TITLE 11 – ZONING

SUBTITLE K SPECIAL PURPOSE ZONES

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CHAPTER 1 INTRODUCTION TO SPECIAL PURPOSE ZONES

100 GENERAL PROVISIONS

100.1 The purpose of the special purpose zones is to provide for single large sites that require a cohesive, self-contained set of regulations to guide site design, building height and bulk, land uses, or other aspects of development.

CHAPTER 2 SOUTHEAST FEDERAL CENTER ZONES – SEFC-1 THROUGH SEFC-4

200 GENERAL PROVISIONS (SEFC)

200.1 The Southeast Federal Center (SEFC) zones (SEFC-1 through SEFC-4) provide for the development of a vibrant, urban, mixed-use, waterfront neighborhood, offering a combination of uses that will attract residents, office workers, and visitors from across the District of Columbia and beyond.

200.2 The purposes of the SEFC zones are to:

(a) Assure development of the area with a mixture of residential and commercial uses and a suitable height, bulk, and design of buildings, as generally identified in the Comprehensive Plan, and in recognition of the objectives of the Anacostia Waterfront Initiative and the Near Southeast Urban Design Framework Plan;

(b) Encourage high-density residential development with a pedestrian-oriented streetscape through flexible zoning parameters;

(c) Encourage a variety of support and visitor-related uses, such as retail, service, entertainment, cultural, and hotel or inn uses;

(d) Provide for a reduced height and bulk of buildings along the Anacostia riverfront in the interest of ensuring views over and around waterfront buildings, and provide for continuous publicly-accessible open space along the waterfront;

(e) Require suitable ground-floor level retail and service uses near the Navy Yard Metrorail station, along M Street, S.E., near the SEFC-4 zone, and at other key pedestrian locations;

(f) Encourage the design and development of properties in a manner that is sensitive to the adjacent Navy Yard and the historically significant buildings within the SEFC zones; and

(g) Establish zoning incentives and restrictions to provide for the development of a publicly-accessible park along the Anacostia River and encourage uses in that park as permitted in the SEFC-4 zone.

200.3 The SEFC-1 zones provide for high-density mixed-use development with ground floor retail, with bonus density and height for development proximate to the Navy Yard Metrorail Station and the proposed 1½ Street, and with review of the relationship of new buildings to the M Street, S.E. corridor and the adjacent Washington Navy Yard. The SEFC-1 zones consist of the SEFC-1-A zone, which

permits high-density commercial or residential use with ground floor retail on parcels A, F, and G near the Navy Yard Metrorail Station entrance, and the SEFC-1-B zone, which promotes a mix of high-density residential and medium-density commercial development with ground floor retail on parcels D, E, K, H, and I. The Property descriptions and zone district for each parcel is as follows:

Parcel	Square	Lot(s)	Zone
A	743	94	SEFC-1A
F	743	94	SEFC-1A
G	743	94	SEFC-1A
H	744	807	SEFC-1B
I	744	807	SEFC-1B
K	770	40	SEFC-1B
D	771	811, 813, 814, 7000-7010	SEFC-1B
E	853	All (Also referred to in § 203.2 as Parcel E1)	SEFC-1B
	883	Portion bounded by M Street on the north, Isaac Hull Avenue on the east, and Tingey Street on the south	SEFC-1B

200.4 The SEFC-2 zone provides for high-density residential development with limited ground floor retail, and the review of the relationship of new buildings to the SEFC waterfront park open space area.

200.5 The SEFC-3 zone provides for medium-density residential development with limited ground floor retail, and the review of the relationship of new buildings to the SEFC waterfront park open space area.

200.6 The SEFC-4 zone provides for a five (5) acre minimum public park along the Anacostia River, with a defined retail area to serve residents of the neighborhood and the District of Columbia.

200.7 Additional objectives for the SEFC-4 zones are to:

(a) Encourage open space;

(b) Promote a lively, interactive waterfront environment;

(c) Discourage parking;

(d) Provide a development area for retail and cultural uses;

(e) Provide an open space area, intended to be the site of open space recreation use as well as limited uses that are directly waterfront dependent; and

(f) Allow for a continuous publicly-accessible pedestrian and bicycle trail along and adjacent to the waterfront as part of the Anacostia Waterfront Trail system.

200.8 The SEFC-4 zone is divided into two geographic areas:

(a) SEFC-4 development area, consisting of the northeastern portion of the SEFC-4zone, specifically the existing Building 173 and that portion of the SEFC-4 zone located directly to the east of Building 173, north of a line extending east from the south elevation of Building 173; and

(b) SEFC-4 open space area, consisting of all property within the SEFC-4 zone that is located outside of the development area.

200.9 Notwithstanding the subdivision requirements of Subtitle C § 302, two (2) or more principal buildings or structures may be erected as a matter-of-right on a single subdivided lot within the SEFC-4 zone provided that such principal buildings or structures comply with all other theoretical lot subdivision requirements of Subtitle C § 305.

200.10 The parking requirements are as follows:

(a) The provision of vehicular parking spaces shall not be required. Any parking spaces and access provided shall conform to the requirements of Subtitle C, Chapter 7;

(b) Bicycle parking spaces shall be required, in accordance with the standards of Subtitle C, Chapter 8; and

(c) Parking for marine and parks and recreation uses, including any accessory uses, shall be located in accordance with the provisions of Subtitle C §1102.

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

200.12 The Inclusionary Zoning (IZ) requirements, and the available IZ modifications and bonus density, shall apply to the SEFC zones except for:

(a) Properties subject to a land disposition or other agreement with the District of Columbia that mandates the provision of affordable housing; provided that these properties shall be subject to IZ requirements for new penthouse habitable space as described in Subtitle C § 1500.11; and

(b) Penthouses in residential rental buildings.

200.13 The matter-of-right height, penthouse height, and floor area ratio limits shall serve as the maximums permitted building height, penthouse height, and floor area ratio for a planned unit development (PUD) for each SEFC zone.

SOURCE: Final Rulemaking & Order No. 08-06A published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 17-12 published at 65 DCR 7200 (July 16, 2018); Final Rulemaking & Order No. 04-33I published at 66 DCR 13705 (October 18, 2019).

201 DEVELOPMENT STANDARDS (SEFC-1)

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

201.2 In addition to the development standards set forth in this subtitle, additional general regulations relevant to this subtitle can be found in Subtitle C.

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. 17-12 published at 65 DCR 7200 (July 16, 2018).

202 DENSITY – FLOOR AREA RATIO (FAR) (SEFC-1)

202.1 The maximum permitted floor area ratio (FAR) for building**s** in the SEFC-1-A zone (i.e. Parcels A, F, and G) shall be 6.0, except that an additional density of up to 1.0 FAR is permitted, if reviewed and approved by the Zoning Commission pursuant to the standards and procedures of Subtitle K §§ 237.4 and 241; provided that:

(a) To the extent that the approved additional FAR is devoted to residential uses, a minimum of eight percent (8%) of the additional residential density utilized shall be devoted to three (3) bedroom units that:

(i) May be located anywhere within the residential building:

(ii) Shall be set aside for households earning 50% or less of the Median Family Income for a term of not less than thirty years beginning on the date that certificate of occupancy is issued; and

(iii) May also serve as units that are set aside as affordable units pursuant to the terms of any land disposition or other agreement with the District of Columbia that mandates the provision of affordable housing; and

(b) The reduction or elimination of the requirements of paragraph (a) may be permitted by the Commission upon a showing by the applicant that

exceptional circumstances affecting the property make compliance with this requirement difficult or impossible.

202.2 The maximum permitted FAR for buildings in the SEFC-1-B zone (i.e. Parcels D, E, H, I, and K) shall be 6.0 with a maximum of 3.0 FAR for non-residential uses, except an additional density of up to 1.0 FAR is permitted on Parcels H or I if reviewed and approved by the Zoning Commission, pursuant to the standards and procedures of Subtitle K §§ 237.4 and 241; provided that:

(a) The additional density granted is devoted solely to residential uses, which for the purposes of this paragraph does not include a hotel; and

(b) A minimum of eight percent (8%) of the additional density utilized is devoted to three (3) bedroom units, that:

(i) May be located anywhere within the residential building;

(ii) Shall be set aside for households earning 50% or less of the Median Family Income for a term of not less than thirty years beginning on the date that certificate of occupancy is issued; and

(iii) May also serve as units that are set aside as affordable units pursuant to the terms of any land disposition or other agreement with the District of Columbia that mandates the provision of affordable housing; and

(c) The reduction or elimination of the requirements of paragraph (b) may be permitted by the Commission upon a showing by the applicant that exceptional circumstances affecting the property make compliance with this requirement difficult or impossible.

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

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. 17-12 published at 65 DCR 7200 (July 16, 2018).

203 HEIGHT (SEFC-1)

203.1 The maximum permitted building height, not including the penthouse, in the SEFC-1 zones shall be one hundred and ten feet (110 ft.), except that:

(a) The maximum permitted building height for Parcel A shall be one hundred thirty feet (130 ft.); and

(b) An additional twenty feet (20 ft.) of building height is permitted in Parcels F, G, and H if reviewed and approved by the Zoning Commission pursuant to the standards and procedures of Subtitle K §§ 237.4 and 241.

203.2 Sites fronting on M Street, S.E., east of 4th Street, S.E., are restricted to a height of ninety feet (90 ft.) except that:

(a) For Parcels D and E1, an additional twenty feet (20 ft.) of building height is permitted if reviewed and approved by the Zoning Commission pursuant to paragraph (c) of this subsection and the procedures of Subtitle K § 241;

(b) For the remaining portions of Parcel E (i.e. excluding Parcel E1), an additional twenty feet (20 ft.) of building height is permitted only for a building that will be occupied by a federal use as a primary use, if such height is reviewed and approved by the Zoning Commission pursuant to paragraph (c) of this subsection and the procedures of Subtitle K § 241; and

(c) For the purposes of the paragraph (a) and (b) reviews, the Zoning Commission shall consider the relationship of the new building to the Navy Yard and to the east and the report and consider recommendations of the United States Navy submitted pursuant to Subtitle K § 242.3. The Zoning Commission may require graduated height and/or design features because of the building's proximity to the Navy Yard.

203.3 [DELETED]

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

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. 08-06J published at 64 DCR 6110 (June 30, 2017); Final Rulemaking & Order No. 17-12 published at 65 DCR 7200 (July 16, 2018).

204 LOT OCCUPANCY (SEFC-1)

204.1 The maximum permitted lot occupancy in the SEFC-1 zones shall be one hundred percent (100%) for non-residential uses and seventy-five percent (75%) for residential uses.

204.2 A building occupied by both residential and non-residential preferred uses provided in accordance with Subtitle K § 206.3 shall be permitted one hundred percent (100%) lot occupancy for the ground and second stories.

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

SOURCE: Final Rulemaking & Order No. 08-06A published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 17-12 published at 65 DCR 7200 (July 16, 2018).

205 FRONT SETBACK (SEFC-1)

205.1 A front setback of fifteen feet (15 ft.) minimum for the entire height and frontage of each new building along M Street, S.E., measured from the face of the adjacent curb along M Street, S.E., shall be required in the SEFC-1 zones.

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

SOURCE: Final Rulemaking & Order No. 08-06A published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 17-12 published at 65 DCR 7200 (July 16, 2018).

206 REAR YARD (SEFC-1)

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

SOURCE: Final Rulemaking & Order No. 08-06A published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 17-12 published at 65 DCR 7200 (July 16, 2018).

207 SIDE YARD (SEFC-1)

207.1 No side yard is required; however, any side yard provided shall be five feet (5 ft.) minimum.

208 COURT (SEFC-1)

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

TABLE K § 208.1: MINIMUM COUTYARD DIMENSIONS

Type of Structure	Minimum Width Open Court	Minimum Width Closed Court	Minimum Area Closed Court
Residential (except hotel):	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:	2.5 in./ft.) of height of court; 6 ft. minimum.	2.5 in./ft. of height of court; 12 ft. min.	Twice the square of the required width of court dimension; 250 sq. ft. minimum.

209 GREEN AREA RATIO (SEFC-1)

209.1 A minimum green area ratio (GAR) of 0.20 shall be required in the SEFC-1 zones.

SOURCE: Final Rulemaking & Order No. 08-06A published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 17-12 published at 65 DCR 7200 (July 16, 2018).

