of all Inclusionary Units that are studios shall not exceed the percentage of all market-rate units that are studios; and

(b) The percentage of all Inclusionary Units that have only one (1) bedroom shall not exceed the percentage of all market-rate units that have only one (1) bedroom.

1005.2 All inclusionary units shall be comparable in exterior design, materials, and finishes to the market-rate units.

1005.3 The interior amenities of Inclusionary Units, such as finishes and appliances, shall be comparable to the market-rate units but may consist of less expensive materials and equipment, provided the interior amenities are durable, of good quality, and consistent with contemporary standards for new housing.

1005.4 All Inclusionary Units in an Inclusionary Development shall be constructed prior to or concurrently with the construction of market-rate units, except that in a phased development, the Inclusionary Units shall be constructed at a pace that is proportional to the construction of the market-rate units.

1005.5 Inclusionary Units shall not be overly concentrated by tenure, dwelling type, including single dwelling units, flats, or multiple dwellings, or on any floor of a project.

1005.6 In an Inclusionary Development subject to Subtitle C § 1001.4, Inclusionary Units may be located solely in the new gross floor area provided all the existing units were occupied at the date of application for the building permit for the new gross floor area and all other requirements of this chapter are met.

1005.7 Inclusionary Units in apartment houses shall not be located in cellar space.

1005.8 For Inclusionary Developments, a bedroom shall mean a habitable room with immediate access to an exterior window and a closet that is designated as a "bedroom" or "sleeping room" on construction plans submitted in an application for a building permit.

SOURCE: Final Rulemaking & Order No. 08-06A published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 04-33G published at 63 DCR 15404 (December 16, 2017, effective June 5, 2017); Final Rulemaking & Order No. 04-33G1 published at 64 DCR 5436 (June 9, 2017); Final Rulemaking & Order No. 04-33I published at 66 DCR 13705 (October 18, 2019).

1006 OFF-SITE COMPLIANCE WITH INCLUSIONARY ZONING

1006.1 The Board of Zoning Adjustment is authorized to permit some or all of the set-aside requirements of Subtitle C § 1003 to be met by off-site construction upon proof, based upon a specific economic analysis, that compliance on-site would impose an economic hardship.

1006.2 Among the factors that may be considered by the Board of Zoning Adjustment in determining the existence of economic hardship are:

(a) Exceptionally high fees in condominium developments that cannot be reduced to levels affordable to eligible households;

(b) The inclusion of expensive and specialized social or health services in a retirement housing development or a development that principally provides housing for the disabled, if such services are not severable from the provision of housing and render units in the development unaffordable to eligible households; or

(c) Proof that continuation of the existing rental inclusionary development is no longer economically feasible, when the owner wishes to change the property's use to a non-residential use or to one (1) meeting the exemption requirements of Subtitle C § 1001.5.

1006.3 An applicant who has demonstrated the existence of economic hardship shall further demonstrate that the off-site development:

(a) Is located within the same census tract as the inclusionary residential development;

(b) Consists of new construction for which no certificate of occupancy has been issued;

(c) Is at a location suitable for residential development;

(d) Has complied with or will comply with all on-site requirements of this chapter as are applicable to it;

(e) Has not received any development subsidies from Federal or District Government programs established to provide affordable housing;

(f) Will provide inclusionary units with gross floor areas for each unit type of not less than ninety-five percent (95%) of the gross floor area of the off-site market-rate unit types, and of a number no fewer than the number of units that would otherwise have been required on-site; and

(g) Will not have more than thirty percent (30%) of its gross floor area occupied by inclusionary units.

1006.4 The requirement of Subtitle C § 1006.3(a) may be waived upon a showing that the off-site development is owned by the applicant, is located in the District of Columbia, and meets all the other requirements of Subtitle C § 1006.3.

1006.5 Inclusionary units permitted to be constructed pursuant to this section shall not be counted toward any set-aside requirement separately applicable to the off-site development or to any other inclusionary residential development.

1006.6 No order granting off-site compliance shall become effective until a covenant running with the land, found technically sufficient by the Zoning Administrator and legally sufficient by the Office of the Attorney General, has been recorded in the land records of the District of Columbia by the owner of the off-site development for the benefit of the District of Columbia. A draft covenant, executed by the owner of the off-site property, shall be attached to an application for relief under this section.

1006.7 The covenant shall bind the owner and all future owners of the off-site development to:

(a) Construct and reserve the number of inclusionary units allowed to be accounted for off-site, in accordance with the plans approved by the Board of Zoning Adjustment and the conditions of the Board's order;

(b) Sell or rent, as applicable, such units in accordance with the provisions of this chapter and the IZ Act for so long as the off-site development remains in existence;

(c) Neither apply for nor accept any development subsidies from Federal or District Government programs established to provide affordable housing;

(d) Acknowledge that the owners are legally responsible for the set-aside requirement accepted as if the requirement had been imposed directly on the off-site development; and

(e) Not request special exception or variance relief with respect to the obligations accepted or its own obligations under this chapter.

1006.8 Upon the recordation of the covenant, the set-aside requirements permitted to be accounted off-site shall be deemed to be the legal obligation of the current and future owners of the off-site development. All dwelling units as are required to be reserved in the off-site development in accordance with the Board of Zoning Adjustment’s order shall be deemed inclusionary units for the purposes of this chapter and the IZ Act.

1006.9 No application for a certificate of occupancy for a market-rate unit on the inclusionary development shall be granted unless construction of the off-site inclusionary units is progressing at a rate roughly proportional to the construction of the on-site market-rate units.

1006.10 Inclusionary units resulting from the set-aside required for penthouse habitable space as described in Subtitle C § 1001.2(d) shall be provided within the building, except that the affordable housing requirement may be achieved by providing a contribution to a housing trust fund, consistent with the provisions of Subtitle C §§ 1505.13 through 1505.16, except that the calculation of § 1505.15 shall be based on the maximum permitted residential FAR, when:

(a) The new penthouse habitable space is being provided as an addition to an existing building which is not otherwise undergoing renovations or additions that would result in a new or expanded Inclusionary Zoning requirement within the building;

(b) The penthouse habitable space is being provided on an existing or new building not otherwise subject to Inclusionary Zoning requirements; or

(c) The building is not otherwise required to provide Inclusionary Units for eligible households earning equal to or less than fifty percent (50%) of the MFI and the amount of penthouse habitable space would result in a gross floor area set-aside less than the gross floor area of the smallest dwelling unit within the building.

SOURCE: Final Rulemaking & Order No. 08-06A published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 14-13A published at 63 DCR 8118 (June 3, 2016); Final Rulemaking & Order No. 04-33I published at 66 DCR 13705 (October 18, 2019); Final Rulemaking & Order No. 19-26 published at 67 DCR 13131 (November 6, 2020).

1007 RELIEF FROM INCLUSIONARY ZONING REQUIREMENTS

1007.1 The Board of Zoning Adjustment is authorized to grant partial or complete relief from the requirements of Subtitle C § 1003 upon a showing that compliance, whether on-site, off-site, or a combination thereof, would deny an inclusionary development owner economically viable use of its land.

1007.2 An application from an inclusionary development owner for a variance from the requirements of Subtitle C § 1003 shall not be granted unless the Board of Zoning Adjustment has determined that the applicant cannot comply with the provisions of Subtitle C § 1006 based on evidenced provided by the applicant, and has voted to deny an application for relief pursuant to this section or Subtitle C § 1006.

1007.3 The Zoning Commission may grant relief from the requirements of this chapter to an owner/occupant of an inclusionary unit on the consent calendar authorized by Subtitle Z § 703 provided:

(a) Condominium or homeowner association fees have increased to make the unit unaffordable to other Eligible IZ Households as defined by Title 14, Chapter 22; and

(b) The application for relief includes written confirmation of Subtitle C § 1007.3(a) from the Director of DHCD; and

(1) The IZ covenant remains and the unit is sold at the Maximum Resale Price (MRP) as determined by 14 DCMR § 2218 if the income of the Eligible IZ Household purchasing the unit does not exceed eighty percent (80%) of the MFI; or

(2) If the IZ covenant is terminated and the unit is sold above the Maximum Resale Price, a fee equal to any net proceeds from the sale that are above and beyond the MRP are deposited into the District's Housing Trust Fund.

SOURCE: Final Rulemaking & Order No. 08-06A published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 04-33G published at 63 DCR 15404 (December 16, 2017, effective June 5, 2017).

1008 APPLICABILITY DATE

1008.1 With the exception of penthouse habitable space approved by the Zoning Commission pursuant to Subtitle C § 1504.3, the provisions of this chapter shall not apply to any building approved by the Zoning Commission pursuant to a planned unit development if the approved application was set down for hearing prior to March 14, 2008.

CHAPTER 11 WATERFRONT

1100 INTRODUCTION

1100.1 This chapter identifies waterfront regulations proximate to the Potomac River, Anacostia River, or Washington Channel.

1100.2 Waterfront regulations are intended to provide for:

(a) Physical and visual public accessibility to and along the waterfront;

(b) Protection of natural resources along the waterfront;

(c) Open space along the waterfront; and

(d) Use restrictions in the one hundred (100)-year flood plain.

SOURCE: Final Rulemaking & Order No. 08-06A published at 63 DCR 2447 (March 4, 2016 – Part 2).

1101 APPLICABILITY

1101.1 The waterfront shall be that area proximate to either the Potomac or Anacostia rivers.

1101.2 The provisions of this chapter shall apply to all properties with frontage on the Anacostia or Potomac Rivers.

SOURCE: Final Rulemaking & Order No. 08-06A published at 63 DCR 2447 (March 4, 2016 – Part 2).

