TITLE 11 – ZONING

SUBTITLE I DOWNTOWN ZONES

TITLE 11 – ZONING I-1

Subtitle I DOWNTOWN ZONES I-1

CHAPTER 1 INTRODUCTION TO DOWNTOWN (D) ZONES I-5
100 PURPOSES OF DOWNTOWN (D) ZONES I-5
101 TYPES OF DOWNTOWN (D) REGULATIONS I-6
102 GENERAL PROVISIONS I-7

CHAPTER 2 GENERAL DEVELOPMENT STANDARDS FOR DOWNTOWN (D) ZONES I-9
200 DENSITY – FLOOR AREA RATIO (FAR) I-9
201 HEIGHT I-11
202 LOT OCCUPANCY I-12
203 FRONT BUILD-TO LINE I-12
204 FRONT SETBACK MEASUREMENT RULES I-13
205 REAR YARD I-13
206 SIDE YARD I-14
207 COURT REQUIREMENTS I-14
208 GREEN AREA RATIO I-15
209 ACCESSORY BUILDINGS I-15
210 ALLEY LOTS I-16
211 PLANNED UNIT DEVELOPMENTS I-17
212 PARKING REQUIREMENTS AND STANDARDS I-17
213 LOADING REQUIREMENTS I-18
214 PENTHOUSES I-18

CHAPTER 3 GENERAL ZONE-BASED USE REQUIREMENTS AND CONDITIONS I-19
300 INTRODUCTION I-19
301 REQUIRED USES I-19
302 USES PERMITTED AS A MATTER OF RIGHT I-19
303 USES PERMITTED BY SPECIAL EXCEPTION I-20
304 USES NOT PERMITTED I-22
305 GENERAL RESIDENTIAL USE REQUIREMENTS I-22
306 USES ON ALLEY LOTS I-25

CHAPTER 4 GENERAL ZONE-BASED DESIGN REQUIREMENTS AND PERMISSIONS I-26
400 DRIVE- THROUGH I-26
401 VEHICULAR ENTRANCES I-26
402 SECURITY GRILLES I-26
403 OPEN ARCADE I-27
404 ADDITIONAL DESIGN- BASED REQUIREMENTS AND PERMISSIONS I-27

CHAPTER 5 REGULATIONS SPECIFIC TO PARTICULAR DOWNTOWN (D) ZONESI-28
500 INTRODUCTION I-28
501 PURPOSE AND OBJECTIVE (D-1-R) I-28
502 DENSITY – FLOOR AREA RATIO (FAR) (D-1-R) I-28
503 HEIGHT (D-1-R) I-29
504 FRONT BUILD-TO (D-1-R) I-29
505 FRONT SETBACK (D-1-R) I-29
506 USES (D-1-R) I-29
507 DESIGN (D-1-R) I-30
508 PURPOSE AND OBJECTIVE (D-2) I-30
509 DENSITY – FLOOR AREA RATIO (FAR) (D-2) I-30
510 HEIGHT (D-2) I-31
511 FRONT BUILD-TO (D-2) I-31
512 FRONT SETBACK (D-2) I-31
513 USES (D-2) I-31
514 DESIGN (D-2) I-31
515 PURPOSE AND OBJECTIVE (D-3) I-32
516 DENSITY – FLOOR AREA RATIO (FAR) (D-3) I-32
517 HEIGHT (D-3) I-32
518 FRONT BUILD-TO (D-3) I-33
519 FRONT SETBACK (D-3) I-33
520 USES (D-3) I-33
521 DESIGN (D-3) I-33
522 REVIEW REQUIREMENTS (D-3) I-33
523 PURPOSE AND OBJECTIVE (D-4) I-34
524 DENSITY – FLOOR AREA RATIO (FAR) (D-4) I-34
525 HEIGHT (D-4) I-34
526 FRONT BUILD-TO (D-4) I-35
527 FRONT SETBACK (D-4) I-35
528 USES (D-4) I-36
529 DESIGN (D-4) I-36
530 PURPOSE AND OBJECTIVE (D-4-R) I-36
531 DENSITY – FLOOR AREA RATIO (FAR) (D-4-R) I-36
532 HEIGHT (D-4-R) I-37
533 FRONT BUILD-TO (D-4-R) I-38
534 FRONT SETBACK (D-4-R) I-38
535 COURT (D-4-R) I-38
536 USES (D-4-R) I-39
537 DESIGN (D-4-R) I-39
538 PURPOSE AND OBJECTIVE (D-5) I-39
539 DENSITY – FLOOR AREA RATIO (FAR) (D-5) I-39
540 HEIGHT (D-5) I-40
541 FRONT BUILD-TO (D-5) I-41
542 FRONT SETBACK (D-5) I-41
543 PARKING (D-5) I-41
544 USES (D-5) I-41

545 DESIGN (D-5) I-41
546 PURPOSE AND OBJECTIVE (D-5-R) I-42
547 DENSITY – FLOOR AREA RATIO (FAR) (D-5-R) I-42
548 HEIGHT (D-5-R) I-43
549 FRONT BUILD-TO (D-5-R) I-43
550 FRONT SETBACK (D-5-R) I-44
551 COURT (D-5-R) I-44
552 USES (D-5-R) I-44
553 DESIGN (D-5-R) I-44
554 PURPOSE AND OBJECTIVE (D-6) I-45
555 DENSITY – FLOOR AREA RATIO (FAR) (D-6) I-45
556 HEIGHT (D-6) I-45
557 FRONT BUILD-TO (D-6) I-46
558 FRONT SETBACK (D-6) I-46
559 USES (D-6) I-46
560 DESIGN (D-6) I-46
561 PURPOSE AND OBJECTIVE (D-6-R) I-46
562 DENSITY – FLOOR AREA RATIO (FAR) (D-6-R) I-47
563 HEIGHT (D-6-R) I-48
564 FRONT BUILD-TO (D-6-R) I-48
565 FRONT SETBACK (D-6-R) I-49
566 USES (D-6-R) I-49
567 DESIGN (D-6-R) I-49
568 PURPOSE AND OBJECTIVE (D-7) I-49
569 DENSITY – FLOOR AREA RATIO (FAR) (D-7) I-49
570 HEIGHT (D-7) I-50
571 FRONT BUILD-TO (D-7) I-51
572 FRONT SETBACK (D-7) I-51
573 USES (D-7) I-51
574 DESIGN (D-7) I-51
575 PURPOSE AND OBJECTIVE (D-8) I-52
576 DENSITY – FLOOR AREA RATIO (FAR) (D-8) I-52
577 HEIGHT (D-8) I-53
578 FRONT BUILD-TO (D-8) I-54
579 FRONT SETBACK (D-8) I-54
580 USES (D-8) I-54
581 SPECIAL EXCEPTION (D-8) I-54

CHAPTER 6 LOCATION-BASED REGULATIONS FOR DOWNTOWN SUB-AREAS AND DESIGNATED STREET SEGMENTS I-57
600 INTRODUCTION I-57
601 GENERAL USE REQUIREMENTS FOR BUILDINGS ON PRIMARY AND SECONDARY DESIGNATED STREET SEGMENTS I-59
602 GENERAL DESIGN REQUIREMENTS FOR BUILDINGS ON PRIMARY AND SECONDARY DESIGNATED STREET SEGMENTS I-61
603 BUILDINGS ON DESIGNATED TERTIARY STREETS: GENERAL USE AND DESIGN REQUIREMENTS I-63

604 GEOGRAPHIC SUB-AREAS IN DOWNTOWN I-64
605 CAPITOL SECURITY SUB-AREA I-65
606 DOWNTOWN RETAIL CORE SUB-AREA I-68
607 DOWNTOWN ARTS SUB-AREA I-71
608 PENNSYLVANIA AVENUE SUB-AREA I-76
609 CHINATOWN SUB-AREA I-80
610 MASSACHUSETTS AVENUE CORRIDOR AND MT. VERNON SQUARE SUB-AREA I-83
611 MOUNT VERNON TRIANGLE (MVT) SUB-AREA I-85
612 MOUNT VERNON TRIANGLE PRINCIPAL INTERSECTION AREA SUB-AREA I-89
613 BLAGDEN ALLEY RESIDENTIAL TRANSITION SUB-AREA I-92
614 LOWER CONNECTICUT AVENUE CORRIDOR SUB-AREA I-93
615 NORTH OF MASSACHUSETTS AVENUE (NOMA) SUB-AREA I-94
616 M AND SOUTH CAPITOL STREETS SUB-AREA I-95
617 NORTH CAPITOL STREET CORRIDOR SUB-AREA I-98
618 INDEPENDENCE AVENUE I-100

CHAPTER 7 DESIGN REVIEW I-103
700 INTRODUCTION TO DESIGN REVIEW REGULATIONS I-103
701 ZONING COMMISSION REVIEW OF BUILDINGS, STRUCTURES, AND USES I-103

CHAPTER 8 GENERATION AND CERTIFICATION OF CREDITS I-105
800 INTRODUCTION TO THE CREDIT SYSTEM I-105
801 ACTIONS THAT GENERATE CREDITS I-106
802 GENERATION OF CREDITS BY RESIDENTIAL DEVELOPMENT I-107
803 GENERATION OF CREDITS BY ARTS USES I-108
804 GENERATION OF CREDITS BY PREFERRED USES I-109
805 ACKNOWLEDGMENT OF RESIDENTIAL, ARTS, AND PREFERRED USE CREDITS I-109
806 GENERATION AND CERTIFICATION OF CREDITS FOR TDR OR CLD CONVERSION I-113
807 GENERATION AND CERTIFICATION OF CREDITS FOR HISTORIC PRESERVATION I-115

CHAPTER 9 USE OF CREDITS I-120
900 GENERAL REQUIREMENTS AND RESTRICTIONS I-120
901 TRANSFER OF CREDITS I-122
902 RETRANSFER OF CREDITS I-125

CHAPTER 1 INTRODUCTION TO DOWNTOWN (D) ZONES

100 PURPOSES OF DOWNTOWN (D) ZONES

100.1 The purposes of the Downtown (D) zones (D-1-R, D-2, D-3, D-4, D-4-R, D-5, D-5-R, D-6, D-6-R, D-7, and D-8) are to provide for the orderly development and use of land and structures in areas the Comprehensive Plan generally characterized as:

(a) Central Washington; or

(b) Appropriate for a high-density mix of office, retail, service, residential, entertainment, lodging, institutional, and other uses, often grouped into neighborhoods with distinct identities.

100.2 The provisions of this subtitle are intended to:

(a) Create a balanced mixture of land uses by providing incentives and requirements for retail, residential, entertainment, arts, and cultural uses the Comprehensive Plan identifies as essential to a successful downtown, and by guiding and regulating office development;

(b) Protect historic buildings and places while permitting compatible new development, subject to the review process of the Historic Landmark and Historic District Protection Act of 1978;

(c) Guide the design of buildings into being not inconsistent with the policies of the Central Washington Element and other relevant elements of the Comprehensive Plan;

(d) Provide for the return of historic L'Enfant streets and rights-of way;

(e) Establish design or use requirements for the ground-level of buildings facing certain streets that are of high priority for furthering retail, pedestrian or historic purposes contained in the Comprehensive Plan;

(f) Encourage the development of publicly-accessible open space;

(g) Encourage the development of housing, including the development and preservation of affordable housing, in Central Washington consistent with the policies of the Central Washington Element and other relevant elements of the Comprehensive Plan;

(h) Provide incentives and flexible mechanisms for achieving the retail, residential, historic, and open spaces goals through the generation and use of density credits that can be traded within defined areas;

(i) Ensure a continued mix of retail and residential development in the Comprehensive Plan's Chinatown policy focus area;

(j) Promote the growth of a well-design mixed-uses and streetscapes on portions of M Street, S.E., South Capitol Street, and properties now devoted to federal offices in Southwest, including a mechanism for selective design review by the Zoning Commission; and

(k) Provide for adequate and visually acceptable parking and consolidated loading facilities that do not interfere with active, pedestrian-oriented sidewalks and the flow of vehicular traffic.

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

101 TYPES OF DOWNTOWN (D) REGULATIONS

101.1 Development of property in the D zones is governed by:

(a) General zone development standards and use regulations and those specific to a particular zone, including standards and conditions for physical development and uses, regardless of the geographic location of a property within the zone;

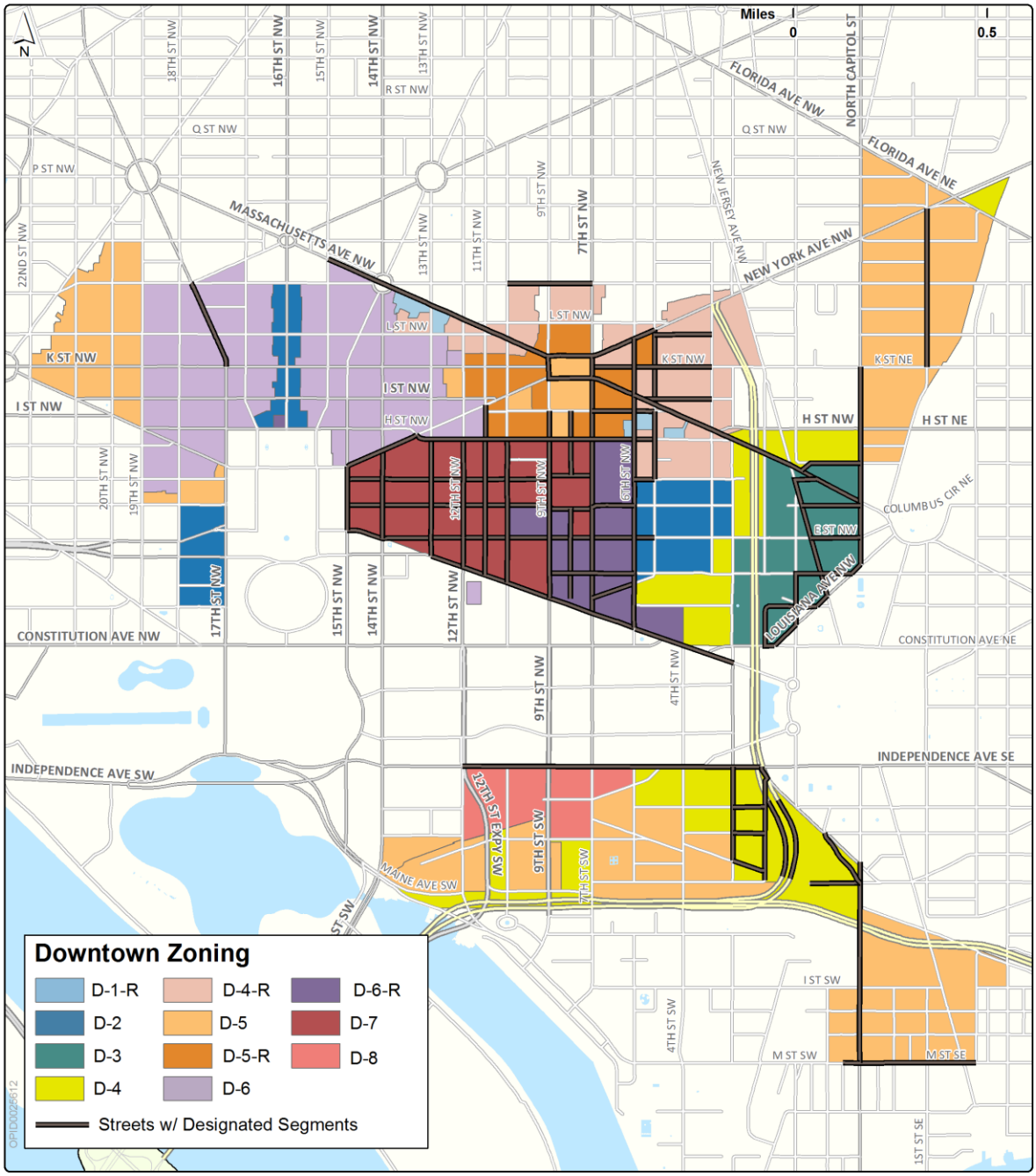
(b) Location-specific regulations that apply to a property that is located in a sub-area specified in Subtitle I, Chapter 6 and has frontage on one (1) or more of the sub-area's designated street segments, regardless of the zone district in which the property is located;

(c) Site-plan, design, massing, or review standards in a limited number of zones or sub-areas; and

(d) An optional process for zones other than D-1-R or D-2 to achieve bonus density or to shift the location of required uses within a trading area, as specified in Subtitle I, Chapters 8 and 9.

101.2 Figure I § 101.2 illustrates the general boundaries of the D zones and the designated street segments. Precise zone boundaries are provided by District of Columbia Zoning Map.

FIGURE I §101.2: GENERAL BOUNDARIES OF THE D ZONES



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

102 GENERAL PROVISIONS

102.1 Unless otherwise noted in this subtitle, the definitions of terms and uses, the rules of measurement, and the categorization of uses are the same as and governed by Subtitles B, C, and U.

102.2 If there is a conflict between regulations in this subtitle and regulations in other subtitles regarding the same regulatory topic, this subtitle shall govern.

102.3 Unless otherwise stated, the requirements, restrictions, and incentives of this subtitle apply to all new buildings and to existing buildings where any additions, alterations, or repairs made within a consecutive 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.

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

102.5 Where there are conflicts between regulations within this subtitle, the stricter regulations apply.

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

CHAPTER 2 GENERAL DEVELOPMENT STANDARDS FOR DOWNTOWN (D) ZONES

200 DENSITY – FLOOR AREA RATIO (FAR)

200.1 Gross floor area shall be measured as specified in Subtitle B § 304, except that all GFA in a Lodging Use including guest rooms and service areas shall be counted as non-residential GFA.

200.2 If a historic landmark or contributing building in a historic district has an existing density of 6.0 floor area ratio (FAR) or less, the portion of the lot within the historic structure's footprint:

(a) Shall be limited to an on-site FAR of 6.0;

(b) Shall be exempt from the minimum residential requirements of the lot's zone;

(c) May generate density credits under the provisions of Subtitle I, Chapter 8; and

(d) May average the permitted 6.0 FAR with the permitted FARs of other lots under common ownership or for which there has been an agreement as to the allocation of FAR within the same square as the historic property or contributing building, including lots and portions of lots not subject to the 6.0 FAR maximum, to achieve a composite FAR.

200.3 If a historic landmark or contributing building or structure in a historic district has an existing FAR of more than 6.0 on the portion of the lot within the historic structure's footprint, it shall not increase its existing FAR within the historic structure's footprint, but shall be permitted to occupy all of the existing floors of the building for uses permitted within the zone and may generate density credits under the provisions of Subtitle I, Chapter 8.

200.4 In all D zones, except for the D-1-R zone, a property may achieve a base FAR for non-residential uses if it satisfies any minimum residential requirement for the zone. Additional FAR not to exceed the maximum FAR for the zone specified in Subtitle I, Chapter 4 may be achieved by:

(a) Providing additional FAR devoted to residential use that is not used to meet the minimum residential floor area requirements specified for the zone provided that additional residential FAR does not provide housing for students in a building owned or leased by a public, charter, parochial, or private school or community college, college, or university for the

purpose of housing students enrolled in the school owning or leasing the building;

(b) Providing additional FAR that is not used to meet a geographic sub-area's minimum use-type requirements;

(c) Using credits as provided for by Subtitle I, Chapters 8 and 9, with the following exceptions:

(1) Properties in the D-1-R or D-2 zones are not eligible to use credits; and

(2) Historic landmarks or contributing buildings to historic districts in the D-3 through D-5 zones are subject to limitations of Subtitle I, Chapter 9; and

(d) If located in the D-8 zone, dedicating historic street rights–of-way, as detailed in Subtitle I § 575.

200.5 Unless otherwise restricted by this subtitle, if the regulations for an individual zone restrict the non-residential density of a building, the non-residential density of a building constructed as part of a planned unit development (PUD) may be increased in accordance with Subtitle X § 303.3 and Subtitle I § 211.

200.6 Additional FAR conditions particular to the following zones are located in the regulations governing those zones:

(a) D-4-R pursuant to Subtitle I § 531;

(b) D-5-R pursuant to Subtitle I § 547;

(c) D-6 pursuant to Subtitle I § 555;

(d) D-6-R pursuant to Subtitle I § 562; and

(e) D-8 pursuant to Subtitle I § 576.

200.7 Within the D-3 through D-8 zones, for a building or structure in existence with a valid Certificate of Occupancy prior to November 17, 1978, or for which an application for a building permit was filed prior to November 17, 1978, a conversion of non-residential GFA to residential GFA, even if in excess of otherwise permitted FAR, shall be permitted, provided that requirements for ground floor designated uses of Subtitle I §601 are provided.

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. 08-06Q published at 65 DCR 11934 (October 26, 2018).

201 HEIGHT

201.1 Unless otherwise noted in Subtitle I § 201.4, the maximum permitted building height, not including the penthouse, shall be that specified in the zone in which it is located.

201.2 Height shall be measured in accordance with Subtitle B § 307, except as provided in Subtitle I § 201.3.

201.3 A building or structure that has frontage on Pennsylvania Avenue, N.W within the boundaries of the Pennsylvania Avenue sub-area defined in Subtitle I § 608 shall determine its measuring point by the rules in Subtitle I § 608.9.

201.4 The height of a building or structure on portions of designated street segments in the following sub-areas shall provide an upper-story height setback, or be subject to additional review, as prescribed in Subtitle I, Chapter 6:

(a) Capitol Security Sub-Area pursuant to Subtitle I § 605;

(b) Pennsylvania Avenue Sub-Area pursuant to Subtitle I § 608;

(c) Massachusetts Avenue Corridor and Mount Vernon Square Sub-Area pursuant to Subtitle I § 610;

(d) Mount Vernon Triangle Principal Intersection Sub-Area pursuant to Subtitle I § 612;

(e) The 900 block of M Street, N.W. in the Blagden Alley Residential Transition Sub-Area pursuant to Subtitle I § 613;

(f) South Capitol Street pursuant to Subtitle I § 616;

(g) North Capitol Street pursuant to Subtitle I § 617; and

(h) Independence Avenue, S.W. pursuant to Subtitle I § 618.

201.5 Unless otherwise restricted by this subtitle, if the regulations for an individual zone restrict the non-residential height of a building, the non-residential height of a building constructed as part of a PUD may be increased in accordance with Subtitle X § 303 and Subtitle I § 211.

201.6 No part of a new building or a vertical expansion of an existing building on a lot within a D zone shall project above a plane at a forty-five degree (45°) angle from a line that is:

(a) Directly above the zone boundary line between the lot in a D zone and an adjacent lot in an R or RA zone; or

(b) Above a boundary line described in Subtitle I § 201.6(a), or an MU-zoned lot west of 20th Street, N.W. by the distance of the matter-of-right height for a building on the abutting R, RA, or MU-zoned lot.

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

202 LOT OCCUPANCY

202.1 Unless otherwise limited by regulations governing courts, side or rear yards, front setback or build-to lines, easements or historic preservation, each building on a lot in any D zone may occupy one hundred percent (100%) of its lot.

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

203 FRONT BUILD-TO LINE

203.1 In the D-1-R, D-3, D-4-R, D-5, D-5-R, D-6, D-6-R, and D-7 zones, at least seventy-five percent (75%) of each newly constructed building wall fronting a street shall be constructed to or within four feet (4 ft.) of the property line between the subject lot and the abutting street right-of-way, to a height of at least fifteen feet (15 ft.) above the higher of the building's measuring point or the level of the curb from which the building is drawing its height, provided the building wall:

(a) Faces a designated primary street segment as identified in Subtitle I, Chapter 6; or

(b) Faces an avenue named after the official name of a state, commonwealth, or district in the United States of America.

203.2 If a property is subject to a front build-to requirement, the build-to line shall be the property line along the street(s) to which a building or structure is adjacent, unless the build-to line is otherwise specified for a designated street segment within the following sub-areas regulated by Subtitle I, Chapter 6:

(a) Pennsylvania Avenue Sub-Area, Subtitle I § 608;

(b) South Capitol and M Streets Sub-Area, Subtitle I § 616; or

(c) Independence Avenue, S.W. Sub-Area, Subtitle I § 618.

203.3 The Board of Zoning Adjustment may grant relief to the front build-to line requirements as a special exception pursuant to Subtitle X, provided:

(a) The integrity of the blockface's build-to line shall not be eroded when the property is viewed from either end of the blockface; and

(b) The area in excess of twenty-five percent (25%) that is removed from the lot line shall be open to the public during daylight hours.

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).

204 FRONT SETBACK MEASUREMENT RULES

204.1 A front setback shall be measured from each property line adjacent to a public street on which the building has frontage, unless the setback measuring line is otherwise specified for a designated street segment within the Mount Vernon Triangle Principal Intersection, Pennsylvania Avenue, South Capitol Street, or Independence Avenue, sub-areas in Subtitle I, Chapter 6.

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

205 REAR YARD

205.1 Except as provided Subtitle B §§ 317 and 318.6 and in Subtitle I § 205.2, a rear yard shall be provided for each structure located in a D zone, the minimum depth of which yard shall be two and one-half inches (2.5 in.) per one foot (1 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, but not less than twelve feet (12 ft.).

205.2 A rear yard need not be provided:

(a) Within the depth specified in § Subtitle I 205.1 for the first twenty-five feet (25 ft.) above the mean finished grade at the middle of the rear of the structure and a horizontal plane) above the first plane;

(b) For a through lot, including a lot fronting on three or more streets; and

(c) For a corner lot, as provided for in Subtitle I § 205.4.

205.3 The required rear yard shall be measured according to the regulations in Subtitle B § 319, with the following exception: if the lot abuts an alley, the rear yard may be measured to the center line of an alley-abutting a rear-lot line, rather than to the rear lot-line, in which case, for this subsection, the term "center line of an alley abutting a rear lot line," shall have the same meaning as the term "rear lot line".

205.4 For a corner lot in any D zone except for the D-1-R zone, a court may be provided in lieu of a rear yard, subject to the following:

(a) The court shall comprise at least two (2) building walls and at least one (1) property line;

(b) The building walls need not have windows or face each other;

(c) The court shall be provided above a horizontal plane twenty-five feet (25 ft.) above the mean elevation of the rear lot line, and may be provided below that; and

(d) The court shall comply with the width requirements for a closed court as specified in Subtitle I § 207.1, with the height of the court being measured from the horizontal plane described in Subtitle I § 205.4(c), and with the width being computed for the entire height of the court above that plane.

205.5 The Board of Zoning Adjustment may waive the rear yard requirements as a special exception pursuant to Subtitle X and subject to the following conditions:

(a) No window to a residence use shall be located within forty feet (40 ft.) of another facing building;

(b) No window to an office use shall be located within thirty feet (30 ft.) of another facing office window, nor eighteen feet (18 ft.) in front of a facing blank wall;

(c) A greater distance may be required between windows in a facing building than the minimum prescribed in (a) or (b) if necessary to provide adequate light and privacy to habitable rooms as determined by the angle of sight lines and the distance of penetration of sight lines into such habitable rooms; and

(d) The building shall provide for adequate off-street service functions, including parking and loading areas and access points.

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).

206 SIDE YARD

206.1 No side yard is required for a principal structure in a D zone; however, if a side setback is provided on any portion of the principal building, it shall comply with Subtitle B §§ 319 and 320, and shall be at least four feet (4 ft.) wide.

206.2 The Board of Zoning Adjustment may grant relief to the side yard requirements as a special exception pursuant to Subtitle X, Chapter 9.

206.3 The side yard regulations shall not apply to historic landmarks or contributing buildings within historic districts.

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).

207 COURT REQUIREMENTS

207.1 Where a court is provided, it shall have the following minimum dimensions:

TABLE I § 207.1: MINIMUM COURT DIMENSIONS

Type of Structure	Minimum Width Open Court	Minimum Width Closed Court	Minimum Area Closed Court
Residential, more than 3 units	4 in./ ft. of height of court; 10 ft. minimum	4 in./ft. of height of court; 15 ft. minimum	Twice the square of the required width of court dimension; 350 sq. ft. minimum
Non-Residential and Lodging	2.5in./ft. of height of court; 6 ft. minimum	2.5 in./ft. of height of court; 12 ft. minimum	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); Final Rulemaking & Order No. 08-06E published at 63 DCR 10932 (August 26, 2016).

208 GREEN AREA RATIO

208.1 Each building in a D zone shall achieve a Green Area Ratio (GAR), as specified in the following table, for the zone in which the building is located and is subject to the requirements, permissions, and conditions of Subtitle C, Chapter 6:

TABLE I § 208.1: GREEN AREA RATIO REQUIREMENTS

Zone	Green Area Ratio
D-2	0.30
D-1-R, D-3, D-4, D-4-R, D-5, D-5-R, D-6, D-6-R, D-7, D-8	0.20

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

209 ACCESSORY BUILDINGS

209.1 Accessory buildings may be permitted within a D zone provided the accessory building is located on the same lot as a principal building; is subordinate to and secondary in size to the principal building, and complies with setback requirements for the zone in which the accessory building is located.

209.2 An accessory building shall be used for purposes which are incidental to the use of the principal building.

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

210 ALLEY LOTS

210.1 The following development standards shall apply to buildings on alley lots in D zones:

(a) A building or structure shall not exceed the lesser of thirty feet (30 ft.) or three (3) stories, including the penthouse, as measured from the ground level of a building wall fronting on an alley to which the alley building or structure is adjacent;

(b) A building or structure on an alley lot shall be set back at least five feet (5 ft.) from any lot line of all abutting non-alley lots; and

(c) A building or structure on an alley lot shall be setback at least seven and one-half feet (7.5 ft.) from the centerline of all alleys the alley lot abuts.

210.2 With the exception of residential uses, a building or structure on an alley lot shall be subject to the same permissions, conditions, and restrictions as matter-of-right, special exception, and prohibited uses as the zone in which the alley lot is located.

210.3 Residential use is permitted, subject to the following conditions:

(a) A building may not be constructed or converted to a single or multiple dwelling unit unless there is a minimum of four hundred and fifty square feet (450 sq. ft.) of lot area per unit; and

(b) The alley lot has access to an improved public street as follows:

(1) Through an improved alley or alleys twenty-four feet (24 ft.) or more in width; or

(2) On an improved alley no less than fifteen feet (15 ft.) in width and within three hundred (300) linear feet of a public street.

210.4 The residential dwelling shall meet all building code requirements for a permanent residential structure.

210.5 If the Zoning Administrator or other authorized building official determines that the access from a proposed dwelling on an alley lot is insufficient to provide the intended public safety, hygiene, or other building code requirement, the application for the residential dwelling shall be referred to the Board of Zoning Adjustment for consideration as a special exception under Subtitle X, Chapter 9 with the following additional criteria:

(a) The Board of Zoning Adjustment determines, after considering relevant agency comments concerning water and sewer services, waste management, traffic and parking, and public safety relating to fire concerns, there is no adverse impact to the adjoining properties; and

(b) The Board of Zoning Adjustment determines that adequate public utilities and safety can be provided for the residents of the proposed dwelling and adjoining buildings.

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).

211 PLANNED UNIT DEVELOPMENTS

211.1 A planned unit development (PUD) in the D zones shall be subject to the following provisions in addition to those of Subtitle X, Chapter 3:

(a) The PUD shall be granted only for projects that are superior in achieving the objectives and policies of the Central Washington Area Element of the Comprehensive Plan and the purposes of this subtitle;

(b) The PUD process shall not be used to reduce requirements in this subtitle for preferred uses such as retail, service, entertainment, arts, and residential uses;

(c) An applicant for a PUD within the D-3 through D-8 zones seeking non-residential FAR greater than the non-residential FAR permitted in Subtitle I, Chapter 5 shall demonstrate to the Zoning Commission that credits pursuant to Subtitle I, Chapters 8 and 9 have been acquired to the maximum extent feasible prior to the PUD application; and

(d) The maximum increase in FAR that may be permitted for a PUD application that has complied with Subtitle I § 211.1(c) may be based on the FAR permitted through compliance with that section.

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

212 PARKING REQUIREMENTS AND STANDARDS

212.1 Vehicle parking spaces are not required in D zones, other than areas west of the centerline of 20th Street, N.W.

212.2 Vehicular parking shall be subject to the requirements, permission, and conditions of Subtitle C, Chapter 7.

212.3 Car-sharing spaces may be provided, but shall be subject to the standards in Subtitle C, Chapter 7.

212.4 Any external parking spaces shall be screened, consistent with the standards in Subtitle C, from any adjacent street or sidewalk, and from any residentially zoned lot that shares a lot line boundary with the lot containing the parking spaces.