210 GROSS FLOOR AREA (SEFC-1)

210.1 Non-residential floor area shall be the total gross floor area of the building not dedicated to uses in one (1) of the following use categories:

(a) Residential;

(b) Emergency shelter; or

(c) Lodging.

211 DRIVEWAYS AND PARKING (SEFC-1)

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

212 LOADING (SEFC-1)

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

213 DEVELOPMENT STANDARDS (SEFC-2)

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

214 DENSITY – FLOOR AREA RATIO (FAR) (SEFC-2)

214.1 The maximum permitted FAR for a building in the SEFC-2 zone shall be 6.0 with a maximum of 0.5 FAR for non-residential uses.

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

215 HEIGHT (SEFC-2)

215.1 The maximum permitted building height, not including the penthouse, in the SEFC-2 zone shall be one-hundred and ten feet (110 ft.).

215.2 For the purposes of determining maximum height permitted under the Height Act of 1910, and for achieving the height permitted in Subtitle K § 215.1, the SEFC-2 zone is considered a "mixed-use" zone.

215.3 Maximum height shall be that equal to the width of the adjacent right-of-right, increased by twenty feet (20 ft.), but not to exceed one hundred and thirty feet (130 ft.), or less if otherwise restricted by the Height Act.

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

216 LOT OCCUPANCY (SEFC-2)

216.1 The maximum permitted lot occupancy in the SEFC-2 zone shall be seventy-five percent (75%).

216.2 A building occupied by both residential and non-residential preferred uses provided in accordance with Subtitle K § 207.3 shall be permitted one hundred percent (100%) lot occupancy for the ground and second stories.

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

217 REAR YARD (SEFC-2)

217.1 A rear yard of two and one-half inches (2.5 in.) per one foot (1 ft.) of height or a minimum of twelve feet (12 ft.) shall be provided for each structure located in the SEFC-2 zone.

218 SIDE YARD (SEFC-2)

218.1 No side yard is required; however, any side yard provided shall be five feet (5 ft.) minimum.

219 COURT (SEFC-2)

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

TABLE K § 219.1: MINIMUM COUTYARD DIMENSIONS

Type of Structure	Minimum Width Open Court	Minimum Width Closed Court	Minimum Area Closed Court
Residential (except hotel):	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:	2.5 in./ft. of height of court; 6 ft. minimum.	2.5 in./ft. of height of court; 12 ft. min.	Twice the square of the required width of court dimension; 250 sq. ft. minimum.

220 GREEN AREA RATIO (SEFC-2)

220.1 A minimum GAR of 0.3 shall be required in the SEFC-2 zone.

221 DEVELOPMENT STANDARDS (SEFC-3)

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

222 DENSITY – FLOOR AREA RATIO (FAR) (SEFC-3)

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

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

223 HEIGHT (SEFC-3)

223.1 The maximum permitted building height, not including the penthouse, in the SEFC-3 zone shall be ninety feet (90 ft.).

223.2 For the purposes of determining maximum height permitted under the Height Act, and for achieving the height permitted in Subtitle K § 203.1, the SEFC-3 zone is considered a "mixed-use" zone.

223.3 Maximum height shall be that equal to the width of the adjacent right-of-right, increased by twenty feet (20 ft.), but not to exceed one hundred and thirty feet (130 ft.), or less if otherwise restricted by the Height Act.

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

224 LOT OCCUPANCY (SEFC-3)

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

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

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

225 REAR YARD (SEFC-3)

225.1 A rear yard of two and one-half inches (2.5 in.) per one foot (1 ft.) of height or a minimum of twelve feet (12 ft.) shall be provided for each structure located in the SEFC-3 zone.

226 SIDE YARD (SEFC-3)

226.1 No side yard is required; however, any side yard provided shall be four feet (4 ft.) minimum.

227 COURT (SEFC-3)

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

TABLE K § 227.1: MINIMUM COUTYARD DIMENSIONS

Type of Structure	Minimum Width Open Court	Minimum Width Closed Court	Minimum Area Closed Court
Residential (except hotel):	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.

Type of Structure	Minimum Width Open Court	Minimum Width Closed Court	Minimum Area Closed Court
Non-Residential and Lodging:	2.5 in./ft. of height of court; 6 ft. minimum.	2.5 in./ft. of height of court; 12 ft. min.	Twice the square of the required width of court dimension; 250 sq. ft. minimum.

228 GREEN AREA RATIO (SEFC-3)

228.1 A minimum GAR of 0.3 shall be required in the SEFC-3 zone.

229 DEVELOPMENT STANDARDS (SEFC-4)

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

230 DENSITY – FLOOR AREA RATIO (FAR) (SEFC-4)

230.1 The maximum permitted FAR in the SEFC-4 zone shall be 0.5.

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

230.3 The FAR on a lot used exclusively for recreational use, marina, yacht club, or boathouse buildings and structures shall not exceed 0.75.

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

230.5 Two (2) or more lots, whether contiguous or non-contiguous, within the SEFC-4 zone may be combined for the purposes of allocating density as provided for and limited by Subtitle K § 230.7, in accordance with the procedures outlined in Subtitle K § 240.

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

231 HEIGHT (SEFC-4)

231.1 The maximum permitted building height, not including the penthouse, in the SEFC-4 zone shall be forty feet (40 ft.).

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

231.3 The maximum permitted height of a penthouse shall be twelve feet (12 ft.) except that a height of fifteen feet (15 ft.) for penthouse mechanical space; and the maximum number of stories within the penthouse shall be one (1), except that a second story for penthouse mechanical space shall be permitted.

232 LOT OCCUPANCY (SEFC-4)

232.1 The maximum permitted lot occupancy in the SEFC-4 zone shall be twenty-five percent (25%), except as provided in Subtitle K § 232.3.

232.2 Lot occupancy shall be the total area occupied by all buildings and structures located on land and by any associated permanent structure located on, in, or over water, other than a floating home, divided by the total area of the lot.

232.3 The lot occupancy on a lot used exclusively for a recreational use, marina, yacht club, or boathouse buildings and structures shall not exceed fifty percent (50%).

233 SIDE YARD (SEFC-4)

233.1 A minimum required side yard of twelve feet (12 ft.) shall be provided in the SEFC-4 zone.

233.2 No side yard is required for any building or structure located entirely on, over, or in the water. If a side yard is provided, its minimum width shall be at least five feet (5 ft.).

233.3 Any building or structure located in whole or in part on land shall provide a side yard on each side of twelve feet (12 ft.) minimum.

234 COURT (SEFC-4)

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

TABLE K § 234.1: MINIMUM COUTYARD DIMENSIONS

Type of Structure	Minimum Width Open Court	Minimum Width Closed Court	Minimum Area Closed Court
Residential (except hotel):	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:	2.5 in./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.

235 WATERFRONT SETBACK (SEFC-4)

235.1 A waterfront setback shall be provided in accordance with the provisions of Subtitle C, Chapter 11.

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

236 PREFERRED USE PROVISIONS (SEFC-4)

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

(a) Animal care, sales, and boarding provided there is no overnight boarding of dogs except for convalescence at a veterinary hospital;

(b) Arts, design, and creation;

(c) Eating and drinking establishments;

(d) Medical Care;

(e) Retail;

(f) Financial service provided a bank or financial institution shall not be located at the intersection of two streets; and

(g) General service.

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

237 USE PERMISSIONS (SEFC-1)

237.1 Except as prescribed below, use permissions, including uses permitted as a matter of right, as a special exception, and as an accessory use, and uses not permitted shall be in accordance with the MU-Use Group G of Subtitle U, Chapter 5.

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

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

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

(a) All buildings and structures that have frontage along M Street, S.E. or for which the Zoning Commission considers a request for the additional density or height authorized by Subtitle K §§ 202 or 203; subject also to the applicant proving ding that the architectural design, site plan, landscaping, and sidewalk treatment of the proposed building;

(1) Are of superior quality;

(2) For buildings on Parcel A, accommodate the design of the public entrance to the Navy Yard Metrorail Station on Parcel A The applicant shall demonstrate proactive engagement with the Washington Metrorail Area Transit Authority (WMATA) in the planning and design of Parcel A as a part of the above design review as set forth below:

(A) If the applicant moves forward with the design of Parcel A before WMATA is ready to construct the third entrance the applicant shall demonstrate that it has coordinated with WMATA to determine how to ensure that the design of Parcel A accommodates the planned entrance; and[1]

[1] The Office of the Attorney General included this revision to subparagraph (2)(A) to reflect the wording of the provision as it appeared at 11 DCMR § 1803.8(a)(1 of the Zoning Regulations of 1958 as of the date of its repeal and replacement with 11-K DCMR 237.4(a)(2)(A). Subparagraph 1803.8 (a)(1) read:

(a) Accommodates the design of a public entrance to the Navy Yard Metrorail Station on Parcel A. The applicant shall demonstrate proactive engagement with the Washington Metrorail Area Transit Authority (WMATA) in the planning and design of Parcel A as a part of the above design review as set forth below:

(B) If WMATA moves forward with the construction of the third entrance before the applicant is ready to develop Parcel A, the applicant shall demonstrate that it has coordinated with WMATA to integrate the entrance into the design of Parcel A;

(3) Ensure the provision of 1½ Street, S.E. and N Street, S.E. as open and uncovered multimodal circulation routes; and

(4) Provide three (3) bedroom dwelling units as required pursuant to Subtitle K § 202.1.

(b) Automobile rental agency, provided the use has no exterior automobile storage area;

(c) Dental lab;

(d) Department store;

(e) Hotel;

(f) International organization;

(g) Library;

(h) Institution, religious, which may include a parsonage, vicarage, rectory, or Sunday school building, as well as any related programs;

(i) Education, private and education, public, including trade school; solid, freestanding wall and/or security gate exceeding a height of four (4) feet, including structural supports;

(j) Education, college/university;

(k) Entertainment, assembly, and performing arts;

(l) Medical care;

(m) Automobile, truck, or motorcycle accessory sales, including installation;

(n) Gas station; and

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(1) If the applicant moves forward with the design of Parcel A before WMATA is ready to construct the third entrance, the applicant shall demonstrate that it has coordinated with WMATA to determine how to ensure that the design of Parcel A accommodates the planned entrance; and …

(o) Temporary parking lot or garage, for a maximum approval period of five (5) years, which may be renewed by the Zoning Commission, as a principal use located at or above grade.

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

(a) Any building or structure with frontage on M Street, S.E. or N Street, S.E. shall provide preferred uses comprising a minimum of seventy-five percent (75%) of the frontage on M Street, S.E. or N Street, S.E. and a minimum of seventy-five percent (75%) of that portion of the gross floor area of the ground floor within a depth of fifty feet (50 ft.) from the exterior façade of the front of building, not including parking, parking access, mechanical and fire control rooms, and other non-public spaces. This requirement shall not apply to:

(1) Buildings directly south of the historic wall along M Street, S.E., between 4th Street, S.E. and the Washington Navy Yard, for so long as the wall remains; or

(2) Any addition to a building with frontage on M Street, S.E. or N Street, S.E. if the addition to such building has no frontage on such streets but, as allowed pursuant to Subtitle K § 237.5(b), preferred uses may be provided on the ground floor level of such buildings;

(b) In addition to the preferred uses listed in Subtitle K § 236, the preferred use space requirement of Subtitle K § 237.5(a) may also be met by any use listed in Subtitle K §§ 237.4(a) through (n), if reviewed and approved by the Zoning Commission in accordance with the standards specified in Subtitle K § 241 and procedures specified in Subtitle K § 242;

(c) In addition to the locations in which preferred uses are required pursuant to Subtitle K § 237.5(a), preferred uses may be provided on the ground floor level of buildings in other areas within the SEFC-1 zone, but are not required. If provided, such preferred use area shall not be required to conform to the requirements of Subtitle K §§ 237.5(a), (f), (g), and (h);

(d) For good cause shown, the Zoning Commission may authorize interim occupancy of the preferred use space required under Subtitle K § 237.5(a) by other uses permitted in the SEFC zones for up to a five (5) year period; provided that the ground-floor space is suitably designed for future occupancy by preferred uses;

(e) Not less than fifty percent (50%) of the surface area of the street wall, including building entrances, of those building frontages described in Subtitle K § 237.5(a) shall be devoted to doors or display windows having clear or low emissivity glass;

(f) Preferred uses shall provide direct, exterior access to the ground level;

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

(h) Changes to the type, amount, and location of preferred uses required under Subtitle K § 237.5(a) shall be permitted if reviewed and approved by the Zoning Commission in accordance with the standards specified in Subtitle K § 241 and procedures specified in Subtitle K § 242.