1102 GENERAL WATERFRONT REGULATIONS

1102.1 A waterfront setback to any building or structure shall be provided in accordance with the following provisions:

(a) The waterfront setback shall be a minimum of seventy-five feet (75 ft.) in depth, except as noted in individual zones;

(b) The waterfront setback shall be measured inland from the bulkhead or the mean high water level, whichever results in the larger waterfront setback;

(c) Parking spaces, passenger drop-off areas, access to parking spaces, and access to loading areas shall not be located within the required waterfront setback area;

(d) The waterfront setback shall apply to all buildings, structures, parking spaces, loading areas, and passenger drop-off areas, other than:

(1) Water-taxi ticketing/information booth;

(2) Structures directly associated with a publicly accessible wharf, dock, or pier; or

(3) Public nature education center located on Kingman Island;

(e) Twenty-five feet (25 ft.) of the required waterfront setback area, for the full width of the lot along the water, shall be reserved for a public pedestrian and bicycle trail along the waterfront. The property owner shall align the trail reservation area with the reservation on adjacent properties;

(f) The Board of Zoning Adjustment may approve as a special exception a waterfront setback of less than amount required in Subtitle C § 1101.1(a), pursuant to the general special exception criteria of Subtitle X and the criteria of Subtitle C § 1102.1(g); and

(g) The following criteria shall be considered by the Board of Zoning Adjustment when evaluating an application for a waterfront setback less than otherwise required and when evaluating a special exception use in the MU-11 zone:

(1) The buildings, structures, and uses will enhance the visual and public recreational opportunities offered along the waterfront;

(2) Buildings, structures, and uses on land will be located and designed to minimize adverse impacts on the river and riverbank areas;

(3) Buildings, structures, and uses on, under, or over water will be located and designed to minimize adverse impacts on the river and riverbank areas;

(4) All structures and buildings will be located so as to not likely become objectionable to surrounding and nearby property because of noise, traffic, or parking, and so as not to limit public access along or to the waterfront, other than directly in front of the principal building or structure of a boathouse, marina, yacht club, or other water-dependent use;

(5) Impervious surfaces will be minimized, and buildings and all other impervious surfaces will be designed and sited to prevent surface storm water run-off directly into the river;

(6) Accessory or non-accessory parking spaces, including the location of entrances and exits and any screening or fences, will be designed to minimize visual or physical impacts on adjacent parkland and the waterfront; and

(7) Emergency access will be provided to any buildings, structures, or other space devoted to active public use.

1102.2 Where the L'Enfant street grid exists in the vicinity of a waterfront lot, no buildings or structures may be built within the area defined by the street right-of-way lines extended to the water.

1102.3 Where no L'Enfant street grid exists in the vicinity of a waterfront lot, no buildings or structures may be built to a length, as measured parallel to the water, of greater than three-hundred feet (300 ft.).

1102.4 The following uses are prohibited within a one hundred (100)-year floodplain:

(a) Residential uses with only one (1) or two (2) dwelling units;

(b) Animal sales, care, and boarding;

(c) Community-based institutional facilities;

(d) Daytime care;

(e) Education;

(f) Emergency shelter;

(g) Hospital; and

(h) Lodging.

1102.5 The following conditions shall apply to any application for a special exception use under Subtitle C § 1102.4:

(a) The application shall include an analysis that provides the following:

(1) A site plan showing the one hundred (100)-year floodplain boundaries and base flood elevations for the property that is certified by a registered professional engineer, architect, landscape architect, or other qualified person;

(2) A description of how the project has been designed to meet applicable flood resistant design and construction standards that is certified by a registered professional engineer, architect, landscape architect, or other qualified person;

(3) An evacuation plan that describes the manner in which the property would be safely evacuated before or during the course of a one hundred (100)-year flood event; and

(4) A description of how the proposed use would not result in any adverse impacts to the health or safety for the project's occupants or users due to the proposed use's location in the floodplain; and

(b) The Office of Zoning shall refer the application to the following agencies for their review and recommendation if filed to the case record within the forty (40)-day period established by Subtitle A § 211:

(1) District Department of Energy and Environment (DOEE);

(2) District of Columbia Fire and Emergency Medical Service Department (FEMS);

(3) Metropolitan Police Department (MPD); and

(4) The District of Columbia Homeland Security and Emergency Management Agency (HSEMA).

1102.6 Parking space requirements for the waterfront areas are as follows:

(a) Parking spaces, passenger drop-off areas, access to parking spaces, and access to loading areas, whether required by zoning or not, shall not be located within the waterfront setback area required in Subtitle C § 1102.1 (a); and

(b) Where parking is required, parking spaces for boathouses, marinas, yacht clubs, or other recreational uses to be located elsewhere than on the same lot or part of the lot on which the principal use is located and not located in accordance with Subtitle C § 701.8(b), may be permitted as a special exception, in accordance with the provisions of Subtitle X, Chapter 9 and the applicant demonstrating that one (1) or more of the following criteria are applicable:

(1) The parking spaces will be located to furnish reasonable and convenient parking for patrons of the principal building;

(2) The parking spaces and any support facilities would result in significant adverse impacts on adjacent park land, or the waterfront because of noise, traffic, or other objectionable conditions;

(3) The parking spaces will be adequately screened from adjacent park space and from the waterfront, and shall be designed to prevent storm water run-off directly into the river;

(4) The lack of street frontage or the separation of the use from any publicly accessible street by public park space;

(5) Unusual topography, grades, shape, size, or dimensions of the lot;

(6) The lack of appropriate ingress or egress through existing or proposed streets;

(7) Strip zoning or shallow zoning depth;

(8) Restricted size of lot caused by adverse adjoining ownership or substantial improvements adjoining or on the lot;

(9) Traffic hazards caused by unusual street grades or other conditions;

(10) The type or location of the associated principal use results in diminished need for parking from what would otherwise be required by zoning regulations;

(11) Reasonable and conveniently located alternatives to the required parking exist and are available to users with minimal impact on adjacent land or development; and

(12) All other requirements of Subtitle C, Chapter 7 will be met.

1102.7 The following structures and projections may encroach into any required waterfront setback:

(a) A structure, including a building, less than four feet (4 ft.) in height above the grade at any point. Any railing required by the Title 12 DCMR D.C. Construction Code, shall be calculated in the measurement of the structure's height;

(b) A fence or retaining wall constructed in accordance with the Title 12 DCMR D.C. Construction Code;

(c) Stairs leading to the first story of the building located entirely above grade, or to a story below grade. The stairs shall include any railing required by the provisions of the Title 12 DCMR D.C. Construction Code;

(d) An antenna that complies with all other requirements of this title; and

(e) The following elements or structures as defined below:

TABLE C § 1102.6(e):

PROJECTING ELEMENT OR STRUCTURE	MAXIMUM PROJECTIONS
Cornices and eaves.	2 ft.
Sills, leaders, belt courses, and similar ornamental or structural features.	6 in.
Awnings serving a window, porch, or door.	40 in.
A chimney, smokestack, or flue.	5 sq. ft.
A self-contained room air conditioner.	2 ft.

PROJECTING ELEMENT OR STRUCTURE	MAXIMUM PROJECTIONS
Building components or appurtenances dedicated to the environmental sustainability of the building.	4 ft.

SOURCE: Final Rulemaking & Order No. 08-06A published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 20-01 published at 67 DCR 7905 (June 26, 2020).

CHAPTER 12 COMBINED LOT PROVISIONS

1200 GENERAL PROCEDURES

1200.1 This chapter contains the general procedural regulations for the administration of combined lot agreements for those zones where a combined lot process is permitted.

1200.2 The allowable residential and nonresidential bulk, or of bonus floor area if applicable, of eligible properties may be apportioned between two (2) or more lots in the same square or other boundaries if otherwise established in a zone, regardless of the limits on floor area; provided, that the aggregate residential and nonresidential floor area may not exceed the limits for the applicable zone.

1200.3 The maximum permitted floor area for all uses and the maximum floor area for nonresidential uses shall be calculated as if the lots were one (1) lot, and the total project shall conform with both limitations.

1200.4 A covenant for the benefit of the District of Columbia, found technically sufficient by the Zoning Administrator and legally sufficient by the Office of the Attorney General, running with the land and applicable to all properties involved in the apportionment shall be executed by all of the owners of the properties prior to the issuance of any building permits. The covenant shall be for the purpose of ensuring that the aggregate residential and nonresidential floor area does not exceed the limits applicable to residential and nonresidential uses, or of bonus floor area if applicable.

1200.5 No transfer of floor area for preferred uses, or of bonus floor area if applicable, shall be effective under this section unless an instrument, legally sufficient in both form and content to effect such a transfer, in a form approved by the Office of the Attorney General, has been entered into among all of the parties concerned, including the District of Columbia where appropriate.

1200.6 A certified copy of the instrument of transfer shall be filed with the Zoning Administrator before approval by the Department of Consumer and Regulatory Affairs of any building permit application affected by such transfer.

1200.7 The document shall be recorded in the Office of the Recorder of Deeds, serving as a notice both to the receiving lot and sending lot of the transfer of floor area for preferred uses or of bonus floor areas.

1200.8 The notice of restrictions and transfer shall run with the title and deed to each affected lot.

SOURCE: Final Rulemaking & Order No. 08-06A published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 19-26 published at 67 DCR 13131 (November 6, 2020).