212.5 Bicycle parking shall be subject to the standards in Subtitle C, Chapter 8.

212.6 The parking facility shall be permitted as a matter of right if:

(a) The parking facility shall conform to the requirements in Subtitle C, Chapter 7;

(b) The parking facility shall be permitted as a matter-of-right if:

(1) It provides only short-term parking and all of the parking spaces are leased to merchants or a park-and-shop organization; and

(2) It provides parking only for residents of the building; and

(c) The parking facility shall require Board of Zoning Adjustment approval as a variance pursuant to Subtitle Y if it provides all-day, commuter parking.

212.7 A carwash, including interior detailing, is a permitted accessory use within a permitted parking facility.

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).

213 LOADING REQUIREMENTS

213.1 Loading is required in all D zones, based on the square footage of uses, and is subject to the requirements, permissions, and conditions in Subtitle C, Chapter 9.

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

214 PENTHOUSES

214.1 Penthouses shall be subject to the regulations of Subtitle C, Chapter 15 and the height and story limitations specified in each zone of this subtitle.

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

CHAPTER 3 GENERAL ZONE-BASED USE REQUIREMENTS AND CONDITIONS

300 INTRODUCTION

300.1 The purpose of regulating use categories in D zones is to allow for an appropriate mix of residential, office, lodging, retail, service, entertainment, cultural, and other uses.

300.2 This chapter provides general regulations concerning uses permitted in D zones where such rules or conditions are needed in addition to those contained in other subtitles.

300.3 Uses are regulated by the zone district in which the property is located and, if the property is located in a geographic sub-area specified in Subtitle I, Chapter 6, by the type of designated street on which a property has frontage.

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

301 REQUIRED USES

301.1 The provision of residential use is required in a D zone with an "R"-suffix.

301.2 A property with frontage on a designated primary or secondary street segment is subject to the use requirements in Subtitle I, Chapter 6 for the sub-area in which the designated street frontage is located.

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

302 USES PERMITTED AS A MATTER OF RIGHT

302.1 Unless otherwise noted in this subtitle, use permissions, including uses permitted as a matter of right, as a special exception, or as an accessory use, and uses not permitted, shall be in accordance with the MU-Use Group F of Subtitle U, Chapter 5, unless modified in this chapter, or by regulations governing a specific D zone or sub-area.

302.2 The following uses shall be permitted as a matter of right, subject to conditions:

(a) Firearms sales, in all zones other than the D-1-R zone, subject to the conditions listed in Subtitle U § 512.1(f);

(b) Massage administration in any establishment where it is a principle use, in any zone, except for the D-1-R or D-2 zones, provided that no portion of the establishment shall be located within two hundred feet (200 ft.) of an R, RF, or RA zone;

(c) Motorcycle sales and repair, in all zones except for the D-1-R, D-2, and D-4 zones, subject to the conditions in Subtitle U § 515.1(i);

(d) Motor vehicle-related uses in all zones except for the D-1-R and D-2 zones, provided they do not include fuel sales and vehicle repair or service, except as incidental and subordinate to other permitted use categories;

(e) Production, distribution, and repair uses, provided:

(1) The use is not located in the D-1-R or D-2 zone;

(2) If the use is located in the D-3 zone and it has a valid certificate of occupancy on the effective date of this title, it shall be deemed a conforming use, but shall not be entitled to expand;

(3) All aspects of the use shall be conducted within a fully enclosed building or structure;

(4) The use, including any storage, shall occupy no more than ten thousand square feet (10,000 sq. ft.); and

(5) The excavation of rock for commercial purposes or the operation of a rock quarry is not permitted; and

(f) Financial Services in all zones except for the D-1-R and D-2 zones, provided not more than twenty-five percent (25%) of the ground floor area permitted for non-residential use shall be devoted to banks, loan offices, or other financial institutions, travel agencies, or ticket offices.

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

303 USES PERMITTED BY SPECIAL EXCEPTION

303.1 The uses in this section shall be permitted as a special exception if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9, subject to the following applicable provisions:

(a) Animal care and boarding uses, pet grooming establishments, and pet shops in any D zone except for the D-1-R zone and the portions of the D-7 zone within the boundaries of the Pennsylvania Avenue Sub-Area defined in Subtitle I § 608, subject to the conditions in Subtitle U § 513.1(a) and:

(1) If animal boarding is provided, the use shall be located on or below the ground floor of the building; and

(2) Animal boarding is not permitted in a pet grooming establishment or pet shop;

(b) Eating and drinking establishments in the D-1-R and D-2 zones, provided the uses are located on or below the ground floor of the building;

(c) Large scale government uses;

(d) Large format retail uses subject to the conditions in Subtitle U § 511.1(j), except that sufficient parking shall be provided for employees and customers;

(e) Motorcycle sales and repair in the D-4 zone, subject to the conditions in Subtitle U § 515.1(i);

(f) Motor vehicle sales not meeting the conditions in Subtitle I § 302.2(d) in any D zone except for the D-1-R zone, and subject to the following conditions:

(3) The use does not include auto body or fender repair; and

(4) The uses shall be located on or below the ground floor of the building;

(g) Sexually-oriented business establishment uses in any D zone other than the D-1-R zone, subject to the following additional conditions:

(5) The use shall not be located within six hundred feet (600 ft.) of an R, RF, or RA zone or of an education use;

(6) The use shall not be located within three hundred feet (300 ft.) of another sexually-oriented business establishment use;

(7) There shall be no display of goods or services visible from the exterior of the premises; and

(8) The use shall not have an adverse impact on educational, institutional, or government uses in the area;

(h) Retail services, general, in the D-2 zone, provided the uses shall be located on or below the ground floor of the building; and

(i) Veterinary office or veterinary boarding hospitals, subject to the conditions in Subtitle U § 513.1 in any D zones except for the D-1-R zone and the portions of the D-7- zone within the boundaries of the Pennsylvania Avenue Sub-Area defined in Subtitle I § 608.

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

304 USES NOT PERMITTED

304.1 The following uses shall not be permitted as a matter of right or as a special exception in the D-1-R zone:

(a) Lodging;

(b) Office use;

(c) Firearms sales; and

(d) Sexually-oriented business establishments.

304.2 The following uses shall not be permitted as a matter of right or as a special exception in the D-1-R zone or the D-2-zone:

(a) Motorcycles sales and repair; and

(b) Production, distribution, and repair uses.

304.3 The following uses shall not be permitted as a matter of right or as a special exception any D zone:

(a) Marine; and

(b) Waste-related services.

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).

305 GENERAL RESIDENTIAL USE REQUIREMENTS

305.1 Unless otherwise reduced or exempted by the provisions of this subtitle, a building in the D-1-R zone shall provide the minimum amount of required residential FAR on site.

305.2 Unless otherwise reduced or exempted by the provisions of this subtitle, a building in the D-4-R, D-5-R, or D-6-R zone shall provide the minimum amount of residential FAR required in the zone, either on the site or on a site linked to it through the purchase and use of credits as provided for by Subtitle I, Chapters 8 and 9.

305.3 The minimum residential requirements of a zone shall not apply to:

(a) Historic properties exempted by Subtitle I §§ 200.2 or 200.3;

(b) Buildings where the primary use and the valid certificate of occupancy is for religious worship;

(c) The renovation of a non-residential building that has a height of six (6) floors or less at and above grade, and that has been in existence as of January 17, 1991; or

(d) A building that is vacant, has less FAR than the minimum residential requirements of the zone, is brought up to building code, and is covenanted to continue in residential use for twenty (20) years or longer.

305.4 Residential uses required by Subtitle I, Chapter 5 shall not diminish the matter-of-right non-residential FAR allowed in a zone; but the non-residential space may not receive a certificate of occupancy until the Zoning Administrator determines that the zone requirements of Subtitle I, Chapter 5 and Subtitle I, Chapters 8 and 9, if credits are generated or used, have been met.

305.5 A child development center or a child development home shall be considered a residential use in a building with at least 2.0 FAR of residential use, not inclusive of the child development center or home, provided the center will be open and operate during normal business hours at least five (5) days each week and fifty (50) weeks each calendar year, excluding public holidays.

305.6 If a building on a lot that requires residential use is in residential use as of the effective date of this title and the residential gross floor area of a building is less than the amount of residential use required for the lot by this section, there shall be no additional residential requirement for that lot as long as the existing building remains in residential use.

305.7 The residential requirements of the D-4-R, D-5-R and D-6-R zones can be reduced according to the limits listed for the particular zone, provided:

(a) The affordable housing is targeted to low-income households;

(b) The affordable dwelling units are constructed directly by the owner of a lot subject to the residential requirement or through a joint venture with either a nonprofit housing sponsor or a for-profit builder/developer;

(c) The total project cost of the affordable units, including acquisition, construction, and long-term subsidy, shall be not less than C = GFA (AV/LA)/FAR x 90%, where:

(1) C = The contribution;

(2) GFA = The amount of additional commercial space that is built on-site, measured in square feet;

(3) AV = The assessed value of the land and improvements on the July 1st preceding the date on which the application for a building permit is filed;

(4) LA = The number of square feet of land included in the property;

(5) FAR = The commercial FAR used by the tax assessor to determine the assessed value; and

(6) 90% = The proportion of assessed commercial value that has been determined to be appropriate for this contribution;

(d) If the affordable dwelling units are provided by rehabilitation, the building(s) shall have been previously in nonresidential use, or vacant for a minimum of three (3) years, or if occupied, shall be a tenant-sponsored purchase of the building where the tenants meet the definition of low-income households;

(e) The Director of the Department of Housing and Community Development or the administrator of the D.C. Housing Production Trust Fund shall certify to the Zoning Administrator that:

(1) Suitable legal and financial arrangements have been made to assure that the housing qualifies and will be continued as affordable dwelling units for not less than forty (40) years;

(2) The funds fill a gap identified in sources and uses documentation submitted to the Director of the Department of Housing and Community Development as part of any application for financing;

(3) The expenditure of funds per dwelling unit and the use of the funds in combination with other financial leverage is an effective means of assisting in the production of affordable housing; and

(4) Conditions of Subtitle I §§ 305.7(a) through (f) have been met; and

(f) No certificate of occupancy shall be issued for the non-residential development of a lot subject to Subtitle I §§ 305.7(a) through (d) until a certificate of occupancy has been issued for the affordable dwelling units, unless the affordable dwelling units are to be constructed on property owned by the District of Columbia.

305.8 Subtitle I, Chapters 8 and 9 contain the regulations for the credit system that applies to residential uses.

305.9 Residential FAR in a building owned or leased by a public, charter, parochial, or private school or community college, college, or university for the purpose of housing students enrolled in the school owning or leasing the building shall count towards fulfilling the residential FAR required in the D-1-R, D-4-R, D-5-R, or D-6-R zones, but shall not:

(a) Count toward fulfilling the Inclusionary Zoning requirements of Subtitle C, Chapter 10;

(b) Generate bonus density; or

(c) Be eligible to generate or be used for the credits provided for in Subtitle I, Chapters 8 and 9.

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).

306 USES ON ALLEY LOTS

306.1 A use on an alley lot or in a building on an alley lot in the D-1-R zone shall be subject to the use regulations in Subtitle U § 600, and is not eligible to generate or receive credits otherwise enabled by Subtitle I, Chapters 8 and 9.

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

CHAPTER 4 GENERAL ZONE-BASED DESIGN REQUIREMENTS AND PERMISSIONS

400 DRIVE- THROUGH

400.1 No vehicular drive-through is permitted on a lot in any D zone.

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

401 VEHICULAR ENTRANCES

401.1 In a D zone, a vehicular entrance to a garage or loading area shall be permitted on the face of a building adjacent to a public street only if the District Department of Transportation (DDOT) permits access to the garage entrance or loading area directly from a public street right of way without an intervening alley and:

(a) There is not an improved and accessible alley or alley system that is consistently at least fifteen feet (15 ft.) wide connecting a public street and the building lot's rear or side property line; or

(b) The building is subject to a less restrictive regulation in Subtitle I § 611.13 governing certain streets in the Mount Vernon Triangle Sub-Area.

401.2 A vehicular entrance that does not meet one (1) of the conditions of Subtitle I § 401.1 may be approved by Board of Zoning Adjustment as a special exception pursuant to Subtitle X, Chapter 9, subject to the following criteria:

(a) There is no practical alternative means of serving the parking, loading, or drop-off needs of the building to be served by the proposed driveway, such as signage approved by DDOT that would direct vehicles to an alternative entrance point within the same square;

(b) The vehicular entrance will not impede the flow of pedestrian traffic on designated primary street frontage; and

(c) The driveway that would access the proposed parking or loading entrance or exit is not inconsistent with DDOT landscape plans for the public rights of way on the designated street frontage, to the extent that such plans exist at the time of the special exception application.

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

402 SECURITY GRILLES

402.1 Security grilles over windows or doors in a building or structure in any D zone shall have at least seventy percent (70%) transparency in order to reduce the

aesthetic impact on the street and, for retail streets, to ensure clear sight lines for pedestrians into the ground story.

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

403 OPEN ARCADE

403.1 If an open arcade is provided in the D-3 through D-8 zones, it shall extend the length of the entire block frontage, or shall connect with an open arcade in an abutting building in such fashion as to provide a continuous walkway.

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

404 ADDITIONAL DESIGN-BASED REQUIREMENTS AND PERMISSIONS

404.1 A building on a lot with frontage on a designated street segment is subject to the regulations in Subtitle I, Chapter 6 for the sub-area in which it is located.

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

CHAPTER 5 REGULATIONS SPECIFIC TO PARTICULAR DOWNTOWN (D) ZONES

500 INTRODUCTION

500.1 This chapter contains additional regulations that apply within a specific zone and that, in conjunction with the location-based sub-area regulations in Subtitle I, Chapter 6, supplement or modify the general development, use, and design regulations in Subtitle I, Chapters 2, 3, and 4.

500.2 If not otherwise specified in this chapter or Subtitle I, Chapter 6, the general regulations in Subtitle I, Chapters 2, 3, and 4 shall apply.

500.3 If there is a conflict between the regulations that apply throughout the zone and the regulations for a designated street segment within the same zone, the more restrictive regulation applies.

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

501 PURPOSE AND OBJECTIVE (D-1-R)

501.1 The purpose of the D-1-R zone is to require the provision of high-density housing, with a limited amount of commercial use only on or below the ground floor.

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

502 DENSITY – FLOOR AREA RATIO (FAR) (D-1-R)

502.1 The maximum permitted FAR for a building in the D-1-R zone shall be 6.0.

502.2 Each lot in the D-1-R zone shall provide the equivalent of at least 2.0 FAR of residential use before any non-residential uses may be permitted on the lot. Unless otherwise regulated by the non-residential density requirements of Subtitle I § 609 for the Chinatown Sub-Area, a building with at least 2.0 FAR on its lot may provide up to 0.5 FAR for non-residential use, which shall be located only on or below the ground floor.

502.3 Residential density in the D-1-R zone is not subject to the Inclusionary Zoning requirements or bonuses of Subtitle C, Chapter 9.

502.4 A building in the D-1-R zone does not generate or receive credits regulated by Subtitle I, Chapters 8 and 9.

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

503 HEIGHT (D-1-R)

503.1 The maximum permitted building height, not including the penthouse, in the D-1-R zone shall be ninety feet (90 ft.).

503.2 If a building exceeds ninety feet (90 ft.) in height, its frontage on Mount Vernon Square or on Massachusetts Avenue between North Capitol Street and 15th Street N.W. shall be subject to the Massachusetts Avenue Corridor and Mt. Vernon Square Sub-Area regulation in Subtitle I § 610.6.

503.3 The maximum permitted building height, not including the penthouse, in the D-1-R zone shall be limited to ninety feet (90 ft.) on the portion of the site occupied by a historic landmark or a contributing building within a historic district.

503.4 The maximum permitted height of a penthouse shall be twenty feet (20 ft.). The maximum permitted number of stories for penthouse habitable space shall be one (1) plus a mezzanine, except a second story shall be permitted for penthouse mechanical space.

503.5 The maximum permitted building height, not including the penthouse, of a building without frontage on a street with a right-of-way width of at least ninety feet (90 ft.), and not subject to Subtitle I § 503.3, shall be the width of the street right of way, plus twenty feet (20 ft.).

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).

504 FRONT BUILD-TO (D-1-R)

504.1 A building in the D-1-R zone shall meet the front build-to requirements of Subtitle I § 203.

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

505 FRONT SETBACK (D-1-R)

505.1 A front setback shall not be required for a building in the D-1-R zone.

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

506 USES (D-1-R)

506.1 A building in the D-1-R zone is subject to the use regulations in Subtitle I, Chapter 3 and is not eligible to generate or receive credits otherwise enabled by Subtitle I, Chapters 8 and 9.

506.2 If a non-residential use is permitted in the D-1-R zone, it shall be located on or below the ground floor.

506.3 A building located in both the D-1-R zone and the Chinatown Sub-Area shall not be subject to the use requirements of the Chinatown Sub-Area regulations in Subtitle I § 609, except that a building in the D-1-R zone with frontage on 5th or 6th Streets, N.W. in Square 485 shall meet the general use requirements of Subtitle I § 601 for a designated secondary street segment.

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

507 DESIGN (D-1-R)

507.1 A building in the D-1-R zone fronting on a designated primary or secondary street shall be subject to the design regulations in Subtitle I § 602.

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

508 PURPOSE AND OBJECTIVE (D-2)

508.1 The purposes of the D-2 zone are to accommodate high-density housing with a limited amount and type of commercial use on only the ground floor and to ensure the scale of new development is compatible with the scale of the historic areas in the vicinity of lower 16th Street, N.W., 17th Street, N.W. near the White House and Judiciary Square.

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

509 DENSITY – FLOOR AREA RATIO (FAR) (D-2)

509.1 Residential density is subject to the Inclusionary Zoning requirements and bonuses of Subtitle C, Chapter 10.

509.2 The maximum permitted FAR for a building in the D-2 zone shall be 6.0 for a building not subject to Inclusionary Zoning and 7.2 FAR for a building that is subject to Inclusionary Zoning.

509.3 The maximum permitted non-residential FAR for a building in the D-2 zone shall be 3.5.

509.4 A building in the D-2 zone is not eligible to generate or receive credits regulated by Subtitle I, Chapters 8 and 9.

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).

510 HEIGHT (D-2)

510.1 The maximum permitted building height, not including the penthouse, in the D-2 zone shall be one hundred feet (100 ft.) for a building subject to Inclusionary Zoning by Subtitle C, Chapter 10, and ninety feet (90 ft.) for all other buildings.

510.2 The maximum permitted building height, not including the penthouse, in the D-2 zone shall be limited to ninety feet (90 ft.) on the portion of the site occupied by a historic landmark or a contributing building within a historic district.

510.3 The maximum permitted height of a penthouse shall be twenty feet (20 ft.). The maximum permitted number of stories for penthouse habitable space shall be one (1) plus a mezzanine, except a second story shall be permitted for penthouse mechanical space.

510.4 The maximum permitted building height, not including the penthouse, of a building without frontage on a street with a right-of-way width of at least ninety feet (90 ft.), and not subject to Subtitle I § 510.2, shall be the width of the street right of way, plus twenty feet (20 ft.).

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. 08-06L published at 64 DCR 8596 (September 1, 2017).

511 FRONT BUILD-TO (D-2)

511.1 A building in the D-2 zone is not subject to front build-to regulations.

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

512 FRONT SETBACK (D-2)

512.1 A front setback shall not be required for a building in the D-2 zone.

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

513 USES (D-2)

513.1 A building in the D-2 zone is subject to the use regulations in Subtitle I, Chapter 3 and is not eligible to generate or receive credits otherwise enabled by Subtitle I, Chapters 8 and 9.

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

514 DESIGN (D-2)

514.1 A building in the D-2 zone with frontage on a designated primary or secondary street shall meet the design requirements in Subtitle I § 602.

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

515 PURPOSE AND OBJECTIVE (D-3)

515.1 The purposes of the D-3 zone are to promote high-density development of commercial and mixed uses in the eastern portion of the District's traditional downtown and, through height restrictions, to respond to federal concerns for the security of the nearby U.S. Capitol and Union Station.

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

516 DENSITY – FLOOR AREA RATIO (FAR) (D-3)

516.1 The maximum permitted FAR for a building in the D-3 zone shall be 9.0, which can be achieved:

(a) If all FAR is residential;

(b) If all FAR exceeding the non-residential density permitted in Subtitle I § 516.3 is residential; or

(c) If conditions (a) or (b) are not satisfied, through the use of credits pursuant to Subtitle I, Chapters 8 and 9.

516.2 Residential density is not subject to the Inclusionary Zoning requirements or bonuses of Subtitle C, Chapter 10.

516.3 The maximum non-residential FAR of a building in the D-3 zone not employing credits enabled by Subtitle I, Chapters 8 and 9 shall be 6.5.

516.4 The density of a building in the D-3 zone constructed as part of a PUD may be increased in accordance with Subtitle X § 303.3.

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

517 HEIGHT (D-3)

517.1 The maximum permitted building height, not including the penthouse, in the D-3 zone shall be one hundred ten feet (110 ft.), subject to review and restrictions pertinent to the Capitol Security Sub-Area regulated by Subtitle I § 605, for Squares 625, 626, 628, 630, 631 574, 577, 579, 581, 582, 640, and 641; and, for a building with frontage on North Capitol Street, to the requirements for the North Capitol Street Sub-Area regulated by Subtitle I § 617.

517.2 The maximum permitted building height, not including the penthouse, in the D-3 zone, shall be limited to ninety feet (90 ft.) on the portion of the site occupied by a historic landmark or a contributing building within a historic district.

517.3 The maximum permitted height of a penthouse shall be twenty feet (20 ft.). The maximum permitted number of stories for penthouse habitable space shall be one (1) plus a mezzanine, except a second story shall be permitted for penthouse mechanical space.

517.4 The maximum permitted building height, not including the penthouse, of a building without frontage on a street with a right-of-way width of at least ninety feet (90 ft.), and not subject to Subtitle I § 510.2, shall be the width of the street right of way, plus twenty feet (20 ft.).

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. 08-06G published at 64 DCR 22 (January 6, 2017).

518 FRONT BUILD-TO (D-3)

518.1 A building in the D-3 zone shall meet the front build-to requirements of Subtitle I § 203.

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

519 FRONT SETBACK (D-3)

519.1 A front setback shall not be required for a building in the D-3 zone.

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

520 USES (D-3)

520.1 A building in the D-3 zone is subject to the use regulations in Subtitle I, Chapter 3 and may generate or use credits in accordance with Subtitle I, Chapters 8 and 9.

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

521 DESIGN (D-3)

521.1 A building in the D-3 zone with frontage on a designated primary or secondary street shall meet the design requirements in Subtitle I § 602.

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

522 REVIEW REQUIREMENTS (D-3)

522.1 A new building or building addition that would be taller than ninety feet (90 ft.) above its measuring point, or that would have a balcony, terrace, or roof deck where the top of surface on which a person would stand is more than ninety feet (90 ft.) above the building's measuring point, and is located in Squares 625, 626, 628, 630, 631 574, 577, 579, 581, 582, 640, or 641 shall be subject to the review requirements for the Capitol Security Sub-Area in Subtitle I § 605.

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

523 PURPOSE AND OBJECTIVE (D-4)

523.1 The purpose of the D-4 zone is to promote high-density development of commercial and mixed uses in areas with a concentration of federal and infrastructure uses.

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

524 DENSITY – FLOOR AREA RATIO (FAR) (D-4)

524.1 Residential density is subject to the Inclusionary Zoning requirements and bonuses of Subtitle C, Chapter 10.

524.2 The maximum permitted FAR for a building in the D-4 zone shall be 7.8, which can be achieved:

(a) If all FAR is residential and accesses the Inclusionary Zoning bonus;

(b) If all FAR exceeding the non-residential density permitted in Subtitle I § 524.4 is residential and accesses the Inclusionary Zoning bonus; or

(c) If conditions (a) or (b) are not satisfied, through the use of credits pursuant to Subtitle I, Chapters 8 and 9.

524.3 The maximum permitted residential FAR for a building in the D-4 zone shall be 6.5 for a building not subject to Inclusionary Zoning.

524.4 The maximum permitted non-residential FAR of a building in the D-4 zone not employing credits enabled by Subtitle I, Chapters 8 and 9 shall be 6.5.

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).

525 HEIGHT (D-4)

525.1 With the exception of a building meeting the requirements of Subtitle I § 525.2, the maximum permitted building height, not including the penthouse, for a building in the D-4 zone shall be ninety feet (90 ft.) unless the building does not have frontage on a street with a right-of-way width of at least ninety feet (90 ft.), in which case the maximum permitted building height, not including the penthouse, shall be the width of the street right of way, plus twenty feet (20 ft.).

525.2 If a building in the D-4 zone fronts on a designated tertiary street segment noted in Subtitle I, Chapter 6 and illustrated in Subtitle I § 603.1, or if the Zoning Commission, pursuant Subtitle I, Chapter 7, permits the building's height to exceed ninety feet (90 ft.), the building shall be subject to the following regulations:

(a) If fronting on Pennsylvania Avenue, N.W., the building and upper story setback requirements and height permissions in Subtitle I § 608.9;

(b) If fronting on Massachusetts Avenue, N.W., the upper story setback requirements in Subtitle I § 610.7;

(c) If fronting on South Capitol Street, S.W., the building and upper story setback requirements in Subtitle I § 616.7;

(d) If fronting on North Capitol Street, N.W., the upper story setback requirements in Subtitle I §§ 617.6 and 617.7; and

(e) If fronting on Independence Avenue, S.W., the building and upper story setback requirements in Subtitle I § 618.5.

525.3 The maximum permitted building height, not including the penthouse, in the D-4 zone shall be limited to ninety feet (90 ft.) on the portion of the site occupied by a historic landmark or a contributing building within a historic district.

525.4 No building that abuts or is across an alley from an R zone lot, or that abuts or is across an alley from an MU zone lot west of the centerline of 20th Street, N.W., shall project above a plane at a forty-five degree (45°) angle from a line that is directly above the zone boundary line between the D zone lot and the R zone lot, at the matter-of-right height permitted for the R zone lot.

525.5 The maximum permitted height of a penthouse shall be twenty feet (20 ft.). The maximum permitted number of stories for penthouse habitable space shall be one (1) plus a mezzanine, except a second story shall be permitted for penthouse mechanical space.

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).

526 FRONT BUILD-TO (D-4)

526.1 A building in the D-4 zone is not subject to front build-to regulations, unless it fronts on South Capitol Street and is subject to the regulations in Subtitle I §§ 616.7 or 616.8 for a designated tertiary street segment.

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

527 FRONT SETBACK (D-4)

527.1 A front setback shall not be required for a building in the D-4 zone except as otherwise regulated by the following regulations for a designated street:

(a) Subtitle I § 616.7 if fronting on M Street, S.E.; and

(b) Subtitle I § 618.5(b) if fronting on Independence Avenue, S.W.

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

528 USES (D-4)

528.1 A building in the D-4 zone is subject to the use regulations in Subtitle I, Chapter 3 and may generate or receive credits pursuant to Subtitle I, Chapters 8 and 9.

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

529 DESIGN (D-4)

529.1 A building in the D-4 zone fronting on a designated primary or secondary street shall be subject to the design regulations in Subtitle I § 602.

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

530 PURPOSE AND OBJECTIVE (D-4-R)

530.1 The purposes of the D-4-R zone are to promote the development of high-density residential and mixed-use neighborhoods on Massachusetts Avenue between Thomas Circle and New Jersey Avenue, N.W.; the Mount Vernon Triangle neighborhood located between New York, New Jersey, and Massachusetts Avenues, N.W.; and the blocks between Massachusetts Avenue, N.W. and Judiciary Square.

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

531 DENSITY – FLOOR AREA RATIO (FAR) (D-4-R)

531.1 The maximum permitted density for a building in the D-4-R zone shall be the density achievable within the height and bulk permitted by the zone and any applicable sub-area regulations:

(a) If all of the building's FAR is devoted to residential use;

(b) If all FAR exceeding the non-residential density permitted in Subtitle I § 531.5 is devoted to residential use; or

(c) If conditions (a) or (b) are not satisfied, through the use of credits pursuant to Subtitle I, Chapters 8 and 9.

531.2 A building on a lot in the D-4-R zone shall provide a minimum residential FAR of 4.5 on the lot unless:

(a) The residential requirement is reduced or eliminated by the provisions of Subtitle I §§ 200.3, 200.4, 305.2, or 531.3;

(b) The residential requirement is reduced by up to 1.35 FAR through constructing or financially assisting affordable housing pursuant to Subtitle I § 305.6; or

(c) If modified through the credit procedures provided in Subtitle I, Chapters 8 and 9.

531.3 The residential requirement in Subtitle I § 531.2 shall not apply to the following:

(a) A building on Square 342, Lot 810 that has been used as a hostel since April 7, 2006, that remains in hostel use, and which may be expanded or rebuilt to a maximum 9.5 FAR without a housing requirement;

(b) A building in the D-4-R zoned portion of Square 485; and

(c) A building on any lot in Square 370 shall be exempt from minimum residential requirements as long as it has a valid construction permit or certificate of occupancy for a hotel.

531.4 Residential density in the D-4-R zone is not subject to the Inclusionary Zoning requirements or bonuses of Subtitle C, Chapter 10.

531.5 The maximum permitted non-residential FAR of a building in the D-4-R zone not employing credits enabled by Subtitle I, Chapters 8 and 9 shall be 3.5.

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).

532 HEIGHT (D-4-R)

532.1 The maximum permitted building height, not including the penthouse, in the D-4-R zone shall be as follows:

Street Right of Way Width	Maximum Permitted Building Height, Not Including Penthouse
Greater than or equal to 110 ft.	130 feet
Less than one 110 ft. but greater than or equal to 100 ft.	120 feet
Less than 100 ft. but greater than or equal to 90 ft.	110 feet
Less than 90 ft.	No taller than the width of the street right of way, plus 20 feet

532.2 The height limits established in Subtitle I § 532.1 shall apply to a building regardless of its employment of the credits enabled by Subtitle I, Chapters 8 and 9.

532.3 A building on a lot in the D-4-R zone with frontage on one (1) or more of the following designated street segments shall also be subject to the height regulations governing the sub-area in which the segment is located:

(a) The Massachusetts Avenue Sub-Area regulations in Subtitle I § 610 apply to properties fronting on Massachusetts Avenue, N.W., between 3rd and 13th Streets, N.W.;

(b) The Blagden Alley Residential Transition Sub-Area regulations in Subtitle I § 613 apply to properties fronting on M Street, N.W. between 9th and 10th Streets, N.W.; and

(c) The Mount Vernon Triangle Principal Intersection Area Sub-Area regulations in Subtitle I § 612, governing exterior and interior heights, apply to properties fronting on portions of the intersection of 5th and K Streets, N.W.

532.4 The maximum permitted building height, not including the penthouse in the D-4-R zone, shall be limited to ninety feet (90 ft.) on the portion of the site occupied by a historic landmark or a contributing building within a historic district.

532.5 The maximum permitted height of a penthouse shall be twenty feet (20 ft.). The maximum permitted number of stories for penthouse habitable space shall be one (1) plus a mezzanine, except a second story shall be permitted for penthouse mechanical space.

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).

533 FRONT BUILD-TO (D-4-R)

533.1 A building in the D-4-R zone is subject to the front build-to regulations in Subtitle I § 203.

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

534 FRONT SETBACK (D-4-R)

534.1 A front setback shall not be required for a building in the D-4-R zone except as otherwise required by the regulations Subtitle I § 612 for a designated primary street segment at the intersection of K and 5th Streets, N.W. in the Mount Vernon Triangle Principal Intersection Area Sub-Area.

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

535 COURT (D-4-R)

535.1 With the exception of a court fronting the portion of building frontage at the intersection of 5th and K Streets, N.W. that is within the Mount Vernon Triangle Principal Intersection Area Sub-Area, a building in the D-4-R zone shall be governed by the court regulations in Subtitle I § 207.