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. 17-12 published at 65 DCR 7200 (July 16, 2018).

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

238.1 Except as prescribed below, use permissions, including uses permitted as a matter of right, as a special exception and as an accessory use, and uses not permitted shall be in accordance with the use provisions of the RA-5 zone of Subtitle U, Chapter 4.

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

(a) Detached, semi-detached, or rowhouse dwelling;

(b) Parking lot or garage as a principal use located on or above grade, except as a temporary use as permitted by special exception in Subtitle K § 238.3.

(c) Sanitarium; and

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

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

(a) All buildings and structures that abut the SEFC-4 open space area, whether or not a street intervenes but excluding buildings and structures that abut the SEFC-4 development area including existing Building 160 and any additions thereto and any building or structure to be constructed immediately to the east of Building 160 (i.e., north of Water Street, S.E., west of 4th Street, S.E., east of Third Street, S.E., and south of Tingey Street, S.E.).

(b) Uses within the arts, design, and creation; entertainment, assembly, and performing arts; and the lodging use groups, subject to an overall cap within the SEFC-3 and SEFC-2 zones of 1.0 FAR maximum;

(c) Medical care;

(d) Institutional, religious based, which may include a parsonage, vicarage, rectory, or Sunday school building, as well as any related programs.

(e) Private club, lodge, fraternity house, sorority house, or dormitory;

(f) Education, private and education, public, including trade school; except a trapeze school as provided in Subtitle K § 238.5;

(g) Temporary parking lot or garage, for a maximum approval period of five (5) years, which may be renewed by the Zoning Commission, as a principal use, located at or above grade;

(h) Solid, freestanding wall and/or security gate exceeding a height of four feet (4 ft.);

(i) Education, college/university;

(j) Daytime care; and

(k) Within the SEFC-3 zone only, office uses, including chanceries.

238.4 Within the SEFC-3 and SEFC-2 zones, "preferred uses" listed in Subtitle K § 236 shall be regulated in accordance with the following criteria:

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

(1) Tingey Street, S.E., west of 4th Street, S.E., and east of 4th Street, S.E., but in the latter case, only along the southern side of Tingey Street, S.E., for a length of fifty feet (50 ft.) minimum as measured from the west exterior facade of any building or structure constructed on the southeast corner of Tingey Street, S.E. and 4th Street, S.E., or

(2) The SEFC-4 Zones;

(b) Where required, preferred uses shall comprise a minimum of seventy-five percent (75%) of the frontage facing Tingey Street, S.E., or the SEFC-4 District, and a minimum of seventy-five percent (75%) of the applicable portion of the gross floor area of the ground floor with a depth of fifty feet (50 ft.) from the exterior facade of the front of the building, not including parking, parking access, mechanical and fire control rooms, and other non-public spaces;

(c) The requirement to provide preferred uses shall not apply to any addition to a building facing onto Tingey Street, S.E. or the SEFC-4 zone if the addition to the building has no frontage facing onto Tingey Street, S.E. or the SEFC-4 zone, but, as allowed pursuant to Subtitle K § 238.4(d), preferred uses may be provided on the ground floor level of such addition;

(d) For Building 160, notwithstanding the requirements noted above, the total amount of preferred use space shall be a minimum of three thousand square feet (3,000 sq. ft.) of space facing Tingey Street, S.E. and a minimum of six thousand square feet (6,000 sq. ft.) of space facing Water Street, S.E., for a total of at least nine thousand square feet (9,000 sq. ft.);

(e) In addition to the locations in which preferred uses are required pursuant to Subtitle K § 238.4(a), preferred uses may be provided on the ground floor level of buildings or structures in other areas within the SEFC-3 and SEFC-2 zones, but are not required. If provided, such preferred use area shall not be required to conform to the requirements of Subtitle K § 238.4(a), (g), (h), and (i). If the bonus density authorized pursuant to Subtitle K § 238.4(e), is used to provide non-required preferred uses, the preferred use area must be dedicated to preferred uses for the life of the building;

(f) The density associated with preferred uses shall be in addition to otherwise permitted density, and shall not exceed 0.5 FAR;

(g) For good cause shown, the Zoning Commission may authorize interim occupancy of the preferred use space required under Subtitle K § 238.4(a) by other uses permitted in the RA-5 zones for up to a five (5) year period; provided that the ground floor space is suitably designed for future occupancy by preferred uses;

(h) Not less than fifty percent (50%) of the surface area of the street wall, including building entrances, of those building frontages dedicated to preferred uses described in Subtitle K § 238.4 shall be devoted to doors or display windows having clear or low emissivity glass;

(i) Preferred uses shall provide direct, exterior access to the ground level; and

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

238.5 A trapeze school and aerial performing arts center may be established and continued as a matter of right in Parcel O until December 31, 2015, during which time no parking shall be required.

238.6 The continuation of the trapeze school and aerial performing arts center use after December 31, 2015 shall require approval by the Zoning Commission in accordance with the standards specified in Subtitle K § 241 and procedures

specified in Subtitle K § 242, and shall include a determination as to whether and what amount of parking should be required.

SOURCE: Final Rulemaking & Order No. 20-13 published at 68 DCR 905 (January 15, 2021).

239 USE PERMISSIONS (SEFC-4)

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

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

(a) Boat construction on an occasional basis by a local community organization;

(b) Community garden operated by a local community organization or District government agency;

(c) Publicly-accessible park or open space, playground, or athletic field, including pedestrian and bicycle trails, necessary support facilities, and fitness circuits;

(d) Public nature education or interpretive center including a boat dock; and

(e) Seasonal or occasional market for produce, arts, and crafts, with non-permanent structures.

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

(a) Boat launching facility, dock, wharf, or pier for use by the general public;

(b) Boat rental facility for non-motorized water vessels;

(c) Cruise line operation, including necessary associated dock and land facilities;

(d) Solid, freestanding wall and/or security gate exceeding a height of four feet (4 ft.), not including structural supports;

(e) Marina, not including floating homes;

(f) Public food concession stand(s)/kiosk(s) which may serve alcoholic drinks, to a maximum gross of three thousand square feet (3,000 sq. ft.);

(g) Water taxi and related facilities, including information/ticket booth and passenger shelter; and

(h) Other publicly-accessible maritime uses normally requiring direct access to the water.

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

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

240 [REPEALED]

241 ZONING COMMISSION REVIEW STANDARDS (SEFC)

241.1 In addition to proving that the proposed uses, buildings, or structures meet the standards set forth in Subtitle X, the applicant for Zoning Commission approval of a use or structure within a SEFC zone shall further demonstrate conformance to the following standards:

(a) The use, building, or structure will help achieve the goals and objectives of the SEFC zone as set forth in Subtitle K §§ 200.2 through 200.7, as applicable;

(b) The proposed building or structure shall be designed with a height, bulk, and siting that provide for openness of view and vistas to and from the waterfront and, where feasible, shall maintain views of federal monumental buildings, particularly along the New Jersey Avenue, S.E. corridor; and

(c) On or above-grade parking adjacent to, or visible from, the street shall be limited. Where parking cannot be placed underground, other uses such as retail or residential shall separate parking areas from the street, or where this is not possible, green landscaping or architectural treatment of façade shall adequately screen parking from the street and adjacent development.

241.2 In evaluating the application, the Zoning Commission also may consider:

(a) Compatibility with buildings in the surrounding area through overall massing, siting, details, and landscaping;

(b) Use of high standards of environmental design that promote the achievement of sustainable development goals;

(c) Façade articulation that minimizes or eliminates the visibility of unarticulated blank walls from public spaces;

(d) Landscaping which complements the building;

(e) For buildings that include preferred uses in accordance with Subtitle K §§ 237 or 238, the Zoning Commission may consider the balance and location of preferred uses;

(f) In connection with its review pursuant to Subtitle K § 238.3, the Zoning Commission may consider the effect of the proposed use on the predominantly residential character of the SEFC-2 and/or SEFC-3 zones;

(g) For development within or adjacent to the SEFC-4 zone, the Zoning Commission may consider whether the project is consistent with the following goals:

(1) Providing a wide variety of active and passive recreational uses;

(2) Encouraging uses that open to, overlook, and benefit the waterfront park; and

(3) Utilizing siting and design of buildings and uses to improve the natural ecology, to illustrate the importance of natural systems, and/or to interpret the historically important maritime context of the site; and

(h) For development on Parcel E, the Zoning Commission may consider the impact of the proposed development on the Navy Yard, including the report and recommendations of the United States Navy made pursuant to Subtitle K § 242.3.

SOURCE: Final Rulemaking & Order No. 08-06A published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 17-12 published at 65 DCR 7200 (July 16, 2018).

242 ZONING COMMISSION REVIEW PROCEDURES (SEFC)

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

242.2 At the time of filing an application with the Zoning Commission, the applicant shall pay the filing fee specified in Subtitle Z, Chapter 16 plus such fees as apply to any additional zoning relief requested.

242.3 At the time of filing an application with the Zoning Commission for design review of development located on Parcel E, any such application shall be referred by the Office of Zoning to the United States Navy for review and report, and shall

specifically request an assessment of the impact of the proposed development on the security and operations of the Washington Navy Yard, as well as recommendations for specific measures to be applied to the development and operation of the proposed project that is the subject of the application.

SOURCE: Final Rulemaking & Order No. 08-06A published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 17-12 published at 65 DCR 7200 (July 16, 2018).

CHAPTER 3 UNION STATION NORTH ZONE - USN

300 GENERAL PROVISIONS (USN)

300.1 The purposes of the USN zone are to:

(a) Implement the Comprehensive Plan by ensuring that development of the air rights is not inconsistent with the goals and policies of the Comprehensive Plan including:

(1) Creation of a catalytic development that would provide an active streetscape connection between neighborhoods west of the railroad tracks and east of the railroad tracks;

(2) Infill of an underutilized property near a multi-modal transportation hub with the provision of a mix of high density commercial and residential uses; and

(3) Preservation and enhancement of Union Station, and general economic development of the North of Massachusetts Avenue (NoMa) area and the District of Columbia;

(b) Reconnect the District of Columbia by creating an urban fabric that will reconnect the H Street commercial corridor to the east, North Capitol Street to the west, NoMa to the north and west, and Union Station to the south;

(c) Provide a suitable visual relationship to surroundings by ensuring the provision of exemplary architecture for any building in the USN zone, and encouraging upper story setbacks and minimized penthouses;

(d) Improve the character of H Street by establishing H Street, N.E., between 1st and 2nd Streets, N.E., as an attractive, active, pedestrian-oriented street with active ground floor uses and a varied façade;

(e) Utilize transportation infrastructure by facilitating development that would take advantage of Union Station's unique combination of local, regional and national investment in pedestrian, bicycle, rail transit, bus transit, and intercity rail infrastructure, and ensuring that development complements and allows the expansion and enhancement of the transportation infrastructure;

(f) Establish a mix of uses throughout the USN zone including residential and retail, as well as office, hotel, and other permitted uses; and

(g) Create a walkable environment by requiring suitable ground floor uses, appropriate building design and appropriate site layout, including wide sidewalks.

300.2 The USN zone is created to implement the Comprehensive Plan and other public policy goals and objectives.

300.3 The USN zone recognizes the unique characteristics and development constraints of the site and provides for appropriate, site specific methods for the measurement of height and density.

300.4 The USN zone shall constitute the Zoning Regulations for the geographic area referred to in Subtitle W § 119.1. Where there are conflicts between this chapter and other chapters or subtitles of this title, the provisions of the USN Zone shall govern.

300.5 When used in this chapter, the term "transportation way" means any piece of infrastructure, the intent of which is to convey people or goods from one (1) place to another. Examples include, but are not limited to, sidewalks, stairs, elevators, fixed guideways for transit, and streets. Transportation ways may be either on, above or below ground, and may be either publicly or privately-owned. Transportation ways do not include internal components of any portion of a building.

300.6 The land and the volume of space below the air rights lots shall not be zoned USN. Development will occur on top of a structural platform that will span the railroad tracks underneath.

300.7 The USN zone shall not be applied to any lot located on the ground or any air rights lot outside of the boundaries described in Subtitle W § 119.1.