CHAPTER 13 ANTENNAS

1300 PURPOSE

1300.1 The purposes of the regulation of antennas, antenna towers, and monopoles as a particular type of structure shall be as follows:

(a) The Zoning Commission has determined that certain antennas, antenna towers, and monopoles, because of their size, shape, design, construction, or location, may affect the welfare or safety of the population and may detract from the streetscape, landscape, skyline, scenic beauty, or aesthetic interests of the District of Columbia, and its role as the Nation's Capital;

(b) The Zoning Regulations therefore regulate the size, height, construction, design, and location of antennas, antenna towers, and monopoles which have the greatest potential for adverse impact on the health, safety, and welfare of the population, and on neighborhood quality, and those which have the greatest potential for adverse impact on the scenic beauty of the Nation's Capital and the national monuments; and

(c) The principal types of antennas, antenna towers, and monopoles regulated are those that, because of their shape, size, or quantity, potentially have the greatest visual impact, and include, by example, large satellite earth station antennas, and certain microwave terrestrial antennas, monopoles, and antenna towers.

1300.2 Consistent with these purposes, the construction of new towers or monopoles shall only be permitted subject to certain placement and construction standards.

SOURCE: Final Rulemaking & Order No. 08-06A published at 63 DCR 2447 (March 4, 2016 – Part 2).

1301 CERTIFICATION OF FCC COMPLIANCE FOR TRANSMITTING ANTENNAS

1301.1 No application for a building permit for a transmitting antenna may be considered completed unless it is accompanied by a certification evidencing that the proposed transmitting antenna will comply with the radio frequency (RF) radiation guidelines adopted by the Federal Communications Commission (FCC) and the health and safety regulations adopted by the Occupational Safety and Health Administration.

1301.2 The certification shall be signed by a licensed engineer qualified in RF engineering and shall include the following required information:

(a) The maximum RF radiation to be generated by the proposed antenna or antennas;

(b) The means used to determine the RF levels;

(c) The exact legal name, address of principal place of business, and telephone number of the applicant, certifying engineer, and property owner; and

(d) A site plan, and roof plan if applicable, drawn to scale showing the location of the proposed antennas and all existing antennas on the site, roof, tower, or monopole.

SOURCE: Final Rulemaking & Order No. 08-06A published at 63 DCR 2447 (March 4, 2016 – Part 2).

1302 MATTER OF RIGHT ANTENNAS

1302.1 All antennas that comply with the applicable provisions of this chapter are permitted as a matter of right in all zones, except broadcast antennas, which shall not be permitted in residence zones.

1302.2 No signs of any kind, including advertisements, may be placed on any antenna, unless necessary for the safety of the public.

SOURCE: Final Rulemaking & Order No. 08-06A published at 63 DCR 2447 (March 4, 2016 – Part 2).

1303 GROUND MOUNTED ANTENNAS

1303.1 All ground mounted antennas, except those regulated by Subtitle C § 1306 or exempted by Subtitle C § 1307, shall comply with the following conditions:

(a) In any R, RA, MU-1, MU-2, MU-10 through MU-14, MU-16, MU-17, MU-23, MU-24, and MU-36 zone, only one (1) antenna may be located per lot and may not exceed a mounted height of twelve feet (12 ft.) at its highest point above the ground on which it is located;

(b) In any R, RA, NC, D, PDR, MU-3 through MU-9, MU-18 through MU-22, MU-25 through MU-35 zones, and any zone of Subtitle K, an antenna may not exceed a mounted height of twenty feet (20 ft.) at its highest point above the ground on which it is located;

(c) The antenna shall be located in either the rear yard or the side yard of the principal building on the lot, except that in the case of a corner lot no antenna may be located in the yard between the principal building structure and a street;

(d) Each part of the antenna shall be set back from all lot lines by a minimum distance of ten feet (10 ft.);

(e) Each antenna installation shall be located or screened such that its visibility is minimized to the greatest practical extent from any:

(1) Public park that is within the Central Washington area as identified in the Comprehensive Plan;

(2) Street that the lot abuts;

(3) Public spaces;

(4) Navigable waterways;

(5) Historic landmarks; or

(6) National monuments;

(f) The antenna, to the greatest practical extent, shall be constructed of materials and colors that blend with the surroundings; and

(g) The antenna installation shall be as small as is practical for its intended use.

1303.2 The term "ground" as used in Subtitle C §§ 1303.1(a) and (b) does not include artificially elevated terrain such as berms or planter boxes but may include graded lawns, terraced landscapes that are formed from the natural grade, and at-grade patios.

1303.3 A proposed ground mounted antenna that does not comply with the above requirements or numeric limit may be permitted through the special exception process set forth in Subtitle C § 1312.

SOURCE: Final Rulemaking & Order No. 08-06A published at 63 DCR 2447 (March 4, 2016 – Part 2).

1304 ROOF-MOUNTED ANTENNAS

1304.1 All roof-mounted antennas, except those regulated by Subtitle C § 1306 or exempted by Subtitle C § 1307, shall comply with the following conditions:

(a) Each part of an antenna shall be set back from each edge, excluding party walls, of the roof a minimum distance equal to its total mounted height above the roof;

(b) An antenna may not exceed a total mounted height of twelve feet (12 ft.) above the roof;

(c) Each antenna installation shall be located or screened such that its visibility from public spaces, navigable waterways, historic landmarks, and national monuments is minimized to the greatest practical extent;

(d) An antenna shall be constructed of materials and colors that blend with the surroundings to the greatest practical extent;

(e) Antennas mounted on roofs with outdoor recreation space shall be secured from unauthorized access for a minimum distance of ten feet (10 ft.), by a fence or screen at least five feet (5 ft.) in height; and

(f) Any related equipment cabinet or shelter that is not internal to the building or penthouse shall be:

(1) Constructed of materials and colors that blend with the building or penthouses; and

(2) Located to reduce its visibility from public space to the greatest practical extent.

1304.2 A proposed roof-mounted antenna that does not comply with the above requirements may be permitted through the special exception process set forth in Subtitle C § 1312.

SOURCE: Final Rulemaking & Order No. 08-06A published at 63 DCR 2447 (March 4, 2016 – Part 2).

1305 BUILDING-MOUNTED ANTENNAS

1305.1 All building mounted antennas, except those regulated by Subtitle C § 1306 or exempted by Subtitle C § 1307, shall comply with the following conditions:

(a) The top of the antenna shall not extend above the top of the wall, or roof of the building or structure to which it is mounted;

(b) Each antenna installation shall be located or screened such that its visibility from public spaces, navigable waterways, historic landmarks, and national monuments is minimized to the greatest practical extent;

(c) An antenna shall be constructed of materials and colors that blend with the surroundings to the greatest practical extent or shall be screened and/or painted to blend with the surface to which the antenna is attached;

(d) A building-mounted antenna placed on a roof structure with a rooftop outdoor recreation space shall be secured from unauthorized access for a minimum vertical distance of ten feet (10 ft.); and

(e) Any related equipment cabinet or shelter that is not internal to the building or penthouse shall be:

(1) Constructed of materials and colors that blend with the building or penthouses; and

(2) Located to reduce its visibility from public space to the greatest practical extent.

1305.2 A proposed building-mounted antenna that does not comply with the above requirements may be permitted through the special exception process set forth in Subtitle C § 1312.

SOURCE: Final Rulemaking & Order No. 08-06A published at 63 DCR 2447 (March 4, 2016 – Part 2).

1306 ANTENNAS LOCATED IN STEALTH STRUCTURES

1306.1 Antennas located in stealth structures may be permitted provided the following conditions are met:

(a) The proposed stealth design provides adequate screening of the antennas;

(b) The proposed structure is not out of scale with the subject property taking into account the size, setbacks, topography, and underlying use of the property;

(c) The primary use of the subject property is not a residential use with only one (1) dwelling unit;

(d) The ground equipment of the proposed antenna be landscaped, fenced, or otherwise screened;

(e) The diameter of a stealth flag pole shall not exceed thirty inches (30 in.) at its base; and

(f) The height of a ground-mounted stealth structure shall be permitted, as a matter-of-right, to a height of eighty feet (80 ft.) in all residential zones and one hundred twenty feet (120 ft.) in all other zones.

1306.2 Any proposed antenna to be located in a stealth structure that does not comply with the above requirements may be permitted through the special exception process set forth in Subtitle C § 1312.

SOURCE: Final Rulemaking & Order No. 08-06A published at 63 DCR 2447 (March 4, 2016 – Part 2).

1307 EXEMPTED ANTENNAS

1307.1 The requirements of Subtitle C §§ 1303 through 1306 shall not apply to any antenna that is:

(a) Entirely enclosed within a building, but is not the primary use within the building;

(b) Entirely enclosed on all sides by a penthouse, or an extension of penthouse walls; this subsection shall not be interpreted to permit penthouses in excess of the height limitations for roof structures;

(c) Located entirely behind and no taller than the parapet walls;

(d) No taller than eighteen inches (18 in.) in height and necessary for the implementation of expanded 911 or emergency communications; or

(e) One meter (39.37 inches) or less in diameter designed to receive:

(1) Direct broadcast satellite service, including direct-to-home fixed wireless signals via satellite;

(2) Video programming services via broadband service; or

(3) To transmit fixed wireless signals other than via satellite or local television broadcast signals.

1307.2 For the purposes of Subtitle C § 1307.1, penthouse and parapet walls may include an opaque membrane covering a port in front of the antenna that screens the antenna, blends with the wall and allows the antenna to operate.