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

536 USES (D-4-R)

536.1 A building in the D-4-R zone is subject to the use regulations in Subtitle I, Chapter 3 and may generate or receive credits pursuant to Subtitle I, Chapters 8 and 9.

536.2 A building in the D-4-R zone fronting a designated primary street segment shall meet the use requirements of Subtitle I § 601 and the design requirements of Subtitle I § 602.

536.3 A building in the D-4-R zone fronting a designated primary street segment in the Mount Vernon Triangle Principal Intersection Area Sub-Area shall conform with the use requirements in I Subtitle § 612.

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

537 DESIGN (D-4-R)

537.1 A building in the D-4-R zone fronting on a designated primary or secondary street segment shall be subject to the design regulations in Subtitle I § 602.

537.2 A building in the D-4-R zone fronting on a designated primary street segment in the Mount Vernon Triangle Principal Intersection Area Sub-Area shall conform with the design requirements in Subtitle I §§ 612.5 and 612.6.

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

538 PURPOSE AND OBJECTIVE (D-5)

538.1 The purposes of the D-5 zone are to promote high-density development of commercial and mixed uses in areas that had been receiving areas for transferable development rights under Chapter 17 of the 1958 Zoning Regulations.

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

539 DENSITY – FLOOR AREA RATIO (FAR) (D-5)

539.1 The maximum permitted FAR for a building in the D-5 zone shall be the density achievable within the height and bulk permitted by the zone and any applicable sub-area regulations:

(a) If all of the building's FAR is devoted to residential use;

(b) If all FAR exceeding the non-residential density permitted in Subtitle I § 539.3 is devoted to residential use; or

(c) If conditions (a) or (b) are not satisfied through the use of credits provided for by Subtitle I, Chapters 8 and 9 enable.

539.2 Residential density in the D-5 zone is not subject to the Inclusionary Zoning requirements or bonuses of Subtitle C, Chapter 10.

539.3 The maximum permitted non-residential FAR of a building in the D-5 zone not employing credits in accordance with Subtitle I, Chapters 8 and 9 shall be 6.5.

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).

540 HEIGHT (D-5)

540.1 The maximum permitted building height, not including the penthouse, in the D-5 zone shall be:

Street Right of Way Width	Maximum Permitted Building Height, Not Including Penthouse
Greater than or equal to 110 ft.	130 feet
Less than 110 ft. but greater than or equal to one 100 ft.	120 feet
Less than 100 ft. but greater than or equal to 90 ft.	110 feet
Less than 90 ft.	No taller than the width of the street right of way, plus 20 feet

540.2 A building on a lot in the D-5 zone with frontage on one (1) or more of the following designated street segments shall also be subject to the height regulations governing the sub-area in which the segment is located:

(a) The Massachusetts Avenue Corridor and Mount Vernon Square Sub-Area regulations in Subtitle I § 610 apply to properties fronting on Massachusetts Avenue, or Mount Vernon Square N.W., between 3rd and 13th Streets, N.W.; and

(b) The Blagden Alley Residential Transition Sub-Area regulations in Subtitle I § 613 apply to properties fronting on M Street, N.W. between 9th and 10th Streets, N.W.

540.3 The maximum permitted building height, not including the penthouse, in the D-5 zone shall be limited to ninety feet (90 ft.) on the portion of the site occupied by a historic landmark or a contributing building within a historic district.

540.4 A building located west of 20th Street shall be subject to the upper story setback regulations in Subtitle I § 201.6.

540.5 The maximum permitted height of a penthouse shall be twenty feet (20 ft.). The maximum permitted number of stories for penthouse habitable space shall be one (1) plus a mezzanine, except a second story shall be permitted for penthouse mechanical space.

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).

541 FRONT BUILD-TO (D-5)

541.1 A building in the D-5 zone is subject to the front build-to regulations in Subtitle I § 203.

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

542 FRONT SETBACK (D-5)

542.1 A front setback shall not be required for a building in the D-5 zone except that a building fronting on a designated primary street segment on 5th or K Streets, N.W. within the Mount Vernon Triangle Principal Intersection Sub-Area shall meet the setback requirements of Subtitle I § 612.

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

543 PARKING (D-5)

543.1 A new or substantially renovated building in the D-5 zone located on a lot west of 20th Street, N.W. shall provide parking complying with the regulations in Subtitle C, Chapter 7.

543.2 A building in the D-5 zone located on a lot east of 20th Street, N.W. is not required to provide accessory parking, but if it is provided, its provision shall be governed by the parking regulations in Subtitle C, Chapter 7.

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

544 USES (D-5)

544.1 A building in the D-5 zone is subject to the use regulations in Subtitle I, Chapter 3 and may generate or receive credits pursuant to Subtitle I, Chapters 8 and 9.

544.2 A building in the D-5 zone fronting on a designated primary or secondary street shall be subject to the use regulations in Subtitle I § 601.

544.3 A building in the D-5 zone with frontage on a designated primary street in the North of Massachusetts Avenue (NoMA) Corridor Sub-Area shall be subject to the use regulations in Subtitle I § 615.3.

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

545 DESIGN (D-5)

545.1 A building in the D-5 zone fronting on a designated primary or secondary street shall be subject to the design regulations in Subtitle I § 602.

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

546 PURPOSE AND OBJECTIVE (D-5-R)

546.1 The purposes of the D-5-R zone are to promote high-density residential development through housing requirements and incentives in areas near Mount Vernon Square and in the Mount Vernon Triangle while accommodating high-density commercial and mixed-use development.

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

547 DENSITY – FLOOR AREA RATIO (FAR) (D-5-R)

547.1 The maximum permitted FAR for a building in the D-5-R zone shall be the density achievable within the height and bulk permitted by the zone and any applicable sub-area regulations:

(a) If all of the building's FAR is devoted to residential use;

(b) If all FAR exceeding the non-residential density permitted in Subtitle I § 547.5 is devoted to residential use; or

(c) If conditions (a) or (b) are not satisfied, through the use of credits provided for by Subtitle I, Chapters 8 and 9.

547.2 A building on a lot in the D-5-R zone shall provide a minimum residential FAR of 3.5 on the lot:

(a) Unless the residential requirement is reduced or eliminated by Subtitle I §§ 200.2 or 200.3, or Subtitle I § 547.4;

(b) Unless relieved of a residential requirement by the provisions of Subtitle I § 305.3;

(c) Unless the residential requirement is reduced by up to 1.4 FAR through constructing or financially assisting affordable housing pursuant to Subtitle I § 305.7; or

(d) Unless the requirement is met using the credit procedures enabled by Subtitle I, Chapters 8 and 9.

547.3 Except for Square 487, residential density in the D-5-R zone is not subject to the Inclusionary Zoning requirements or bonuses of Subtitle C, Chapter 10.

547.4 Any lot in Square 370 shall be exempt from minimum residential requirements as long as it has a valid construction permit or certificate of occupancy for a hotel.

547.5 The maximum permitted non-residential density of a building in the D-5-R zone not employing credits enabled by Subtitle I, Chapters 8 and 9 shall be 6.0 FAR.

547.6 A building fronting on a designated primary or secondary street in the Chinatown Sub-Area is further governed by the FAR requirements in Subtitle I § 609.

SOURCE: Final Rulemaking & Order No. 08-06A published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 18-05 published at 66 DCR 73 (January 4, 2019).

548 HEIGHT (D-5-R)

548.1 The maximum permitted building height, not including the penthouse, in the D-5-R zone shall be:

Street Right of Way Width	Maximum Permitted Building Height, Not Including Penthouse
Greater than or equal to 110 ft.	130 feet
Less than 110 ft. but greater than or equal to 100 ft.	120 feet
Less than 100 ft. but greater than or equal to 90 ft.	110 feet
Less than 90 ft.	No taller than the width of the street right of way, plus 20 feet

548.2 A building on a lot in the D-5-R zone with frontage on one (1) or more of the following designated street segments shall also be subject to the exterior height regulations governing the sub-area in which the segment is located:

(a) The Massachusetts Avenue Corridor and Mt. Vernon Square Sub-Area regulations in Subtitle I § 610 apply to properties fronting Massachusetts Avenue, or Mount Vernon Place N.W., between 6th and 10th Streets, N.W.; and

(b) The Mount Vernon Triangle Principal Intersection Area Sub-Area regulations in Subtitle I § 612, governing exterior and interior heights, apply to properties fronting portions of the intersection of 5th and K Streets, N.W.

548.3 The maximum permitted building height, not including the penthouse, in the D-5-R zone shall be limited to ninety feet (90 ft.) on the portion of the site occupied by a historic landmark or a contributing building within a historic district.

548.4 The maximum permitted height of a penthouse shall be twenty feet (20 ft.). The maximum permitted number of stories for penthouse habitable space shall be one (1) plus a mezzanine, except a second story shall be permitted for penthouse mechanical space.

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).

549 FRONT BUILD-TO (D-5-R)

549.1 A building in the D-5-R zone is subject to the front build-to regulations in Subtitle I § 203.

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

550 FRONT SETBACK (D-5-R)

550.1 A front setback shall not be required for a building in the D-5-R zone except as otherwise required by the regulations Subtitle I § 612 for a designated primary street segment at the intersection of 5th and K Streets, N.W. in the Mount Vernon Triangle Principal Intersection Area Sub-Area.

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

551 COURT (D-5-R)

551.1 With the exception of a court fronting the portion of building frontage fronting the intersection of 5th and K Streets, N.W. that is within the Mount Vernon Triangle Principal Intersection Area Sub-Area governed by Subtitle I § 612, a building in the D-5-R zone shall be governed by the court regulations in Subtitle I § 207.

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

552 USES (D-5-R)

552.1 A building in the D-5-R zone is subject to the use regulations in Subtitle I, Chapter 3 and may generate or receive credits pursuant to Subtitle I, Chapters 8 and 9.

552.2 A building in the D-5-R with frontage on a designated primary or secondary street adjacent to Square 425, 428, 429 and 454 in the Chinatown Sub-Area is further governed by the use requirements in Subtitle I § 609.

552.3 A building with frontage on a designated primary street in the Mount Vernon Triangle Principal Intersection Sub-Area at the intersection of 5th and K Streets, N.W. is subject to the additional use regulations in Subtitle I § 612.

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

553 DESIGN (D-5-R)

553.1 A building in the D-5-R zone with frontage on a designated primary or secondary street shall meet the design requirements in Subtitle I § 602 unless otherwise governed by Subtitle I § 553.2.

553.2 A building in the D-5-R zone fronting on a designated primary street in the Mount Vernon Triangle Principal Intersection Sub-Area is subject to the design regulations in Subtitle I § 612.

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

554 PURPOSE AND OBJECTIVE (D-6)

554.1 The purposes of the D-6 zone are to permit high-density development of mixed uses in an area bounded generally by New York Avenue, N.W. and M Street, N.W. between 12th and 19th Streets, N.W. and, in conjunction with sub-area use requirements, to promote the retention of a vital retail corridor on lower Connecticut Avenue, N.W.

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

555 DENSITY – FLOOR AREA RATIO (FAR) (D-6)

555.1 The maximum permitted FAR for a building in the D-6 zone shall be the density achievable within the height and bulk permitted by the zone and any applicable sub-area regulations:

(a) If all of the building's FAR is devoted to residential use;

(b) If all FAR exceeding the non-residential density permitted in Subtitle I § 555.3 is devoted to residential use; or

(c) If conditions (a) or (b) are not satisfied, through the use of credits provided for by Subtitle I, Chapters 8 and 9.

555.2 Residential density in the D-6 zone is not subject to the Inclusionary Zoning requirements or bonuses of Subtitle C, Chapter 10.

555.3 The maximum permitted non-residential FAR of a building in the D-6 zone not employing credits in accordance with Subtitle I, Chapters 8 and 9 shall be 10.0 for a building with frontage on a street with a right-of-way at least one hundred ten feet (110 ft.) wide, and 8.5 FAR for a street with a right-of-way of lesser width.

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).

556 HEIGHT (D-6)

556.1 The maximum permitted building height, not including the penthouse, in the D-6 zone shall be:

Street Right of Way Width	Maximum Permitted Building Height, Not Including Penthouse
Greater than or equal to 110 ft.	130 feet
Less than 110 ft. but greater than or equal to 100 ft.	120 feet
Less than 100 ft. but greater than or equal to 90 ft.	110 feet
Less than 90 ft.	No taller than the width of the street right of way, plus 20 feet

556.2 A building on a lot in the D-6 zone fronting on Massachusetts Avenue, N.W. shall conform to the height requirements for the Massachusetts Avenue Corridor and Mount Vernon Square Sub-Area in Subtitle I § 610.

556.3 The maximum permitted height of a penthouse shall be twenty feet (20 ft.). The maximum permitted number of stories for penthouse habitable space shall be one (1) plus a mezzanine, except a second story shall be permitted for penthouse mechanical space.

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).

557 FRONT BUILD-TO (D-6)

557.1 A building in the D-6 zone is subject to the front build-to regulations in Subtitle I § 203.

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

558 FRONT SETBACK (D-6)

558.1 A front setback shall not be required for a building in the D-6.

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

559 USES (D-6)

559.1 A building in the D-6 zone is subject to the use regulations in Subtitle I, Chapter 3 and may generate or receive credits pursuant to Subtitle I, Chapters 8 and 9.

559.2 A building in the D-6 zone fronting on a designated primary or secondary street shall be subject to the use regulations in Subtitle I § 601.

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

560 DESIGN (D-6)

560.1 A building in the D-6 zone fronting on a designated primary or secondary street shall be subject to the design regulations in Subtitle I § 602.

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

561 PURPOSE AND OBJECTIVE (D-6-R)

561.1 The purposes of the D-6-R zone are to permit high-density commercial development in the Downtown core while promoting residential development throughout the zone with residential requirements and incentives.

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

562 DENSITY – FLOOR AREA RATIO (FAR) (D-6-R)

562.1 The maximum permitted density for a building in the D-6-R zone shall be the density achievable within the height and bulk permitted by the zone and any applicable sub-area regulations:

(a) If all of the building's FAR is devoted to residential use;

(b) If all FAR exceeding the non-residential density permitted in Subtitle I § 562.5 is devoted to residential use; or

(c) If conditions (a) or (b) are not satisfied, through the use of credits provided for by Subtitle I, Chapters 8 and 9.

562.2 A building on a lot in the D-6-R zone shall provide a minimum residential density of 2.0 FAR on the lot unless:

(a) Relieved of a residential requirement by the provisions of Subtitle I §§ 305.3, 562.3, or 562.4;

(b) The residential requirement is reduced by up to 0.8 FAR through constructing or financially assisting affordable housing pursuant to Subtitle I § 305.7; or

(c) If modified through the credit procedures enabled by Subtitle I, Chapters 8 and 9, subject to the condition in Subtitle I §§ 200.2 and 200.3.

562.3 Residential density in the D-6-R zone is not subject to the Inclusionary Zoning requirements or bonuses of Subtitle C, Chapter 10.

562.4 Any lot in Square 455 shall be exempt from minimum residential requirements as long as it is occupied by an arena with a valid certificate of occupancy.

562.5 The maximum permitted non-residential density of a building in the D-6-R zone not employing credits enabled by Subtitle I, Chapters 8 and 9 shall be 10.0 FAR for a building fronting on a street with a right-of-way width of at least one hundred ten feet (110 ft.) and 8.5 FAR on a street with a right-of-way of lesser width.

562.6 A building in the D-6-R zone fronting a designated primary or secondary street shall be subject to the following use-related density requirements:

(a) The general primary and secondary street requirements in Subtitle I § 601;

(b) The Chinatown Sub-Area requirements in Subtitle I § 609 if the designated street borders Square 455 north of a line extending eastward from G Place, N.W. between 7th and 6th Streets N.W.;

(c) The Downtown Retail Core Sub-Area in Subtitle I § 606 if the designated street borders Square 377; and

(d) The Downtown Arts Sub-Area requirements in Subtitle I § 607 if the designated street borders:

(1) One (1) of the following Squares: 377, 406, 407, 408, 431, 456, 457, 458, or 459; or

(2) One (1) of the following squares, south of a line extending eastward from G Place, N.W.: 375, 405, 429, 455, or 377.

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

563 HEIGHT (D-6-R)

563.1 The maximum permitted building height, not including the penthouse, in the D-6-R zone shall be:

Street Right of Way Width	Maximum Permitted Building Height, Not Including Penthouse
Greater than or equal to 110 ft.	130 feet
Less than 110 ft. but greater than or equal to 100 ft.	120 feet
Less than 100 ft. but greater than or equal to 90 ft.	110 feet
Less than 90 ft.	No taller than the width of the street right of way, plus 20 feet

563.2 A building in the D-6-R zone that fronts on Pennsylvania Avenue, N.W. between 4th and 9th Streets, N.W. shall also be subject to the height regulations in Subtitle I § 608.9 governing the Pennsylvania Avenue Sub-Area.

563.3 The maximum permitted height of a penthouse shall be twenty feet (20 ft.). The maximum permitted number of stories for penthouse habitable space shall be one (1) plus a mezzanine, except a second story shall be permitted for penthouse mechanical space.

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).

564 FRONT BUILD-TO (D-6-R)

564.1 A building in the D-6-R zone is subject to the front build-to regulations in Subtitle I § 203, unless otherwise governed by a regulation referenced in Subtitle I § 608 for the Pennsylvania Avenue Sub-Area.

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

565 FRONT SETBACK (D-6-R)

565.1 A front setback shall not be required for a building in the D-6-R zone except when subject to the front setback regulations Subtitle I § 608 for a building fronting on Pennsylvania Avenue, N.W. or otherwise governed by a regulation referenced in Subtitle I § 608.

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

566 USES (D-6-R)

566.1 A building in the D-6-R zone is subject to the use regulations in Subtitle I, Chapter 3 and may generate or receive credits pursuant to Subtitle I, Chapters 8 and 9.

566.2 A building in the D-6-R zone fronting on a designated primary or secondary street segment shall be subject to the use regulations in Subtitle I § 601 and the sub-area use regulations referenced in Subtitle I §§ 562.6 (a) through (d).

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

567 DESIGN (D-6-R)

567.1 A building in the D-6-R zone fronting on a designated primary or secondary street shall be subject to the design regulations in Subtitle I § 602.

567.2 A building in the D-6-R zone on a lot in the Pennsylvania Avenue Sub-Area is subject to the design requirements referenced in Subtitle I § 608.

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

568 PURPOSE AND OBJECTIVE (D-7)

568.1 The purposes of the D-7 zone are to permit high-density commercial development and, in conjunction with sub-area objectives and regulations, to reinforce Pennsylvania Avenue's unique role as a physical and symbolic link between the White House and the U.S. Capitol.

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

569 DENSITY – FLOOR AREA RATIO (FAR) (D-7)

569.1 The maximum permitted density for a building in the D-7 zone shall be the density achievable within the height and bulk permitted by the zone and any applicable sub-area regulations:

(a) All of the building's FAR is devoted to residential use;

(b) If all FAR exceeding the non-residential density permitted in Subtitle I § 569.3 is devoted to residential use; or

(c) If conditions (a) or (b) are not satisfied through the employment of credits provided for by Subtitle I, Chapters 8 and 9.

569.2 Residential density in the D-7 zone is not subject to the Inclusionary Zoning requirements or bonuses of Subtitle C, Chapter 10.

569.3 The maximum permitted non-residential density of a building in the D-7 zone not employing credits enabled by Subtitle I, Chapters 8 and 9 shall be 10.0 FAR for a building fronting on a street with a right-of-way width of at least one hundred ten feet (110 ft.) and 8.5 FAR on a street with a right-of-way of lesser width.

569.4 A building in the D-7 zone fronting on a designated primary or secondary street shall be subject to the general primary and secondary street use-related density requirements in Subtitle I § 601and, if applicable, the following:

(a) The Chinatown Sub-Area requirements in Subtitle I § 609 if the designated street borders Square 429;

(b) The Downtown Retail Core Sub-Area requirements in Subtitle I § 606 if the designated street borders Square 223, 224, 225, 252, 253, 254, 288, 289, 290, 319, 320, 321, 345, 346, 347, 375, or 376; and

(c) The Downtown Arts Sub-Area regulated by Subtitle I § 607 if the designated Street borders:

(1) One (1) of the following Squares: 254, 290, 291, 321, 322, 342, 348, 375, 376, 378, or 379; or

(2) Square 405 or 429 south of a line extending eastward from G Place, N.W.

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

570 HEIGHT (D-7)

570.1 The maximum permitted building height, not including the penthouse, in the D-7 zone on a lot fronting on Pennsylvania Avenue, N.W. between 10th and 15th Streets, N.W. shall be one hundred sixty feet (160 ft.), subject to the Pennsylvania Avenue sub-area regulations in Subtitle I § 608.

570.2 The maximum permitted building height, not including the penthouse, in the D-7 zone on a lot fronting on Pennsylvania Avenue, N.W. between 9th and 10th Streets, N.W. shall be one hundred-thirty feet (130 ft.), subject to the Pennsylvania Avenue sub-area regulations in Subtitle I § 608.

570.3 The maximum permitted building height, not including the penthouse, in the D-7 zone on a lot fronting on Pennsylvania Avenue, N.W. between 9th and 10th Streets, N.W. shall be one hundred sixty feet (160 ft.), subject to a Planned Unit Development and the Pennsylvania Avenue sub-area regulations in Subtitle I § 608.

570.4 Subject to any provisions of the Pennsylvania Avenue Development Corporation General Guidelines and Uniform Standards of 1974 as amended, where applicable, the maximum permitted height of a penthouse shall be twenty feet (20 ft.). The maximum permitted number of stories for penthouse habitable space shall be one (1) plus a mezzanine, except a second story shall be permitted for penthouse mechanical space.

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

571 FRONT BUILD-TO (D-7)

571.1 A building in the D-7 zone is subject to the front build-to regulations in Subtitle I § 203 unless otherwise governed by a regulation referenced in Subtitle I § 608 for the Pennsylvania Avenue Sub-Area.

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

572 FRONT SETBACK (D-7)

572.1 A front setback shall not be required for a building in the D-7 zone except when otherwise subject to the front setback regulations Subtitle I § 608 for a building fronting on Pennsylvania Avenue, N.W. or otherwise governed by a regulation referenced in Subtitle I § 608.

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

573 USES (D-7)

573.1 A building in the D-7 zone is subject to the use regulations in Subtitle I, Chapter 3 and may generate or receive credits pursuant to Subtitle I, Chapters 8 and 9.

573.2 A building in the D-7 zone fronting on a designated primary or secondary street segment shall be subject to the use regulations in Subtitle I § 601 and, if applicable, the sub-area use regulations referenced in Subtitle I §§ 569.4(a) through (c).

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

574 DESIGN (D-7)

574.1 A building in the D-7 zone fronting on a designated primary or secondary street shall be subject to the design regulations in Subtitle I § 602.

574.2 A building in the D-7 zone on a lot in the Pennsylvania Avenue Sub-Area is subject to the design requirements referenced in Subtitle I § 608.

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

575 PURPOSE AND OBJECTIVE (D-8)

575.1 The purposes of the D-8 zone are to permit high-density development, to foster the transition of a federally-owned area south of the National Mall into a mixed-use area of commercial, residential, cultural, arts, retail, and service uses with both public and private ownership, and to promote greater pedestrian and vehicular connectivity with an emphasis on re-establishing connections that have been compromised by previous street closings, vacations, obstructing construction, or changes in jurisdiction.

575.2 In the D-8 zone, other than transportation-or utility-related construction, approved monuments and memorials, and permitted building projections, no structure, building or building addition may be constructed above the grade of a street right-of-way that was included in the 1791 L'Enfant Plan for the City of Washington, regardless of whether or not it has been closed by an act of the Council of the District of Columbia or its predecessor bodies or whether a building has been constructed within it, with the exception of the following rights of way:

(a) 8th Street, S.W. between Independence Avenue, S.W. and D Street, S.W.; and

(b) D Street, S.W., between the L'Enfant Promenade/10th Street, S.W. and 12th Street, S.W.

575.3 The restrictions in Subtitle I § 575.2 may be modified by the Zoning Commission pursuant to an application for special exception approval consistent with Subtitle X, Chapter 9 and the procedures and criteria in Subtitle I § 581.

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

576 DENSITY – FLOOR AREA RATIO (FAR) (D-8)

576.1 The maximum permitted density for a building in the D-8 zone shall be the density achievable within the height and bulk permitted by the zone and any applicable sub-area regulations, provided the building meets the requirements of Subtitle I § 575.2, and:

(a) If all of the building's FAR is devoted to residential use;

(b) If all FAR exceeding the non-residential density permitted in Subtitle I §576.4 is devoted to residential use; or

(c) If conditions (a) or (b) are not satisfied through the employment of credits provided for by Subtitle I, Chapters 8 and 9.

576.2 If the conditions of Subtitle I § 576.1(a) through (c) are not satisfied, a special exception from the Zoning Commission pursuant to Subtitle X, Chapter 9 and Subtitle I § 581 may be requested.

576.3 Residential density in the D-8 zone is subject to the Inclusionary Zoning requirements and bonuses of Subtitle C, Chapter 10.

576.4 The maximum permitted non-residential density for a building in the D-8 zone that meets the requirements of Subtitle I § 575.2, but does not meet the conditions in Subtitle I § 576.1, shall be 6.5 FAR, unless a greater FAR is approved by the Zoning Commission consistent with Subtitle I § 581.

576.5 For a project subject to Subtitle I § 576.1, the determination of the potential maximum gross square footage of the project shall not include the land area of:

(a) An existing street right-of-way; or

(b) A street right-of-way that has not been officially closed by an act of the Council of the District of Columbia or its predecessor bodies, even if a building has already been constructed in it.

576.6 A historic landmark or a contributing building in a historic district is subject to the requirements, permissions, and conditions of Subtitle I §§ 200.2 and 200.3.

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

577 HEIGHT (D-8)

577.1 The maximum permitted building height, not including the penthouse, in the D-8 zone shall be:

Street Right of Way Width	Maximum Permitted Building Height, Not Including Penthouse
Greater than or equal to 110 ft.	130 feet
Less than 110 ft. but greater than or equal to 100 ft.	120 feet
Less than 100 ft. but greater than or equal to 90 ft.	110 feet
Less than 90 ft.	No taller than the width of the street right of way, plus 20 feet

577.2 The maximum permitted building height, not including the penthouse, for a project that includes land within a street right-of-way that has been closed by action of the Council of District of Columbia and that has not been incorporated into the District of Columbia official highway plan shall be one hundred ten feet (110 ft.) unless otherwise permitted by the Zoning Commission as provided for in Subtitle I § 581.

577.3 A building in the D-8 zone that fronts on Independence Avenue, S.W. between 6th Street and 12th Street, S.W. shall also be subject to the height regulations in Subtitle I § 618 governing the Independence Avenue Sub-Area and subject to Subtitle I § 581.

577.4 The maximum permitted height of a penthouse shall be twenty feet (20 ft.). The maximum permitted number of stories for penthouse habitable space shall be one (1) plus a mezzanine, except a second story shall be permitted for penthouse mechanical space.

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).

578 FRONT BUILD-TO (D-8)

578.1 With the exception of a building fronting on Independence Avenue, S.W. and subject to the Independence Avenue Sub-Area regulations in Subtitle I § 618, a building in the D-8 zone is subject to the front build-to regulations in Subtitle I § 203.

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

579 FRONT SETBACK (D-8)

579.1 A front setback shall not be required for a building in the D-8 zone except when otherwise subject to the front setback regulations Subtitle I § 618 for a building fronting on Independence Avenue, S.W.

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

580 USES (D-8)

580.1 A building meeting the requirements of Subtitle I § 575.2 is governed by the use regulations in Subtitle I, Chapter 3 and may generate or receive credits pursuant to Subtitle I, Chapters 8 and 9.

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

581 SPECIAL EXCEPTION (D-8)

581.1 All proposed uses, new buildings, and new structures, or any proposed exterior renovation to any existing buildings or structures that would result in an alteration of the existing exterior design, shall be subject to review and approval by the Zoning Commission as a special exception in accordance with the provisions of Subtitle X, Chapter 9 and Subtitle I §§ 581.2 through 581.5, and, for locations not subject to review by the Commission of Fine Arts and for locations fronting on Independence Avenue between 2nd and 12th Streets, N.W., shall be referred to the National Capital Planning Commission for review and comment.

581.2 The reviewing body shall consider whether the proposed project – including the siting, architectural design, site plan, landscaping, sidewalk treatment, and operation – will help achieve the objectives of the Maryland Avenue Small Area Plan approved June 26, 2012, and its related or successor plans. The objectives to be considered include:

(a) Building height, mass, and siting shall respect or re-establish vistas to the U.S. Capitol, the Washington Monument, and the Smithsonian Institution's original building;

(b) Greater connectivity shall be achieved for pedestrians and vehicles both within the area and the adjacent area and shall be based on historic street rights-of-way, particularly including:

(1) Maryland Avenue, S.W. and the former right-of-way of that avenue between 6th and 12th Streets, S.W.;

(2) C Street, S.W., between 7th and 12th Streets, S.W.; and

(3) 12th Street, S.W., 11th Street, S.W., and the L'Enfant Promenade/10th Street, S.W., between Independence Avenue, S.W and D Street, S.W.;

(c) Conflicts between vehicles and pedestrians shall be minimized;

(d) Unarticulated blank walls adjacent to public spaces shall be minimized through facade articulation;

(e) Ground floor retail spaces shall have a clear height of least fourteen feet (14 ft.) if adjacent to major streets;

(f) The project shall minimize impacts on the environment, as demonstrated through the provision of an evaluation of the proposal against GAR requirements and LEED Gold certification standards; and

(g) Rooftop structures, architectural embellishments, and penthouses should be carefully located and designed to not compete with the architectural features of the Smithsonian Institution's original building when viewed from its center point on the National Mall and from 10th Street, S.W.

581.3 Construction or substantial renovation of a building or structure that would include an area restricted by Subtitle I § 575.2 may be permitted only if the Zoning Commission has given approval as a special exception under Subtitle X, Chapter 9, subject to the following determinations:

(a) The exclusion of the property, right-of-way, or former right-of-way from permanent public access, or the inclusion of the property in a private development site is integral and beneficial to the provision of

transportation infrastructure or improvements within or immediately adjacent to the boundaries of the D-8 zone, with such infrastructure or improvements including, but not being not limited to: dedication and/or construction of a public street; maintenance of a street median in the zone; provision of a public easement for a pedestrian walkway within the zone that would not otherwise be required; mass transit improvements within the zone, including, but not limited to, the accommodation and/or construction of a connection to a mass transit station; and the buildings or buildings to be constructed or substantially renovated on the property are in compliance with all other applicable regulations in Subtitle I;

(b) The Director of DDOT has determined that:

(1) The land within an existing or historic right-of-way on which the project would be constructed has been determined to not be essential to the District's future vehicular or pedestrian network; or

(2) An acceptable, enforceable agreement has been executed for achieving pedestrian or vehicular connectivity in a location other than one regulated under Subtitle I § 575.2.; and

(c) The proposed building, and any height in excess of one hundred ten feet (110 ft.) not including a penthouse, would be consistent with the criteria established for review in Subtitle § 581.3:

(1) Contain(s) only residential uses or arts uses above the building's ground floor, or the property has received credits under the terms of Subtitle I, Chapter 9 that would enable access to gross square footage exceeding 6.5 FAR for uses that are neither residential nor cultural; and

(2) Is consistent with the criteria established for review in Subtitle § 581.3;

581.4 When granting approval under Subtitle I §§ 581.1, 581.2, or 581.3, the Zoning Commission shall not reduce access to bonus density for a project that has demonstrated compliance with all applicable regulations.

581.5 As part of the special exception to be considered under Subtitle I § 581, the Zoning Commission may hear and decide any additional requests for special exception or variance relief needed for the subject property. Such requests shall be advertised, heard, and decided together with the application for Zoning Commission review and approval.

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

CHAPTER 6 LOCATION-BASED REGULATIONS FOR DOWNTOWN SUB-AREAS AND DESIGNATED STREET SEGMENTS

600 INTRODUCTION

600.1 This chapter contains zoning regulations intended, to assist in achieving goals established by the Comprehensive Plan, Small Area Plans, or prior versions of this subtitle for specific geographic locations within the area encompassed by the downtown zones. Each sub-area may include multiple zone districts.