301 INCLUSIONARY ZONING

301.1 Inclusionary zoning requirements for the USN zone are as specified in Subtitle C, Chapter 10.

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

302 [RESERVED]

303 THE PLATFORM (USN)

303.1 The buildings to be erected within the USN zone will be supported by two (2) platforms erected above the existing railroad tracks and separated by H Street, N.E. (the platform or platforms).

303.2 The platforms will be generally horizontal structures that provide support for the new surface area, above the railroad tracks, on which development will be built.

303.3 In addition to providing structural support, the platforms may house mechanical equipment, parking and loading areas, and non-residential, residential, retail, and arts uses permitted by Subtitle K § 313, as well as utilities and rail-related uses.

303.4 Structures below the grade of the railroad tracks and generally vertical, above-grade columns and structures will support the Platforms (collectively foundation systems). The term "platform" or "platforms", when used in this chapter, does not include foundation systems or any station and rail-related functions or facilities that are constructed below the platforms on the subjacent lots.

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

304 SINGLE BUILDINGS AND BUILDING UNITS (USN)

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

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

305 HEIGHT (USN)

305.1 The maximum permitted building height, not including the penthouse, shall not exceed one hundred thirty feet (130 ft.), except that:

(a) The maximum permitted building height, not including the penthouse, of any portion of a building or structure that is both north of the centerline of Eye Street and east of a north-south line located two hundred feet (200 ft.) west of the eastern boundary of Lot 7002 in Square 717 shall not exceed ninety feet (90 ft.);

(b) Within the area defined in Subtitle K § 305.1(a), a building height of greater than ninety feet (90 ft.) and no more than one hundred ten feet (110 ft.) shall be permitted if reviewed and approved by the Zoning Commission pursuant to the procedures set forth in Subtitle K §§ 315 and 317, and subject to the following:

(1) The Zoning Commission will make a preliminary decision whether to approve the additional height as part of its Stage 1 review;

(2) The preliminary approval will become final unless modified or disapproved during the Stage 2 review;

(3) In making its decision, the Zoning Commission shall consider the design review criteria set forth in Subtitle K §§ 323.1(b), 323.1(d), 323.1(g), 325.1(b), and 325.1(h);

(4) The Zoning Commission must find that the building unit or units located within the defined area exhibit exceptional architectural quality; and

(5) The Zoning Commission may require upper story setbacks or other design modifications that it deems necessary;

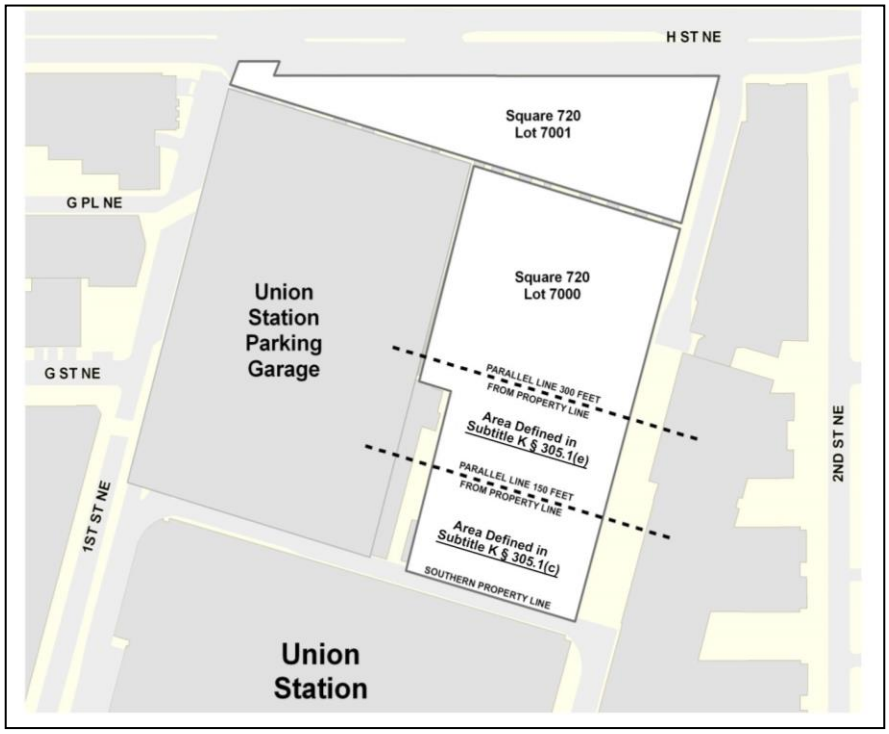
(c) The maximum permitted building height, not including the penthouse, of any portion of a building or structure that is both north of the southern property line of Lot 7000 in Square 720 and south of a parallel line one hundred fifty feet (150 ft.) from the southern property line (as that area is depicted in Figure K § 305.1) shall not exceed ninety feet (90 ft.);

(d) Within the area defined in Subtitle K § 305.1(c), a building height of greater than ninety feet (90 ft.) and no more than one hundred ten feet (110 ft.) shall be permitted if reviewed and approved by the Zoning Commission pursuant to the procedures set forth in Subtitle K §§ 315 and 317, and subject to the criteria of Subtitle K §§ 305.1(b)(1) through 305.1(b)(5);

(e) The maximum permitted building height, not including the penthouse, of any portion of a building or structure that is both north of a line parallel to and one hundred fifty feet (150 ft.) from the southern property line of Lot 7000 in Square 720 and south of a parallel line three hundred feet (300 ft.) from the southern property line (as that area is depicted in Figure K § 305.1) shall not exceed one hundred ten feet (110 ft.); and

(f) Within the area defined in Subtitle K § 305.1(e), a building height of greater than one hundred ten feet (110 ft.) and no more than one hundred thirty feet (130 ft.) shall be permitted if reviewed and approved by the Zoning Commission pursuant to the procedures set forth in Subtitle K §§ 315 and 317, and subject to the criteria of Subtitle K §§ 305.1(b)(1) through 305.1(b)(5).

FIGURE K § 305.1



305.2 The measurement of building height shall be taken from the elevation of the sidewalk on H Street at the middle of the front of the building, to the highest point of the roof or parapet rather than from grade as would otherwise be required by Subtitle B § 307.1.

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

SOURCE: Final Rulemaking & Order No. 08-06A published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 17-18 published at 65 DCR 8555 (August 17, 2018); Final Rulemaking & Order No. 08-06P published at 65 DCR 11927 (October 26, 2018).

306 PENTHOUSES (USN)

306.1 Penthouses shall be subject to the regulations of Subtitle C, Chapter 15, and the height and story limitations specified in Subtitle K § 306.2.

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

307 MAXIMUM FLOOR AREA RATIO – SINGLE BUILDING (USN)

307.1 The maximum density for any single building in the USN zone shall be 6.5 FAR, which shall be computed in accordance with Subtitle K § 309.

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

308.1 The maximum non-residential FAR for the entire USN zone is 5.5.

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

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

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

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

309 COMPUTATION OF FAR (USN)

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

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

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

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

309.5 Lot area shall not include private rights-of-way that generally serve the principal entrances to building units, including the fourteen foot (14 ft.) minimum sidewalk width required by Subtitle K § 321.1(d).

309.6 Notwithstanding Subtitle K § 309.5, lot area shall include private rights-of-way that generally provide access to service, loading or automobile parking areas, as well as sidewalk area beyond the fourteen foot (14 ft.) minimum width required by Subtitle K § 321.1(d).

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

309.8 The matter-of-right density permitted in Subtitle K §§ 307 and 308 shall serve as the maximum permitted density for a PUD.

310 BICYCLE PARKING (USN)

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

TABLE K § 310.1: MINIMUM BICYCLE PARKING SPACES

Type of use	Indoor Spaces	Outdoor spaces
Residential	1 for every 3 units	1 for every 20 units, with a minimum of 2
Non-residential	1 for every 10,000 sq. ft. of gross floor area, with a minimum of 2	1 for every 40,000 sq. ft. of gross floor area, with a minimum of 2
Retail/service	1 for every 10,000 sq. ft. of gross floor area, with a minimum of 2	1 for every 5,000 sq. ft. of gross floor area, with a minimum of 2

310.2 All bicycle parking spaces shall be well lit and provide convenient access to the uses they are intended to serve.

310.3 Outdoor spaces may be provided in public space subject to the approval of the District Department of Transportation (DDOT).

310.4 All required bicycle parking spaces shall be a minimum of two feet (2 ft.) in width and six feet (6 ft.) in length.

310.5 An aisle five feet (5 ft.) in width shall be provided between rows of bicycle parking spaces and the perimeter of the area devoted to bicycle parking.

310.6 If a room or common locker not divided into individual spaces is used to meet these requirements, twelve square feet (12 sq. ft.) of floor area shall be considered the equivalent of one (1) bicycle parking space. Where manufactured metal lockers or racks are provided, each locker or stall devoted to bicycle parking shall be counted as one (1) bicycle parking space.

310.7 Signs shall be posted stating where bicycle parking spaces are located in each building or structure where bicycle parking spaces are required. The signs shall be located in a prominent place at each entrance to the building or structure. The sign shall have a white background with black lettering that is no less than two inches (2 in.) in height.

311 OFF STREET AUTOMOBILE PARKING (USN)

311.1 The provisions of Subtitle C, Chapter 7 do not apply to the USN zone.

311.2 There shall be no minimum number of automobile parking spaces required in the USN zone.

311.3 No lease or purchase agreement for a dwelling unit may include within its terms the sale or lease of an automobile parking space.

311.4 Automobile parking spaces need not be located on the same lot with the building or building unit they are intended to serve, but must be located on a lot within the USN zone.

312 LOADING (USN)

312.1 Loading shall be provided as required in Subtitle C, Chapter 9.

312.2 The Zoning Commission may, as a special exception, permit the reduction, elimination, relocation, or consolidation of loading facilities, provided that the applicant demonstrates that:

(a) The proposed number of loading facilities will be adequate to serve the related uses;

(b) The loading facilities are designed such that loading and unloading of service vehicles would be accomplished without the need to move goods and materials across public areas;

(c) The proposed loading facilities would not tend to affect adversely other modes of transportation using the adjacent public or private transportation way;

(d) The proposed loading facilities would not tend to affect adjacent properties adversely; and

(e) The Zoning Commission may impose conditions as to screening, lighting, coping, setbacks, fences, location of entrances and exits, widening of abutting transportation ways, or any other requirement it deems necessary to protect the adjacent property and the safety and function of other modes of travel.

313 USE PERMISSIONS (USN)

313.1 Use permissions, including uses permitted as a matter of right, as a special exception, and as an accessory use, and uses not permitted shall be in accordance with the MU-Use Group F of Subtitle U, Chapter 5 and Arts uses of Subtitle U, Chapter 7.

314 GROUND FLOOR AREAS REQUIRED TO BE DEVOTED TO PREFERRED USES (USN)

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

(a) Arts, design, and creation;

(b) Entertainment, assembly, and performing arts;

(c) Eating and drinking establishments;

(d) Retail;

(e) Service, general; and

(f) Any arts use listed in Subtitle U, Chapter 7, other than the uses listed in Subtitle U § 700.1(g), the design use category.

314.2 Uses in the category service, financial may meet the requirement of Subtitle K § 314.1, subject to the following limitations:

(a) Service, financial uses shall occupy no more than one hundred (100) total linear feet of ground floor H Street frontage; and

(b) Service, financial uses shall occupy no more than fifty feet (50 ft.) of ground floor H Street frontage in any one (1) building unit.

314.3 No single commercial occupancy shall occupy more than one hundred (100) total linear feet of ground floor H Street frontage.

314.4 The entire ground floor of all building units shall have a minimum slab to slab height of fourteen feet (14 ft.), except for those spaces within the ground floor of any building unit devoted to the following uses: mechanical, electrical, and plumbing; storage; fire control; loading; retail corridors; and service corridors.

315 ZONING COMMISSION REVIEW – GENERAL (USN)

315.1 Due to the unique nature of the USN zone, all proposed buildings, structures, or any proposed exterior renovation to any existing buildings or structures that would result in an alteration of the exterior design, as well as any associated open spaces such as parks or plazas, shall be subject to review and approval by the Zoning Commission in accordance with the following provisions. No review or approval by the Zoning Commission is required for construction of foundation systems within the USN zone.

315.2 Subtitle K §§ 316 and 317 describe the following types of Zoning Commission reviews:

(a) Master plan;

(b) Stage 1;

(c) Stage 2; and

(d) Consolidated.

315.3 Any application must be signed by the owner of the subject air rights lot, but need not be signed by the owner of the subjacent lots, even if a portion of the platform extends into the air space below the level of the air rights lot.