1307.3 The requirements of Subtitle C §§ 1303 through 1306 do not apply to the following classes of antennas. The maximum number of antennas within a class that may be placed on a building or located on a lot is as follows:

TABLE C § 1307.3: MAXIMUM NUMBER OF ANTENNAS BY CLASS

Class of Antenna	Maximum Number
Residential type uhf/vhf television and frequency modulation (fm) radio receiving Yagi antenna located on the roof of a principal building, not to exceed 8 ft. horizontally.	2
Whip antennas not exceeding 2½ in. in diameter, with a mounted dimension. (Except that no longer than 12 ft. in any direction, and there located on a principal building, shall be no numeric limit on the number of whip antennas that are dedicated to the provision of emergency services to the District of Columbia.)	2
Residential type super high frequency antenna located on the roof of a principal building, not to exceed 3 ft. in any dimension, excluding the support element.	1
Dish antenna located on the roof of a principal building with a diameter of no more than 4 ft., not taller than 8 ft. as measured from the roof surface on which it is mounted, and set back from the edge of the roof a distance at least equal to its height above the roof. The principal building shall have a height of no less than 25 ft.	1
Whip antenna mounted on a vehicle on private property.	1

1307.4 A proposed antenna which does not comply with the above requirements or numeric limitation set forth in Subtitle C § 1307.3 may be permitted subject to the requirements of Subtitle C §§ 1303 through 1306.

SOURCE: Final Rulemaking & Order No. 08-06A published at 63 DCR 2447 (March 4, 2016 – Part 2).

1308 ANTENNA MOUNTED ON ANTENNA TOWERS AND MONOPOLES

1308.1 Antennas may be mounted as a matter of right on an antenna tower or monopole that:

(a) Is located in a PDR zone;

(b) Was approved by, and constructed in accordance, with an order of the Board of Zoning Adjustment; or

(c) Was constructed in accordance with a building permit issued prior to December 21, 2007.

1308.2 An antenna shall not be mounted on an antenna tower or monopole if, as a result of its installation:

(a) The size of the antenna tower or monopole is increased; or

(b) The appearance of the antenna tower or monopole is changed in a manner that adversely impacts the surrounding area.

1308.3 A transmitting antenna shall not be placed lower than fifty feet (50 ft.) above the base of the antenna tower or monopole.

1308.4 An antenna proposed to be mounted on an antenna tower or monopole that does not comply with the above requirements may be permitted through the special exception process set forth in Subtitle C § 1312.

SOURCE: Final Rulemaking & Order No. 08-06A published at 63 DCR 2447 (March 4, 2016 – Part 2).

1309 ANTENNA TOWERS AND MONOPOLE IN THE PDR-4 AND PDR-7 ZONES (BY-RIGHT)

1309.1 An antenna tower or monopole, either alone or in conjunction with a studio or in conjunction with the erection, alteration, or use of buildings for transmission or reception equipment, shall be permitted in the PDR-4 and PDR-7 zones as a matter of right; provided, the antenna tower or monopole complies with the conditions set forth in this section.

1309.2 An antenna tower or monopole shall be set back a minimum horizontal distance equal to its total height as measured from the ground, from any residentially developed or zoned property.

1309.3 Except as provided in Subtitle C § 1309.2, each part of an antenna tower or monopole shall be set back from each lot line a minimum distance equal to the greater of twenty feet (20 ft.); or a distance of at least one-third (1/3) of the total mounted height.

1309.4 The height of an antenna tower or monopole shall not exceed the maximum height permitted for structures plus thirty feet (30 ft.) as a matter of right. Any antenna tower or monopole in excess of this height may be permitted if approved by the Board of Zoning Adjustment subject to the conditions of Subtitle C § 1312, subject to Subtitle C § 1309.5.

1309.5 Any antenna tower or monopole with a height in excess of that permitted by the act of June 1, 1910 (36 Stat. 452), as amended, shall not be permitted, unless the height is approved by the Mayor or his or her designee.

1309.6 A written statement shall be provided agreeing to design the proposed antenna tower or monopole for at least three (3) antenna arrays and to make the array space available on a commercial basis for collocation by any telecommunications service provider whenever unused by the initial telecommunications service provider(s) or the owner.

1309.7 No signs of any kind, including advertisements, may be placed on an antenna tower or monopole, its equipment cabinet or its equipment shelter, unless necessary for the safety of the public.

SOURCE: Final Rulemaking & Order No. 08-06A published at 63 DCR 2447 (March 4, 2016 – Part 2).

1310 ANTENNA TOWERS AND MONOPOLES AS PART OF A CAMPUS PLAN

1310.1 An antenna tower or monopole may be permitted, subject to and as a part of an approved campus plan subject to the special exception standards of Subtitle C §§ 1312.1 and 1312.2.

1310.2 No advertising, special art, or campus identification may be placed on an antenna tower or monopole, its equipment cabinet, or its equipment shelter.

SOURCE: Final Rulemaking & Order No. 08-06A published at 63 DCR 2447 (March 4, 2016 – Part 2).

1311 OFFICE OF PLANNING REPORT

1311.1 The Zoning Administrator shall not take final action on an application to permit an antenna tower, a monopole, or an antenna not exempted by Subtitle C § 1307 or for the modification of an existing antenna not exempted by Subtitle C § 1311.4 until a report is received from the Office of Planning or thirty (30) days have passed since the application was submitted to the Office of Planning, whichever occurs first.

1311.2 The Office of Planning and the Zoning Administrator may agree to lengthen the time period indicated in Subtitle C § 1311.1, but in no event shall the review period exceed sixty (60) days.

1311.3 The report of the Office of Planning shall provide a copy of the plans, as well as specific criteria and information sufficient to enable the Zoning Administrator to determine whether the antenna complies with the applicable requirements of this chapter.

1311.4 A report from the Office of Planning is not required for:

(a) The modification of a previously permitted collocation including:

(1) Roof or building-mounted antennas that involve a one-to one (1:1) replacement of the antennas or an increase of one (1) antenna to a mount for no more than five (5) antennas per mount or sector, with no change to previously permitted locations or increase in the height of the antennas; or

(2) Stealth mounted antennas including flagpoles and within church steeples that do not change the existing appearance or height of the structure;

(b) Collocation on an existing permitted antenna tower provided the installation would not increase the existing height of the tower by more than ten percent (10%) or by the height of one (1) additional antenna array with separation from the nearest existing antenna not to exceed twenty feet (20 ft.), whichever is greater; or

(c) Installation or maintenance of antenna-related equipment cabinets and shelters and other support structures consistent with the roof structure regulations.

SOURCE: Final Rulemaking & Order No. 08-06A published at 63 DCR 2447 (March 4, 2016 – Part 2).

1312 ANTENNAS SUBJECT TO BOARD OF ZONING ADJUSTMENT APPROVAL – GENERAL

1312.1 An application for special exception approval shall include the following written and graphic documentation:

(a) A map of area to be served by the new antenna;

(b) A map and explanation of the area being inadequately served that necessitates installation of the proposed antenna;

(c) A map indicating the location of any other antennas and related facility sites providing service by the applicant, and any antenna tower or monopole of any provider, within a two (2) mile radius, including public space, of the proposed antenna site, with identified heights above grade;

(d) A site, and roof plan if applicable, showing all structures and antennas on site;

(e) Elevation drawings of the structure and proposed antennas from all four (4) directions;

(f) A picture of the proposed antenna;

(g) The total mounted height of the antenna relative to the tops of surrounding trees as they presently exist within one-quarter mile (.25 mi.) of the proposed location; and

(h) Other information as may be necessary for impact assessment of the antenna.

1312.2 In addition to any other conditions deemed necessary to mitigate potential adverse impacts, the Board of Zoning Adjustment may impose conditions pertaining to screening, buffering, lighting, or other matter necessary to protect adjacent and nearby property and may require the removal of any on-site non-conforming, inoperable, or unauthorized antenna.

SOURCE: Final Rulemaking & Order No. 08-06A published at 63 DCR 2447 (March 4, 2016 – Part 2).

1313 ANTENNA TOWERS AND MONOPOLES SUBJECT TO BOARD OF ZONING ADJUSTMENT APPROVAL

1313.1 A monopole shall be permitted if approved by the Board of Zoning Adjustment in accordance with Subtitle X of this title, subject to the provisions of this section, in the zones specified in Subtitle C § 1313.2.

1313.2 A monopole may be permitted as a special exception use in the R, RF, RA, MU, D and PDR (except PDR-4 and PDR-7, where antenna towers are permitted as a matter-of-right) zones, and the zones of Subtitle K, where monopoles are permitted as a matter-of-right subject to Subtitle C § 1309.

1313.3 An antenna tower, either alone or in conjunction with a studio, or the erection, alteration, or use of buildings for transmission or reception equipment on the same lot, shall be permitted if approved by the Board of Zoning Adjustment in accordance with Subtitle X of this title and subject to the provisions of this section, in the zone specified in Subtitle C § 1313.4.

1313.4 An antenna tower may be permitted as a special exception in the zones of:

(a) MU, except MU-3;

(b) D;

(c) Those zones listed in Subtitle K; and

(d) PDR, except PDR-4 and PDR-7, where antenna towers are permitted as a matter-of-right.

1313.5 The location, height, and other characteristics of an antenna tower or monopole shall be:

(a) Consistent with the purpose of this chapter;

(b) Designed and available for collocation by other service providers;

(c) Located so the visual impacts are minimized to the greatest practical extent, from neighboring property and adjacent public space, or appropriately screened by landscaping or other techniques to minimize the visibility of the antenna tower or monopole; and

(d) Designed and constructed to preserve existing trees to the greatest practical extent.