600.2 In the sub-areas the general use and design regulations for D zones are supplemented by additional use or design permissions, restrictions, or requirements. These vary by the geographic sub-area locations described in Subtitle I §§ 606 through 618. The sub-area use and design regulations are applied to sites based on their adjacency to a side or sides of certain designated segments of street rights-of-way.

600.3 The objectives of designating sub-areas and street segments, requirements, and permissions are to:

(a) Strengthen retail, arts, and other preferred uses, through the establishment of a hierarchy of primary and secondary designated streets;

(b) Enhance pedestrian environments;

(c) Foster the building of open spaces and neighborhood centers;

(d) Establish principal intersections as focal points for neighborhoods;

(e) Establish massing transitions between areas with different uses or scales; and

(f) Create upper story setbacks through the designation of other designated street segments to protect important vistas highlighted in the Comprehensive Plan.

600.4 Designated street segments with the same classification generally have similar use and design requirements or permissions, but may also be modified by sub-area requirements as generally summarized below:

(a) Designated primary street segments of Figure I § 601(a): Illustration of Designated Primary Street Segments generally have the most intensive use and design requirements, including strict regulations governing vehicular entrance openings;

(b) Designated secondary street segments of Figure I § 601(b): Illustration of Designated Secondary Street Segments have similar use regulations as

primary street segments, but often with less FAR requirements for certain uses, and less restrictive regulations governing ground floor heights and vehicular entrances/exits facing onto a designated secondary street; and

(c) Designated tertiary street segments of Figure I § 603.1: Illustration of Designated Tertiary Street Segments are generally regulated for upper story setbacks and are detailed within the regulations for individual sub-areas. Sub-area regulations begin in Subtitle I § 606.

600.5 If a lot faces more than one (1) designated street segment, each frontage is governed by the corresponding regulations for that designated street segment.

600.6 For a structure with frontage on a designated primary, secondary, or other street segment listed in this chapter, an applicant for a building permit or a certificate of occupancy involving ten thousand square feet (10,000 sq. ft.) or more shall provide a copy of the application, or those portions of the application affected by the D zone provisions, to the Director of the Office of Planning at the time of filing with the Zoning Administrator. The Director shall, within ten (10) business days of the filing, provide the Zoning Administrator with a memorandum setting forth the Office of Planning's interpretation of the application's compliance with the regulations of the relevant D zones.

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

601 GENERAL USE REQUIREMENTS FOR BUILDINGS ON PRIMARY AND SECONDARY DESIGNATED STREET SEGMENTS

FIGURE I § 601(a): ILLUSTRATION OF DESIGNATED PRIMARY STREET SEGMENTS

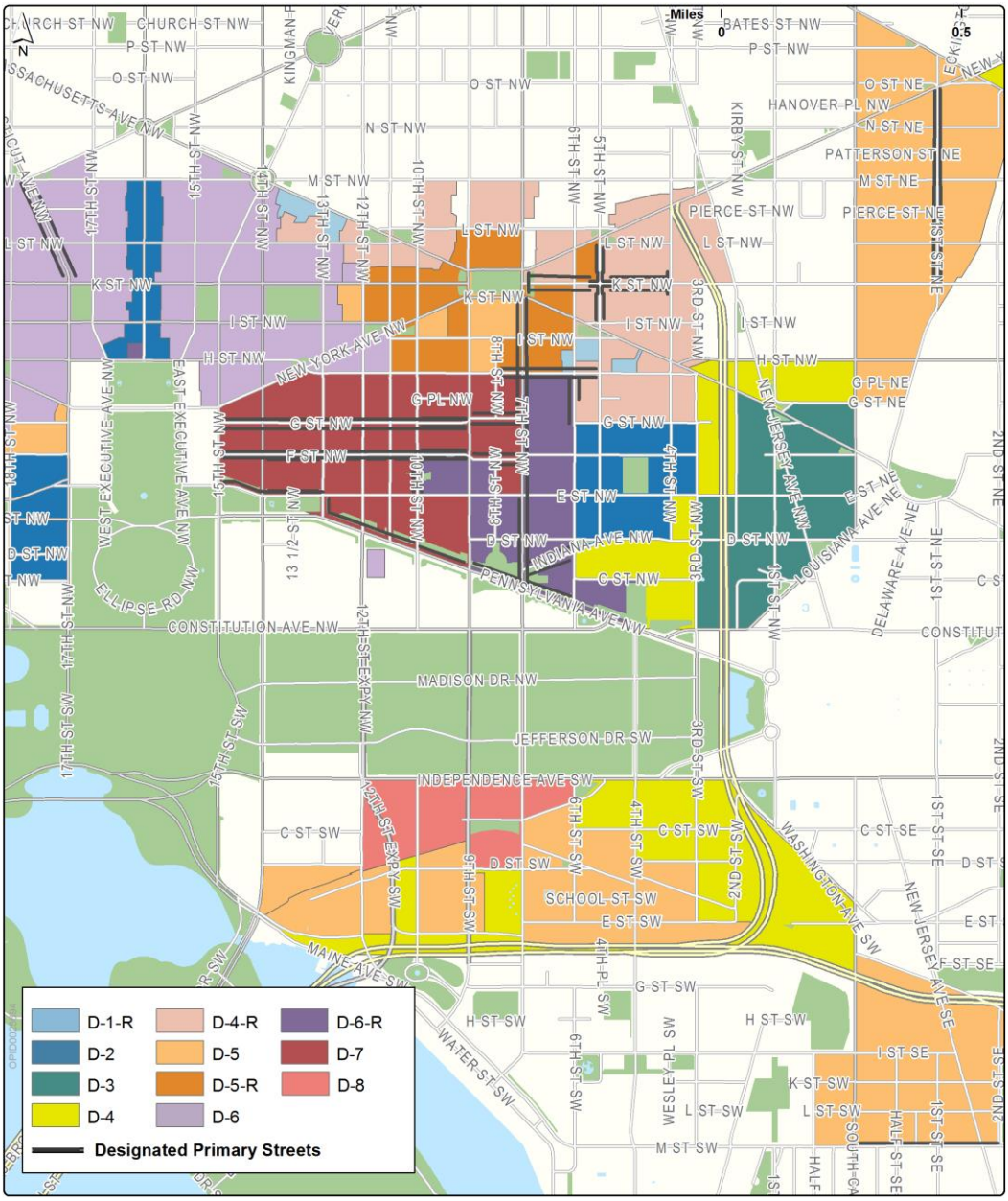
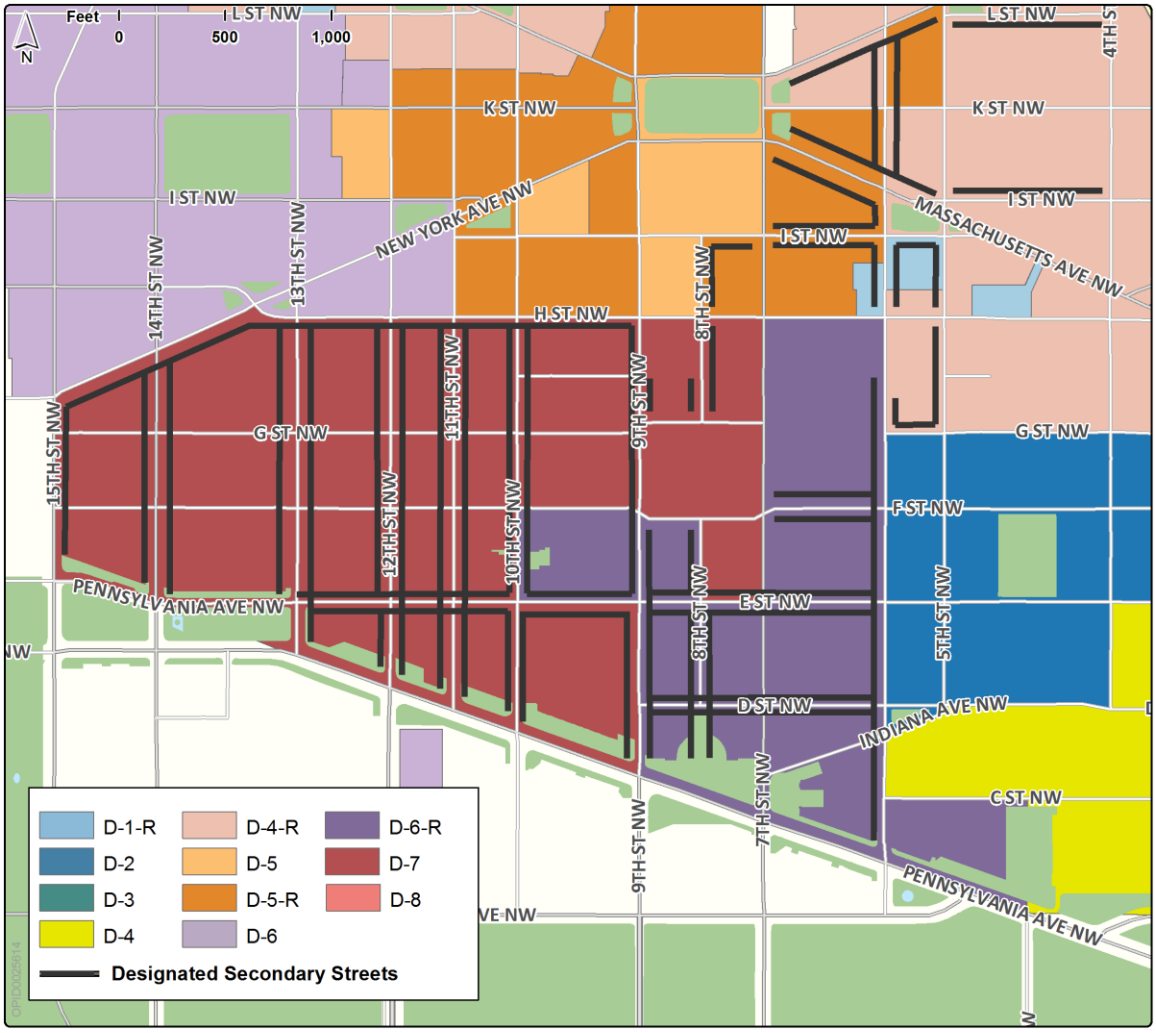


FIGURE I § 601(b): ILLUSTRATION OF DESIGNATED SECONDARY STREET SEGMENTS



601.1 The use requirements in Subtitle I § 601 shall apply to a building or structure on a lot with frontage on a designated primary or a secondary street segment unless otherwise modified within this section or by the use requirements for a designated street segment in a particular sub-area.

601.2 A building or structure with frontage on a primary or a secondary designated street segment shall, unless otherwise modified within this section or by the use requirements for a designated street segment in a particular sub-area:

(a) Devote not less than fifty percent (50%) of the ground floor gross floor area to one (1) or more of the following use categories:

(1) Retail;

(2) Entertainment, assembly, and performing arts;

(3) Eating and drinking establishments;

(4) Arts, design, and creation; or

(5) Services, including both general and financial services;

(b) Devote no more than twenty percent (20%) of the ground floor gross floor area uses required in Subtitle I § 601.2(a) to services (financial), fast food establishment, travel, or ticket offices; and

(c) Devote one hundred percent (100%) of the building's street frontage along the primary designated street segment to required uses identified in Subtitle I § 601.2(a) except for space required for fire control or devoted to building entrances for pedestrians, or for vehicular parking and loading entrances that are:

(1) Permitted by Subtitle I § 610.4 within the Massachusetts Avenue and Mount Vernon Square Sub-Area;

(2) Required by DDOT; or

(3) Permitted by the Board of Zoning Adjustment by special exception evaluated according to Subtitle I § 601.2(a).

601.3 The requirements of Subtitle I § 601.2 shall not apply to buildings devoted entirely to residential uses, theaters, or places of worship.

601.4 The net leasable area occupied by the uses required on primary or secondary designated street segments, or uses generating credits pursuant to Subtitle I, Chapter 8, shall be no less than eighty percent (80%) of the gross floor area allocated to these uses.

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).

602 GENERAL DESIGN REQUIREMENTS FOR BUILDINGS ON PRIMARY AND SECONDARY DESIGNATED STREET SEGMENTS

602.1 With the exception of buildings devoted entirely to residential uses, or to theaters, historically designated buildings, or places of worship, the following design requirements shall apply to the portion of a building or structure with frontage on a primary or secondary designated street segment unless otherwise modified by the design requirements of this section or the requirements for a designated street segment in a sub-area:

(a) The ground floor shall have a minimum clear height of fourteen feet (14 ft.) for a continuous depth of at least thirty-six feet (36 ft.) from the

building line on a designated primary, but not a designated secondary, street segment;

(b) The ground story shall devote at least fifty percent (50%) of the surface area facing a designated primary or secondary street segment to display windows or pedestrian entrances having clear low-emissivity glass, and ensure that the view through the display windows and pedestrian entrances is not blocked for at least ten feet (10 ft.) in from the building face; and

(c) Ground floor pedestrian entrances, or areas where a future ground floor entrance could be installed without structural changes, shall be located no more than an average distance of forty feet (40 ft.) apart on the façade facing the designated primary or secondary street segment. In no case shall there be less than one (1) door.

602.2 No vehicular garage or loading entrance or exit shall be permitted in the portions of façades adjacent to a designated primary street, unless it is:

(a) On a designated primary street segment listed in the Mount Vernon Triangle Sub-Area pursuant to Subtitle I § 611, for which vehicular garage or loading entrances and exits are governed by Subtitle I §§ 611.6 through 611.10;

(b) Required by DDOT; or

(c) Permitted by the Board of Zoning Adjustment as a special exception evaluated by the criteria in Subtitle I § 602.3.

602.3 Exceptions from the prohibitions and limitations of Subtitle I § 602.2 shall be permitted if granted by the Board of Zoning Adjustment as a special exception, provided the applicant demonstrates that:

(a) There is no practical alternative means of serving the parking, loading, or drop-off needs of the building to be served by the proposed driveway, such as signage approved by DDOT, that would direct vehicles to an alternative entrance point within the same square;

(b) The vehicular entrance will not impede the flow of pedestrian traffic on designated primary street frontage; and

(c) The driveway that would access the proposed parking or loading entrance or exit is not inconsistent with DDOT landscape plans for the public rights of way on the designated street frontage, to the extent that such plans exist at the time of the special exception application.

602.4 Exceptions from the prohibitions and limitations of Subtitle I § 602.1(a) shall be permitted for structures existing prior to the effective date of this title if the Zoning Administrator determines that the slab-to-slab height of the existing

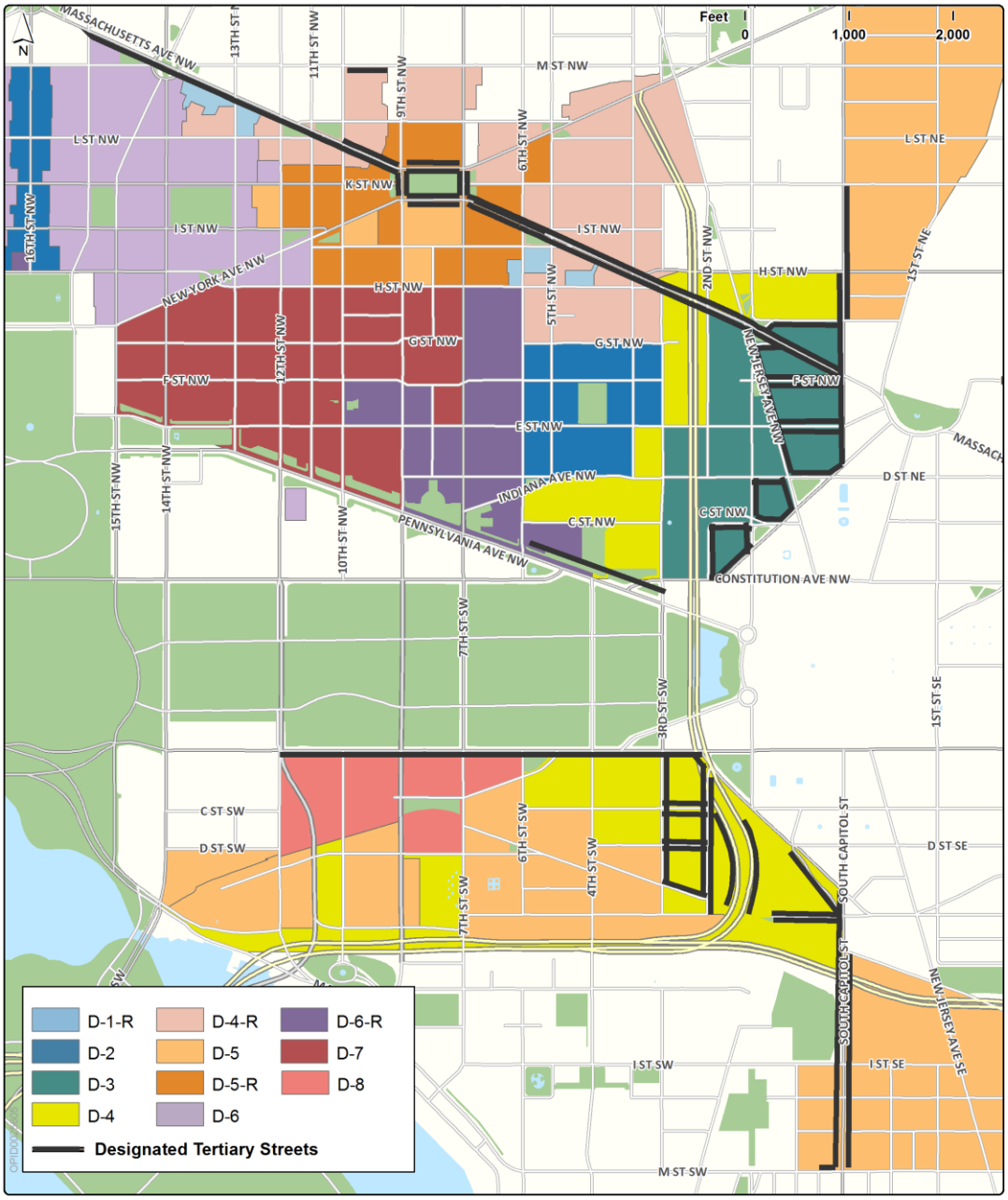
structure's first or second floor would have to be structurally altered in order to meet the requirement.

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

603 BUILDINGS ON DESIGNATED TERTIARY STREETS: GENERAL USE AND DESIGN REQUIREMENTS

603.1 Figure I § 603.1 illustrates the designated tertiary street segments:

FIGURE I § 603.1: ILLUSTRATION OF DESIGNATED TERTIARY STREET SEGMENTS



603.2 There are no use regulations specific to frontage on any designated tertiary street segment, with the following exceptions:

(a) A building with frontage on the south side of the 600 block of Massachusetts Avenue, N.W. is also subject to the designated secondary street segment use regulations in Subtitle I § 601 and in the Chinatown Sub-Area in Subtitle I § 609; or

(b) A building with frontage on the north side of the 500 or 600 block of Massachusetts Avenue, N.W. is also subject to the designated secondary street segment use regulations in Subtitle I § 601 and the design regulations in the Mount Vernon Triangle Sub-Area in Subtitle I § 611,

603.3 Modifications to dimensional requirements for designated tertiary street segments are located in the regulations for the following sub-areas:

(a) The Capitol Security Sub-Area in Subtitle I § 605;

(b) The Massachusetts Avenue Corridor and Mount Vernon Square Sub-Area in Subtitle I § 610;

(c) The Mount Vernon Triangle Sub-Area in Subtitle I § 611 for the north side of the 500 and 600 blocks of Massachusetts Avenue, N.W.;

(d) The Blagden Alley Residential Transition Area Sub-Area in Subtitle I § 613 for the south side of the 900 block of M Street, N.W.;

(e) The South Capitol and M Streets Sub-Area in Subtitle I § 616; and

(f) The North Capitol Street Sub-Area in Subtitle I § 617.

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

604 GEOGRAPHIC SUB-AREAS IN DOWNTOWN

604.1 The following table lists the geographic sub-areas of downtown and their corresponding sections:

TABLE I § 604: GEOGRAPHIC SUB-AREAS OF DOWNTOWN AND SECTION REFERENCE

Sub-Areas of Downtown	Section
Capitol Security	Subtitle I § 605
Downtown Retail Core	Subtitle I § 606
Downtown Arts	Subtitle I § 607
Pennsylvania Avenue	Subtitle I § 608
Chinatown	Subtitle I § 609
Massachusetts Avenue Corridor and Mt. Vernon Square	Subtitle I § 610
Mount Vernon Triangle (MVT)	Subtitle I § 611

Sub-Areas of Downtown	Section
Mount Vernon Triangle Principal Intersection Area (MVT/PIA)	Subtitle I § 612
Blagden Alley Residential Transition Area	Subtitle I § 613
Lower Connecticut Avenue Corridor	Subtitle I § 614
North of Massachusetts Avenue (NoMA) Corridor	Subtitle I § 615
South Capitol and M Streets	Subtitle I § 616
North Capitol Street	Subtitle I § 617
Independence Avenue, S.W.	Subtitle I § 618

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

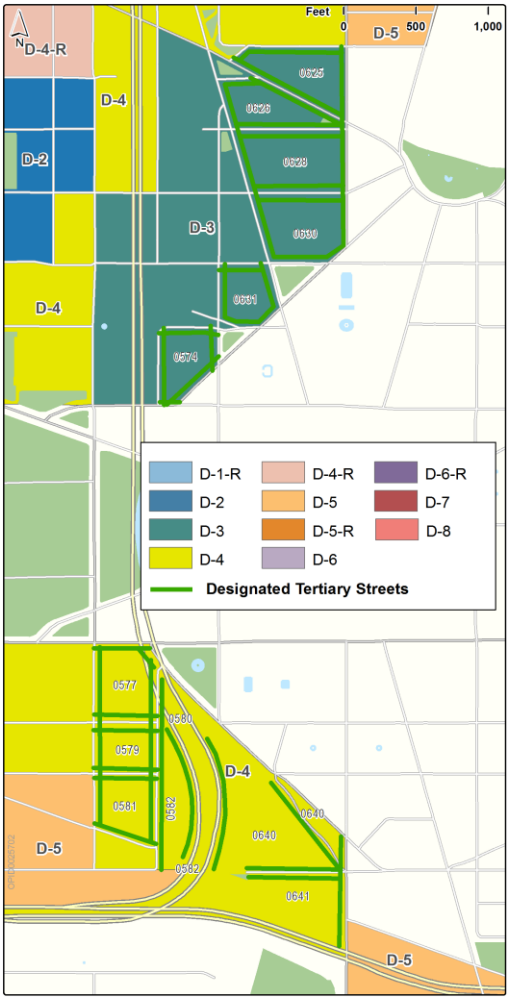
605 CAPITOL SECURITY SUB-AREA

605.1 The objectives of the Capitol Security Sub-Area are to protect public safety and the security of those using the properties within the U.S. Capitol complex and associated office buildings and libraries.

605.2 The general location of the Capitol Security Sub-Area is the area adjacent to the northwest and southwest perimeter of the U.S. Capitol grounds, including all of Squares 625, 626, 628, 630, 631 574, 577, 579, 581, 582, 640, and 641, as outlined in Figure I § 605: Illustration of Capitol Security Sub-Area and Designated Street Segments. Review of this sub-area is required by the Architect of the Capitol or the Capitol Police.

605.3 The designated street segments are as generally indicated with green lines in Figure I § 605: Illustration of Capitol Security Sub-Area and Designated Street Segments and are detailed in Subtitle I § 605.4.

FIGURE I § 605: ILLUSTRATION OF CAPITOL SECURITY SUB-AREA AND DESIGNATED STREET SEGMENTS



605.4 The Capitol Security Sub-Area includes the following designated street segments and adjacent zoning:

TABLE I § 605.4: CAPITOL SECURITY SUB-AREA DESIGNATED STREET SEGMENTS AND ADJACENT ZONING

Designated Street	Side of Street	Adjacent Zone	Segment Boundary 1 (northern or eastern)	Segment Boundary 2 (southern or western)	Segment Classification
G St., N.W.	South	D-3	North Capitol St., N.W.	New Jersey Ave., N.W.	Tertiary
Massachusetts Ave., N.W.	North	D-3	North Capitol St., N.W.	New Jersey Ave., N.W.	Tertiary
Massachusetts Ave., N.W.	North	D-3	North Capitol St., N.W.	G St., N.W.	Tertiary
F St., N.W.	Both	D-3	North Capitol St., N.W.	New Jersey Ave., N.W.	Tertiary

Designated Street	Side of Street	Adjacent Zone	Segment Boundary 1 (northern or eastern)	Segment Boundary 2 (southern or western)	Segment Classification
E St., N.W.	Both	D-3	North Capitol St., N.W.	New Jersey Ave., N.W.	Tertiary
D St., N.W.	North	D-3	North Capitol St., N.W.	New Jersey Ave., N.W.	Tertiary
C St., N.W.	North	D-3	New Jersey Ave., N.W.	1st St., N.W.	Tertiary
C St., N.W.	South	D-3	1st St., N.W.	2nd St., N.W.	Tertiary
Constitution Ave., N.W.	North	D-3	1st St., N.W.	2nd St., N.W.	Tertiary
Independence Ave., S.W.	South	D-4	2nd St., S.W.	3rd St., S.W.	Tertiary
C St., S.W.	Both	D-4	2nd St. S.W.	3rd St., S.W.	Tertiary
C St., S.W.	South	D-4	Washington Ave., N.W.	2nd St., S.W.	Tertiary
D St., S.W.	Both	D-4	2nd St., S.W.	3rd St., S.W.	Tertiary
Virginia Ave., S.W.	North	D-4	2nd St., S.W.	3rd St., S.W.	Tertiary
Virginia Ave., S.W.	North	D-4	South Capitol St., S.W.	2nd St., S.W.	Tertiary
E St., S.W.	Both	D-4	South Capitol St., S.W.	1st St., S.W.	Tertiary
Washington Ave., S.W.	South	D-4	Independence Ave., S.W.	South Capitol St., S.W.	Tertiary
North Capitol St., N.W.	West	D-3	G St., N.W.	D St., N.W.	Tertiary
South Capitol St., S.W.	West	D-4	Washington Ave., S.W.	Virginia Ave.,/ I-395, S.W.	Tertiary
New Jersey Ave., N.W.	East	D-3	G St., N.W.	D St., N.W.	Tertiary
1st St., N.W.	East	D-3	D St., N.W.	C St., N.W.	Tertiary
1st St., N.W.	West	D-3	C St., N.W.	Constitution Ave., N.W.	Tertiary
1st St., S.W./I-395 ramps	Both	D-4	D St., S.W.	Virginia Ave., S.W.	Tertiary
2nd St., N.W.	East	D-3	C St., N.W.	Constitution Ave., S.W.	Tertiary
2nd St., S.W.	West	D-4	Independence Ave., S.W.	D St., S.W.	Tertiary
2nd St., S.W.	Both	D-4	D St., S.W.	E St., S.W.	Tertiary
3rd St., S.W.	East	D-4	Independence Ave., S.W.	Virginia Ave., S.W.	Tertiary

605.5 Within the Capitol Security Sub-Area, the use regulations of the zone shall govern.

605.6 In the Capitol Security Sub-Area, a proposed new structure or existing structure proposed for substantial renovation shall be considered as a special exception

consistent with Subtitle X, Chapter 9 and the criteria in Subtitle I §§ 605.7 through 605.10, if:

(a) The lot has frontage on a designated street segment in the sub-area and the building has a proposed or existing height of ninety feet (90 ft.) or more; and

(b) It is of any height and includes roof decks, terraces, or balconies.

605.7 In an application for a special exception subject to this section, the Board of Zoning Adjustment shall also consider whether the proposed development is:

(a) Compatible with the present and proposed development of the neighborhood;

(b) Consistent with the goals and mandates of the United States Congress in Title V of the Legislative Branch Appropriation Act, 1976 (Master Plan for Future Development of the Capitol Grounds and Related Areas), approved July 25, 1975 (Pub. L. No. 94-59, 89 Stat. 288); and

(c) Does not present a security risk to the grounds under the authority of the Architect of the Capitol.

605.8 Upon receipt of the application, the Board of Zoning Adjustment shall submit the application to the Architect of the Capitol for review and report.

605.9 Upon receipt of the application, the Board of Zoning Adjustment shall submit the application to the Office of Planning for coordination, review, report, and impact assessment, along with reviews in writing of all relevant District departments and agencies including the Departments of Transportation, Housing and Community Development, and, if a historic district or historic landmark is involved, the Historic Preservation Office.

605.10 The Board of Zoning Adjustment may require special treatment and impose reasonable conditions as it deems necessary to mitigate any adverse impacts identified in the consideration of the application.

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

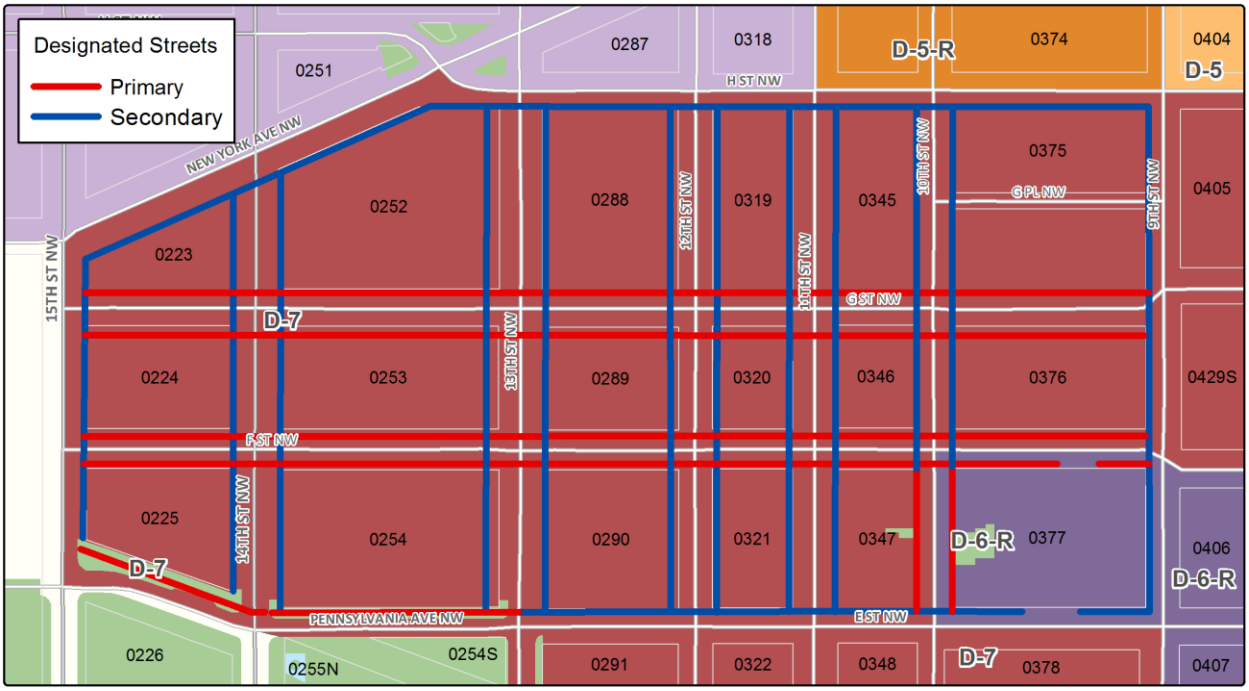
606 DOWNTOWN RETAIL CORE SUB-AREA

606.1 The objectives of the Downtown Retail Core Sub-Area are to create the highest concentrations of retail, arts, and street-activating uses within the D zones, to achieve continuous provision of these uses, employ design standards that ensure buildings reinforce and activate pedestrian areas through continuous street frontages, generous display windows, frequent pedestrian entrances, and designated street-facing entrances for parking and loading only when necessary.

606.2 The general location of the retail core is between 9th and 15th streets, N.W., between E and H Streets, N.W., including Squares 223, 224, 225, 252, 253, 254, 288, 289, 290, 319, 320, 321, 345, 346, 347, 375, 376, and 377, as outlined in in Figure I § 606: Illustration of the Downtown Retail Core Sub-Area and Designated Street Segments.