316 ZONING COMMISSION REVIEW – MASTER PLAN (USN)

316.1 Prior to or together with either the first-stage 1 or the first consolidated application submitted pursuant to this chapter, the applicant shall submit for review and approval by the Zoning Commission a master plan for the entire USN zone.

316.2 A master plan review will examine, for the entire USN zone, the dimensions and locations of transportation ways and the general locations of open spaces and building sites, in accordance with the review criteria of Subtitle K § 321.

316.3 A master plan shall be determined by the Zoning Commission to be not inconsistent with the Comprehensive Plan, to generally further the purposes of the USN zone and to be acceptable in all the review criteria of Subtitle § K 321.

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

316.5 An applicant must return to the Zoning Commission for review and approval of stage 1 and stage 2 applications or a consolidated application prior to applying for a building permit or beginning construction of any portion of the approved master plan application.

317 ZONING COMMISSION REVIEW – STAGE 1, STAGE 2, AND CONSOLIDATED APPLICATIONS (USN)

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

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

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

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

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

317.6 A stage 1, stage 2, or consolidated application shall be determined by the Zoning Commission to be not inconsistent with the Comprehensive Plan, not inconsistent with the approved master plan, to provide for a mix of uses, to be acceptable in all other applicable review criteria as set forth in Subtitle K §§ 323 and 325, to generally further the purposes of the USN zone, and to comply with all other requirements of this chapter.

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

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

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

318 COMMUNITY REVIEW (USN)

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

319 AGENCY REVIEW (USN)

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

320 MASTER PLAN SUBMITTAL REQUIREMENTS (USN)

320.1 An applicant requesting approval of a master plan application shall provide:

(a) A written description of the proposal, including a description of how the master plan review criteria are met; and

(b) A plan or plans encompassing the entire USN zone and showing:

(1) The location and dimensions of private rights-of-way and alleys;

(2) The lot areas to be used for FAR calculations, both for the entire USN zone as well as the north and south buildings, pursuant to Subtitle K § 309;

(3) The general locations of plazas, parks, or other open spaces;

(4) The general locations of sites for future building units; and

(5) Any other information needed to understand the project.

321 MASTER PLAN REVIEW CRITERIA (USN)

321.1 The following criteria are applicable to master plan applications:

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

(b) External Connectivity – The master plan shall provide the opportunity for pedestrian connections in appropriate and feasible locations to surrounding

development and surrounding neighborhoods including Union Station, NoMa west of the railroad tracks, and northern Capitol Hill;

(c) Private Rights-of-Way Width – To facilitate pedestrian and bicycle movement, the curb-to-curb width of private rights-of-way shall not be excessively large;

(d) Sidewalk Width – The width of sidewalks along private rights-of-way that generally serve the principal entrances to building units shall not be less than fourteen feet (14 ft.); and

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

322 STAGE 1 SUBMITTAL REQUIREMENTS (USN)

322.1 An applicant requesting approval of a stage 1 review application shall provide:

(a) A written description of the proposal, including a description of how the applicable review criteria are met;

(b) Site plans, elevations, renderings, photographic simulations, aerial axonometric massing diagrams, or any other suitable materials necessary to describe the project;

(c) For any building unit located south of H Street, N.E., ground-level view studies from multiple vantage points showing the relationship between the proposed building unit and Union Station;

(d) A circulation plan, including the location of all transportation ways, off-street parking spaces and loading berths, including an indication of which spaces are designated for which use, and a reasonable numerical range of the number of parking spaces to be provided. The circulation plan shall show how the design facilitates north-south bicycle movement through the site and to areas outside the site, including the Metropolitan Branch Trail;

(e) The area and dimensions of the application site;

(f) The gross floor area and floor area ratio for each building unit, including a break-down for each use, and the total gross floor area and floor area ratio for the building, including a breakdown for each use;

(g) A comprehensive transportation assessment for the development under consideration, addressing pedestrian, bicycle, transit, and automobile capacity and circulation;

(h) Estimated quantities of potable water required by the project, and of sanitary sewage and storm water to be generated, including the methods of calculating those quantities; and

(i) Any other information needed to understand the project.

323 STAGE 1 REVIEW CRITERIA (USN)

323.1 The following criteria are applicable to stage 1 applications:

(a) External Connectivity – The development shall provide pedestrian connections in appropriate and feasible locations to surrounding development and surrounding neighborhoods including Union Station, NoMa west of the railroad tracks, and northern Capitol Hill. The application shall indicate the location of all such proposed connections. Connections are especially encouraged near the intersection of 1st and K Streets, N.E., 2nd and K Streets, N.E., and 2nd and Eye Streets, N.E.;

(b) Building Unit Heights and Visual Relationship to Surroundings – A suitable height for each building unit and appropriate massing relationship between proposed building units and adjacent neighborhoods, Union Station and other historic landmarks, and the Federal precincts near the Capitol and the Supreme Court shall be provided, with particular attention paid to the eastern portion of the property north of Eye Street, N.E. The application shall also generally indicate what types of materials would be used on the portions of the exterior of the platforms constructed pursuant to Subtitle K § 317.8 that would be visible to the public;

(c) Transportation Hierarchy – The movement of pedestrians, bikes and transit shall be prioritized, and provide reasonable accommodation for automobiles. The location of parking and loading access shall not unduly impact the movement of pedestrians and bicyclists;

(d) Division of Building Form – Monolithic buildings or the creation of excessively large building blocks shall be avoided. Building unit massing and orientation should reflect the pattern of other development in the District of Columbia;

(e) Publicly Accessible Space – Any public space provided such as streets, parks or plazas shall be easily visible and publicly accessible;

(f) Mix of Uses – The application shall demonstrate how the proposal contributes to an overall mix of uses in the USN zone;

(g) Impacts on Surroundings – The proposed development shall not tend to substantially affect nearby properties adversely due to obstruction of light or air or because of noise, odors, or other impacts on air quality, including

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

(h) Building Livability – The vibration and noise caused by the movement of trains under residential buildings shall be mitigated; and

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

324 STAGE 2 SUBMITTAL REQUIREMENTS (USN)

324.1 An applicant requesting approval of a stage 2 review application shall provide:

(a) Information required in Subtitle K §§ 322.1(a) through (f);

(b) Elevations, detail drawings, renderings, or other graphics that clearly demonstrate the proposed architectural details, signage, materials to be used, and the lighting scheme for the building units;

(c) Typical floor plans and sections that show the location of uses, access to uses, points of fenestration, general internal circulation, projections and any other feature necessary to understand the project, and a table showing the floor area of each use;

(d) A detailed landscaping plan;

(e) A list of environmental features and characteristics of the development; and

(f) Any other information needed to understand the overall architectural character of the project.

325 STAGE 2 REVIEW CRITERIA (USN)

325.1 The following criteria are applicable to stage 2 applications:

(a) External Connectivity – External connections shall provide adequate size, materials, lighting and signage to move users easily and safely;

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

(c) Active Entrances to Building Units – Public and publicly accessible areas such as sidewalks, parks, and plazas shall be activated through the use of operational entrances to retail, office, residential, and other uses;

(d) Visual Façade Permeability – Where there are no operational entrances to uses, design of structures fronting on public and publicly accessible areas shall incorporate windows. Or, where windows are not appropriate, unarticulated blank walls shall be minimized to the extent possible;

(e) Environmental Stewardship – A high degree of environmental stewardship shall be demonstrated. Characteristics may include, but not be limited to, the following:

(1) Onsite energy generation;

(2) Rainwater harvesting;

(3) Green roofs, including green spaces on the upper surface of the platforms;

(4) Other landscaping on the upper surface of the platforms such as rainwater capturing tree boxes;

(5) Use of native species, drought-tolerant species, adequate planting depth, and efficient irrigation in landscaping;

(6) Use of efficient plumbing fixtures and fittings, enhanced insulation, and cool roofing;

(7) Use of environmentally friendly products in construction and operation;

(8) Natural lighting, including large windows, light wells, skylights, and daylight penetration to railroad facilities below the platforms;

(9) Natural ventilation, including balconies, terraces, operable windows, and vent shafts;

(10) Minimizing construction waste; or

(11) Facilitation of transit usage by allowing and/or constructing improved access to transit facilities and interconnections between transit modes;

(f) Private Open Space – Residential uses shall incorporate private open space such as balconies and terraces for individual units where practical and architecturally compatible;

(g) Design of Open Spaces – Public and private open spaces shall incorporate shaded areas and adequate seating capacity;

(h) Light and Air – Adequate light and air shall be provided to all building units in the USN zone;

(i) Parking Access – Convenient access shall be provided from any parking provided to the uses it is intended to serve; and

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

326 ASSOCIATED RELIEF (USN)

326.1 Relief from any section of this chapter may be heard and decided by the Zoning Commission as a special exception in accordance with Subtitle X, Chapter 9. The applicant shall also demonstrate that the purposes of the USN Zone would be met if the relief were granted.

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

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

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

327 TIMEFRAME FOR APPROVAL (USN)

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

328 MINOR MODIFICATIONS (USN)

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

CHAPTER 4 HILL EAST ZONES - HE-1 THROUGH HE-4

400 GENERAL PROVISIONS (HE)

400.1 The purposes of the Hill East (HE) zones (HE-1 through HE-4) are to:

(a) Connect and integrate Reservation 13 with adjacent neighborhoods, and the new waterfront park along the Anacostia River;

(b) Utilize the site to meet a diversity of public needs, including health care, education, employment, government services and administration, retail, recreation, and housing;

(c) Extend the existing pattern of local streets to and through the site to create simple, well-organized city blocks and appropriately scaled development;

(d) Maintain a human-scale of building heights that match existing neighborhood buildings and increase in height as the site slopes downward to the Anacostia waterfront;

(e) Connect the Hill East neighborhood and the city at large to the waterfront via tree-lined public streets, recreational trails, and increased access to waterfront parklands;

(f) Demonstrate environmental stewardship through environmentally-sensitive design, ample open spaces, and a waterfront park that serve as public amenities and benefit the neighborhood and the city;

(g) Promote the use of mass transit by introducing new uses near Metro stations, and create an environment where the pedestrian, bicycle, and auto are all welcome, complementary, and unobtrusive, reducing the impact of traffic on adjacent neighborhood streets;

(h) Limit the Central Detention Facility and the Correction Treatment Facility to areas south of Massachusetts Avenue; and

(i) Create attractive "places" of unique and complementary character including:

(1) A new, vital neighborhood center around the Metro station at C and 19th Streets that serves the unmet neighborhood commercial needs of the community and extends to the waterfront with a new residential district;

(2) Massachusetts Avenue as a grand Washington 'boulevard' in the tradition of the L'Enfant plan;

(3) A district for city-wide uses and services, such as health care, education, and recreation along Independence Avenue; and

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

400.2 The HE zones shall constitute the Zoning Regulations for the geographic area referred to in Subtitle K §§ 400.7 and 400.8. Where there are conflicts between this chapter and other parts of the Zoning Regulations, the provisions of this chapter shall govern.

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

(a) The cost basis for alterations or additions to an existing building shall be the amount indicated by the applicant on the application for a building permit; and

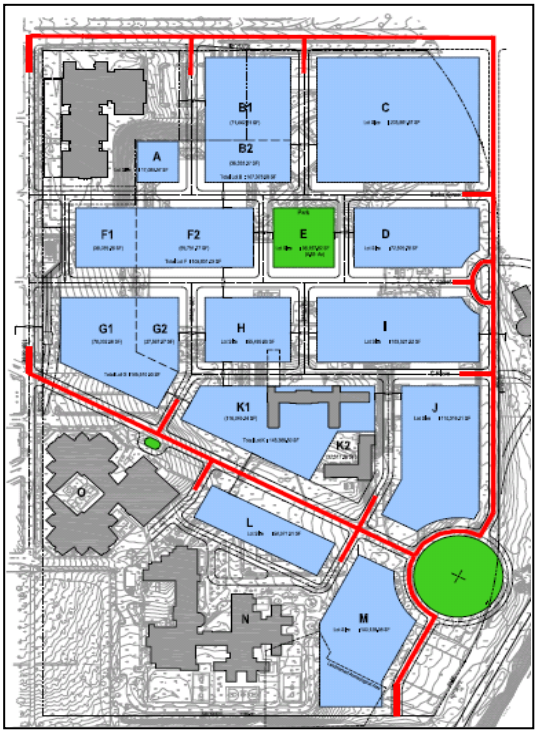
(b) In the case of an addition, the requirements and incentives of this chapter apply only to the addition.