1313.6 If an applicant is unable to meet the special exception requirements of section, the Board of Zoning Adjustment may nevertheless grant the application if the applicant demonstrates that:

(a) There is a significant gap in wireless service;

(b) The proposed antenna tower or monopole will fill this gap;

(c) No other mounting options are available;

(d) The site is the only location from which the gap can be filled or, if other sites are available, the antenna tower or monopole at the proposed location will generate the least adverse impacts;

(e) That the height and other physical design characteristics of the proposed antenna tower or monopole do not exceed those which are minimally necessary to fill the gap in wireless service;

(f) That it is using the least intrusive means to provide wireless service necessary to fill the gap in such service; and

(g) That the proposed antenna tower and monopole, even when supporting all possible co-locators will be in full compliance with Federal Communication Commission cumulative and individual RF emission levels.

1313.7 Any antenna tower or monopole with a proposed height in excess of that permitted by the Act of June 1, 1910 (36 Stat. 452), as amended, shall not be permitted, unless the height is approved by the Mayor or his or her designee.

1313.8 An antenna tower or monopole shall be set back a minimum horizontal distance equal to its total height as measured from the ground, from any residentially developed or zoned property.

1313.9 Each part of an antenna tower or monopole shall be set back from each lot line the greater of the following:

(a) Twenty feet (20 ft.); or

(b) A distance of at least one-third (1/3) of the total constructed height.

1313.10 The Board of Zoning Adjustment shall submit the application to the Office of Planning for review and report.

1313.11 The applicant shall provide written and/or graphic documentation of the following:

(a) The area to be served by the proposed new antenna tower or monopole;

(b) The area being inadequately served;

(c) A map indicating the location of any other antenna or related facility sites providing service by the applicant within a two (2)-mile radius, including public space, of the proposed site;

(d) Other towers or monopoles within a two (2)-mile radius of the proposed site with identified heights above grade;

(e) An explanation of why the applicant cannot collocate on an existing tower or monopole;

(f) A written statement agreeing to permit the collocation by other service providers on a commercial basis on an antenna tower;

(g) A written statement agreeing to design a proposed monopole for at least three (3) antenna arrays and to make the array space available on a commercial basis for collocation by any telecommunications service provider whenever unused by the initial telecommunications service provider(s);

(h) The topographic conditions of the area to be served;

(i) The relative height of the antenna tower or monopole to the tops of surrounding trees within one-quarter mile (.25 mi.) radius of the proposed site as they presently exist;

(j) The proposed appearance of the antenna tower or monopole, including exterior finish;

(k) A maintenance plan explaining how the property manager will control ice build-up, falling ice, and potential falling debris; the plan should also address how inoperative antennas will be removed; and

(l) Other information as may be necessary for impact assessment of the antenna tower or monopole.

1313.12 In addition to any other conditions deemed necessary to mitigate potential adverse impacts, the Board of Zoning Adjustment may impose conditions relating to operation, location, screening, collocation, or other requirements as it shall deem necessary to protect adjacent and nearby property, neighborhood character, and the image of the city as the nation's capital, consistent with the general purpose and intent of this chapter and may require the removal of any on-site inoperable or unauthorized antenna as a condition to the approval.

1313.13 No signs of any kind, including advertisements, may be placed on an antenna tower or monopole, its equipment cabinet, or its equipment shelter, unless necessary for the safety of the public.

SOURCE: Final Rulemaking & Order No. 08-06A published at 63 DCR 2447 (March 4, 2016 – Part 2).

1314 NONCONFORMING ANTENNAS

1314.1 A nonconforming antenna shall not be altered, modernized, or otherwise replaced, except in conformity with all provisions of this title.

1314.2 If a nonconforming antenna stops functioning, a temporary replacement antenna may be installed, subject to the following conditions:

(a) A permanent replacement antenna cannot be installed as a matter of right;

(b) The temporary installation shall be permitted for one (1) year; and

(c) The cost of the temporary replacement shall not be considered by the Board of Zoning Adjustment as a basis for approval of a special exception to install a conforming replacement.

1314.3 Within three (3) months after the nonconforming antenna stops functioning, the owner or occupant of the land or structure on which the antenna is installed shall apply for a special exception to install a longer term replacement.

1314.4 An antenna that was legally permitted prior to the date of adoption of this chapter shall be considered a conforming antenna.

1314.5 This section does not apply to antenna towers, monopoles, or antenna support structures.

SOURCE: Final Rulemaking & Order No. 08-06A published at 63 DCR 2447 (March 4, 2016 – Part 2).

1315 EQUIPMENT CABINET OR SHELTER

1315.1 If an antenna equipment cabinet or shelter is provided on the ground, it shall be subject to the following:

(a) It shall be regulated as an accessory building subject to any applicable criteria within each zone; and

(b) It shall harmonize with the main structure in architectural character, material, and color.

1315.2 If an antenna equipment cabinet or shelter is provided on the roof of a building or structure, it shall be erected or enlarged subject to the following:

(a) It shall be set back from all exterior walls a distance at least equal to its height above the roof upon which it is located;

(b) It shall harmonize with the main structure in architectural character, material, and color;

(c) It shall not exceed eighteen feet six inches (18 ft., 6 in.) in height above the roof upon which it is located; and

(d) It shall be placed only on a roof of a principal structure and may not be permitted on a roof of any other roof structure or penthouse.

1315.3 The Board of Zoning Adjustment may waive one (1) or more of the requirements of Subtitle C § 1315.2 for good cause shown in accordance with Subtitle Y.

SOURCE: Final Rulemaking & Order No. 08-06A published at 63 DCR 2447 (March 4, 2016 – Part 2).

1316 REMOVAL OF ANTENNAS, ANTENNA TOWERS, MONOPOLES, AND RELATED EQUIPMENT

1316.1 Antennas, antenna towers, monopoles, equipment cabinets, or equipment shelters shall be removed at the expense of the property owner if they have not been used for a period of one (1) -year. A one (1) -year extension may be granted by the Board of Zoning Adjustment to this requirement for good cause shown.

SOURCE: Final Rulemaking & Order No. 08-06A published at 63 DCR 2447 (March 4, 2016 – Part 2).

CHAPTER 14 RETAINING WALLS

1400 INTRODUCTION

1400.1 The provisions of this chapter shall apply to the construction of a retaining wall in any R or RF zone.

SOURCE: Final Rulemaking & Order No. 08-06A published at 63 DCR 2447 (March 4, 2016 – Part 2).

1401 GENERAL PROVISIONS

1401.1 The height of a retaining wall shall be determined as follows:

(a) The height of a retaining wall is the vertical distance measured from the natural grade at the base of the wall to the top of the wall;

(b) When the height of a retaining wall varies, the height shall be measured at the highest point of the wall, from the natural grade at the base of the wall at that point; and

(c) Berms or other similar forms of intermittent terrain elevation shall not be included in measuring retaining wall height.

1401.2 Subject to the height limitations of Subtitle C § 1401.3 through 1401.6, the maximum height of a retaining wall shall be six feet (6 ft.).

1401.3 A retaining wall shall not exceed four feet (4 ft.) in height in the following locations, unless a lower height is required by Subtitle C § 1401.5 and 1401.6:

(a) Along a street frontage or property line;

(b) Within any required side setback;

(c) In the R-1-A, R-1-B, R-6, R-7, R-8, R-9, R-11, R-12, R-14, R-15, R-16, R-19, and R-21 zones, within twenty-five feet (25 ft.) of the rear property line, as measured from the rear property line inward; and

(d) In the R-2, R-3, R-10, R-13, R-17, R-20, and RF zones, within twenty feet (20 ft.) of the rear property line, as measured from the rear property line inward.

1401.4 A retaining wall located along a street frontage on a block with adjacent existing retaining walls shall not be greater in height than the tallest adjacent existing retaining walls up to the maximum height of four feet (4 ft.).

1401.5 A retaining wall located on any area between a property line and a building line shall not exceed a maximum height of forty-two inches (42 in.).

1401.6 A retaining wall abutting an improved alley in the R-3 or RF zones shall not exceed a maximum height of twelve feet (12 ft.).

1401.7 Retaining walls may be tiered or terraced provided that the width of the area between each retaining wall is at least twice the height of the lower retaining wall. The area between each wall shall be pervious and may not be paved or otherwise covered with impervious materials.

SOURCE: Final Rulemaking & Order No. 08-06A published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 08-06D published at 63 DCR 10620 (August 19, 2016).

1402 SPECIAL EXCEPTION FROM RETAINING WALL REQUIREMENTS

1402.1 Retaining walls not meeting the requirements of this section may be approved by the Board of Zoning Adjustment as a special exception pursuant to Subtitle X. In addition to meeting the general conditions for being granted a special exception as set forth in that subtitle, the applicant must demonstrate that conditions relating to the building, terrain, or surrounding area would to make full compliance unduly restrictive, prohibitively costly, or unreasonable.

SOURCE: Final Rulemaking & Order No. 08-06A published at 63 DCR 2447 (March 4, 2016 – Part 2).

CHAPTER 15 PENTHOUSES

1500 PENTHOUSE GENERAL REGULATIONS

1500.1 A penthouse, when not in conflict with The Height Act, may be erected to a height in excess of the building height authorized by the zone district, in accordance with the conditions specified in this section.

1500.2 Except for compliance with the setbacks required by Subtitle C § 1502 and as otherwise noted in this section, a penthouse that is less than four feet (4 ft.) in height above a roof or parapet wall shall not be subject to the requirements of this section.