606.3 The designated street segments are as generally indicated with red or blue lines in Figure I § 606: Illustration of the Downtown Retail Core Sub-Area and Designated Street Segments, and are detailed in Subtitle I § 606.4:

FIGURE I § 606: ILLUSTRATION OF THE DOWNTOWN RETAIL CORE SUB-AREA AND DESIGNATED STREET SEGMENTS



606.4 The Downtown Retail Core Sub-Area includes the following designated street segments and adjacent zoning:

TABLE I § 606.4: DOWNTOWN RETAIL CORE SUB-AREA DESIGNATED STREET SEGMENTS AND ADJACENT ZONING

Designated Street	Side of Street	Adjacent Zone	Segment Boundary 1 (northern or eastern)	Segment Boundary 2 (southern or western)	Segment Classification
9th St., N.W.	West	D-6	H St., N.W.	E St., N.W.	Secondary
10th St., N.W.	Both	D-6	H St., N.W.	F St., N.W.	Secondary
10th St., N.W.	Both	D-6	F St., N.W.	E St., N.W.	Primary

Designated Street	Side of Street	Adjacent Zone	Segment Boundary 1 (northern or eastern)	Segment Boundary 2 (southern or western)	Segment Classification
11th St., N.W.	Both	D-6	H St., N.W.	E St., N.W.	Secondary
12th St., N.W.	Both	D-6	H St., N.W.	E St., N.W.	Secondary
13th St., N.W.	Both	D-6, D-7	H St., N.W.	E St., N.W.	Secondary
14th St., N.W.	Both	D-6, D-7	New York Ave., N.W.	E St. / Pennsylvania Ave., N.W.	Secondary
15th St., N.W.	East	D-6, D-7	New York Ave., N.W.	Pennsylvania Ave., N.W.	Secondary
Pennsylvania Ave., N.W. (including E Street)	North	D-7	13th St., N.W.	15th St., N.W.	Primary
E St., N.W.	North	D-6, D-6-R	9th St., N.W.	13th St., N.W.	Secondary
F St, N.W.	Both	D-6, D-7	9th St., N.W.	15th St., N.W.	Primary
G St., N.W.	Both	D-6	9th St., N.W.	15th St., N.W.	Primary
H St., N.W.	South	D-6	9th St., N.W.	New York Ave., N.W.	Secondary
New York Ave., N.W.	South	D-6	13th St., N.W.	15th St., N.W.	Secondary

606.5 A building with frontage on a designated primary or secondary street segment is subject to the general use regulations in Subtitle I § 601, unless otherwise noted in this section or subtitle.

606.6 If a building has frontage on one (1) of the following streets, fifty percent (50%) of the use requirements shall be met by the provision of arts uses or entertainment, assembly, and performing arts uses, as defined in Subtitle B:

(a) The north side of E Street, N.W. between 10th and 13th Streets, N.W.;

(b) The north side of Pennsylvania Avenue, N.W. (including E Street, N.W.) between 13th and 14th Streets, N.W.;

(c) The south side of F Street, N.W. between 10th and 14th Streets, N.W.;

(d) The north and south side of G Street, N.W. between 9th and 10th Streets, N.W.;

(e) The west side of 9th Street, N.W. between E and F Streets, N.W.;

(f) The east and west sides of 11th, 12th, and 13th Street, N.W. between E and F Streets, N.W.; and

(g) The east side of 14th Street, N.W. between E and F Streets, N.W.

606.7 A building with frontage on Pennsylvania Avenue, N.W. is subject to the height regulations of Subtitle I §§ 608.9 and 608.10.

606.8 A building located on Square 225 or 254 is also subject to the Pennsylvania Avenue Development Corporation (PADC) Plan of 1974, as amended.

606.9 A building with frontage on a designated primary or secondary street segment shall also be subject to Subtitle I § 608.10.

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

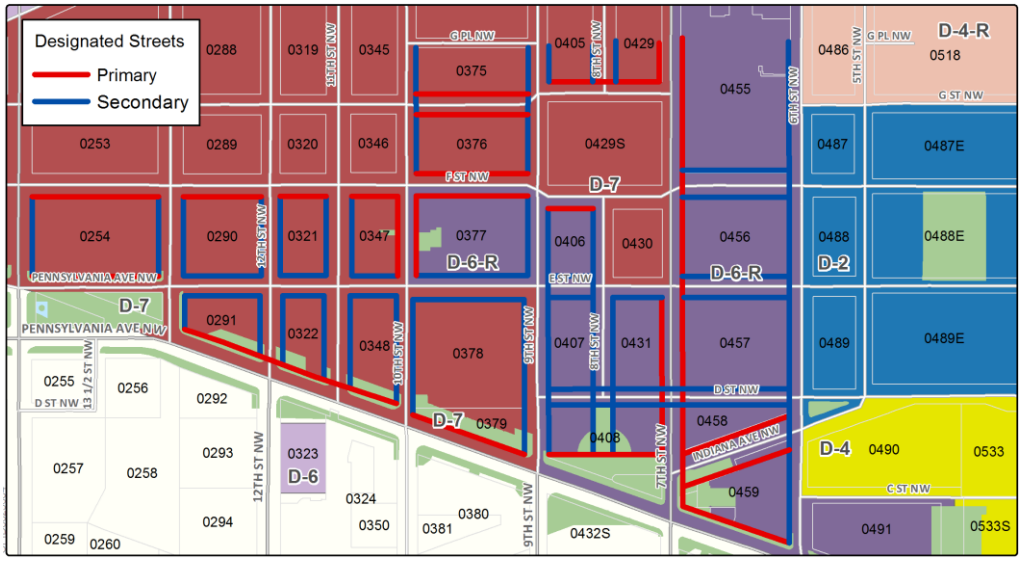
607 DOWNTOWN ARTS SUB-AREA

607.1 The objectives of the Downtown Arts Sub-Area are to create strong arts and-entertainment corridors including a spine of theaters, movie theaters, restaurants, nightclubs, and arts-related retail uses along E Street from 6th to 14th Street, N.W.; and a pedestrian-oriented concentration of museums, art galleries, other performing or visual arts uses, and festive retail-entertainment uses along 7th Street from Pennsylvania Avenue to north of G Street.

607.2 The general location of the Downtown Arts sub-area is between 6th and 14th Streets, N.W. between Pennsylvania Avenue, N.W. and G Place, N. W., including all or parts of Squares 254, 290, 291, 321, 322, 347, 348, 375, 376, 377, 405, 406, 407, 408, 429, 431, 455, 456, 457, 458, and 459 as outlined in Figure I § 607: Illustration of the Downtown Arts Sub-Area and Designated Street Segments.

607.3 The designated street segments are as generally indicated with red or blue lines in Figure I § 607: Illustration of the Downtown Arts Sub-Area and Designated Street Segments and detailed in Subtitle I § 607.4.

FIGURE I § 607: ILLUSTRATION OF THE DOWNTOWN ARTS SUB-AREA AND DESIGNATED STREET SEGMENTS



607.4 The Downtown Arts Sub-Area includes the following designated street segments and adjacent zoning.

TABLE I § 607.4: DOWNTOWN ARTS SUB-AREA DESIGNATED STREET SEGMENTS AND ADJACENT ZONING

Designated Street	Side of Street	Adjacent Zone	Segment Boundary 1 (northern or eastern)	Segment Boundary 2 (southern or western)	Segment Classification
6th St., N.W.	West	D-6-R	A line extending eastward from G Pl., N.W.	Pennsylvania Ave., N.W.	Secondary
7th St., N.W.	West	D-7	G Pl., N.W.	G St., N.W.	Primary
7th St., N.W.	East	D-6-R	G Pl., N.W.	E St., N.W.	Primary
7th St., N.W.	Both	D-6-R	E St., N.W.	Pennsylvania Ave., N.W.	Primary
8th St., N.W.	Both	D-6	A line extending eastward from G Pl., N.W.	G St., N.W.	Secondary
8th St., N.W.	West	D-6-R	F St., N.W.	E St., N.W.	Secondary
8th St., N.W.	Both	D-6-R	E St., N.W.	Pennsylvania Ave., N.W.	Secondary
9th St., N.W.	Both	D-7	A line extending eastward from G Pl., N.W.	G St., N.W.	Secondary
9th St., N.W.	West	D-7	G St., N.W.	E St., N.W.	Secondary

Designated Street	Side of Street	Adjacent Zone	Segment Boundary 1 (northern or eastern)	Segment Boundary 2 (southern or western)	Segment Classification
9th St., N.W.	East	D-6-R	F St., N.W.	Pennsylvania Ave., N.W.	Secondary
9th St., N.W.	West	D-7	F St. N.W.	Pennsylvania Ave., N.W.	Secondary
10th St., N.W.	East	D-7	G Pl., N.W.	F St., N.W.	Secondary
10th St., N.W.	Both	D-7	F St., N.W.	E St., N.W.	Primary
10th St., N.W.	Both	D-7	E St., N.W.	Pennsylvania Ave., N.W.	Secondary
11th St., N.W.	Both	D-7	F St., N.W.	Pennsylvania Ave., N.W.	Secondary
12th St., N.W.	Both	D-7	F St., N.W.	Pennsylvania Ave., N.W.	Secondary
13th St., N.W.	Both	D-7	F St., N.W.	Pennsylvania Ave., N.W.	Secondary
14th St., N.W.	East	D-7	F St., N.W.	E St., N.W.	Secondary
G St., N.W.	North	D-6	7th St., N.W.	9th St., N.W.	Primary
G St., N.W.	Both	D-6-R	9th St., N.W.	10th St., N.W.	Primary
F St., N.W.	Both	D-6-R	6th St., N.W.	7th St., N.W.	Secondary
F St., N.W.	South	D-6-R	8th St., N.W.	9th St., N.W.	Primary
F St., N.W.	North	D-7	9th St., N.W.	10th St., N.W.	Primary
F St., N.W.	South	D-6-R	9th St., N.W.	10th St., N.W.	Primary
F St., N.W.	South	D-7	10th St., N.W.	14th St., N.W.	Primary
E St., N.W.	Both	D-6-R	6th St., N.W.	7th St., N.W.	Secondary
E St., N.W.	South	D-6-R	7th St., N.W.	8th St., N.W.	Secondary
E St., N.W.	Both	D-6-R	8th St., N.W.	9th St., N.W.	Secondary
E St., N.W.	North	D-6-R	9th St., N.W.	10th St., N.W.	Secondary
E St., N.W.	South	D-7	10th St., N.W.	13th St., N.W.	Secondary
E St., N.W.	Both	D-7	9th St., N.W.	10th St., N.W.	Secondary
E St., N.W.	North	D-7	13th St., N.W.	14th St., N.W.	Primary
D St., N.W.	Both	D-6-R	6th St., N.W.	9th St., N.W.	Secondary
Indiana Ave., N.W.	Both	D-6-R	6th St., N.W.	7th St., N.W.	Primary
Pennsylvania Ave., N.W.	North	D-6-R D-7	6th St., N.W. 9th St., N.W.	9th St., N.W. 14th St., N.W.	Primary

607.5 Arts uses shall comprise the arts uses listed in Subtitle U, § 700.5.

607.6 A building or structure on a lot with frontage on a designated primary street segment in the Downtown Arts Sub-Area shall provide the following, either on-site or by securing arts credits pursuant to Subtitle I, Chapters 8 and 9:

(a) At least 1.0 FAR or floor area equivalent ratio (FAER), as defined in Subtitle I § 607.15, of arts uses; and

(b) Of this amount, at least 0.25 FAR or FAER shall be devoted to one (1) or more arts uses listed in Subtitle U §§ 700.2(a) through (d) and (g) through (j).

607.7 The following actions count, cumulatively, towards meeting the use and FAR or FAER requirements of Subtitle I § 607.6(a), but shall not count towards meeting the requirements of Subtitle I § 607.6(b):

(a) Providing either on-site or by obtaining arts credits pursuant to Subtitle I, Chapters 8 and 9, between 0.5 and 1.0 FAR or FAER of arts uses;

(b) Providing, either on-site or by obtaining residential credits pursuant to Subtitle I § 803, at least 1.5 more residential FAR than is required by this chapter and devoting at least 0.25 FAR or FAER equivalent to the arts uses listed in Subtitle I § 607.6(b); and

(c) Providing an arts exhibition area that:

(1) Comprises at least twenty percent (20%) of the FAR required by Subtitle I § 607.7(b);

(2) Is open to the public at least five (5) days a week for fifty (50) weeks per year;

(3) Accommodates permanent art installations in no more than twenty percent (20%) of the space required by Subtitle I § 607.6(a); and

(4) Changes the installation of the art at least four (4) times a year in the eighty percent (80%) of the space not-permitted permanent installations, and has each of the different installations professionally curated.

607.8 The gross floor area of a cellar devoted to the uses required by this section shall count towards the minimum requirement without affecting the permitted maximum bulk of the building, and shall count towards the generation of credits provided for by Subtitle I, Chapter 8.

607.9 The requirements of this section shall not apply to historic landmarks or buildings where the primary use is religious worship.

607.10 If a building in Square 254, 290, 321, 347, 375, 376, or 377 has frontage on one (1) of the following designated street segments, up to, but not including, fifty percent (50%) of the FAR or FAER for uses required by Subtitle I § 607.6 shall be met by the retail core uses required by Subtitle I §§ 606.5:

(a) The north side of E Street, N.W. between 10th and 13th Streets, N.W.;

(b) The north side of Pennsylvania Avenue, N.W. (including E Street, N.W.) between 13th and 14th Streets, N.W.;

(c) The south side of F Street, N.W. between 10th and 14th Streets, N.W.;

(d) The north and south side of G Street, N.W. between 9th and 10th Streets, N.W.;

(e) The west side of 9th Street, N.W. between E and F Streets, N.W.;

(f) The east and west sides of 11th, 12th, and 13th Street, N.W. between E and F Streets, N.W.; or

(g) The east side of 14th Street, N.W. between E and F Streets, N.W.

607.11 A building with no more than six (6) above-grade floors on a lot not exceeding five thousand square feet (5,000 sq. ft.) shall provide at least 0.75 FAR or FAER of retail, arts, eating and drinking, or service uses.

607.12 A building with frontage on Pennsylvania Avenue, N.W., is subject to the height regulations of Subtitle I §§ 608.9 and 608.10.

607.13 A building within Square 254, 291, 322, 348, 378, 379, 406, 407, 408, 431, 457, 458, or 459 is also subject to Subtitle I § 608.10.

607.14 A building with frontage on a designated primary or secondary street segment shall be subject to the design regulations of Subtitle I § 602.

607.15 Floor area equivalent is defined, for the purposes this section, as the amount of floor area that a volume occupies, with the first fourteen (14 ft.) of clear height in a volume counting as one (1) floor and each ten feet (10 ft.) of additional clear height within that volume counting as a floor.

607.16 FAER is a numerical figure that expresses the total gross floor area of a volume as a multiple of the area of the lot. It is determined by dividing the total of the gross floor area and floor area equivalent of the building(s) on a lot by the area of the lot.

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).

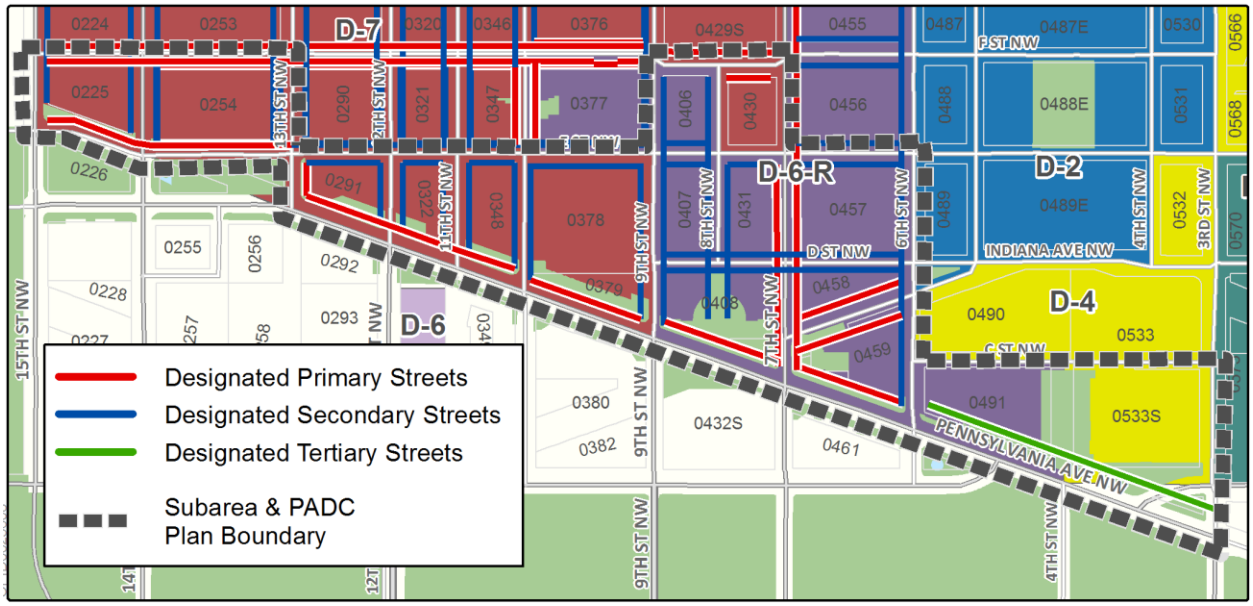
608 PENNSYLVANIA AVENUE SUB-AREA

608.1 The objectives of the Pennsylvania Avenue Sub-Area are to maintain Pennsylvania Avenue as a mixed-use monumental but lively street with additional height on its north side and active ground floor uses to bridge the downtown with the National Mall and the monumental core.

608.2 The general location area is the north side of Pennsylvania Avenue, N.W. and between one (1) and three (3) blocks north, between 3rd and 15th Streets, N.W. incorporating the areas, within the boundaries of the Pennsylvania Avenue Development Corporation (PADC) Plan (1974, as amended), including all or parts of squares from 6th through 14th streets, N.W., between Pennsylvania Avenue, N.W. and G Place, N.W., including Squares 225, 254, 291, 322, 348, 378, 379, 406, 407, 408, 430, 431, 432S, 457, 458, 459, 460, 491, and 533S, as outlined in Figure I § 608: Illustration of the Pennsylvania Avenue Sub-Area and Designated Street Segments.

608.3 The designated street segments are as generally indicated with red, blue, and green lines in Figure I § 608: Illustration of the Pennsylvania Avenue Sub-Area and Designated Street Segments and detailed in Subtitle I § 608.4.

FIGURE I § 608: ILLUSTRATION OF THE PENNSYLVANIA AVENUE SUB-AREA AND DESIGNATED STREET SEGMENTS



608.4 The Pennsylvania Avenue Sub-Area includes the following designated street segments and adjacent zoning:

TABLE I § 608.4: PENNSYLVANIA AVENUE SUB-AREA DESIGNATED STREET SEGMENTS AND ADJACENT ZONING

Designated Street	Side of Street	Adjacent Zone	Segment Boundary 1 (northern or eastern)	Segment Boundary 2 (southern or western)	Segment Classification
3rd St., N.W.	West	D-4	C St., N.W.	Pennsylvania Ave., N.W.	n/a
6th St., N.W.	East	D-6-R	C St., N.W.	Pennsylvania Ave., N.W.	n/a
6th St., N.W.	West	D-6-R	E St., N.W.	Pennsylvania Ave., N.W.	Secondary
7th St., N.W.	East	D-6-R	F St., N.W.	E St., N.W.	Primary
7th St., N.W.	Both	D-6-R	E St., N.W.	Pennsylvania Ave., N.W.	Primary
8th St., N.W.	West	D-6-R	F St. N.W.	E St., N.W.	Secondary; (Also in Downtown Arts Sub-Area)
8th St., N.W.	East	D-7	F St. N.W.	E St., N.W.	Not Designated
8th St., N.W.	Both	D-6-R	E St. N.W.	Pennsylvania Ave., N.W.	Secondary; (Also in Downtown Arts Sub-Area)
9th St., N.W.	East	D-6-R	F St. N.W.	Pennsylvania Ave., N.W.	Secondary; (Also in Downtown Arts Sub-Area)
9th St., N.W.	West	D-6	F St. N.W.	E St., N.W.	Secondary; (Also in Downtown Arts & Retail Sub-Areas)
9th St., N.W.	West	D-7	E St., N.W.	Pennsylvania Ave., N.W.	Secondary; (Also in Downtown Arts Sub-Area)
10th St., N.W.	Both	D-7	E St. N.W.	Pennsylvania Ave., N.W.	Secondary; (Also in Downtown Arts Sub-Area)
11th St., N.W.	Both	D-7	E St. N.W.	Pennsylvania Ave., N.W.	Secondary; (Also in Downtown

Designated Street	Side of Street	Adjacent Zone	Segment Boundary 1 (northern or eastern)	Segment Boundary 2 (southern or western)	Segment Classification
					Arts Sub-Area)
12th St., N.W.	Both	D-7	E St., N.W.	Pennsylvania Ave., N.W.	Secondary; (Also in Downtown Arts Sub-Area)
13th St., N.W.	Both	D-7	E St., N.W.	Pennsylvania Ave., N.W.	Secondary (Also in Downtown Arts & Retail Sub-Areas)
13th St., N.W.	West	D-7	E St., N.W.	F St., N.W.	Secondary (Also in Downtown Arts & Retail Sub-Areas)
14th St., N.W.	West	D-7	F St., N.W.	Pennsylvania Ave., N.W.	Secondary (Also in Downtown Arts & Retail Sub-Areas)
14th St., N.W.	West	D-7	F St., N.W.	Pennsylvania Ave., N.W.	Secondary (Also in Downtown Retail Sub-Area)
15th St., N.W.	East	D-7	F St., N.W.	Pennsylvania Ave., N.W.	Secondary (Also in Downtown Retail Sub-Area)
F St. N.W.	South	D-7	7th St., N.W.	8th St., N.W.	Primary
F St., N.W.	South	D-6-R	8th St., N.W.	9th St., N.W.	Primary; (Also in Downtown Arts Sub-Area)
F St. ,N.W.	South	D-7	13th St., N.W.	14th St., N.W.	Primary (Also in Downtown Arts & Retail Sub-Areas)
F St., N.W.	South	D-7	14th St., N.W.	15th St., N.W.	Primary (Also in Downtown Retail Sub-Area)

Designated Street	Side of Street	Adjacent Zone	Segment Boundary 1 (northern or eastern)	Segment Boundary 2 (southern or western)	Segment Classification
E St., N.W.	South	D-6-R	6th St., N.W.	7th St., N.W.	Secondary (Also in Downtown Arts Sub-Area)
E St., N.W.	South	D-6-R	7th St., N.W.	8th St., N.W.	Secondary; (Also in Downtown Arts Sub-Area)
E St., N.W.	North	D-6-R	7th St., N.W.	8th St., N.W.	Not Designated
E St., N.W.	Both	D-6-R	8th St., N.W.	9th St., N.W.	Secondary; (Also in Downtown Arts Sub-Area)
E St., N.W.	South	D-7	9th St., N.W.	13th St., N.W.	Secondary; (Also in Downtown Arts Sub-Area)
D St., N.W.	Both	D-6-R	6th St., N.W.	9th St., N.W.	Secondary
C St., N.W.	Both	D-4	3rd St., N.W.	4th St., N.W.	Not Designated
C St., N.W.	North	D-4	3rd St., N.W.	4th St., N.W.	Not Designated
C St., N.W.	South	D-7	4th St., N.W.	5th St., N.W.	Not Designated
Indiana Ave., N.W.	Both	D-6-R	6th St., N.W.	7th St., N.W.	Primary
Pennsylvania Ave., N.W.	North	D-4	3rd St., N.W.	5th St., N.W.	Tertiary
Pennsylvania Ave., N.W.	North	D-6-R	5th St., N.W.	6th St., N.W.	Primary
Pennsylvania Ave., N.W.	North	D-6-R	6th St., N.W.	9th St., N.W.	Primary
Pennsylvania Ave., N.W.	North	D-6	9th St., N.W.	10th St., N.W.	Primary; (Also in Downtown Arts Sub-Area)
Pennsylvania Ave., N.W. (including E St., N.W.)	North	D-7	10th St., N.W.	13th St., N.W.	Primary; (Also in Downtown Arts Sub-Area)
Pennsylvania Ave., N.W.	North	D-7	13th St., N.W.	14th St., N.W.	Primary (Also in

Designated Street	Side of Street	Adjacent Zone	Segment Boundary 1 (northern or eastern)	Segment Boundary 2 (southern or western)	Segment Classification
(including E St., N.W.)					Downtown Arts & Retail Sub-Areas
Pennsylvania Ave., N.W. (including E St., N.W.)	North	D-7	14th St., N.W.	15th St., N.W.	Primary; (Also in Downtown Arts Sub-Area)

608.5 Buildings with frontage on designated primary or secondary street segments in this sub-area are subject to the use regulations of Subtitle I § 601.

608.6 Buildings in Squares 254, 291, 322, 347, and 378 are subject to the use regulations of the Downtown Arts Sub-Area in Subtitle I § 607.

608.7 Buildings in Squares 225 and 254, are subject to the use regulations of the Downtown Retail Sub-Area in Subtitle I § 606.

608.8 Buildings with frontage on primary or secondary designated street segments in this sub-area are subject to the design regulations in Subtitle I § 602.

608.9 The height of the building or structure fronting on Pennsylvania Avenue shall be measured from the Pennsylvania Avenue curb at the middle of the front of the building or other structure to the highest point of the roof or parapet exclusive of any structure on the roof.

608.10 A building within the Pennsylvania Avenue sub-area is also governed by the Pennsylvania Avenue Development Corporation (PADC) Plan of 1974, as implemented by the Pennsylvania Avenue Development Corporation General Guidelines and Uniform Standards 36 C.F.R. §§ 910.1 *et seq*.

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

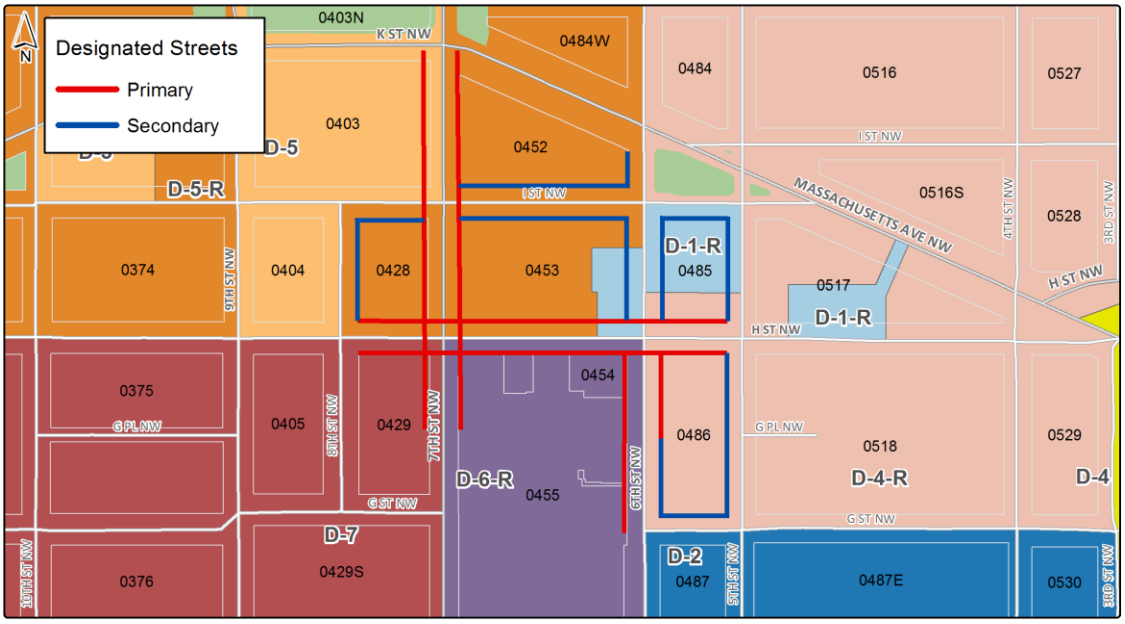
609 CHINATOWN SUB-AREA

609.1 The objectives of the Chinatown Sub-Area are to protect and enhance downtown's only ethnic cultural area by maintaining and expanding the existing concentration of retail uses emphasizing Chinese or Asian cultural and community facilities, as well as merchandise and related wholesale operations serving residents, visitors, tourists, and business travelers.

609.2 The general location of the Chinatown Sub-Area is from 5th to 8th Streets, N.W., between Massachusetts Avenue and H Street, N.W., including all or parts of Squares 425, 428, 429, and 454, as in Figure I § 609: Illustration of the Chinatown Sub-Area and Designated Street Segments.

609.3 The designated street segments are as generally indicated with red or blue lines in Figure I § 609: Illustration of the Chinatown Sub-Area and Designated Street Segments and detailed in Subtitle I § 609.4.

FIGURE I § 609: ILLUSTRATION OF THE CHINATOWN SUB-AREA AND DESIGNATED STREET SEGMENTS



609.4 The Chinatown Sub-Area includes the following designated street segments and adjacent zoning:

TABLE I § 609.4: CHINATOWN SUB-AREA DESIGNATED STREET SEGMENTS AND ADJACENT ZONING

Designated Street	Side of Street	Adjacent Zone	Segment Boundary 1 (northern or eastern)	Segment Boundary 2 (southern or western)	Segment Classification
5th St., N.W.	West	D-1-R D-4-R	I St., N.W.	G St., N.W.	Secondary
6th St., N.W.	West	D-5-R	Massachusetts Ave., N.W.	I St., N.W.	Secondary
6th St., N.W.	Both	D-1-R D-5-R	I St., N.W.	H St., N.W.	Secondary
6th St., N.W.	Both	D-1-R D-5-R	H St., N.W.	A line extending eastward from G Pl., N.W.	Primary
6th St., N.W.	East	D-4-R	A line extending eastward from G Pl., N.W.	G St., N.W.	Secondary

Designated Street	Side of Street	Adjacent Zone	Segment Boundary 1 (northern or eastern)	Segment Boundary 2 (southern or western)	Segment Classification
6th St., N.W.	West	D-4-R	A line extending eastward from G Pl., N.W.	G St., N.W.	Primary
7th St., N.W.	East	D-5-R	Massachusetts Ave., N.W.	I St., N.W.	Primary
7th St., N.W.	West	D-5	Massachusetts Ave., N.W.	I St., N.W.	Primary
7th St., N.W.	Both	D-5-R	I St., N.W.	H St., N.W.	Primary
7th St., N.W.	East	D-6-R	H St., N.W.	A line extending east from G Pl., N.W.	Primary
7th St., N.W.	West	D-7	H St., N.W.	A line extending east from G Pl., N.W.	Primary
8th St., N.W.	East	D-5-R	I St., N.W.	H St., N.W.	Secondary
Massachusetts Ave., N.W.	South	D-5-R	6th St., N.W.	7th St., N.W.	Secondary (Also in Massachusetts Avenue and Mt. Vernon Square Sub-Area)
I St., N.W.	South	D-1-R	5th St., N.W.	6th St., N.W.	Secondary
I St., N.W.	Both	D-5-R	6th St., N.W.	7th St., N.W.	Secondary
I St., N.W.	South	D-5-R	7th St., N.W.	8th St., N.W.	Secondary
H St., N.W.	Both	D-1-R D-5-R D-7	5th St., N.W.	8th St., N.W.	Primary
G St., N.W.	North	D-4-R	5th St., N.W.	6th St., N.W.	Secondary

609.5 A building or structure on a lot with frontage on a designated primary street segment shall:

(a) Devote not less than one hundred percent (100%) of the ground floor gross floor area to uses identified in Subtitle I § 601.2 or to wholesaling

accessory to those uses, provided that the requirement shall be 0.5 FAR equivalent for a building in the D-1-R, D-4-R, or D-5-R zone;

(b) Devote no more than twenty-five percent (25%) of the ground floor gross floor area retail requirement to services (financial); and

(c) Devote one hundred percent (100%) of the building's street frontage along the primary street to required uses, except for space devoted to building entrances or required for fire control; except that the requirements of this sub-section shall not apply to buildings devoted entirely to residential uses, theaters, historic landmarks, or places of worship.