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

400.5 For the purposes of this chapter, the terms:

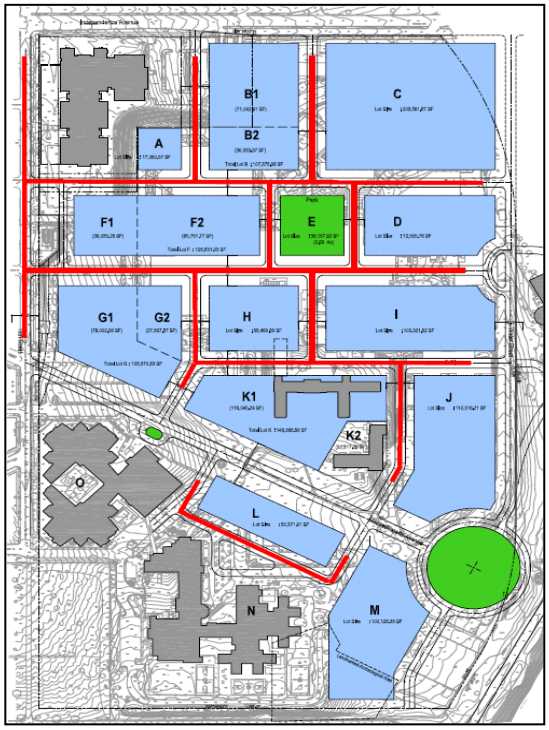
(a) "Primary street" shall mean Independence Avenue, Massachusetts Avenue, and Water Street; and

FIGURE K § 400.5(a): PRIMARY STREET FRONTAGES



(b) "Secondary street" shall refer to 19th Street, 20th Street, 21st Street, Burke Street, C Street, and C Place.

FIGURE K § 400.5(b): SECONDARY STREET FRONTAGES



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

400.7 The HE zones are divided into the following four (4) zones for the purpose of lot occupancy, floor area ratio (FAR) and building height:

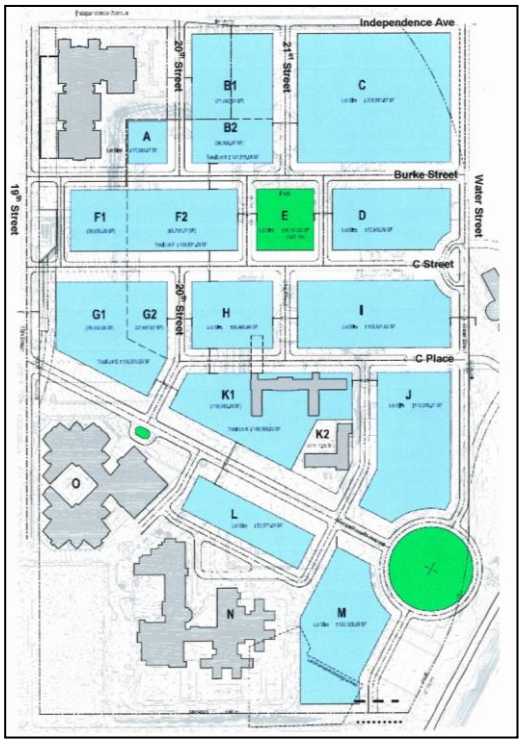
(a) HE-1 (19th Street), which includes squares with frontage onto 19th Street, between Independence Avenue, and Massachusetts Avenue;

(b) HE-2 (20th Street), which includes squares with frontage on 20th Street;

(c) HE-3 (Water Street), which includes squares with frontage on Water Street; and

(d) HE-4 (Corrections), which includes Squares N and O.

FIGURE K § 400.7: HE ZONES



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

401 DEVELOPMENT STANDARDS (HE)

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

401.2 In addition to the development standards set forth in this subtitle, additional general regulations relevant to this subtitle can be found in Subtitle C.

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).

402 DENSITY – FLOOR AREA RATIO (FAR) (HE)

402.1 The maximum permitted FAR of buildings in HE zones shall be given in the following table:

TABLE K § 402.1: MAXIMUM PERMITTED FAR

HE Sub-district	Maximum FAR
HE-1 (19th St.)	3.0
HE-2 (20th St.)	4.8
HE-3 (Water St.)	7.2
HE-4 (Corrections)	6.0
Square E (Park)	0.2

402.2 The following density limitations on non-residential uses apply within the HE zones, but only in the squares listed below:

TABLE K § 402.2: MAXIMUM FAR FOR NON-RESIDENTIAL USES

Square	Maximum Non-residential FAR
F	0.8
G	1.0
H	0.5
I	3.0

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

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

403 HEIGHT (HE)

403.1 The maximum permitted building height and number of stories, not including the penthouse, in HE shall be given in the following table:

TABLE K § 403.1: MAXIMUM PERMITTED HEIGHT AND STORIES

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

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

403.2 Building height shall be measured from the lowest curb level along a street frontage abutting the lot.

403.3 A hospital located in the HE-2 zone may exceed eighty feet (80 ft.) in height, to a maximum of one hundred ten feet (110 ft.), if approved as a special exception by the Zoning Commission pursuant to Subtitle K § 416.

403.4 Penthouses shall be subject to the regulations of Subtitle C, Chapter 15 and the height and story limitations specified in Subtitle K § 403.5.

403.5 The maximum permitted height of a penthouse, except as prohibited on the roof of a detached dwelling, semi-detached dwelling, rowhouse, or flat in Subtitle C §1500.4, shall be as set forth in the following table:

TABLE K § 403.5: MAXIMUM PERMITTED PENTHOUSE HEIGHT AND STORIES

ZONE DISTRICT	Maximum Penthouse Height	Maximum Penthouse Stories
HE-1	12 ft. except 15 ft. for penthouse mechanical space	1; second story permitted for penthouse mechanical space
HE-2	20 ft.	1; second story permitted for penthouse mechanical space
HE-3, HE-4	20 ft.	1 plus mezzanine; second story permitted for penthouse mechanical space

403.6 The matter of right height shall serve as the maximum permitted height, penthouse height, and floor area ratio for a PUD.

404 LOT OCCUPANCY (HE)

404.1 The maximum permitted lot occupancy in the HE zones shall be given in the following table:

TABLE K § 404.1: MAXIMUM PERMITED LOT OCCUPANCY

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

405 SETBACKS (HE)

405.1 Buildings or structures in the HE zones that abut the HE-1 zone shall provide a twelve foot (12 ft.) setback from the zone boundary line for any part of the building or structure that exceeds fifty feet (50 ft.) in height.

405.2 Buildings or structures in the HE zones that abut the HE-2 zone, or have street frontage on Burke Street, C Street, C Place, or Massachusetts Avenue, shall provide a twelve foot (12 ft.) setback for any part of the building that exceeds eighty feet (80 ft.) in height.

405.3 The portion of Square A devoted to St. Coletta's School shall be subject to Zoning Commission Order No. 03-21.

406 REAR YARD (HE)

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

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

(a) The building's rear wall faces a wall of a residential building;

(b) The distance between the rear wall of the non-residential building and a wall of the residential buildings is forty feet (40 ft.) or less; and

(c) A window located on the non-residential building's rear wall would afford a direct view into the interior of the residential building through one (1) or more of the latter's windows.

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

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

406.5 When the residential portion of a building begins at or below grade, the building shall provide a rear yard with a minimum depth of three inches (3 in.) per 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, but not less than twelve feet (12 ft.).

406.6 When the residential portion of a building begins above grade, the building shall provide a rear yard with a minimum depth of three inches (3 in.) per one foot (1 ft.) of vertical distance from the horizontal plane at which the residential use begins to the highest point of the main roof, but not less than twelve feet (12 ft.).

The rear yard shall be provided at and above the horizontal plane at which residential use begins.

407 SIDE YARD (HE)

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

408 PARKING, LOADING, AND VEHICLE ACCESS (HE)

408.1 Parking requirements for the HE zones are as specified in Subtitle C.

408.2 Bicycle parking requirements for the HE zones are as specified in Subtitle C.

408.3 Loading requirements for the HE zones are as specified in Subtitle C.

408.4 Loading berths shall not front onto a primary or secondary street.

408.5 No driveway or garage entrance providing access to parking or loading areas shall be permitted from a primary or secondary street.

408.6 Driveways or garage entrances shall not be located closer than forty feet (40 ft.) from the intersection of an alley and secondary street as measured from the intersection of the curb lines extended.

408.7 A garage shall be set back at least twelve feet (12 ft.) from the center line of an alley.

408.8 Exceptions from the prohibitions and limitations of this section, except those that pertain to use,) shall be permitted if approved by the Zoning Commission pursuant to Subtitle X, Chapter 9, provided the applicant demonstrates that:

(a) There is no practical alternative means of serving the parking, loading, or drop-off needs of the building to be served by the proposed driveway or garage entrance;

(b) The driveway or garage entrance will not impede the flow of pedestrian traffic; and

(c) The driveway or garage entrance is not inconsistent with the DDOT landscape plans for the public rights of way in the Hill East Waterfront area, to the extent that such plans exist at the time of the special exception application.

409 ZONING COMMISSION REVIEW (HE)

409.1 The Zoning Commission shall review the design of all new buildings, or additions to existing buildings for consistency with the design guidelines set forth at

Subtitle K §§ 419 through 421 and with the purposes as stated in Subtitle K § 400 of this chapter.

409.2 For good cause shown, the Zoning Commission, in its discretion, may waive one (1) or more of the design standards set forth in Subtitle K §§ 417 through 419.

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

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

410 USE PERMISSIONS (HE)

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

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

410.3 The following uses are permitted in the HE zones:

(a) Agriculture, residential;

(b) Arts, design and creation;

(c) Community-based institutional facility uses are permitted subject to the following provisions:

(1) The uses shall not house more than six (6) persons, not including resident supervisors or staff and their families;

(2) A use which houses seven (7) to fifteen (15) persons, not including resident supervisors or staff and their families, is permitted, provided that there shall be no property containing an existing community-based institutional facility for seven (7) or more persons either in the same square or within a radius of five hundred feet (500 ft.) from any portion of the subject property; and

(3) A community based residence facility not meeting these criteria may be approved by special exception in accordance with Subtitle K § 412.1;

(d) Community solar facility, subject to the following conditions:

(1) Roof-mounted solar array of any size; or

(2) Ground-mounted solar array, subject to the following requirements:

(A) Measures no greater than twenty feet (20 ft.) in height;

(B) Has an aggregate panel face area of one-and-one half (1.5) acres or less;

(C) Meets the yard and height development standards of the zone; and

(D) Where the panels are sited no less than forty feet (40 ft.), including any intervening street or alley, from an adjacent property in the R, RF, or RA-1 zone.

(e) Daytime care;

(f) Eating and drinking establishments subject to the following conditions:

(1) A drive-through, fast food restaurant or food delivery service shall not be permitted; and

(2) Carry-out services shall be limited to those that are customarily accessory to the eating or drinking establishment;

(g) Emergency shelter uses are permitted by-right provided that the use may not house more than four (4) persons, not including resident supervisors or staff and their families;

(h) Entertainment, assembly, and performing arts;

(i) Government, local;

(j) Lodging;

(k) Office;

(l) Parks and recreation;

(m) Residential;

(n) Retail; and

(o) Service, general and financial.

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. 19-04 published at 66 DCR 12137 (September 13, 2019).

411 PREFERRED USES (HE)

411.1 For the purposes of the HE zones, preferred uses shall include retail, entertainment, assembly, and performing arts, and service uses.