1500.3 A penthouse may house mechanical equipment or any use permitted within the zone, except as follows:

(a) Penthouse habitable space on a detached dwelling, semi-detached dwelling, rowhouse, or flat shall be limited pursuant to Subtitle C § 1500.4;

(b) Within residential zones in which the building is limited to thirty-five feet (35 ft.) or forty feet (40 ft.) maximum, the penthouse use shall be limited to penthouse mechanical space and ancillary space associated with a rooftop deck, to a maximum area of twenty percent (20%) of the building roof area dedicated to rooftop unenclosed and uncovered deck, terrace, or recreation space;

(c) A nightclub, bar, cocktail lounge, or restaurant use shall only be permitted as a special exception if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9; or

(d) Penthouse habitable space is not permitted on any building within an area bound by I Street, N.W. to the north; Constitution Avenue, N.W. to the south; 19th Street, N.W. to the west, and 13th Street, N.W. to the east.

1500.4 Notwithstanding Subtitle C § 1500.3, a penthouse, other than screening for rooftop mechanical equipment or a guard-rail required by Title 12 of the DCMR, D.C. Construction Code for a roof deck, shall not be permitted on the roof of a detached dwelling, semi-detached dwelling, rowhouse or flat in any zone; however, the Board of Zoning Adjustment may approve a penthouse as a special exception under Subtitle X, Chapter 9, provided the penthouse:

(a) Is no more than ten feet (10 ft.) in height and contains no more than one (1) story; and

(b) Contains only stair or elevator access to the roof, and a maximum of thirty square feet (30 sq. ft.) of storage space ancillary to a rooftop deck.

1500.5 For the administration of this section, mechanical equipment shall not include telephone equipment, radio, television, electronic equipment of a type not necessary to the operation of the building or structure, or solar canopies on top of a parking garage. Antenna equipment cabinets and antenna equipment shelters shall be regulated by Subtitle C, Chapter 13.

1500.6 All penthouses and mechanical equipment shall be placed in one (1) enclosure, except that a rooftop egress stairwell enclosure not containing any other form of habitable or mechanical space may be contained within a separate enclosure, and shall harmonize with the main structure in architectural character, material, and color.

1500.7 When roof levels vary by one (1) floor or more or when separate elevator cores are required, there may be one (1) enclosure for each elevator core at each roof level.

1500.8 When consisting solely of mechanical equipment, the equipment shall be enclosed fully as prescribed in Subtitle C §§ 1500.6 and 1500.7 except that louvers may be provided. A roof over a cooling tower need not be provided when the tower is located at or totally below the top of enclosing walls.

1500.9 Enclosing walls of the penthouse shall be of equal, uniform height as measured from roof level, except that:

(a) Enclosing walls of penthouse habitable space may be of a single different height than walls enclosing penthouse mechanical space;

(b) For a penthouse containing no habitable space, enclosing walls of penthouse mechanical space shall be of a single uniform height except walls enclosing an elevator override may be of a separate uniform height; and

(c) Required screening walls around uncovered mechanical equipment may be of a single, different uniform height.

1500.10 Enclosing walls of a penthouse from roof level shall rise vertically to a roof, with a slope not exceeding twenty percent (20%) from vertical.

1500.11 For residential buildings, the construction of penthouse habitable space, except penthouse habitable space devoted exclusively to communal rooftop recreation or amenity space for the primary use of residents of the residential building, is subject to the Inclusionary Zoning set-aside provisions of Subtitle C, Chapter 10 Inclusionary Zoning.

1500.12 For non-residential buildings, the construction of penthouse habitable space, including all forms of habitable space, shall trigger the affordable housing requirement as set forth in Subtitle C § 1505.

SOURCE: Final Rulemaking & Order No. 08-06A published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 08-06G published at 64 DCR 22 (January 6, 2017); Final Rulemaking & Order No. 19-04 published at 66 DCR 12137 (September 13, 2019).

1501 PENTHOUSE HEIGHT

1501.1 Permitted penthouse height and number of stories shall be as prescribed in the development standards for the applicable zone.

1501.2 Permitted penthouse height and number of stories for a building constructed pursuant to the planned unit development (PUD) shall be as prescribed for the PUD standards for the applicable zone, pursuant to Subtitle X, Chapter 3.

1501.3 Architectural embellishments consisting of spires, tower, domes, minarets, and pinnacles may be erected to a greater height than any limit prescribed by these regulations or the Height Act, provided the architectural embellishment does not result in the appearance of a raised building height for more than thirty percent (30%) of the wall on which the architectural embellishment is located.

1501.4 Pursuant to § 5 of the Height Act, D.C. Official Code § 601.05(h), a penthouse may be erected to a height in excess of that permitted therein if authorized by the Mayor or his or her designee and subject to the setback and other restrictions stated in the Act.

1501.5 A chimney or smokestack may be erected to a height in excess of that authorized in the district in which it is located when required by other municipal law or regulation.

SOURCE: Final Rulemaking & Order No. 08-06A published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 08-06G published at 64 DCR 22 (January 6, 2017).

1502 PENTHOUSE SETBACKS

1502.1 Penthouses, screening around unenclosed mechanical equipment, rooftop platforms for swimming pools, roof decks, trellises, and any guard rail on a roof shall be setback from the edge of the roof upon which it is located as follows:

(a) A distance equal to its height from the front building wall of the roof upon which it is located;

(b) A distance equal to its height from the rear building wall of the roof upon which it is located;

(c) A distance equal to its height from the side building wall of the roof upon which it is located if:

(1) In any zone, it is on a building used as a detached dwelling, semi-detached dwelling, rowhouse or flat, that is:

(A) Adjacent to a property that has a lower or equal permitted matter-of-right building height, or

(B) On a corner lot adjacent to a public or private street or alley right-of-way or a public park;

(2) In the R-1 through_R-3 and RF zones, it is on any building not described in Subtitle C § 1502.1(c)(1) that is:

(A) Adjacent to a property that has a lower or equal permitted matter- of- right building height, or

(B) On a corner lot adjacent to a public or private street or alley right-of-way or a public park;

(3) For zones not listed in paragraph Subtitle C § 1502.1(c)(2), it is on a building not described in paragraph Subtitle C § 1502.1(c)(1) that is located adjacent to a property that has a lower permitted matter-of-right building height;

(4) For any zone, it is on a building adjacent to a property improved with a designated landmark or contributing structure to a historic district that is built to a lower height regardless of the permitted matter-of-right building height; and

(5) For any zone, it is on a building with walls that border any court other than closed courts;

(d) A distance equal to one-half (0.5) of its height from any side building wall of the roof upon which it is located that is not adjoining another building wall and not meeting the conditions of paragraphs Subtitle C §§ 1502.1(c)(1) through (5); or

(e) A distance equal to two (2) times its height from any building wall of the roof upon which it is located which fronts onto Independence Avenue, S.W. between 12th Street, S.W. and 2nd Street, S.W., or fronting onto Pennsylvania Avenue, N.W. between 3rd Street, N.W and 15th Street, N.W., subject to any penthouse constraints contained within adopted PADC Guideline documents.

SOURCE: Final Rulemaking & Order No. 08-06A published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 08-06G published at 64 DCR 22 (January 6, 2017); Final Rulemaking & Order No. 08-06J published at 64 DCR 6110 (June 30, 2017).

1503 PENTHOUSE AREA

1503.1 For the purposes of calculating floor area ratio for the building, the aggregate square footage of all penthouse levels or stories measuring six and one-half feet

(6.5 ft.) or more in height shall be included in the total floor area ratio permitted for the building, with the following exceptions:

(a) Penthouse mechanical space;

(b) Communal recreation space;

(c) Penthouse habitable space, other than as exempted in Subtitle C § 1503.1(b) with a floor area ratio of less than four-tenths (0.4); and

(d) Mechanical equipment owned and operated as a penthouse by a fixed right-of-way public mass transit system.

1503.2 Penthouses shall not exceed one-third (1/3) of the total roof area upon which the penthouse sits in the following areas:

(a) Zones or portions of zones where there is a limitation on the number of stories of three (3) or less; and

(b) Any property fronting directly onto Independence Avenue, S.W. between 12th Street, S.W. and 2nd Street, S.W.

1503.3 Areas within curtain walls without a roof used where needed to give the appearance of one (1) structure shall not be counted in floor area ratio, but shall be computed as a roof structure to determine if they comply with Subtitle C § 1503.2.

SOURCE: Final Rulemaking & Order No. 08-06A published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 14-13D published at 65 DCR 5176 (May 11, 2018).

1504 RELIEF TO PENTHOUSE REQUIREMENTS

1504.1 Relief to the requirements of Subtitle C §§ 1500.6 – 1500.10 and 1502 may be granted as a special exception by the Board of Zoning Adjustment subject to Subtitle X, Chapter 9 and subject to the following considerations:

(a) The strict application of the requirements of this chapter would result in construction that is unduly restrictive, prohibitively costly, or unreasonable, or is inconsistent with building codes;

(b) The relief requested would result in a better design of the roof structure without appearing to be an extension of the building wall;

(c) The relief requested would result in a roof structure that is visually less intrusive;

(d) Operating difficulties such as meeting D.C. Construction Code, Title 12 DCMR requirements for roof access and stairwell separation or elevator stack location to achieve reasonable efficiencies in lower floors; size of

building lot; or other conditions relating to the building or surrounding area make full compliance unduly restrictive, prohibitively costly or unreasonable;

(e) Every effort has been made for the housing for mechanical equipment, stairway, and elevator penthouses to be in compliance with the required setbacks; and

(f) The intent and purpose of this chapter and this title shall not be materially impaired by the structure, and the light and air of adjacent buildings shall not be affected adversely.