609.6 A building or structure on a lot with frontage only on a designated secondary street segment shall:

(a) Devote not less than fifty percent (50%) of the ground floor gross floor area to on-site required uses identified in Subtitle I § 601.2;

(b) Devote one hundred percent (100%) of the building's street frontage along the designated secondary street to required uses, except for space devoted to building entrances or required for fire control; and

(c) The requirements of this sub-section shall not apply to buildings devoted entirely to residential uses, theaters, historic landmarks, or places of worship.

609.7 A building fronting on a designated primary or secondary street segment is subject to the design regulations in Subtitle I § 602.

609.8 A building fronting on Massachusetts Avenue, N.W., is subject to the height regulations in Subtitle I § 610.7.

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

610 MASSACHUSETTS AVENUE CORRIDOR AND MT. VERNON SQUARE SUB-AREA

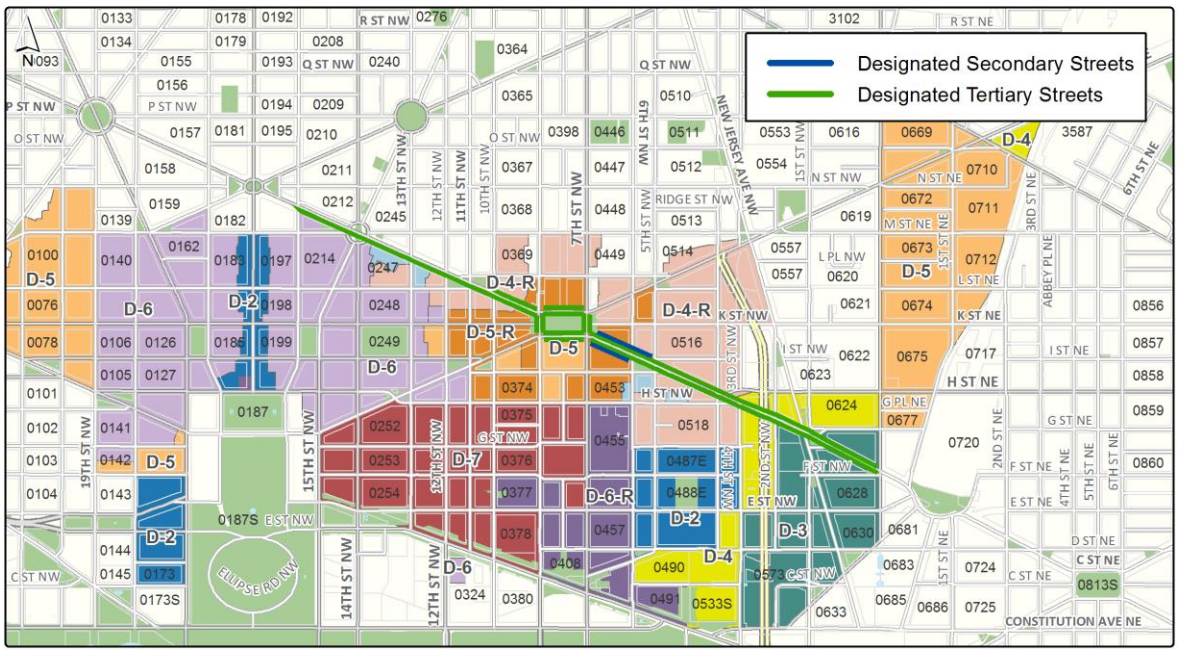
610.1 The objectives of the Massachusetts Avenue Corridor and Mt. Vernon Square Sub-Area are to encourage a boulevard and park-like openness for the Massachusetts Avenue corridor, linking the Capitol to the embassy district through upper story setbacks that increase the amount of light available to pedestrians and to public space plantings.

610.2 The general location of the Massachusetts Avenue Corridor and Mt. Vernon Square Sub-Area is along Massachusetts Avenue from North Capitol Street to 15th Street, N.W., including Mount Vernon Place, K Street, 7th and 9th Streets N.W. surrounding Mount Vernon Square, including all or parts of Squares 212-214, 245-247, 282, 283, 315, 342, 370-372, 402, 403, 426, 451, 452, 484W, 484, 516S,

517, 528, 529, 562S, 563-565, and 624-626, in Figure I § 610: Illustration of the Massachusetts Avenue Corridor and Mt. Vernon Square Sub-Area and Designated Street Segments.

610.3 The designated street segments are as generally indicated with the blue and green lines in Figure I § 610: Illustration of the Massachusetts Avenue Corridor and Mt. Vernon Square Sub-Area and Designated Street Segments and detailed in Subtitle I § 610.4.

FIGURE I § 610: ILLUSTRATION OF THE MASSACHUSETTS AVENUE CORRIDOR AND MT. VERNON SQUARE SUB-AREA AND DESIGNATED STREET SEGMENTS



610.4 The Massachusetts Avenue Corridor and Mt. Vernon Square Sub-Area includes the following designated street segments and adjacent zoning:

TABLE I § 610.4: MASSACHUSETTS AVENUE CORRIDOR AND MT. VERNON SQUARE SUB-AREA DESIGNATED STREET SEGMENTS AND ADJACENT ZONING

Designated Street	Side of Street	Adjacent Zone	Segment Boundary 1 (northern or eastern)	Segment Boundary 2 (southern or western)	Segment Classification
7th St., N.W.	Both	D-4-R D-5-R	Mt. Vernon Pl. / New York Ave., N.W.	K St. / Massachusetts Ave., N.W.	Tertiary
9th St., N.W.	Both	D-4-R D-5-R	Mt. Vernon Pl. / Massachusetts Ave., N.W.	K St. / New York Ave., N.W.	Tertiary
Massachusetts Ave., N.W.	Both	D-2-R D-3 D-4 D-4-R	North Capitol St., N.W.	5th St., N.W.	Tertiary

Designated Street	Side of Street	Adjacent Zone	Segment Boundary 1 (northern or eastern)	Segment Boundary 2 (southern or western)	Segment Classification
Massachusetts Ave., N.W.	South	D-4-R	5th St., N.W.	6th St., N.W.	Tertiary
Massachusetts Ave., N.W.	North	D-4-R D-5-R	5th St., N.W.	6th St., N.W.	Tertiary, and Secondary per Mount Vernon Triangle Sub-Area
Massachusetts Ave., N.W.	South	D-R-5	6th St., N.W.	7th St., N.W.	Tertiary, and Secondary per Chinatown Sub-Area
K St., N.W.	Both	D-5	7th St., N.W.	9th St., N.W.	Tertiary
Mt. Vernon Place, N.W.	Both	D-5-R	7th St., N.W.	9th St., N.W.	Tertiary
Massachusetts Ave., N.W.	Both	D-4-R D-5-R	9th St., N.W.	10th St., N.W.	Tertiary
Massachusetts Ave., N.W.	South	D-2-R D-4-R	10th St., N.W.	15th St., N.W.	Tertiary

610.5 A building with frontage on the south side of Massachusetts Avenue, N.W., between 6th and 7th Streets, N.W., shall be subject to Subtitle I § 609.6, the Chinatown Sub-Area use requirements for a designated secondary street segment.

610.6 A building with frontage on the north side of Massachusetts Avenue, N.W., between 5th and 7th Streets, N.W., shall be subject to the use requirements in Subtitle I § 601 for a designated secondary street segment.

610.7 No part of a building with frontage on Mount Vernon Square or on Massachusetts Avenue between North Capitol Street and 15th Street N.W. shall project above a plane drawn at a forty-five degree (45°) angle from a line located one hundred ten feet (110 ft.) above the property line abutting Massachusetts Avenue or Mount Vernon Square.

610.8 A building with frontage on the north side of Massachusetts Avenue, N.W., between 5th and 7th Streets, N.W., shall also be subject to the design requirements in Subtitle I §§ 602 and 611.10 for a designated secondary street segment in the Mount Vernon Triangle Sub-Area.

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

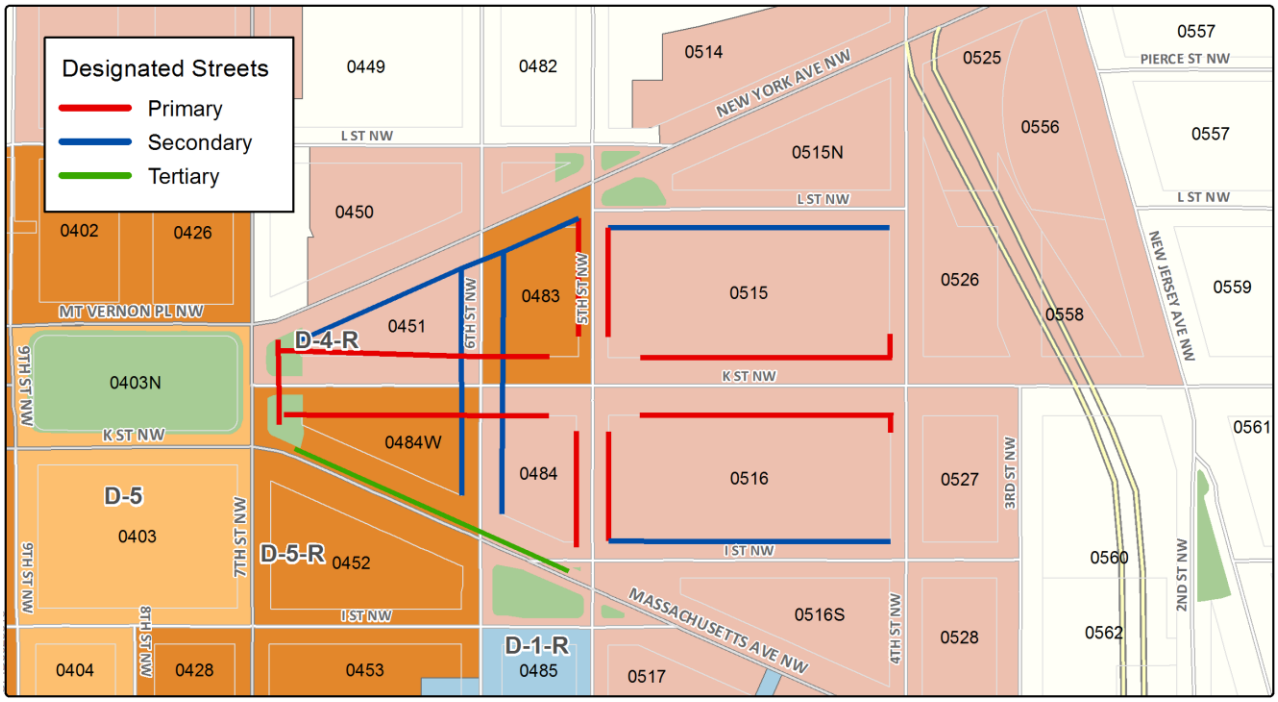
611 MOUNT VERNON TRIANGLE (MVT) SUB-AREA

611.1 The objective of the Mount Vernon Triangle Sub-Area is to promote the development of ground floor level retail, service, food and beverage and entertainment uses that serve the immediate and nearby neighborhoods, as well as the Convention Center and downtown, in street frontages that will be active, pedestrian-friendly places, particularly along K and 5th Streets, N.W.

611.2 The general location of the Mount Vernon Triangle Sub-Area is from 4th to 7th Streets, N.W., from L Street and New York Avenue to Massachusetts Avenue and I Street, N.W., but not including the intersection of 5th and Streets, N.W., incorporating all or parts of Squares 451, 484W, 483, 484, 515, and 516, in Figure I § 611: Illustration of the Mount Vernon Triangle Sub-Area and Designated Street Segments. This sub-area does not include the Mount Vernon Triangle Principal Intersection Area sub-area regulated by Subtitle I § 612.

611.3 The designated street segments are as generally indicated with red, blue, and green lines in Figure I § 611: Illustration of the Mount Vernon Triangle Sub-Area and Designated Street Segments and detailed in the Subtitle I § 611.4.

FIGURE I § 611: ILLUSTRATION OF THE MOUNT VERNON TRIANGLE SUB-AREA AND DESIGNATED STREET SEGMENTS



611.4 The Mt. Vernon Triangle Sub-Area includes the following designated street segments and adjacent zoning.

TABLE I § 611.4: MOUNT VERNON TRIANGLE SUB-AREA DESIGNATED STREET SEGMENTS AND ADJACENT ZONING

Designated Street	Side of Street	Adjacent Zone	Segment Boundary 1 (northern or eastern)	Segment Boundary 2 (southern or western)	Segment Classification
4th St., N.W.	West	D-4-R	L St., N.W.	36 feet north of K St., N.W.	Tertiary, with vehicle entry restrictions per Subtitle I § 611.4(f)

Designated Street	Side of Street	Adjacent Zone	Segment Boundary 1 (northern or eastern)	Segment Boundary 2 (southern or western)	Segment Classification
4th St., N.W.	West	D-4-R	36 feet north of K St., N.W.	36 feet south of K St., N.W.	Primary, with vehicle entry restrictions per Subtitle I § 611.4(f)
5th St., N.W.	Both	D-4-R, D-5-R	New York Ave., N.W.	72 ft. north of lot line on north side of K St., N.W.	Primary, with portions subject to vehicle entry restrictions per Subtitle I §§ 611.4(d), (e), (f)
5th St., N.W.	Both	D-4-R	72 ft. south of lot line on south side of K St., N.W.	Massachusetts Ave., N.W.	Primary, with portions subject to vehicle entry restrictions per Subtitle I §§ 611.4(d), (e), (f)
6th St., N.W.	Both	D-4-R, D-5-R	New York Ave., N.W.	Massachusetts Ave., N.W.	Secondary, with vehicle entry restrictions per Subtitle I § 611.4(f)
7th St., N.W.	East	D-4-R, D-5-R	New York Ave., N.W.	Massachusetts Ave., N.W.	Primary, with vehicle entry restrictions per Subtitle I § 611.4(f) and Tertiary, per Massachusetts Avenue / Mt. Vernon Square Subtitle I § 610.4
Massachusetts Ave., N.W.	North	D-5-R	5th St., N.W.	7th St., N.W.	Secondary, with vehicle entry restrictions per Subtitle I § 611.4(f) and Tertiary, per Massachusetts Avenue / Mt. Vernon Square Subtitle I § 610.4
K St. N.W.	North	D-4-R	4th St., N.W.	5th St., N.W.	Secondary, with vehicle entry restrictions per Subtitle I § 611.4(f)
K St., N.W.	Both	D-4-R, D-5-R	4th St., N.W.	72 ft. east of lot line on east side of 5th St., N.W.	Primary, with vehicle entry restrictions per Subtitle I §§ 611.4(c), (d), (f)
K St., N.W.	Both	D-4, D-5	72 ft. west of lot line on west side of 5th St., N.W.	7th St., N.W.	Primary, with vehicle entry restrictions per Subtitle I § 611.4(c), (f)
L St., N.W.	South	D-4-R	4rd St., N.W.	5th St., N.W.	Secondary, with vehicle entry restrictions per Subtitle I§ 611.4(f)
New York Ave., N.W.	South	D-4-R, D-5-R	5th St., N.W.	7th St., N.W.	Secondary, with vehicle entry restrictions per Subtitle I§ 611.4(f)

611.5 Use regulations for a building with frontage on designated primary or secondary street segments are contained in Subtitle I § 601.

611.6 With the exception of garage or loading entrances or exits regulated in Subtitle I §§ 611.7 through 611.11, design regulations for a building with frontage on a

designated primary or secondary designated streets are contained in Subtitle I § 602.

611.7 There shall be no vehicular garage or loading entrance or exit constructed on the portions of the façade of a building fronting on the north or south side of K Street, N.W. between 5th Street, N.W. and 7th Street, N.W.

611.8 Among all buildings within each of the following designated street segments there shall be no more than one (1) vehicular garage or loading entrance or exit constructed, unless otherwise required by DDOT:

(a) The north side of K Street between 4th Street and 5th Street, N.W.;

(b) The south side of K Street between 4th Street, N.W. and an alley existing on the effective date of this title located approximately three hundred and seventy-five (375) feet west of 4th Street, N.W.; and

(c) The east side of 5th Street, N.W. between Eye Street and L Street, N.W., other than the area defined in Subtitle I § 612.

611.9 Among all buildings within each of the following designated street segments, there shall be no more than two (2) vehicular garage or loading entrances or exits constructed on the portions of façades adjacent to the following streets, unless otherwise necessitated by a written opinion or decision by DDOT pertinent to the site where the façade would be located:

(a) The west side of 5th Street between I Street and K Street; and

(b) The west side of 5th Street between K Street and L Street.

611.10 For designated street segments in the Mount Vernon Triangle Sub-Area that are not governed by Subtitle I §§ 611.7 through 611.9, no more than one (1) vehicular garage or loading entrance or exit driveway may be constructed within the length of an individual building, unless the building extends the entire length of the square, in which case the following shall apply:

(a) No more than two (2) vehicular garage or loading entrance or exit driveways may be constructed within the total length of all building façades adjacent to a public street on any side of a property Square; and

(b) Each vehicular garage or loading entrance or exit shall be separated by no less than sixty feet (60 ft.), unless lesser distances between curb cuts are permitted for the location by DDOT.

611.11 Exceptions from the requirements of Subtitle I §§ 611.7 through 611.10 shall be permitted only if granted as a special exception by the Board of Zoning Adjustment under Subtitle X, Chapter 9, provided the applicant also demonstrates that:

(a) There is no practical alternative means of serving the parking, loading, or drop-off needs of the building to be served by the proposed vehicular garage or loading entrances or exits, such as signage approved by DDOT, that would direct vehicles to an alternative entrance point within the same square;

(b) Access to the vehicular garage or loading entrances or exits will not impede the flow of pedestrian traffic on a designated primary street segment; and

(c) The proposed vehicular garage or loading entrances or exits is not inconsistent with DDOT landscape plans for the public rights-of-way on the designated street frontage as such plans exist at the time of the special exception application.

611.12 Design regulations for designated primary and secondary street segments are contained in Subtitle I § 602.

611.13 Design regulations for the designated tertiary street segments on Massachusetts Avenue, N.W. are contained in Subtitle I § 610.

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

612 MOUNT VERNON TRIANGLE PRINCIPAL INTERSECTION AREA SUB-AREA

612.1 The objective of the Mount Vernon Triangle Principal Intersection Sub-Area is to require uses and building design that provide a focal point for food and beverage, entertainment, and accessory uses in the Mount Vernon Triangle.

612.2 The Mount Vernon Triangle Principal Intersection Sub-Area generally comprises the square-shaped area measuring seventy-two feet (72 ft.) on a side on each of the four (4) corners of the intersection of K and 5th Streets, N.W in Squares 483, 484, 515, and 516, where two (2) designated primary street segment sides are contiguous with the property lines adjacent to each corner of the intersection, as indicated in Figure I § 612(a): Illustration of the Mount Vernon Triangle Principal Intersection Sub-Area and Designated Street Segments and Figure I § 612(b): Illustration of the Mount Vernon Triangle Principal Intersection Sub-Area Corners and Modules.

FIGURE I § 612(a): ILLUSTRATION OF THE MOUNT VERNON TRIANGLE PRINCIPAL INTERSECTION SUB-AREA CORNERS AND MODULES

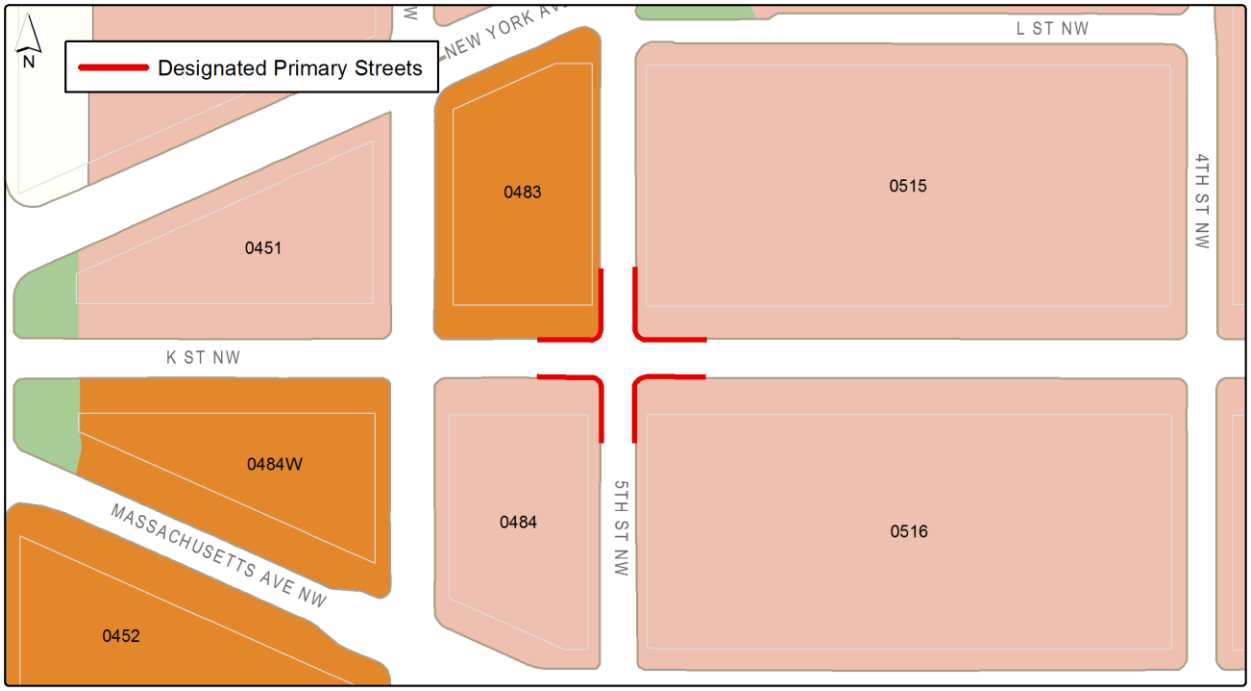
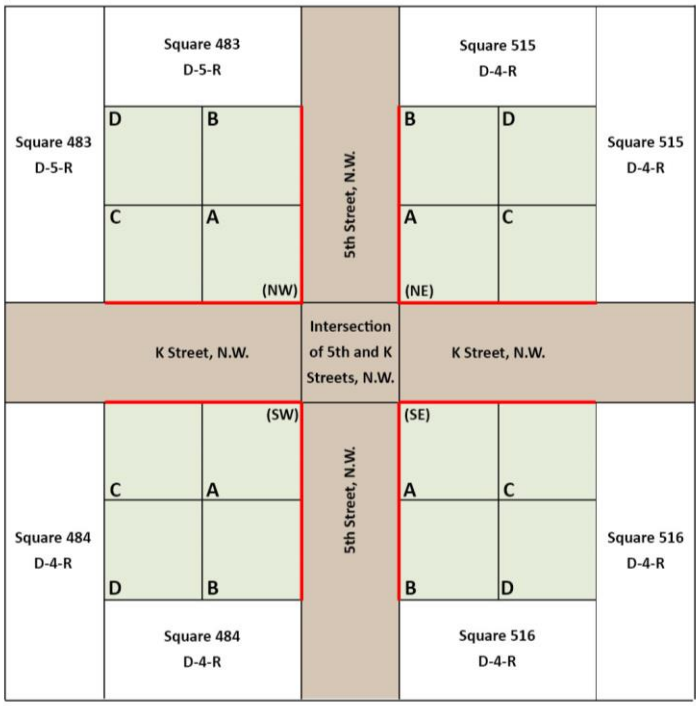


FIGURE I § 612(b): ILLUSTRATION OF THE MOUNT VERNON TRIANGLE



PRINCIPAL INTERSECTION AREA CORNERS AND MODULES

612.3 The designated street segments and property within the Mt. Vernon Triangle Principal Intersection Area Sub-Area includes the following:

(a) In Figure I § 612(b): Illustration of the Mount Vernon Triangle Principal Intersection Sub-Area Corners and Modules, "K Street" defines the east and west directions; and "5th Street" defines the north and south directions. The northwest corner is Square 483; the northeast corner is Square 515; the southwest corner is Square 484; and the southeast corner is Square 516;

(b) At each corner there are four (4) modules labeled A, B, C, and D. Each block in the chart labeled A, B, C, or D represents a thirty-six-foot by thirty-six-foot (36 ft. x 36 ft.) area within the respective seventy-two-foot by seventy-two-foot (72 ft. x 72 ft.);

(c) The "A" modules are the thirty-six-foot by thirty-six-foot (36 ft. x 36 ft.) modules nearest to the intersections. The "B" modules are the thirty-six-foot by thirty-six-foot (36 ft. x 36 ft.) modules fronting on 5th Street that are between thirty-six feet (36 ft.) and seventy-two feet (72 ft.) north and south of K Street. The "C" modules are the thirty-six-foot by thirty-six-foot (36 ft. x 36 ft.) modules fronting on K Street that are between thirty-six feet (36 ft.) and seventy-two feet (72 ft.) east and west of 5th Street. The "D" modules are the thirty-six-foot by thirty-six- foot (36 ft. x 36 ft.) interior modules that have frontage on neither K Street nor 5th Street; and

(d) Each designated street segment in the sub-area is a designated primary street segment, with adjacent property in Square 484, 515, and 516 being zoned D-4-R, and adjacent property in Square 483 being zoned D-5-R.

612.4 The portion of a building within the Mt. Vernon Triangle Principal Intersection Area Sub-Area is subject to the following height regulations in addition to those governing the property's zone districts:

TABLE I § 612.4: MAXIMUM PERMITTED BUILDING HEIGHT

Module	Maximum Height	Minimum Clear Floor-to Ceiling Height
A	Except in Square 515, no higher than 50 ft. above grade	22 ft.
B & C	No more than 50% of the portions of a building within each of the B and C modules shall be more than 50 ft. above grade	22 ft. for at least 50% of its ground floor
D	As permitted by zone	14 ft.

612.5 With the exception of a building that is a designated historic landmark or that is included within a historic district, the portion of a building within the Mt. Vernon Triangle Principal Intersection Area Sub-Area is subject to the following streetwall design regulations in addition to those governing the property's zone district and designated primary street classification:

(a) Each building shall devote not less than sixty-five percent (65%) of the surface area of the streetwall(s) at the ground level, to a height of at least twenty-two feet (22 ft.) feet, to display windows with clear and/or low-emissivity glass, except for decorative or architectural accent and entrances to commercial uses or to the building;

(b) Each building shall devote not less than sixty-five percent (65%) of the surface area of the streetwall between eighteen feet (18 ft.) and twenty-two feet (22 ft.) above grade to clear and/or low-emissivity glass;

(c) There shall be no direct entrances to lobbies serving residential or office uses; and

(d) There shall be no vehicular garage or loading entrances or exits in portions of façades within the principal intersection area, unless otherwise required DDOT.

612.6 Roof terraces, whether open to the sky or covered with awnings or canopies, that are atop the portions of a building within the A, B, or C modules, as defined in Subtitle I § 612.2, shall not be included in the maximum floor area ratio calculations.

612.7 Within the boundaries of the sub-area, a building shall dedicate one hundred percent (100%) of its ground floor and mezzanine to uses permitted on designated primary streets by Subtitle I § 601, with at least fifty percent (50%) of that area being devoted to one (1) or more of the following uses:

(a) Bookstore, including restaurant;

(b) Cabaret; or

(c) Eating and drinking establishment, including bar, nightclub, or cocktail lounge, and restaurant.

612.8 At least forty percent (40%) of the linear frontage of the ground floor and mezzanine fronting on a designated primary street within the sub-area shall be devoted to a use required by Subtitle I § 612.7.

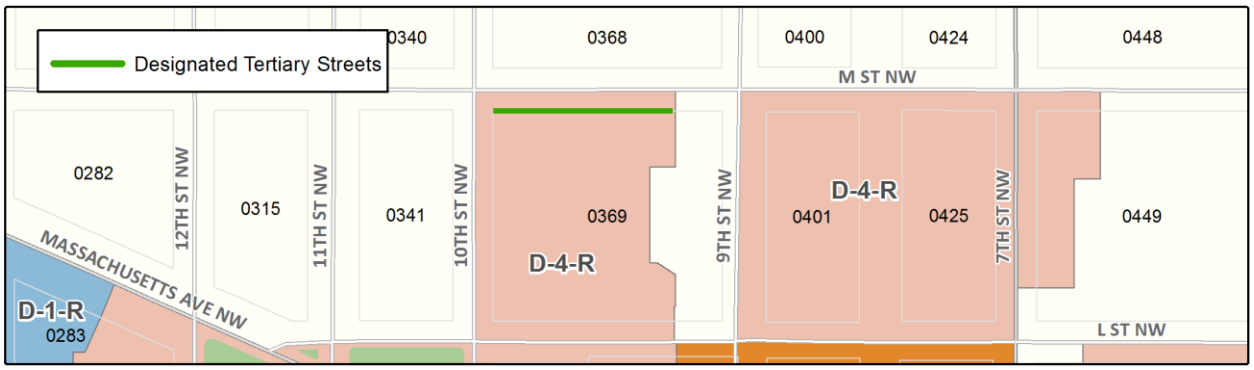
SOURCE: SOURCE: Final Rulemaking & Order No. 08-06A published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 08-06H published at 64 DCR 340 (January 13, 2017).

613 BLAGDEN ALLEY RESIDENTIAL TRANSITION SUB-AREA

613.1 The objective of the Blagden Alley Residential Transition Sub-Area is to ensure a height transition between the medium density, primarily commercial, public and lodging uses south of M Street and the more residential uses on the north of M Street.

613.2 The Blagden Alley Residential Transition Sub-Area consists of the D-4-R zoned property with frontage on the designated tertiary street segment on the south side of M Street N.W., between 9th and 10th Streets, N.W., including portions of Square 369 as generally indicated with the green line in Figure I § 613: Illustration of the Blagden Alley Residential Transition Sub-Area and Designated Street Segments.

FIGURE I § 613: ILLUSTRATION OF THE BLAGDEN ALLEY RESIDENTIAL TRANSITION SUB-AREA AND DESIGNATED STREET SEGMENTS



613.3 The zone district use regulations shall govern the sub-area.

613.4 A building constructed on a lot fronting on the south side of M Street, N.W., between 9th Street, N.W. and 10th Street, N.W., shall be limited to a maximum height of sixty feet (60 ft.) to a depth of forty feet (40 ft.) from the lot line on M Street, N.W.

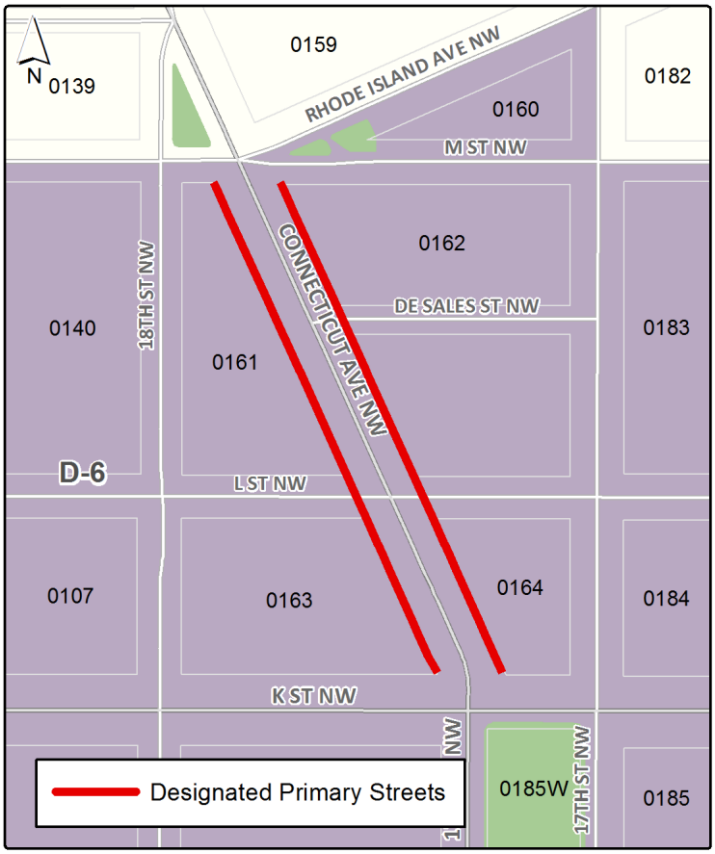
SOURCE: Final Rulemaking & Order No. 08-06A published at 63 DCR 2447 (March 4, 2016 – Part 2).