412 USES PERMITTED BY SPECIAL EXCEPTION (HE)

412.1 The following uses shall be permitted as a special exception if approved by the Board of Zoning Adjustment under Subtitle X, subject to Subtitle K § 413 and any applicable provisions of this section:

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

(1) The use shall be located only on Squares A, B, C, and/or K;

(2) The use shall comply with the height, floor area ratio and lot occupancy standards of each respective square; and

(3) The use shall meet the requirements of Subtitle X, Chapter 1;

(b) A community-based institutional facility not meeting the matter-of-right conditions of Subtitle K § 410 as follows:

(1) Residential uses for nine (9) to fifteen (15) persons, not including resident supervisors or staff and their families;

(2) Community-based institutional facility for one (1) to fifteen (15) persons, not including resident supervisors or staff and their families; and

(3) Additions to or replacement of the Central Detention Facility and the Correction Treatment Facility, provided:

(A) Any addition or replacement to the facilities shall be located only on Squares N and O; and

(B) The application shall include a detailed plan for the facilities and accessory facilities, showing the location, height, and bulk of all improvements, including but not limited to buildings, parking and loading facilities, screening, signs, and utility facilities;

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

(d) Community solar facility not meeting the requirements of Subtitle K § 410.3(d), subject to the following:

(1) Provision of a landscaped area at least five feet (5 ft.) wide facing public space, residential use, or parks and recreation use, regardless of zone, that:

(A) Maintains as many existing native trees as possible;

(B) Includes a diverse mix of native trees, shrubs, and plants, and avoids planting a monoculture;

(C) Ensures all trees measure a minimum of six feet (6 ft.) in height at the time of planting; and

(2) The Application, including the landscape plan, shall be referred to the District Department of Energy and Environment for review and report; and

(e) Emergency shelter uses for five (5) to fifteen (15) persons, not including resident supervisors or staff and their families;

(f) Fast food establishment or food delivery business subject to the following conditions:

(1) The use shall not include a drive-through;

(2) The use shall be designed and operated so as not to become objectionable to neighboring properties because of noise, sounds, odors, lights, hours of operation, or other conditions;

(3) There shall be adequate facilities to allow deliveries to be made and trash to be collected without obstructing public rights-of-way or unreasonably obstructing parking spaces, aisles, or driveways on the site; and

(4) The Zoning Commission may impose conditions pertaining to design, screening, lighting, soundproofing, off-street parking

spaces, signs, method and hours of trash collection, or any other matter necessary to protect adjacent or nearby property;

(g) Health care uses:

(1) A hospital use may be located only on Square B and/or C subject to the design conditions of this chapter and provided that:

(A) Need of the facility is demonstrated through a certificate of need, including a review and report by the Department of Human Services on the need for the facility and on the ability of the specific design of the facility to meet that need; and

(B) There is a detailed plan for the facility and accessory buildings, showing the location, height, and bulk of all improvements, including but not limited to buildings, parking and loading facilities, screening, signs, capacities of the various facilities, and public utility facilities; and

(2) A skilled care facility or intermediate nursing care facility under the Health Care Facilities and Community Residence Regulations;

(h) Parking uses, subject to the following conditions:

(1) Parking in above grade structures, provided:

(A) Structures shall not directly front onto a primary or secondary street,

(B) Preferred uses, as defined in Subtitle K § 411, shall occupy the ground floor to a minimum depth of thirty (30) feet to separate parking areas from the primary or secondary street; and

(C) Upper floors shall be separated from a primary or secondary street by commercial or residential uses; and

(2) New or expanded at-grade surface parking lots accessory to an existing use or building for a period of five (5) years which may be renewed a maximum of two (2) times; and

(i) Private school, including residences for teachers and/or staff, subject to the following conditions:

(1) The use shall be located only on Squares A, B, C, and/or K;

(2) The use shall comply with the height, floor area ratio and lot occupancy standards of each respective square; and

(3) The use shall meet the requirements of Subtitle X, Chapter 1;

(j) Utility (basic) uses and supporting infrastructure facilities, such as an electrical substation, natural gas regulator station, pump station, telecommunications facility, or any co-generation facility. Additional setbacks and screening requirements may be required as the Board of Zoning Adjustment deems necessary for protection of the surrounding neighborhood; and

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

SOURCE: Final Rulemaking & Order No. 08-06A published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 19-04 published at 66 DCR 12137 (September 13, 2019).

413 SPECIAL EXCEPTIONS – GENERAL USE PROVISIONS (HE)

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

(a) Parking and traffic conditions associated with the operation of a proposed use shall not adversely affect adjacent or nearby uses;

(b) Noise associated with the operation of a proposed use shall not adversely affect adjacent or nearby uses;

(c) The proposed building will comply with the applicable ground floor use and design requirements of Subtitle K §§ 416 through 419;

(d) The building's architectural design will enhance the urban design features of the immediate vicinity in which it is located; and

(e) Vehicular access and egress will be located and designed so as to encourage safe and efficient pedestrian movement, minimize conflict with principal pedestrian ways, function efficiently, and create no dangerous or otherwise objectionable traffic conditions.

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

(a) Whether the proposed use furthers the purposes of the HE zones;

(b) The relationship of the proposed use to other planning considerations for the area and the District of Columbia as a whole, including the plans, programs, and policies of other departments and agencies of the District government;

(c) The impact of the proposed use on neighboring properties; and

(d) Any other matters that are within the Office of Planning's jurisdiction.

413.3 The Board of Zoning Adjustment or Zoning Commission may impose requirements pertaining to design, appearance, signs, massing, landscaping, and other such requirements as it deems necessary to protect neighboring property and to achieve the purposes of the HE District.

414 ACCESSORY USES (HE)

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

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

414.3 Short-Term Rental shall be permitted as an accessory use to a principal residential use in the HE zones.

415 PROHIBITED USES IN THE HE ZONES (HE)

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

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

(b) Any industrial use first permitted in an MU zone;

(c) At-grade surface parking lots, except as provided in Subtitle K § 412.1(i)(2);

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

(e) Self-service storage establishment;

(f) Sexually-oriented business establishment; and

(g) Vehicle sales, repair and servicing, including full-serve and mini-serve gas stations, unattended key card stations, car washes, quick lubrication services, and vehicle emission test sites.

SOURCE: Final Rulemaking & Order No. 20-03 published at 67 DCR 14506 (December 11, 2020).

416 INCLUSIONARY HOUSING REQUIREMENTS (HE)

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

417 GROUND FLOOR USE REQUIREMENTS (HE)

417.1 The following locations are required to devote not less than sixty-five percent (65%) of the ground floor frontage to preferred uses and main building entrances, or lobbies to office and residential uses, and shall comply with the design requirements of Subtitle K §§ 418 through 420:

(a) The west face of Square F (19th Street frontage);

(b) The northwest corner of Square G;

(c) The southeast corner of Square J at Massachusetts Avenue and Water Street, facing the monumental circle;

(d) The northeast corner of Square M at Massachusetts Avenue and Water Street, facing the monumental circle; and

(e) All Independence Avenue and Massachusetts Avenue frontages.

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

(a) All frontages on 19th Street;

(b) All frontages on Burke Street;

(c) The C Street frontage of Square H, facing the park in Square E, for a maximum length of two hundred feet (200 ft.) from Square H's northeast corner at the intersection of C Street and 21st Street;

(d) The 21st Street frontage of Square D;

(e) The southeast corner of Square D, which faces the intersection of C Street and Water Street;

(f) The northeast corner of Square I, which faces the intersection of C Street and Water Street; and

(g) All frontages on Water Street.

418 DESIGN STANDARDS FOR GROUND FLOOR PREFERRED USES CONDITIONS (HE)

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

(a) If located on a corner, wrap around the corner to a minimum depth of twenty feet (20 ft.) on the side street;

(b) Occupy the ground floor to a minimum depth of thirty feet (30 ft.);

(c) Have a minimum clear floor-to-ceiling height of fourteen feet (14 ft.), measured from the finished grade, for the area of the ground floor dedicated to preferred uses;

(d) The street-facing facades of buildings on primary streets shall devote not less than seventy-five percent (75%) per individual use or fifty percent (50%) of the length and fifty percent (50%) of the surface area of the street wall at the ground level to windows associated with preferred uses or windows associated with main building entrances; and

(e) The street-facing facades of mixed-use or non-residential buildings on secondary streets shall devote not less than seventy-five percent (75%) per individual use or thirty percent (30%) of the length and thirty percent (30%) of the surface area of the street wall at the ground level to windows associated with preferred uses or windows associated with main building entrances.

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

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

419 DESIGN CONDITIONS (HE)

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

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

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

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

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

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

419.7 Façade articulation of less than two feet (2 ft.) in depth shall qualify to meet the street frontage required building line standards of Subtitle K §§ 419.2 and 419.3.

419.8 Any single articulation feature shall not exceed sixty percent (60%) of the building façade width.

419.9 Buildings with ground floor retail shall incorporate vertical elements to create a series of storefront-type bays with entrances that are no more than fifty feet (50 ft.) apart.

419.10 Security grilles shall have no less than seventy percent (70%) transparency.

419.11 Street-facing facades shall not have blank walls (without doors or windows) greater than ten feet (10 ft.) in length.

419.12 Each use within a building shall have an individual public entrance that is clearly defined and directly accessible from the public sidewalk.

419.13 Exterior display of goods and exterior storage between the building line and the front lot line is prohibited. Outdoor seating for restaurants and pedestrian-oriented accessory uses, such as flower, food, or drink stands, or other appropriate vendors, are permitted to the extent consistent with other District laws.

419.14 Windows shall cover the following minimum area of street-facing façades above the ground floor level.

TABLE K § 419.14: MINIMUM PERCENTAGE OF STREET-FACING FAÇADES

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

419.15 Buildings and structures shall clearly articulate a base, middle, and top, except for row dwellings and flats.

419.16 High quality, durable materials which enhance the building and convey permanence shall be required.

419.17 The use of synthetic stucco, vinyl siding, and/or other low-grade exterior finishes is prohibited.

420 DESIGN CONDITIONS FOR BUILDINGS LOCATED ON PRIMARY STREETS (HE)

420.1 The provisions of this section set forth standards for buildings and structures with frontage(s) on a primary street.

420.2 Notwithstanding Subtitle K §§ 419.2 and 419.3, the fronts of buildings located at street intersections shall be constructed to the property lines abutting each intersecting street, without any setback, for a minimum of fifty feet (50 ft.) from the intersection, along each street frontage.

420.3 The corner of the building at the intersection of two (2) primary streets or a primary and secondary street shall incorporate articulation such as, but not limited to, being angled, curved, or chamfered to emphasize the corner.

420.4 The distance from the corner shall not exceed twenty feet (20 ft.), measured from the corner of the lot to the end of the angled or curved wall segment.

420.5 Entrances into a building shall be no more than fifty feet (50 ft.) apart and recessed no more than six feet (6 ft.) deep or ten feet (10 ft.) wide.

420.6 Buildings shall incorporate vertical elements in the street-facing façade to create a series of storefront-type bays where preferred uses are present.

420.7 Residential buildings shall have at least one (1) primary entrance directly accessible from the public sidewalk.

420.8 Instead of the windows required by Subtitle K § 418.1(d), on primary streets artwork and displays relating to activities occurring within the building shall be permitted as a special exception if approved by the Zoning Commission pursuant to Subtitle X, provided the applicant demonstrates that:

(a) The building has more than fifty percent (50%) of its ground level space in storage, parking, or loading areas, or in uses which by their nature are not conducive to windows (such as theaters); and

(b) The artwork or displays are consistent with the objective of providing a pleasant, rich, and diverse pedestrian experience.

CHAPTER 5 CAPITOL GATEWAY ZONES – CG-1 THROUGH CG-7

500 GENERAL PROVISIONS (CG)

500.1 The purposes of the Capitol Gateway (CG) zones (CG-1 through CG-7) are to:

(a) Assure development of the area with a mixture of residential and commercial uses, and a suitable height, bulk, and design of buildings, as generally indicated in the Comprehensive Plan and recommended by planning studies of the area;

(b) Encourage a variety of support and visitor-related uses, such as retail, service, entertainment, cultural, and hotel uses;

(c) Allow for continuation of existing industrial uses, which are important economic assets to the city, during the extended period projected for redevelopment;

(d) Provide for a reduced height and bulk of buildings along the Anacostia riverfront in the interest of ensuring views over and around waterfront buildings, and provide for continuous public open space along the waterfront with frequent public access points;

(e) Require suitable ground-level retail and service uses and adequate sidewalk width along M Street, S.E., near the Navy Yard Metrorail station;

(f) Provide for development of Squares 702-706 and Reservation 247 as a ballpark for major league sport and entertainment and associated uses;

(g) Provide for the establishment of South Capitol Street between M Street, S.E., and the Anacostia waterfront as a monumental civic boulevard;

(h) Provide for the development of Half Street, S.E., as an active pedestrian-oriented street with active ground floor uses and appropriate setbacks from the street facade to ensure adequate light and air, and a pedestrian scale; and

(i) Provide for the development of First Street, S.E., as an active pedestrian-oriented street with active ground floor uses, connecting M Street, the Metro Station, and existing residential neighborhoods to the Ballpark site and the Anacostia Waterfront.