1504.2 Relief shall not be granted to the setback requirements of Subtitle C § 1502 for a roof structure located on a building constructed to the maximum height allowed by the Height Act.

1504.3 A request to add penthouse habitable space to a building approved by the Zoning Commission as a planned unit development or through the design review requirements of Subtitle X, Chapters 3 and 6 prior to January 8, 2016, may be filed as a minor modification for placement on the Zoning Commission consent calendar, pursuant to Subtitle Z § 703, provided:

(a) The item shall not be placed on a consent calendar for a period of thirty (30) days minimum following the filing of the application; and

(b) The Office of Planning shall submit a report with recommendation a minimum of seven (7) days in advance of the meeting.

1504.4 In addition to meeting the requirements of Subtitle X, Chapter 9, an application made pursuant to Subtitle C § 1504.3 shall include:

(a) A fully dimensioned copy of the approved and proposed roof -plan and elevations as necessary to show the changes;

(b) A written comparison of the proposal to the Zoning Regulations; and

(c) Verification that the affected Advisory Neighborhood Commission has been notified of the request.

SOURCE: Final Rulemaking & Order No. 08-06A published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 08-06E published at 63 DCR 10932 (August 26, 2016); Final Rulemaking & Order No. 08-06J published at 64 DCR 6110 (June 30, 2017).

1505 AFFORDABLE HOUSING PRODUCTION REQUIREMENT GENERATED BY CONSTRUCTION ON A NON-RESIDENTIAL BUILDING OF PENTHOUSE HABITABLE SPACE

1505.1 The owner of a non-residential building proposing to construct penthouse habitable space shall produce or financially assist in the production of residential uses that are affordable to households earning equal to or less than the income limits established by Subtitle C § 1003.7, in accordance with this section.

1505.2 The requirements of this provision shall be triggered by the filing of a building permit application that, if granted, would result in the amount of penthouse habitable space exceeding one thousand square feet (1,000 sq. ft.).

1505.3 The requirements of this section shall not apply to properties owned by the District government or the Washington Metropolitan Area Transit Authority and used for government or public transportation purposes.

1505.4 Qualifying residential uses include single dwelling units, flats, multiple dwelling units, including apartment houses, rooming houses, and boarding houses, but shall not include transient accommodations, all as defined in Subtitle B.

1505.5 If the owner constructs or rehabilitates the required housing, the provisions of Subtitle C §§ 1505.6 through 1505.11 shall apply.

1505.6 The gross square footage of new or rehabilitated housing shall equal:

(a) Not less than one-fourth (1/4) of the proposed penthouse habitable space if the required housing is situated on an adjacent property;

(b) Not less than one-third (1/3) of the proposed penthouse habitable space if the location of the required housing does not comply with paragraph (a) of this subsection, but is nonetheless within the same Advisory Neighborhood Commission area as the property, or if it is located within a Housing Opportunity Area as designated in the Comprehensive Plan; and

(c) Not less than one-half (0.5) of the proposed penthouse habitable space if the location of the required housing is other than as approved in paragraphs (a) and (b) above.

1505.7 If the housing is provided as new construction, the average square feet of gross floor area per dwelling or per apartment unit shall be not less than eight hundred and fifty square feet (850 sq. ft.); provided, that no average size limit shall apply to rooming houses, boarding houses, or units that are deemed single-room occupancy housing.

1505.8 For purposes of this section, the word "rehabilitation" means the substantial renovation of housing for sale or rental that is not habitable for dwelling purposes because it is in substantial violation of the Housing Regulations of the District of Columbia (14 DCMR).

1505.9 In the case of rental housing, the required housing shall be maintained as affordable dwelling units for not less than twenty (20) years beginning on the issuance date of the first certificate of occupancy for the residential development, or if for a single dwelling unit, the effective date of the first lease agreement.

1505.10 If the required housing is provided for home ownership, it shall be maintained as affordable dwelling units for not less than twenty (20) years beginning on the issuance date of the first certificate of occupancy for the residential development, or if for a single dwelling unit, the effective date of the first sales agreement.

1505.11 No certificate of occupancy shall be issued for the owner's building to permit the occupancy of penthouse habitable space until a certificate of occupancy has been issued for the housing required pursuant to this section, or in the case of a residential unit for which a certificate of occupancy is not required, prior to the final building inspection.

1505.12 If the owner instead chooses to contribute funds to a housing trust fund, as defined in Subtitle B, the provisions of Subtitle C §§ 1505.13 through 1505.16 shall apply.

1505.13 The contribution shall be equal to one-half (0.5) of the assessed value of the proposed penthouse habitable space.

1505.14 The assessed value shall be the fair market value of the property as indicated in the property tax assessment records of the Office of Tax and Revenue no earlier than thirty (30) days prior to the date of the building permit application to construct the penthouse habitable space.

1505.15 The contribution shall be determined by dividing the assessed value per square foot of land that comprises the lot upon which the building is or will be located by the maximum permitted non-residential FAR and multiplying that amount times the penthouse habitable space to be constructed.

1505.16 Not less than one-half (0.5) of the required total financial contribution shall be made prior to the issuance of a building permit for construction of the penthouse habitable space, and the balance of the total financial contribution shall be made prior to the issuance of a certificate of occupancy for any or all of the building's penthouse habitable space.

SOURCE: Final Rulemaking & Order No. 08-06A published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 04-33I published at 66 DCR 13705 (October 18, 2019).

CHAPTER 16 PUBLIC RECREATION OR LIBRARY BUILDINGS OR STRUCTURES

1600 GENERAL PROVISIONS

1600.1 The provisions of this chapter control the height and bulk of public recreation and community centers and public libraries.

SOURCE: Final Rulemaking & Order No. 08-06A published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 19-11 published at 67 DCR 3776 (April 3, 2020).

1601 DEVELOPMENT STANDARDS

1601.1 Public recreation and community centers or public libraries subject to this chapter, but not otherwise regulated by the development standards of this chapter, shall be subject to the development standards for the zone in which the building or structure is proposed.

SOURCE: Final Rulemaking & Order No. 08-06A published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 19-11 published at 67 DCR 3776 (April 3, 2020).

1602 HEIGHT

1602.1 A public recreation and community center may be erected to a height as follows:

(a) In an R, RF, or RA zone a public recreation and community center may be erected to a height not to exceed forty-five feet (45 ft.);

(b) In the RF-3 and MU-11 zone a public recreation and community center may be erected to a height not to exceed forty feet (40 ft.); and

(c) In all other zones, a public recreation and community center may be erected to the maximum height permitted within the zone.

1602.2 A public library may be built to the maximum height permitted within the zone located.

1602.3 A college or university building or structure covered by an approved campus plan pursuant to Subtitle X, Chapter 1 may be erected to a height not exceeding sixty feet (60 ft.) in an RA-2, RA-7, RA-8, and RA-9 zone.

SOURCE: Final Rulemaking & Order No. 08-06A published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 19-11 published at 67 DCR 3776 (April 3, 2020).

1603 LOT OCCUPANCY

1603.1 A public recreation and community center shall not exceed the maximum lot occupancy as required within the zone in which the public recreation and community center is located, except as established in Subtitle C § 1603.3.

1603.2 In an R or RF zone, a public recreation and community center may be permitted a lot occupancy not to exceed forty percent (40%), if approved by the Board of Zoning Adjustment as a special exception subject to Subtitle C § 1610 and provided that the agency shows that the increase is consistent with agency policy of preserving open space.

1603.3 A public recreation and community center shall not exceed a maximum lot occupancy of twenty percent (20%) in the following zones:

(a) All R, RF, RA zones; and

(b) MU-1, MU-2, MU-10, MU-11, MU-12, MU-13, MU-14, MU-15, MU-16, MU-22, MU-23, and MU-29 zones.

1603.4 Public libraries shall not occupy a lot in excess of the maximum lot occupancy as set forth in the following table:

TABLE C § 1603.4: MAXIMUM LOT OCCUPANCY FOR PUBLIC LIBRARIES

Zone District	Structure	Maximum Percent of Lot Occupancy (%)
RA-6, RA-7, RA-8, RA-9	Public library	40
R-1-A, R-1-B, R-2, R-3, R-6, R-7, R-8, R-9, R-10, R-11, R-12, R-13, R-14, R-15, R-16, R-17, R-19, R-20, R-21, RF-1, RF-2, RF-3	Public library	40
RA-1, RA-2, RC-1	Public library	60
RA-3, RA-4, RA-5, RA-10, RA-11	Public library	75
All other zones	Public library	None prescribed

1603.5 A public recreation and community center may be permitted a lot occupancy not to exceed forty percent (40%), if approved by the Board of Zoning Adjustment as a special exception pursuant to Subtitle C § 1610 and provided that the agency shows that the increase is consistent with agency policy of preserving open space.

1603.6 A public library may be permitted a lot occupancy in excess of that allowed in the development standards of this chapter if approved by the Board of Zoning Adjustment as a special exception pursuant to Subtitle C § 1610.

SOURCE: Final Rulemaking & Order No. 08-06A published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 19-11 published at 67 DCR 3776 (April 3, 2020).

1604 DENSITY – GROSS FLOOR AREA (GFA) AND FLOOR AREA RATIO (FAR)

1604.1 A public recreation and community center shall not exceed a gross floor area of forty thousand square feet (40,000 sq. ft.) in the following zones:

(a) All R, RF, RA zones; and

(b) MU-1, MU-2, MU-10, MU-11, MU-12, MU-13, MU-14, MU-15, MU-16, MU-22, MU-23, and MU-29 zones.