614 LOWER CONNECTICUT AVENUE CORRIDOR SUB-AREA

614.1 The objective of the Lower Connecticut Avenue Corridor Sub-Area is to support the continued concentration of active, high-quality ground floor retail uses along the Connecticut Avenue corridor between K Street, N.W. and Dupont Circle.

614.2 The Lower Connecticut Avenue Corridor Sub-Area consists of the D-6-zoned property with frontage on either side of the designated primary street segments of Connecticut Avenue between K Street, N.W. and M Street, N.W., including all or parts of Squares 161, 162, 163, and 164 as generally indicated with the red lines in Figure I § 614: Illustration of the Lower Connecticut Avenue Corridor Sub-Area and Designated Street Segments.

FIGURE I § 614: ILLUSTRATION OF THE LOWER CONNECTICUT AVENUE CORRIDOR SUB-AREA AND DESIGNATED STREET SEGMENTS



614.3 The zone district and the designated primary street segment use regulations in Subtitle I § 601 shall govern uses in buildings with frontage on a designated street segment.

614.4 The designated primary street design regulations in Subtitle I § 602 shall govern the ground floor design of a building with frontage on a designated street segment in the sub-area.

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

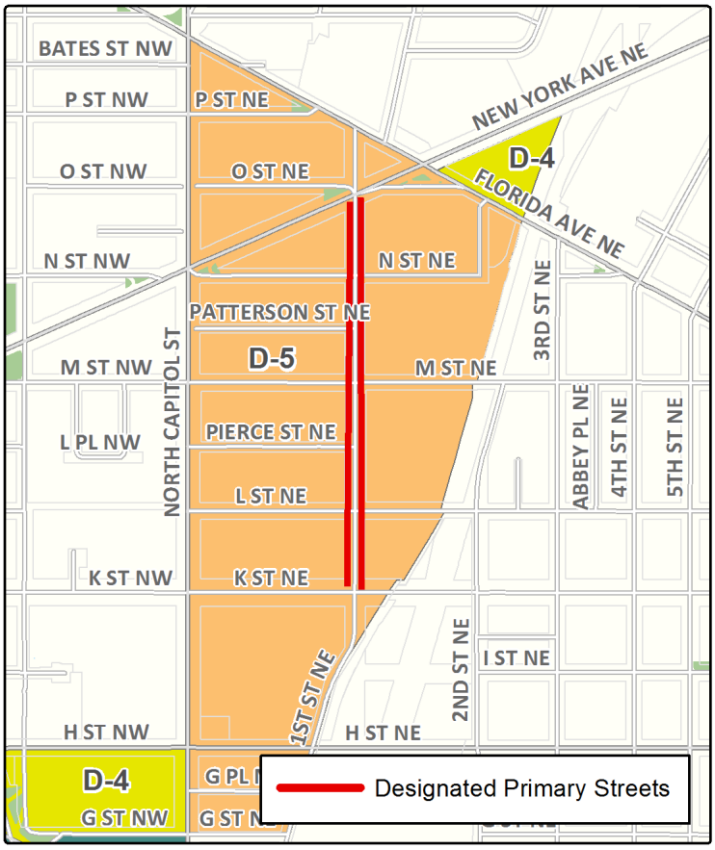
615 NORTH OF MASSACHUSETTS AVENUE (NOMA) SUB-AREA

615.1 The objective of the North of Massachusetts Avenue (NoMA) Sub-Area is to further the transition of the former light industrial area into a high-density commercial and residential neighborhood with a concentration of ground floor level retail, service, food and beverage, and entertainment uses on 1st Street, N.E.

615.2 The NoMA Sub-Area consists of the D-5-zoned property with frontage on 1st Street, N.E., the designated primary street between K Street, N.E. and New York

Avenue, N.E., including all or parts of Squares 671, 672, 673, 674, 710, 711, 712, and 713, as generally indicated with the red lines in Figure I § 615: Illustration of the North of Massachusetts Avenue (NoMA) Sub-Area and Designated Street Segments.

FIGURE I § 615: ILLUSTRATION OF THE NORTH OF MASSACHUSETTS AVENUE (NOMA) SUB-AREA AND DESIGNATED STREET SEGMENTS



615.3 The designated primary street use regulations in Subtitle I § 601 shall govern uses in a building with frontage on a designated street segment, to a depth of one hundred fifty feet (150 ft.) from the building line on the designated street.

615.4 The designated primary street design regulations in Subtitle I § 602 shall govern the ground floor design of a building with frontage on a designated street segment in the sub-area.

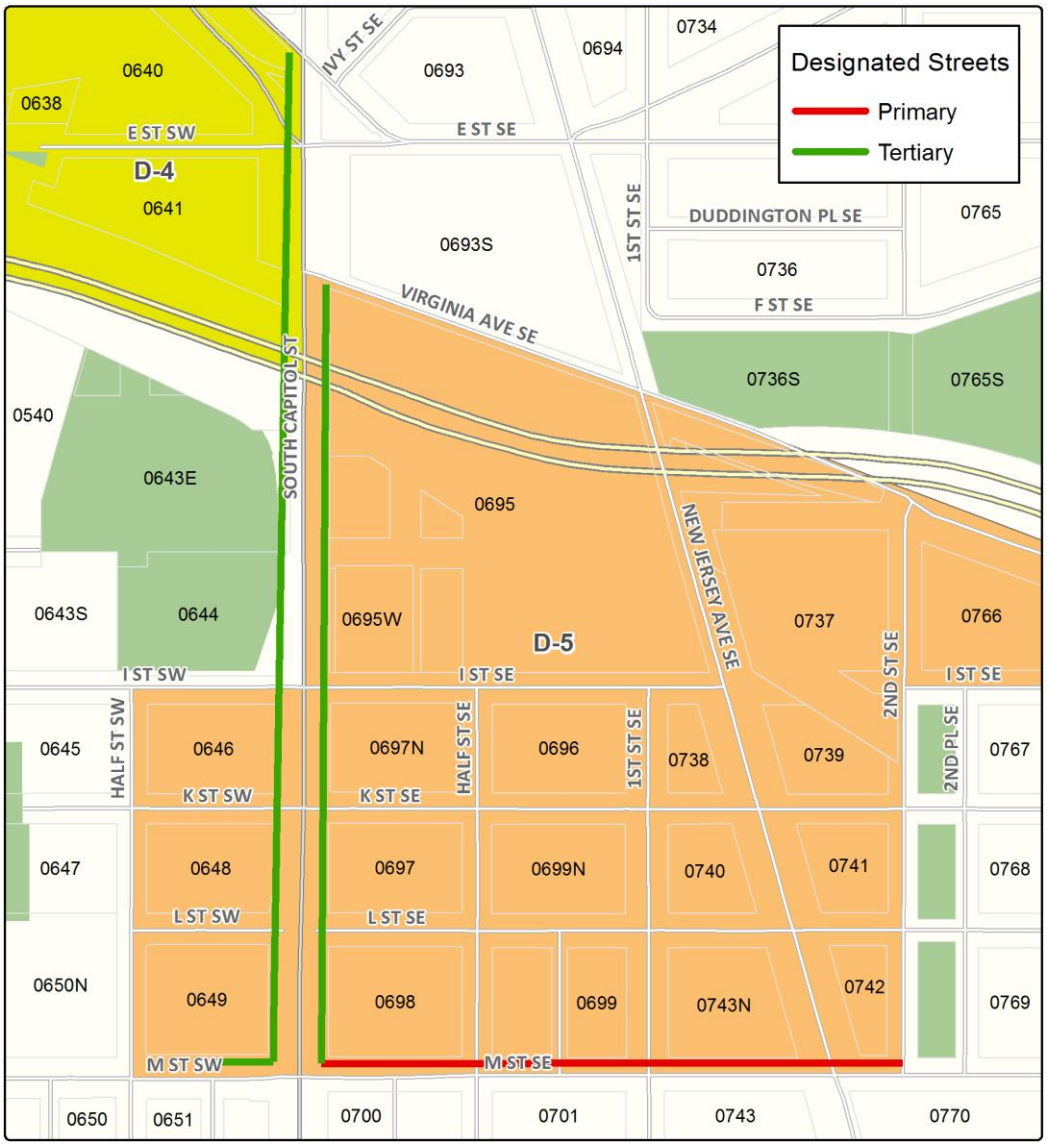
SOURCE: Final Rulemaking & Order No. 08-06A published at 63 DCR 2447 (March 4, 2016 – Part 2).

616 M AND SOUTH CAPITOL STREETS SUB-AREA

616.1 The objectives of the M and South Capitol Streets Sub-Area are to ensure the preservation of the historically important axial view of the Capitol Dome and further the development of a high-density mixed-use corridor north of the Capitol Gateway neighborhood.

616.2 The general location of the M and South Capitol Streets Sub-Area is the D-5 zoned property with frontage on either side of the designated tertiary street segments of South Capitol Street corridor north of M Street, as indicated with the green lines in Figure I § 616: Illustration of the M and South Capitol Streets Sub-Area and Designated Street Segments, and the D-5 zone property with frontage on the designated primary street segments on the north side of M Street, S.E., between South Capitol Street and the Canal Blocks Park, as indicated by the red line in Figure I § 616, and detailed in Subtitle I § 616.3, including all or parts of Squares 640, 641, 643E, 644, 646, 648 649, 695, 695W, 697N, 697, 698, 699, 742, and 743N.

FIGURE I § 615: ILLUSTRATION OF THE M AND SOUTH CAPITOL STREETS SUB-AREA AND DESIGNATED STREET SEGMENTS



616.3 The M and South Capitol Streets Sub-Area includes the following designated street segments and adjacent zoning:

TABLE I § 616.3: M AND SOUTH CAPITOL STREETS SUB-AREA DESIGNATED STREET SEGMENTS AND ADJACENT ZONING

Designated Street	Side of Street	Adjacent Zone	Segment Boundary 1 (northern or eastern)	Segment Boundary 2 (southern or western)	Segment Classification
South Capitol St.	West	D-5	Washington Ave., S.W	M St., S.W.	Tertiary; with Design Review
South Capitol St.	East	D-5	Virginia Ave., S.E.	M St., S.E.	Tertiary; with Design Review
M St., S.E.	North	D-5	2nd St., S.E.	South Capitol St., S.E.	Primary
M St., S.W.	North	D-5	South Capitol St., S.W.	200 ft. west of the centerline of South Capitol St., S.W.	Tertiary

616.4 The uses for a building with frontage on a designated primary street segment is governed by Subtitle I § 601.

616.5 The uses for a building with frontage on a designated tertiary street segment are governed by the zone district.

616.6 A building with frontage on the designated primary street segments of M Street, S.E. shall:

(a) Follow the design regulations in Subtitle I § 602;

(b) Setback the entire length and height of each building face fronting on M Street, S.E., not less than fifteen feet (15 ft.), as measured from the face of the adjacent curb; and

(c) Be subject to review of its proposed ground floor uses by the Zoning Commission, simultaneous with its review under Subtitle I § 616.8.

616.7 The streetwall on the eastern and western sides of South Capitol Street shall be set back for its entire height and frontage not less than fifteen feet (15 ft.), from the property line adjacent to South Capitol Street, with the following exceptions:

(a) There shall be no setback on the west side of South Capitol Street in Square 649 between L and M Streets, S.W.;

(b) There shall be a setback of seventy-three and one-half feet (73.5 ft.) from the centerline of South Capitol Street on its west side in Square 648 between K and L Streets, S.W.;

(c) There shall be a setback of eighty-one feet (81 ft.) from the centerline of South Capitol Street on its west side in Square 643 between I Street and I-395;

(d) Any portion of a building that exceeds one hundred ten feet (110 ft.) in height shall provide an additional one-to-one (1:1) setback from the building line along South Capitol Street;

(e) There shall be no openings in building frontages adjacent to South Capitol Street that provide entrances or exits for vehicular parking or loading;

(f) A minimum of seventy-five percent (75%) of the street-wall on the east side of South Capitol Street shall be constructed on the setback line; and

(g) A minimum of sixty percent (60%) of the street-wall on the west side of South Capitol Street shall be constructed on the setback line.

616.8 All proposed buildings and structures, or any proposed exterior renovation to any existing buildings or structures that would result in an alteration of the exterior designs facing the street segments in the sub-area shall be subject to review and approval by the Zoning Commission in accordance with the provisions in Subtitle I, Chapter 7.

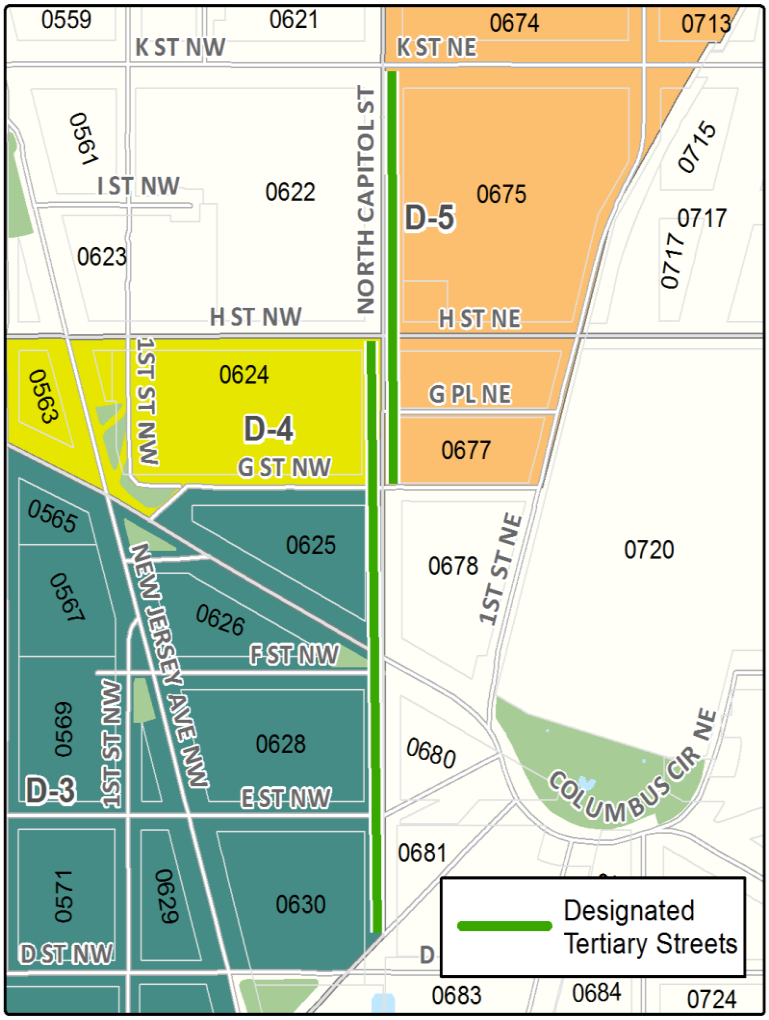
SOURCE: Final Rulemaking & Order No. 08-06A published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 08-06E published at 63 DCR 10932 (August 26, 2016).

617 NORTH CAPITOL STREET CORRIDOR SUB-AREA

617.1 The objective of the North Capitol Street Corridor Sub-Area is to ensure the preservation of the historically important axial view of the Capitol Dome,

617.2 The general location of the North Capitol Street Corridor Sub-Area is one (1) or both sides of the designated primary street segments North Capitol Street between Louisiana Avenue, N.W. and K Streets, N.W. and N.E., indicated with green lines in Figure I § 617: Illustration of the North Capitol Street Corridor Sub-Area and Designated Street Segments, and detailed in Subtitle I § 617.3 and including all or parts of Squares: 624, 625, 626, 628, 630, 675, 676, and 677.

FIGURE I § 617: ILLUSTRATION OF THE NORTH CAPITOL STREET CORRIDOR SUB-AREA AND DESIGNATED STREET SEGMENTS



617.3 The North Capitol Street Corridor Sub-Area includes the following designated street segments and adjacent zoning:

TABLE I § 617.3: NORTH CAPITOL STREET CORRIDOR SUB-AREA DESIGNATED STREET SEGMENTS AND ADJACENT ZONING

Designated Street	Side of Street	Adjacent Zone	Segment Boundary 1 (northern or eastern)	Segment Boundary 2 (southern or western)	Segment Classification
North Capitol St.	West	D-4	H Street, N.W.	G Street, N.W.	Tertiary
North Capitol St.	West	D-3	G Street, N.W.	D Street, N.W.	Tertiary; (also in Capitol Security Sub-Area)
North Capitol St.	East	D-5	K Street, N.E.	G Street, N.E.	Tertiary

617.4 The zone district use regulations shall govern uses in a building with frontage on a designated street segment.

617.5 Not less than seventy-five percent (75%) of each newly constructed building wall to a height of at least fifteen feet (15 ft.) that fronts a designated tertiary street segment shall be constructed to, or within four feet (4 ft.) of, the property line between the subject lot and the abutting street right-of-way.

617.6 Any portion of a building frontage on a designated tertiary street that exceeds one hundred ten feet (110 ft.) in height shall provide an additional one-to-one (1:1) setback from the building line along North Capitol Street.

617.7 All proposed buildings, and structures, or any proposed exterior renovation to any existing buildings or structures that would result in an alteration of the exterior designs facing the street segments noted in Subtitle I § 618.4 shall be subject to review and approval by the Zoning Commission in accordance with the provisions in Subtitle I, Chapter 7.

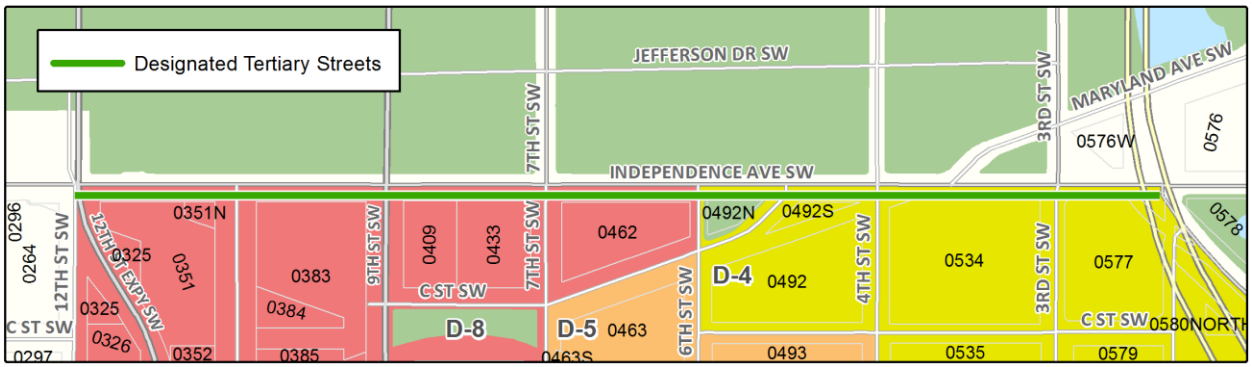
SOURCE: Final Rulemaking & Order No. 08-06A published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 08-06E published at 63 DCR 10932 (August 26, 2016).

618 INDEPENDENCE AVENUE

618.1 The objective of the Independence Avenue Sub-Area is to protect the viewshed of the National Mall.

618.2 The general location of the Independence Avenue Sub-Area is the property with frontage on the designated tertiary street of Independence Avenue, S.W., between 2nd and 12th Streets, S.W., including all or parts of Squares 351, 351N, 383, 409, 433, 462N, 492N, 492, 534, and 577, as indicated with the green line Figure I § 618: Illustration of the Independence Avenue Sub-Area and Designated Street Segments, and as detailed in Subtitle I § 618.3.

FIGURE I § 618: ILLUSTRATION OF THE INDEPENDENCE AVENUE SUB-AREA AND DESIGNATED STREET SEGMENTS



618.3 The Independence Avenue Sub-Area includes the following designated street segments and adjacent zoning:

TABLE I § 617.3: INDEPENDENCE AVENUE SUB-AREA DESIGNATED STREET SEGMENTS AND ADJACENT ZONING

Designated Street	Side of Street	Adjacent Zone	Segment Boundary 1 (northern or eastern)	Segment Boundary 2 (southern or western)	Segment Classification
Independence Ave., S.W.	South	D-4	Washington Ave/3rd St. S.W.	6th Street, S.W.	Tertiary; (also Capitol Security Sub-Area between Washington Ave. and 3rd St., S.W.
Independence Ave., S.W.	South	D-8	6th Street, S.W.	12th Street, S.W.	Tertiary

618.4 The use regulations for a building with frontage on a designated street segment are those applicable to the zone.

618.5 A building or structure with frontage on Independence Avenue, S.W.in the sub-area:

(a) Shall have a building setback of eighty-eight feet (88 ft.) from the centerline of Independence Avenue;

(b) Shall setback, at a one-to-one (1:1) ratio from the face of the building's frontage on Independence Avenue, S.W., the height of any building story more than one-hundred ten feet (110 ft.), as measured from the building line on Independence Avenue;

(c) Shall setback any penthouse at a two-to-one (2:1) ratio from each exterior wall of the roof upon which it is located;

(d) Shall not have the total area of structures listed in Subtitle I § 618.5(c) exceed one-third (1/3) of the total roof area upon which it or they are located;

(e) Shall have all mechanical equipment placed in one (1) enclosure that shall harmonize with the main structure in architectural character, material and color;

(f) Shall not include any tower, dome, minaret or other architectural embellishment taller than the main building; and

(g) Shall complement, not compete with, the Smithsonian buildings when viewed from the National Mall and Independence Avenue, S.W.

618.6 All proposed buildings, and structures, or any proposed exterior renovation to any existing buildings or structures that would result in an alteration of the exterior designs facing the street segments noted in Subtitle I § 618.4 shall be subject to review and approval by the Zoning Commission in accordance with the provisions in Subtitle I, Chapter 7, and, if located between 6th and 12th Streets, S.W., shall be referred to the National Capital Planning Commission for comment.

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

CHAPTER 7 DESIGN REVIEW

700 INTRODUCTION TO DESIGN REVIEW REGULATIONS

700.1 The purpose of this chapter is to identify the D zones that require developments to undergo design review and the triggers for the requirement.

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

701 ZONING COMMISSION REVIEW OF BUILDINGS, STRUCTURES, AND USES

701.1 The provisions of Subtitle I, Chapter 7 apply to a new building or structure or building addition that has frontage on a designated street segment within the M and South Capitol Streets Sub-Area, the Independence Avenue Sub-Area, the North Capitol Street Sub-Area, or within a D zone and with frontage on North Capitol Street south of M Street, N.W., and to buildings seeking additional height pursuant to Subtitle I § 525.2.

701.2 All proposed uses, site plans, buildings, and structures, or any proposed exterior renovation to any existing buildings or structures that would result in an alteration of the exterior design to any property within an area listed in Subtitle I § 702.1(a), shall be subject to review and approval by the Zoning Commission in accordance with the following provisions:

(a) In addition to proving that the proposed use, building, or structure meets the special exception standards set forth in Subtitle X, Chapter 9, an applicant requesting approval under this section shall prove that the proposed building or structure, including the siting, architectural design, site plan, landscaping, sidewalk treatment, and operation, will:

(1) Help achieve the objectives of the sub-area, as set forth in Subtitle I, Chapter 6, in which it is located;

(2) Be in context with the surrounding neighborhood and street patterns;

(3) Minimize conflict between vehicles and pedestrians;

(4) Minimize unarticulated blank walls adjacent to public spaces through facade articulation; and

(5) Minimize impact on the environment, as demonstrated through the provision of an evaluation of the proposal against LEED certification standards; and

(b) With respect to a building or structure in a D zone that has frontage on South Capitol Street, S.E. or North Capitol Street south of M Street, N.W.:

(1) The building or structure shall incorporate massing, materials, and buildings and streetscape landscaping to further the design and development of properties in a manner that is sensitive to the establishment of, respectively, South Capitol Street or North Capitol Street as monumental civic boulevards;

(2) The building or structure shall incorporate massing, location of access to parking and loading, and location of service areas to recognize the proximate residential neighborhood use and context, as applicable; and

(3) The application shall include a view analysis that assesses openness of views and vistas around, including views toward the Capitol Dome and other federal monumental buildings.

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

701.4 At the time of filing an application with the Zoning Commission, the applicant shall pay the filing fees to the Office of Zoning pursuant to Subtitle Z, Chapter 16, plus such fees as apply to any additional zoning relief requested.

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 8 GENERATION AND CERTIFICATION OF CREDITS

800 INTRODUCTION TO THE CREDIT SYSTEM

800.1 Within the D zones, market forces or other conditions may favor the development of one (1) type of use over another in an area at any given time. To help ensure the provision of the range of uses essential to a successful downtown, Subtitle I, Chapters 8 and 9 provide for the generation and use of a credit system to incentivize the development of a mix of uses in the D zones.

800.2 A credit is generated by the development of residential, arts, or preferred uses, pursuant to Subtitle I §§ 802 through 804, on a lot, and may also be generated on historic properties under the circumstances described in Subtitle I § 807.

800.3 Properties that generated allocable gross floor area, either as Transferable Development Rights ("TDR") or Combined Lot Development ("CLD") rights under Chapter 17 of the 1958 Zoning Regulations as the result of the recordation of a covenant required by that chapter, may have those CLD or TDR Rights converted to credits pursuant to Subtitle I § 806 to the extent the Rights were not allocated prior to the effective date of this title to another lot or, also in the case of TDR Rights, to an entity or individual for future re-transfer ("Unallocated TDR/CLD Rights"). To be recognized as an Unallocated TDR/CLD Right, the TDR or CLD covenant must have included a declaration binding present and future owners to reserve and maintain in perpetuity the square footage of the uses that generated the TDR/CLD Rights for which conversion is sought.

800.4 Any CLD Right allocated to a lot by a recorded CLD covenant or any TDR Right allocated to a lot or to an entity or individual pursuant to a certificate of transfer of transferrable development rights made pursuant to the 1958 Regulations ("Allocated TDR/CLD Rights") is fully vested and may be used for the purposes authorized the 1958 Zoning Regulations; provided that the recordation of the covenant or certificate occurred prior to the effective date of this title.

800.5 Notwithstanding Subtitle I § 800.4, an entity or individual owning Allocated TDR Rights transferred for its use or re-transfer through one or more certificates of transfer of development rights made pursuant to the 1958 Zoning Regulation may, as to each certificate, elect to have all of those rights treated as Unallocated TDR Rights that may be converted to credits pursuant to Subtitle I § 806 if:

(a) The entity or individual purchased the Allocated TDR Rights for resale for use on a receiving lot as permitted by § 1709.9 of the 1958 Zoning Regulations and the Allocated TDR Rights were not transferred to a lot; or

(b) The entity or individual purchased the Allocated TDR Rights for use on their property and either:

(1) The Allocated TDR Rights were not used to increase development rights on the property; or

(2) The Allocated TDR Rights were used to increase development rights on the property and the building that utilized the development rights is destroyed or demolished; provided that property shall be divested of the development rights attributable to the TDR Rights converted to credits.

800.6 Rules governing the use of credits are set forth in Subtitle I § 901.

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).

801 ACTIONS THAT GENERATE CREDITS

801.1 In the D-3 through D-8 zones, credits shall be generated by:

(a) The development of residential gross floor area, where either none is required or where the new residential gross floor area exceeds the minimum on-site residential requirements in Subtitle I, Chapter 5, pursuant to Subtitle I § 802;

(b) The development in the Downtown Arts Sub-Area of arts-related space, as defined in Subtitle I § 607.5, that exceeds the minimum on-site requirements of Subtitle I § 607, pursuant to Subtitle I § 803;

(c) The full rehabilitation of an "historic resource" as the quoted term is described in Subtitle I § 807.3, or a building that received its first certificate of occupancy prior to 1936, such properties relinquish unused development rights pursuant to Subtitle I § 807;

(d) The conversion of unallocated transferable development rights (as described in Subtitle I § 800.3), pursuant to Subtitle I § 806;

(e) The conversion of unallocated combined lot development rights (as described in Subtitle I § 800.3), pursuant to Subtitle I § 806; and

(f) The development of space within the Downtown Retail Core, Downtown Arts, or Chinatown Sub-Areas devoted to the following preferred uses pursuant to Subtitle I § 804:

(1) A licensed child development center or child development home; or

(2) A Certified Business Enterprise (CBE).

801.2 Each property is eligible to generate credits only once, unless:

(a) The use which originally generated credits has been in continual operation and is expanded in size;

(b) A new credit-generating use is added to the property and the use which originally generated credits remains in continual operation and is not decreased in size; or

(c) A new, larger credit-generating use replaces the credit-generating use which originally generated credits, in which case the net increase in credit-generating floor area may be used to generate additional credits.

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).

802 GENERATION OF CREDITS BY RESIDENTIAL DEVELOPMENT

802.1 Except as provided in Subtitle I § 802.3, credits may be generated by a residential use in a building for which construction began after January 18, 1991 located in a D-4-R, D-5-R, or D-6-R zone to the extent the residential use did not generate Unallocated or Allocated CLD Rights as described in Subtitle I §§ 800.3 and 800.4, respectively; or by a residential use developed on or after the effective date of this title in a new or existing buildings in all other I zones except D-1-R or D-2 zones, where properties may not generate credits.

(a) If building is in a zone without a minimum residential requirement, all of the new residential gross square footage shall generate credits; and

(b) If a building is in a zone with a minimum residential requirement, credits shall be generated by the new residential gross floor area that exceeds the minimum residential requirement, subject to the following limits:

(1) 3.5 FAR in the D-4-R zone;

(2) 6.0 FAR in the D-5-R zone; or

(3) 8.0 FAR in the D-6-R zone.

802.2 One (1) credit shall be generated for each square foot of eligible residential gross floor area (GFA) constructed, except that two (2) credits, rather than one (1) credit, shall be generated for each square foot of eligible GFA in each of the following circumstances:

(a) [DELETED];

(b) For projects not subject to Subtitle C, Chapter 10, Inclusionary Zoning, two (2) credits shall be generated for each square foot of eligible GFA reserved that meet the income requirements of Subtitle C § 1003;

(c) For historic landmarks or contributing buildings in historic districts, two (2) credits shall be generated for each square foot of non-residential use converted to residential use;

(d) For a building south of Massachusetts Avenue located on a property zoned D-4-R or D-5-R and within Squares 247, 283, 284, 316, 317, 342, 343, 371, 372, 374, 427, 428, 452, 453, 485, 486, 517, or 529; or for the commercial and underdeveloped properties in Square 247 with an approved plan unit development on or before January 18, 1991, for so long as the planned unit development approval remains valid; and

(e) For a building south of H Street zoned D-6-R and within Squares 377 (Lots 36, 37, 42, 806, 828, 829, 847, and 848), 406, 407, 408, 431, 432, 454, 455, 456, 457, 458, 459, 460, and 491.

802.3 No credits shall be generated as the result of residential uses developed in any building owned or leased by any education use developed for the purpose of housing students enrolled in the school.

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. 08-06G 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).

803 GENERATION OF CREDITS BY ARTS USES

803.1 For a building in the Downtown Arts Sub-Area regulated by Subtitle I § 607, arts use developed in a new or existing building on or after the effective date of this title may generate credits for new arts use GFA or FAER that exceeds the minimum arts use requirement for the sub-area.

803.2 One (1) credit shall be generated for each square foot of eligible arts GFA or FAER and an additional credit shall be generated for:

(a) Each square foot of non-residential use converted to arts use square footage in historic landmarks or contributing buildings in historic districts;

(b) Each square foot of arts use space owned or leased by a CBE, or for a non-profit entity;

(c) Each square foot of arts use space with a clear height of greater than fourteen feet (14 ft.);

(d) Each square foot of arts uses listed in Subtitle U §§ 700.1(a), (h) or (i); and

(e) Each square foot of arts uses listed in Subtitle U §§ 700.1(c)(5) through (c)(7), (f), or (h), in excess of forty thousand gross square footage (40,000 gsf.) and located on a single record lot.

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)

804 GENERATION OF CREDITS BY PREFERRED USES

804.1 Within the Downtown Retail Core, Downtown Arts, and Chinatown Sub-Areas, one (1) credit shall be generated for each square foot of gross floor area permanently set-aside for a child development center, child development home, or CBE on or after the effective date of this title on property that is not in government or foreign mission ownership.

804.2 The credit shall not be available for a CBE that has generated credits for an arts use pursuant to Subtitle I § 803.2(b).

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

805 ACKNOWLEDGMENT OF RESIDENTIAL, ARTS, AND PREFERRED USE CREDITS

805.1 No credits generated by residential, arts, or preferred uses may be transferred unless the generation of credits has been acknowledged by the Zoning Administrator by a covenant filed with the Zoning Administrator and recorded in the land records of the District of Columbia.

805.2 The covenant shall be for the benefit of the District of Columbia, signed by the owner of the property generating the credits and the owner of the credits, if different, and shall burden the generating lot and present and future owners to reserve and maintain in perpetuity the square footage of uses that generated the credits.

805.3 The Zoning Administrator, in his or her discretion, may request their General Counsel or the Office of the Attorney General to undertake a legal sufficiency review.

805.4 The covenant shall be signed by the Zoning Administrator as evidence of its compliance with the provisions of this chapter.

805.5 The signature of the Mayor of the District of Columbia is not required.

805.6 Upon notification by the Zoning Administrator that the covenant has been signed, the owner of the credits shall take the covenant to the Recorder of Deeds, who shall record the covenant with the lot that generated the credit and provide the owner with two (2) certified copies of the certificate.

805.7 The owner of the credits shall provide one (1) certified copy of the covenant to the Zoning Administrator and one (1) to the Office of Planning.

805.8 The covenant shall be effective as of the recordation date of the certificate unless a later time is requested by the owner of the credits.

805.9 The procedures for transferring and re-transferring credits acknowledged by the covenant is described in Subtitle I §§ 901 and 902.

805.10 The covenant shall, at a minimum, contain the following information or attachments:

(a) Name and contact information for the person or entity that will own the generated credits;

(b) Name and contact information for, and signature of, the person or entity owning the property upon which the project that generated the credits is located, if different than in Subtitle I § 805.9(a);

(c) If the credits are claimed to be owned by a person who does not also own the property that generated the credits, proof that the person or entity owns the credits and a provisions indemnifying the District of Columbia against any and all claims by persons or entities claiming to own the credits;

(d) A map and plat of the lot;

(e) Legal description and street address of the lot;

(f) Surveyed area of the lot;

(g) Gross floor area calculations for the entire building and for each portion of the building that will be occupied by the residential, arts, or preferred uses that generate the credits;

(h) The FAR limits applicable to the lot including FAR limits for non-residential uses and minimum FAR requirements for residential uses and for arts uses;

(i) Calculation of and basis for credits generated;

(j) A form Certificate of Credit Transfer as described in Subtitle I § 901.3(e) to be used for any transfer of credits under the covenant;

(k) A certificate of occupancy for the use except that for credits generated by development of residential gross floor area the covenant may include either:

(1) A certification by the project architect that construction of the residential use is fifty percent (50%) complete; or

(2) Proof that an escrow account has been established with a financial institution, including a title insurance company, that is recognized to be in good standing by the District of Columbia or other jurisdiction in which it conducts business that is funded in accordance with Subtitle I § 805.7;

(l) In the case of a child development center or child development home, a certification by the Director of the Department of Human Services that the facility meets standards for a child development center or child development home;

(m) In the case of a CBE, a certification from the Director of the Department of Small and Local Business Development business occupying the space has been certified as a local, small or disadvantaged business enterprise;

(n) Signatures of the owners of the generating lot and the owners of the credits, if different; and

(o) Any additional information required by the Zoning Administrator.

805.11 If the owner of the credits intends to satisfy the requirement of Subtitle I § 805.9(l) through the funding of an escrow, as permitted by Subtitle I § 805.9(i)(2), the covenant shall contain:

(a) An acknowledgment by the owner of the credits that it has voluntarily established or consented to the establishment of an escrow account;

(b) An attached escrow agreement that, among other things, requires the release of the escrow funds and any accrued interest thereon as a fee to be paid to the D.C. Housing Production Trust Fund, or other entity as directed by the Zoning Commission, under the circumstances stated in Subtitle I § 805.12(b);

(c) An acknowledgment by the owner of the property generating the credits that the provision of an escrow neither negates the present or future owners' obligations under the covenant and this chapter to reserve and maintain in perpetuity an area on the lot generating the credits equal to the gross floor area of residential gross floor area generating the credits, nor constitutes such an extraordinary or exceptional circumstance or condition as to justify the grant of a variance from the strict application of the requirements of this chapter;

(d) A certification by the financial institution of the amount of funds received; and

(e) An acknowledgment by the financial institution that the funds will be disbursed only in accordance with the mandatory escrow terms in Subtitle I § 805.8.

805.12 The escrowed funds shall be equal to the amount computed according to either the formula E = GFA (AV / LA) / NRFAR x 50%, or the formula E = GFA x $30, whichever is less, where:

(a) E = The amount deposited into escrow;

(b) GFA = The gross floor area in square feet of additional nonresidential uses that will be achieved on the lot using the credits above that which the lot would have been permitted as a matter of right;

(c) AV = The total assessed value as is indicated on the records of the Office of Tax and Revenue of the lot using the credits as of thirty (30) days prior to the escrow funding date;

(d) LA = The number of square feet of land included in the lot using the credits;

(e) NRFAR = The permitted nonresidential FAR before the transfer; and

(f) 50% = The proportion of commercial value that has been determined to be appropriate for the escrow.

805.13 The escrow account agreement shall include terms providing that:

(a) Upon certification by the project architect to both the financial institution holding the funds and the Zoning Administrator that construction of all the residential uses required for the credits are at least fifty percent (50%) complete on the receiving lot, the funds held in the escrow account shall be disbursed in accordance with the applicable terms of the escrow agreement; and

(b) If the above certification is not made within five (5) years after the filing date of the credit, or such further period of time as may have been permitted by the Zoning Commission pursuant to Subtitle I § 805.8, escrowed funds and any accrued interest shall be paid as fee to the District of Columbia Housing Production Trust Fund and designated for the financing of housing in the same Trade Area as the generating lot. The escrow agent shall advise the Zoning Commission if the funds cannot be released in accordance with this provision and, in that event, shall release the funds as the Zoning Commission may thereafter direct, consistent with the purposes of this chapter.

805.14 The owner of the credits may request the Zoning Commission to allow an additional period, up to a maximum of three (3) years, to make the certification set forth in Subtitle I § 805.8(a). The request shall identify why the certification could not be made within the five (5)-year period provided and be accompanied by a timetable for construction and occupancy of the residential uses required for the credit. The Zoning Commission may grant the request upon a showing that the

owner of the property generating the credits has proceeded with due diligence and in good faith in constructing the required residential uses.

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).

806 GENERATION AND CERTIFICATION OF CREDITS FOR TDR OR CLD CONVERSION

806.1 Any Unallocated TDR or CLD Rights as described in Subtitle I § 800.3, or as considered such under Subtitle I § 800.5 shall convert to credits at a rate of one-to-one (1:1).

806.2 The conversion of Unallocated TDR and CLD Rights shall be effectuated through the issuance by the Zoning Administrator of a Certificate of Credit Conversion. When a property has generated both Unallocated TDR and CLD Rights, separate certificates are required for each type of conversion.

806.3 A Certificate of Credit Conversion may be requested in writing by the individual or entity that owns the Unallocated TDR or CLD Rights. The request shall be accompanied by:

(a) A copy of the recorded TDR covenant or CLD covenants that acknowledges the generation of the unallocated rights, or in the case of an Unallocated TDR Rights recognized by Subtitle I § 800.4, the certificate of transfer that acknowledged the transfer of the TDRs sought to be converted;

(b) An updated property description if the legal description of the property if such description has changed since the covenant was recorded;

(c) If requested by the owner of the property that generated the Unallocated CLDs or TDR Rights, a deed identifying that person or entity as the owner;

(d) If requested by a non-owner of the property, proof that the person or entity owns the Unallocated TDRs and CLD Rights, and a statement indemnifying the District of Columbia against any and all claims by persons or entities claiming to own such TDR or CLD rights;

(e) For TDR's to be converted from a covenant, any certificates of transfer or re-retransfer made pursuant to the covenant and a sworn certification that no other allocations have been made other than as described in the certificates;

(f) For CLDs, any other CLD covenant that allocated the CLDs to one (1) or more lots and a sworn certification that no other allocations of CLDs have

been made other than as described in the first and any subsequent CLD covenants;

(g) A written summary indicating the gross floor area of TDRs or CLDs acknowledged by the covenant(s), the gross floor area of any TDRs previously transferred by the attached certificates of transfer(s), the gross floor area allocated by the CLD covenant(s) to other lots, and the gross floor area that remains eligible for allocations as Unallocated TDR or CLD Rights, which are to be converted, and for which the Certificate of Credit Conversion is requested;

(h) A form Certificate of Credit Transfer as described in Subtitle I § 901.3(e) to be used for any transfer of credits under the Certificate of Credit Conversion; and

(i) A form Certificate of Credit Retransfer as described in Subtitle I § 902.3(d) to be used for any retransfer of credits under any Certificate of Credit Transfer.

806.4 The Certificate of Credit Conversion shall be signed by the Zoning Administrator and indicate:

(a) The name and contact information for the person owning the converted Unallocated TDR or CLD Rights;

(b) A description of the property that generated the converted Unallocated TDR or CLD Rights, including the trade area in which it is located;

(c) The recordation information of the covenant that acknowledge the generation of the converted Unallocated TDR or CLDs;

(d) The number of credits certified;

(e) The trade area(s) in which certified credits may be used; and

(f) The purpose(s) for which the certified credits may be used.

806.5 The owner of the Unallocated TDR or CLD Rights, upon notification by the Zoning Administrator that the Certificate of Credit Conversion has been signed, shall take the Certificate of Credit Conversion to the Recorder of Deeds, who shall record the certificate the lot that generated the converted Unallocated TDR or CLD Rights and provide the owner with two (2) certified copies of the certificate.

806.6 The owner of the converted Unallocated TDR or CLD Rights shall provide one (1) certified copy of the Certificate of Credit Conversion to the Zoning Administrator and one (1) to the Office of Planning.

806.7 The Certificate of Credit Conversion shall be effective as of the recordation date of the certificate unless a later time is requested by the owner of the converted Unallocated TDR or CLD Rights.

806.8 The procedures for transferring and re-transferring credits certified by a Certificate of Credit Conversion is described in Subtitle I §§ 901 and 902.

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. 08-06G published at 64 DCR 22 (January 6, 2017).

807 GENERATION AND CERTIFICATION OF CREDITS FOR HISTORIC PRESERVATION

807.1 The purpose of this section is to:

(a) Preserve the unique character and fabric of historic landmarks and historic districts in the D zones;

(b) Encourage the retention and enhancement of historic buildings, together with compatible alterations and compatible new construction;

(c) Establish appropriate allowances for building bulk on lots with historic buildings so as to encourage preservation of whole buildings and ensure a suitable scale of new construction in historic districts, especially in projects combining new development with preservation;

(d) Provide appropriate economic incentives to encourage preservation and adaptation of historic buildings for current use, and the restoration of historic landmarks;

(e) Promote compatible new construction by allowing flexibility in rear yard and court requirements, in keeping with objectives for the preservation and enhancement of historic buildings and districts; and

(f) Encourage occupancy of historic buildings by small businesses and active uses such as arts, cultural, entertainment, retail, and housing, in keeping with the potential of historic buildings to make multiple contributions to the character of downtown.

807.2 This section applies to lots containing historic resources or to lots containing a non-historic building that received its first certificate of occupancy prior to 1936.

807.3 For the purposes of this section, a historic 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 State Historic Preservation Officer as contributing to the character of the historic district in which it is located.

807.4 A building described in Subtitle I § 807.2 or Subtitle I § 807.3 shall generate one (1) credit for each square foot of undeveloped gross floor area, up to an additional 4.0 FAR, provided:

(a) The property is not in government or foreign mission ownership;

(b) The historic resource is fully rehabilitated pursuant to the Historic Landmark and Historic District Protection Act of 1978, effective March 3, 1979 (D.C. Law 2-144, as amended; D.C. Official Code §§ 6-1101 to 6-1115) ("The Historic Preservation Act"), and this chapter;

(c) A non-historic building that received its first certificate of occupancy prior to 1936 is fully rehabilitated according to plans approved by the State Historic Preservation Officer;

(d) The State Historic Preservation Officer has certified in writing to the Zoning Administrator that rehabilitation has been completed pursuant to the approved plans; and

(e) The historic resource has not been fully rehabilitated pursuant to plans approved in accordance with the Historic Protection Act prior to January 18, 1981.

807.5 For the purposes of determining the unused development rights that generate credits, the matter-of-right densities of the applicable underlying zone districts are deemed to be 6.0 FAR in the D-1 and D-2 zones; 6.5 FAR in the D-3, D-4, D-5, and D-8 zones; and, in the D-6 and D-7 zones, 8.5 FAR for properties fronting on streets with a right-of-way less than one hundred ten feet (110 ft.) wide, or 10.0 FAR for properties fronting on streets with a right-of-way at least one hundred ten feet (110 ft.) wide.

807.6 A project that removes any incompatible intrusion into a street right-of-way of the L'Enfant Plan of Washington, as determined by the Historic Preservation Review Board, may generate additional credits by an amount equal to the gross floor area of the removed intrusion, provided the right-of-way is returned to public jurisdiction, or the property owner executes a covenant that runs with the land permanently foregoing construction above grade within the historic right-of-way.

807.7 No credits generated under this section may be transferred unless the Zoning Administrator has acknowledged the generation of the credits in a covenant, filed with the Zoning Administrator and recorded in the land records of the District of Columbia, that:

(a) Effects a binding reduction in the unused development rights under the Zoning Regulations otherwise available to the lot, to the extent of the credits generated; and

(b) Requires completion of the restoration of the historic resource, the non-historic building meeting the requirements of Subtitle I § 807.2, or parts thereof pursuant to plans approved by the Historic Preservation Review Board or the Mayor's Agent for Historic Preservation as required by the Historic Preservation Act.

807.8 For the purposes of administering Subtitle I § 807.7, the Historic Preservation Division, Office of Planning, shall certify in writing to the Zoning Administrator that restoration has been completed pursuant to plans approved as consistent with the Historic Preservation Act.

807.9 Prior to the completion of restoration as certified in Subtitle I § 807.8, one (1) or more Certificates of Credit Transfer described in Subtitle I § 901 may be executed pursuant to a recorded covenant as described in Subtitle I § 807.7 following issuance of a building permit for the credit-sending lot containing the historic resource or the non-historic building meeting the requirements Subtitle I § 807.2, but a certificate of occupancy for the credits on the credit-receiving lot shall not be issued until the restoration of the sending lot's historic resource or non-historic building meeting the requirements Subtitle I § 807.2 has been certified, as provided for in Subtitle I § 807.8.

807.10 After the completion of restoration has been certified, any credits shall vest in the receiving lot without any relationship to the status of the sending lot.

807.11 Notwithstanding the requirements of Subtitle I §§ 807.9 and 807.10, up to twenty-five percent (25%) of the credits that the sending lot is eligible for may be transferred to and fully vest in a receiving lot under the following conditions:

(a) The Certificates of Credit Transfer described in Subtitle I § 901 shall include a requirement that the monetary proceeds of the sale of credits shall be utilized by the owner of the generating lot exclusively for the cost of design and rehabilitation of the historic building;

(b) If the financial proceeds of the transfer exceed the total cost of design and construction on the sending lot, the instrument of transfer shall provide that full funding of design and construction shall be reserved, together with a draw schedule and timetable for the construction work, prior to any other use of the funds in excess of that required for design and construction; and

(c) The State Historic Preservation Officer has certified to the Zoning Administrator that the allocation of funds and draw schedule provided pursuant to Subtitle I § 806.7(c) are sufficient to allow the completion of the project.

807.12 A request for approval of the covenant described in Subtitle I § 807.7 may be made at any point after the rehabilitation is fifty percent (50%) complete.

807.13 The request shall be filed by the person owning the property that generated the credits, or the person's agent and, at a minimum, contain the following information:

(a) Name and contact information for the person or entity that will own the generated credits;

(b) Name and contact information for, and signature of, the person or entity owning the property that generated the credit, if different than in Subtitle I § 807.13(a);

(c) Legal description and street address of the lot or lots;

(d) Surveyed area of the lot or lots;

(e) Gross floor area calculations for the entire building or buildings and for each use;

(f) Zoning requirement on the lot including total FAR limits, FAR limits for non-residential uses and FAR limits for historic structures;

(g) Trade area designation and map for the lot or lots;

(h) Calculation of credits generated; and

(i) The building permit issued for the project including the plans approved by the Mayor's Agent for Historic Preservation pursuant to the Historic Protection Act.

807.14 The Zoning Administrator, in his or her discretion, may request their General Counsel or the Office of the Attorney General to undertake a legal sufficiency review.

807.15 The covenant shall be signed by the Zoning Administrator and the State Historic Preservation Office as evidence of its compliance with the provisions of this chapter

807.16 The signature of the Mayor of the District of Columbia is not required.

807.17 The owner of the credits, upon notification by the Zoning Administrator that the covenant has been signed, shall take the covenant to the Recorder of Deeds, who shall record the covenant with the lot that generated the credit and provide the owner with two (2) certified copies of the certificate.

807.18 The owner of the credits shall provide one (1) certified copy of the covenant to the Zoning Administrator and one (1) to the Office of Planning.

807.19 The covenant shall be effective as of the recordation date of the covenant unless a later time is requested by the owner of the credits.

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

CHAPTER 9 USE OF CREDITS

900 GENERAL REQUIREMENTS AND RESTRICTIONS

900.1 Subject to the limitations of this chapter, credits generated by the actions described in Subtitle I, Chapter 8 may be used to:

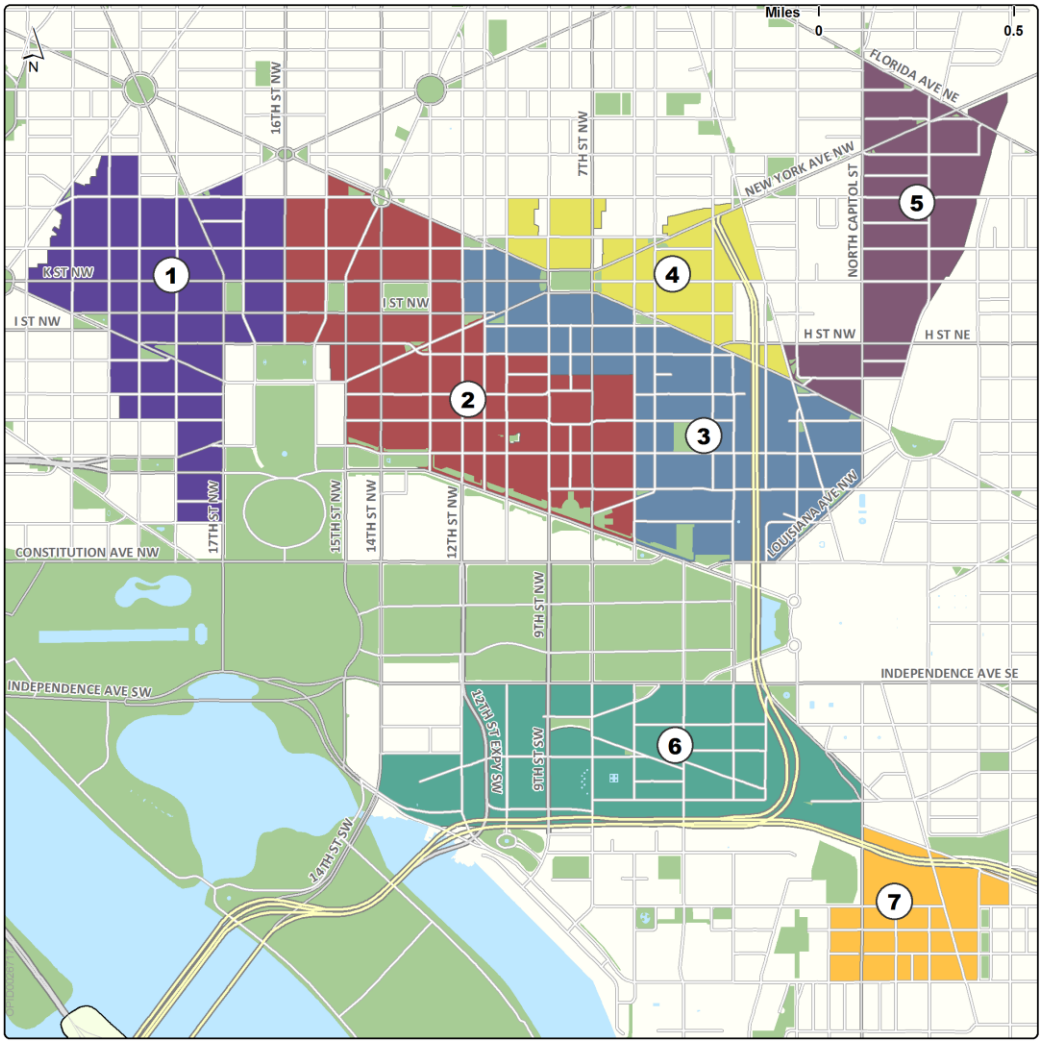
(a) Reduce the amount of gross floor area of the residential use required in a building located in the D-4-R, D-5-R, or the D-6-R, or reduce the amount of gross floor area of Arts use in a building located in the Downtown Arts Sub-area regulated by Subtitle I § 607;

(b) Construct non-residential gross floor area in excess of the maximum permitted non-residential density in the D-3 through D-8 zones either on site or within an allowed trade area, equivalent to the number of the credits transferred as evidence by one (1) or more credit certificate filed with the building permit application, up to the maximum permitted FAR of the zone; or

(c) Allow for the termination of a covenant recorded pursuant to Subtitle I, Chapter 8 for the acknowledgment of credits in order to permit redevelopment of a site that reduces or eliminates the uses that originally generated the credits.

900.2 Trade areas in the downtown zones are identified in Figure I § 900.2:

FIGURE I § 900.2: CREDIT TRADE AREAS



900.3 Credits generated and acknowledged pursuant to Subtitle I, Chapter 8 may be used for the purposes and within the trade areas identified in the following table:

TABLE I § 900.3: CREDIT-GENERATION, PURPOSES, AND AREAS OF USE

Action Generating Credit	Section in Subtitle I, Chapter 8 Governing the Generation of the Credit	Purpose for which Credit May be Used	Area(s) in which Credit may be used (see Figure I § 900.2)
Development of residential gross floor area where it is not required or that exceeds a minimum residential requirement of Subtitle I, Chapter 5.	§ 802	Construct non-residential gross floor area in excess of the base permitted non-residential density of the D-3 through D-8 zones	Same trade area in which the credits were generated.
		Reduce the residential requirements of the D-4-R, D-5-R, or D-6-R zones.	Same trade area in which the credits were generated.

Action Generating Credit	Section in Subtitle I, Chapter 8 Governing the Generation of the Credit	Purpose for which Credit May be Used	Area(s) in which Credit may be used (see Figure I § 900.2)
Development of arts or arts-related space that exceeds the minimum area requirements of Subtitle I § 607 for such uses in the Downtown Arts Sub-Area.	§ 803	Reduce the Arts sub-area requirements of Subtitle I § 607	Downtown Arts Sub-Area (Subtitle I § 607) of trade area 2
		Construct up to 0.5 FAR non-residential gross floor area in excess of the base permitted non-residential density of the D-3 through D-8 zones	
Historic Preservation rehabilitation	§ 807	Construct non-residential gross floor area in excess of the base permitted non-residential density of the D-3 through D-8 zones up to the limits of Subtitle I, §§ 200.2 and 200.3. Credits cannot reduce residential requirements of the D-4-R, D-5-R, or D-6-R zones	In any trade area
Conversion of transferrable development rights (TDRs)	§ 806	Construct non-residential gross floor area in excess of the base permitted non-residential density of the D-3 through D-8 zones. Credits cannot reduce residential requirements of the D-4-R, D-5-R, or D-6-R zones	In any trade area
Conversion of unallocated combined lot development (CLD) gross floor area	§ 806	Construct non-residential gross floor area in excess of the base permitted non-residential density of the D-3 through D-8 zones	Same trade area in which the credits were generated
		Reduce the residential requirements of the D-4-R, D-5-R, or D-6-R zones	
Development of child development center, child development home or certified business enterprise in the Downtown Retail Core, Downtown Arts or Chinatown sub-areas of Subtitle I, Chapter 6.	§ 804	Construct up to 0.5 FAR non-residential gross floor area in excess of the base permitted non-residential density of the D-3 through D-8 zones	Same trade area in which the credits were generated

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).

901 TRANSFER OF CREDITS

901.1 Ownership of credits as acknowledged by the Zoning Administrator through a covenant required pursuant to Subtitle I, § 805 (for residential, arts, or preferred uses) and Subtitle I § 807 (for historic preservation) hereinafter collectively referred to as the "Credit Covenant" or acknowledged through the issuance of a

Certificate of Credit Conversion pursuant to Subtitle I § 806 may be transferred by the owner of such credits at any time to any entity or individual for use on property owned by such entity or individual or for later retransfer to a property pursuant to Subtitle I § 902, provided that the property receiving the credit is located in an eligible trade area.

901.2 A transfer of credit ownership is not effectuated until the Zoning Administrator issues a Certificate of Credit Transfer and that certificate is recorded in the land records of the District of Columbia pursuant to the procedures set forth in this section.

901.3 A request for a Certificate of Credit Transfer shall be made by the owner of the credits and the entity or individual to whom the credits are to be transferred hereinafter collectively referred to as "the applicant", and shall include:

(a) The Credit Covenant or Certificate of Credit Conversion from which the credits are to be transferred;

(b) Any prior Certificate of Credit Transfer from that Credit Covenant or Certificate of Credit Conversion;

(c) A statement by the owner of the credits that the property that generated the credits is in compliance with the Credit Covenant or the CLD or TDR covenant, as applicable;

(d) A statement by the owner of the credits that there have been no prior transfers of credit ownership from the Credit Covenant or Certificate of Credit Conversion or, if there have been prior transfers, the number of credits transferred and the number of credits that remain to be transferred; and

(e) A draft Certificate of Credit Transfer that contains:

(1) The name and contact information for the entity or individual owning the credits as identified in the Credit Covenant or Certificate of Credit Conversion;

(2) The name and contact information for the individual or entity to whom the credits are to be transferred;

(3) A description of the Credit Covenant or Certificate of Credit Conversions from which ownership of the credits is being transferred including:

(A) The date upon which it was recorded in the land records; and

(B) The number of generated credits;

(4) If generated by a Credit Covenant, the action that generated the credits;

(5) The trade area(s) and purposes for which the credits could be used;

(6) Whether any credits have previously been transferred from the Certificate of Credit Transfer or Certificate of Credit Conversion and if so, the number of credits that remain to be transferred;

(7) The number of the credits proposed for transfer;

(8) The number of credits that would remain in possession of the transferring party after the proposed credit transfer;

(9) Whether the transferred credits are to be used on a property owned by the entity or individual to whom the credits are to be transferred or are to be held for retransfer to a property; and

(10) If the credits are to be used on a property:

(A) The legal description of that property; and

(B) The purpose for which the credits are to be used.

901.4 A request for a Certificate of Credit Transfer may be made at the same time as the Credit Covenant is being reviewed, provided that the Credit Covenant must be recorded in the land records prior to or simultaneously with the Certificate of Credit Transfer.

901.5 The Zoning Administrator, in his or her discretion, may request their General Counsel or the Office of the Attorney General to undertake a legal sufficiency review of the draft Certificate of Credit Transfer.

901.6 If approved, the Certificate of Credit Transfer shall be signed by the Zoning Administrator.

901.7 The signature of the Mayor of the District of Columbia is not required.

901.8 The applicant, upon notification by the Zoning Administrator that the Certificate of Credit Transfer has been signed, shall take the Certificate of Credit Transfer to the Recorder of Deeds, who shall record the certificate with the lot that generated the credits, and if applicable, with the lot that is receiving the credits, and provide the applicant with two (2) certified copies of the certificate.

901.9 The applicant shall provide one (1) certified copy to the Zoning Administrator and one (1) to the Office of Planning.

901.10 The transfer shall be effective as of the recordation date of the certificate unless a later time is requested by the applicant.

901.11 If more than one (1) transfer of credits is made from a Credit Covenant or Certificate of Credit Conversion the second Certificate of Credit Transfer and all subsequent Certificates of Credit Transfers shall be numbered "two" (2) and sequentially, and each shall include the names of the transferors and transferees involved in all previous transfers, including the amount of credits transferred and the dates of recordation of each transfer.

901.12 Credits used to achieve non-residential density shall not be retransferred unless the building that utilized the additional density is destroyed or demolished; provided that any such retransfer shall divest the property of the additional density allowed by the credits.

901.13 Credits not used may be retransferred in accordance with the provisions of Subtitle I § 902.

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

902 RETRANSFER OF CREDITS

902.1 Except as provided in Subtitle I § 901.9, ownership of credits transferred pursuant to a Certificate of Credit Transfer may be retransferred by the owner of such credits at any time to any entity or individual for use on property owned by such entity or individual, provided that the property is located in an eligible trade area

902.2 A retransfer of credit ownership is not effectuated until the Zoning Administrator issues a Certificate of Credit Retransfer and that certificate is recorded in the land records of the District of Columbia pursuant to the procedures set forth in this section.

902.3 A request for a Certificate of Credit Retransfer shall be made by the owner of the credits and the entity or individual to whom the credits are to be retransferred hereinafter collectively referred to as "the applicant", and shall include:

(a) The Certificate of Credit Transfer issued pursuant to Subtitle I § 901 from which the credits are to be transferred;

(b) Any prior Certificates of Credit Retransfer from that certificate;

(c) A statement by the owner of the credits that there have been no prior retransfers of credit ownership made from the Certificate of Credit Transfer or, if there have been prior retransfers, the number of credits retransferred and the number of credits that remain to be retransferred; and

(d) A draft Certificate of Credit Retransfer that contains:

(1) The name and contact information for the entity or individual owning the credits to be retransferred;

(2) The name and contact information for the entity or individual to whom the credits are to be retransferred;

(3) A description of the Certificate of Credit Transfer from which ownership of the credits is being transferred including:

(A) The date upon which it was recorded in the land records; and

(B) The number of credits transferred from the Credit Covenant;

(4) If the generation of the credits was acknowledged by a Credit Covenant, the action that generated the credits;

(5) The trade area(s) and purposes for which the credits may be used;

(6) Whether any credits have previously been retransferred from the Certificate of Credit Transfer, and if so, the number of credits that remain to be retransferred;

(7) The number of the credits proposed for retransfer;

(8) The number of credits that would remain in possession of the transferring party after the proposed credit retransfer;

(9) The legal description of that property to which the credits are to be used and the trade area in which it is located; and

(10) The purpose for which the credits are to be used.

902.4 The Zoning Administrator, in his or her discretion, may request their General Counsel or the Office of the Attorney General to undertake a legal sufficiency review of the draft Certificate of Credit Retransfer.

902.5 If approved, the Certificate of Credit Retransfer shall be signed by the Zoning Administrator.

902.6 The signature of the Mayor of the District of Columbia is not required.

902.7 The applicant, upon notification by the Zoning Administrator that the Certificate of Credit Retransfer has been signed, shall take the Certificate of Credit Retransfer to the Recorder of Deeds, who shall record the certificate with the lot that that is receiving the credits, and provide the applicant with two (2) certified copies of the certificate.

902.8 The applicant shall provide one (1) certified copy to the Zoning Administrator and one (1) to the Office of Planning.

902.9 The retransfer shall be effective as of the recordation date of the certificate unless a later time is requested by the applicant.

902.10 If more than one (1) retransfer of credits is made from an Acknowledgment of Credit Transfer, the second Certificate of Credit Retransfer and all subsequent Acknowledgments of Credit Retransfers shall be numbered "two" (2) and sequentially, and each shall include the names of the transferors and transferees involved in all previous retransfers, including the amount of credits retransferred and the effective dates of each retransfer.

902.11 Credits used to achieve non-residential density shall not be retransferred unless the building that utilized the additional density is destroyed or demolished; provided that any such retransfer shall divest the property of the additional density allowed by the credits.

902.12 Credits not used may be retransferred and used elsewhere according to the provisions of this section.

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