1604.2 Public recreation and community centers, and public libraries shall be permitted a maximum floor area ratio as set forth in the following table:

TABLE C § 1604.2: MAXIMUM FAR FOR PUBLIC RECREATION AND COMMUNITY CENTERS AND PUBLIC LIBRARIES

Zone	Structure	Max. FAR
R-1-A, R-1-B, R-2, R-6, R-7, R-8, R-9, R-10, R-11, R-12, R-14, R-15, R-16, R-19, R-21	Public libraries	None prescribed
	Public recreation and community center	0.9
R-3, R-13, R-17, R-20	Public libraries	None prescribed
	Public recreation and community center	1.8
RF-1, RF-2, RF-3	Public libraries	None prescribed
	Public recreation and community center	1.8
RF-4, RF-5	Public libraries	2.0
	Public recreation and community center	1.8
RA-1, RA-6	Public libraries	2.0
	Public recreation and community center	0.9
RA-2, RA-7, RA-8, RC-1	Public libraries	2.0
	Public recreation and community center	1.8
RA-3	Public libraries	3.0
	Public recreation and community center	1.8
RA-4, RA-9	Public libraries	3.5
	Public recreation and community center	1.8
RA-5, RA-10	Public libraries	5.0
	Public recreation and community center	1.8
MU-1, MU-2, MU-15, MU-16, MU-23	Public libraries	As permitted by zone
	Public recreation and community center	1.8
All other zones	Public libraries	As permitted by zone
	Public recreation and community center	

1604.3 A public recreation and community center in an R zone may exceed 0.9 FAR in those zones where it is so limited, up to a maximum of 1.8 FAR, if approved by the Board of Zoning Adjustment as a special exception pursuant to the provisions of Subtitle C § 1610.

1604.4 A public recreation and community center may have a density up to 1.8 FAR in the RA-1 zone, if approved by the Board of Zoning Adjustment as a special exception pursuant to the provisions of Subtitle C § 1610.

SOURCE: Final Rulemaking & Order No. 08-06A published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 19-11 published at 67 DCR 3776 (April 3, 2020).

1605 MINIMUM LOT SIZE AND DIMENSIONS

1605.1 Except in the RA-1 zone, a public recreation and community center in an R or RA zone shall not exceed a maximum gross floor area of forty thousand square feet (40,000 sq. ft.), unless approved by the Board of Zoning Adjustment as a special exception pursuant to the provisions of Subtitle C § 1610.

SOURCE: Final Rulemaking & Order No. 08-06A published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 19-11 published at 67 DCR 3776 (April 3, 2020).

1606 REAR YARD

1606.1 A rear yard shall be provided for each public recreation and community center or public library located in any R, RF, or RA zone, the minimum depth of which shall be as set forth in the following table:

TABLE C § 1606.1: REAR YARD FOR PUBLIC RECREATION AND COMMUNITY CENTER OR PUBLIC LIBRARY

Zone	Minimum Rear Yard (Feet)
R-1-A, R-1-B, R-6, R-7, R-8, R-9, R-11, R-12, R-14, R-15, R-16, R-19, R-21	25 feet
R-2, R-3, R-10, R-13, R-17, R-20, all RF, RA-1, RA-6	20 feet
RA-2, RA-3, RA-4, RA-7, RA-8, RA-9, RC-1	4 in./ft. 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 15 ft.
RA-5, RA-10	3 in./ft. 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 ft.

1606.2 In the case of a corner lot abutting three (3) or more streets, the rear yard may be measured from the center line of the street abutting the lot at the rear of the structure.

1606.3 In the case of a lot proposed to be used by a public recreation and community center or public library that abuts or adjoins along the rear lot line a public open space, recreation area, or reservation, no rear yard shall be required.

SOURCE: Final Rulemaking & Order No. 08-06A published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 19-11 published at 67 DCR 3776 (April 3, 2020).

1607 SIDE YARD

1607.1 In the case of a lot proposed to be used by a public recreation and community center or public library that abuts or adjoins on one (1) or more side lot lines a public open space, recreation area, or reservation, no side yard shall be required.

SOURCE: Final Rulemaking & Order No. 08-06A published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 19-11 published at 67 DCR 3776 (April 3, 2020).

1608 COURTS

1608.1 Where a court is provided, it shall have the following minimum dimensions:

TABLE C § 1608.1: MINIMUM DIMESIONS FOR A COURT

Open Court Width:	Closed Court Width	Closed Court Area:
2.5 in./ft. of height of court; 6 ft. minimum.	2.5 in./ft. of height of court; 12 ft. min.	Twice the square of the required width of court dimension; 250 sq. ft. minimum.

SOURCE: Final Rulemaking & Order No. 08-06A published at 63 DCR 2447 (March 4, 2016 – Part 2).

1609 PERVIOUS SURFACE

1609.1 In an R zone, the minimum percentage of pervious surface of a lot shall be thirty percent (30%).

1609.2 In an RF zone, a minimum percentage of pervious surface of a lot used for a public recreation and community center shall be based on lot size as set forth in the following table:

TABLE C § 1609.2: MINIMUM PERCENTAGE OF PERVIOUS SURFACE FOR A PUBLIC RECREATION AND COMMUNITY CENTER

Minimum Lot Size	Minimum Percentage of Pervious Surface
Less than 1,800 square feet	0%
1,801 to 2,000 square feet	10%
Larger than 2,000 square feet	20%

SOURCE: Final Rulemaking & Order No. 08-06A published at 63 DCR 2447 (March 4, 2016 – Part 2).

1610 SPECIAL EXCEPTION

1610.1 Exceptions to the development standards for public recreation and community centers of this chapter shall be permitted as a special exception if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9.

1610.2 Exceptions to the development standards of this chapter for a public library shall be permitted as a special exception if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9.

SOURCE: Final Rulemaking & Order No. 08-06A published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 19-11 published at 67 DCR 3776 (April 3, 2020).

CHAPTER 17 PLAZA

1700 INTRODUCTION

1700.1 Plaza regulations are intended to provide spaces in private developments that serve as transitional spaces between streets or pedestrian rights-of-ways and the entrances of buildings. These spaces are intended for public use, and may also be used for temporary commercial displays and other activities, such as café seating. The plaza regulations are intended to ensure that such spaces are appropriately designed, including suitable lighting and landscaping.

1700.2 Plaza space required by specific zones and subject to the standards of this chapter are intended to be publically accessible and are encouraged to be built adjoining other plazas to maximize open space.

1700.3 Plaza regulations apply only on lots of ten thousand square feet (10,000 sq. ft.) or more in area in the MU-10, MU-22, MU-29, and CG-4 zones.

SOURCE: Final Rulemaking & Order No. 08-06A published at 63 DCR 2447 (March 4, 2016 – Part 2).

1701 GENERAL PROCEDURES

1701.1 Plaza space for new development subject to this chapter shall be located immediately adjacent to the main entrance to the principal building or structure on the lot, and shall serve as a transitional space between the street or pedestrian right-of-way and the building or structure.

1701.2 Plaza space shall be open to the sky or have a minimum vertical clearance of one (1) story or ten feet (10 ft.).

1701.3 Plaza space shall be suitably lighted and landscaped for public use, and may be utilized for temporary commercial displays.

1701.4 Plaza space shall be open and available to the general public on a continuous basis.

1701.5 Required plaza space shall not be charged against the gross floor area of the building.

1701.6 Plaza requirements shall be provided as a percentage of lot area.

1701.7 A plaza may be used by building occupants and visitors for:

(a) Café seating;

(b) Temporary commercial displays;

(c) Access to mass transportation facilities;

(d) Art displays; or

(e) Other similar uses.

1701.8 Where preferred use space is required and is provided, the requirement to provide plaza space shall not apply.

SOURCE: Final Rulemaking & Order No. 08-06A published at 63 DCR 2447 (March 4, 2016 – Part 2).

CHAPTER 18 COURTS

1800 INTRODUCTION

1800.1 Where a court is provided for a building or portion of a building it shall be provided with the area and dimensions required in each zone or as prescribed in the applicable subtitle.

1800.2 For the purposes of determining court area and dimensions, "residential uses" shall include dwellings, flats, multiple dwellings, hospitals, and community-based residential facilities.

SOURCE: Final Rulemaking & Order No. 08-06A published at 63 DCR 2447 (March 4, 2016 – Part 2).

1801 RULES OF MEASUREMENT

1801.1 In the case of a building devoted to both residential and nonresidential uses, the minimum width and area of a court shall be computed as follows:

(a) When the residential and nonresidential uses are located on different floors of the building, the width and area requirements shall be computed for each use at the plane of each floor of the building; and

(b) When the residential and nonresidential uses are located on the same floor of the building, the width and area requirements for that plane shall be computed based on the requirements for a residential building.

1801.2 No required opening for the admission of light and natural ventilation shall open onto a court niche where the ratio between the width of court niche and the depth of court niche is less than two to one (2:1).

1801.3 No portion of a court niche shall be farther than three feet (3 ft.) from a point where the court niche is less than three feet (3 ft.) wide.

1801.4 In the case of an alteration affecting the amount of light and ventilation required by other municipal law or regulation in an existing structure, no legally required window shall be permitted to open onto a court that does not comply with the dimensions in this title.

SOURCE: Final Rulemaking & Order No. 08-06A published at 63 DCR 2447 (March 4, 2016 – Part 2).