500.2 The CG zones shall constitute the Zoning Regulations for the geographic area referred to in Subtitle W § 101.1. Where there are conflicts between this chapter and other chapters or subtitles of this title, the provisions of the CG Zone shall govern.

500.3 Development in the CG zones shall be in accordance with the development standards found at Subtitle K §§ 501 through 506.

500.4 Inclusionary zoning development standards for the CG zones are as established in this chapter and indicated by the abbreviation IZ, and all other inclusionary zoning requirements for the CG zones are as specified in Subtitle C, Chapter 10.

500.5 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.

500.6 The Inclusionary Zoning requirements, modifications, and bonus density of Subtitle C, Chapter 10 shall not apply to the CG-1 zone; provided that the IZ bonus density of Subtitle C § 1002.3 is available for Voluntary Inclusionary Developments in the CG-1 zone.

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. 04-33I published at 66 DCR 13705 (October 18, 2019).

501 DEVELOPMENT STANDARDS (CG-1)

501.1 The CG-1 zone is intended to permit high-density housing and appropriate renovation of or addition to the existing housing stock.

501.2 The development standards of Subtitle K §§ 501.3 to 501.11 shall control the bulk of buildings in CG-1 zone.

501.3 The maximum permitted floor area ratio (FAR) in the CG-1 zone shall be 6.0.

501.4 The maximum permitted building height, not including the penthouse, in the CG-1 zone shall be ninety feet (90 ft.). Subtitle K § 510 contains design-related conditions on height and upper story setbacks for South Capitol Street, a designated street of Subtitle K § 508.

501.5 The maximum permitted height of a penthouse in the CG-1 zone shall be twenty feet (20 ft.), and the maximum number of stories within the penthouse shall be one (1) plus a mezzanine, except that a second story for penthouse mechanical space shall be permitted.

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

501.7 A minimum rear yard of fifteen feet (15 ft.) shall be required in the CG-1 zone. The Board of Zoning Adjustment may grant a special exception for an addition that cannot comply with the rear yard regulations. In addition to complying with the general special exception criteria of Subtitle X, the Board of Zoning Adjustment shall find that the addition, together with the original building, as viewed from the street, alley, and other public way, shall not substantially visually

intrude upon the character, scale and pattern of buildings along the subject street frontage.

501.8 No side yard is required for the principal building; however, any side yard provided to any portion of the principal building shall be at least three inches (3 in.) per one foot (1 ft.) of height, and no less than five feet (5 ft.).

501.9 Where an open court is provided, the court shall have the following minimum dimensions:

TABLE K § 501.9: MINIMUM COURT DIMENSIONS

Type of Structure	Minimum Width Open Court	Minimum Width Closed Court	Minimum Area Closed Court
Residential (except hotel):	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:	2.5 in./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.

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

501.11 The minimum required green area ratio (GAR) for the CG-1 zone shall be 0.3.

SOURCE: Final Rulemaking & Order No. 08-06A published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 04-33I published at 66 DCR 13705 (October 18, 2019).

502 DEVELOPMENT STANDARDS (CG-2)

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

502.2 The development standards in Subtitle K §§ 502.3 through 502.11 shall control the bulk of buildings in CG-2 zone.

502.3 The maximum permitted FAR in the CG-2 zone shall be 6.0 or 7.2 FAR with IZ, with a maximum non-residential FAR of 2.0. Non-residential floor area shall be the total gross floor area of the building not dedicated to uses in one (1) of the following categories:

(a) Residential;

(b) Emergency shelter;

(c) Lodging uses; or

(d) Education uses that are operated or chartered by the District Government.

502.4 The maximum permitted building height, not including the penthouse, in the CG-2 zone shall be ninety feet (90 ft.), or one hundred and ten feet (110 ft.) if permitted by the Inclusionary Zoning regulations set forth in Subtitle C, Chapter 10. Subtitle K § 510 contains design-related conditions on height and upper story setbacks for South Capitol Street, a designated street of Subtitle K § 508.

502.5 The maximum permitted height of a penthouse in the CG-2 zone shall be twenty feet (20 ft.), and the maximum number of stories within the penthouse shall be one (1) plus a mezzanine, except that a second story for penthouse mechanical space shall be permitted.

502.6 The maximum permitted lot occupancy for residential use in the CG-2 zone shall be eighty percent (80%), or ninety percent (90%) with Inclusionary Zoning.

502.7 The rear yard requirements for the CG-2 zone are as follows:

(a) A minimum rear yard of fifteen feet (15 ft.) shall be required in the CG-2 zone;

(b) If the property does not abut an alley, the required rear yard shall be measured as follows:

(1) Measure a horizontal plane from the mean elevation of the rear lot-line, parallel to the rear lot line, into the lot, the distance of the required minimum yard identified in the development standards table; and

(2) From the furthest point from the rear lot-line along the horizontal plane, identified in the previous paragraph, define a vertical plane up to the maximum height limit of the zone. This vertical plane will form the rear yard; and

(c) If the property abuts and alley, the required rear yard shall be measured as follows:

(1) Measure a horizontal plane twenty-five feet (25 ft.) above the mean elevation of the rear lot-line, parallel to the rear lot line, into the lot, the distance of the required minimum yard identified in the development standards table; and

(2) From the furthest point from the rear lot-line along the horizontal plane identified in the previous paragraph, measure a vertical plane

up to the maximum height limit of the zone. This vertical plane will form the rear yard.

502.8 No side yard is required for the principal building; however, any side yard provided on any portion of the principal building shall be at least two inches (2 in.) per one foot (1 ft.) of height, and no less than five feet (5 ft.).

502.9 Where an open court is provided, the court shall have the following minimum dimensions:

TABLE K § 502.8: MINIMUM COURT DIMENSIONS

Type of Structure	Minimum Width Open Court	Minimum Width Closed Court	Minimum Area Closed Court
Residential (except hotel):	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:	2.5 in./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.

502.10 In the case of an alteration affecting the amount of light and ventilation required in an existing building in an R, RF, or RA zone by other municipal law or regulation, no legally required window shall be permitted to open onto a court that does not comply with the dimensions given in Subtitle K § 502.9.

502.11 The minimum required GAR for the CG-2 zone shall be 0.3.

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).

503 DEVELOPMENT STANDARDS (CG-3)

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

503.2 The development standards in Subtitle K §§ 503.3 through 503.10 shall control the bulk of buildings in CG-3 zone.

503.3 The maximum permitted FAR in the CG-3 zone shall be 6.5 or 7.8 FAR with IZ. Non-residential floor area shall be the total gross floor area of the building not dedicated to uses in one (1) of the following categories:

(a) Residential;

(b) Emergency shelter;

(c) Lodging uses; or

(d) Education uses that are operated or chartered by the District Government.

503.4 The maximum permitted building height, not including the penthouse, in the CG-3 zone shall be ninety feet (90 ft.). Subtitle K § 510 contains design-related conditions on height and upper story setbacks for segments of South Capitol Street, a designated street of Subtitle K § 508.

503.5 The maximum permitted height of a penthouse in the CG-3 zone shall be twenty feet (20 ft.), and the maximum number of stories within the penthouse shall be one (1) plus a mezzanine, except that a second story for penthouse mechanical space shall be permitted.

503.6 The rear yard requirements for the CG-3 zone are as follows:

(a) A minimum rear yard of twelve feet (12 ft.) shall be required in the CG-3 zone; and

(b) The required rear yard shall be measured as follows:

(1) If the lot abuts an alley, the rear yard may be measured from the center line of an alley abutting a rear-lot line, instead of the rear lot-line. If the lot does not abut an alley, the rear yard shall be measured from the rear lot line;

(2) Measure a horizontal plane twenty-five feet (25 ft.) above the mean elevation of the rear lot-line, parallel to the rear lot-line, into the lot, the distance of the required minimum yard identified in the development regulations table;

(3) From the furthest point from the rear lot-line along the horizontal plane identified in the previous paragraph, measure a vertical plane up to the maximum height limit of the zone;

(4) Measure an angular plane from the mean elevation of the rear lot-line, into the lot, with a vertical rise to horizontal run ratio of four and sixty-six tenths to one (4.66:1), up to the maximum height limit of the zone; and

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

503.7 No side yard is required for the principal building; however, any side yard provided on any portion of the principal building shall be at least two inches (2 in.) per one foot (1 ft.) of height, and no less than five feet (5 ft.).

503.8 Where an open court is provided, the court shall have the following minimum dimensions:

TABLE K § 503.8: MINIMUM COURT DIMENSIONS

Type of Structure	Minimum Width Open Court	Minimum Width Closed Court	Minimum Area Closed Court
Residential (except hotel):	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:	2.5 in./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.

503.9 In the case of an alteration affecting the amount of light and ventilation required in an existing building in an R, RF, or RA zone by other municipal law or regulation, no legally required window shall be permitted to open onto a court that does not comply with the dimensions given in Subtitle K § 503.8.

503.10 The minimum required GAR for the CG-3 zone shall be 0.25.

504 DEVELOPMENT STANDARDS (CG-4)

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

504.2 The development standards in Subtitle K §§ 504.3 through 504.9 shall control the bulk of buildings in CG-4 zone.

504.3 The permitted FAR in the CG-4 zone is as follows:

(a) The maximum permitted FAR in the CG-4 zone shall be 6.0 or 7.2 FAR with IZ, with a maximum non-residential FAR of 3.0;

(b) A building shall be allowed a maximum FAR of 8.2; provided that the additional 1.0 FAR shall be devoted solely to residential uses, which, for the purposes of this subsection, does not include hotel uses;

(c) A building or structure for a parks and recreation use shall have a maximum permitted gross floor area of forty-thousand square feet (40,000 sq. ft.); and

(d) To help ensure the provision of the desired range of uses and to encourage the development of a mix of uses in the CG-4 zone, two (2) or more lots within the CG-4 zone may be combined for the purposes of allocating residential and non-residential uses regardless of the normal limitation on floor area by uses on each lot, subject to the following:

(1) The non-residential floor area of a building may exceed the zone's non-residential density, up to the maximum total density permitted within that zone;

(2) Non-residential floor area shall be the total gross floor area of the building not dedicated to uses in one (1) of the following categories:

(A) Residential;

(B) Emergency shelter; or

(C) Lodging uses;

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

(4) The residential and nonresidential floor area on each individual parcel shall not exceed a maximum FAR of 8.0 on parcels for which a height of one hundred ten feet (110 ft.) is permitted or 8.5 FAR on parcels for which a height of one hundred thirty feet (130 ft.) is permitted by the Height Act;

(5) The amount of commercial density transferred from one (1) parcel to another may not exceed the lesser of an FAR of 3.0 or the amount of residential density being transferred;

(6) This section may not be used to transfer density to or from any other zone;

(7) The Zoning Commission may, at its discretion, grant an additional transfer of density of 1.0 FAR maximum to or within Squares 700, 701, and 702, subject to the applicant addressing to the satisfaction of the Zoning Commission the objectives and guidelines of Subtitle K § 510, as applicable; and

(8) No allocation of gross floor area shall be effective unless an instrument, legally sufficient to effect such a transfer, is filed consistent with the provisions of Subtitle K § 511.

504.4 The maximum permitted height in the CG-4 zone shall be as follows:

(a) The maximum permitted building height, not including the penthouse, in the CG-4 zone shall be ninety feet (90 ft.) and one-hundred feet (100 ft.) with IZ; and

(b) Maximum permitted building height, not including the penthouse, shall be that permitted under the Height Act for any site utilizing the residential bonus density of Subtitle K § 504.3(b); or receiving combined lot density pursuant to Subtitle K § 504.3(f) but only to the extent necessary to accommodate any additional density received from another parcel:

(1) Subtitle K § 510 contains design-related conditions on height and upper story setbacks for segments of Half Street, S.E., Potomac Avenue, and South Capitol Street, designated streets of Subtitle K § 508; and

(2) In Squares 601, 656, and 657, those lots abutting or separated only by a street or alley from residentially zoned property shall provide a one-to-one (1:1) building setback for any part of a building or structure that exceeds ninety feet (90 ft.) on the side abutting the residential zone.

504.5 The maximum permitted height of a penthouse in the CG-4 zone shall be twenty feet (20 ft.), and the maximum number of stories within the penthouse shall be one (1) plus a mezzanine, except that a second story for penthouse mechanical space shall be permitted.

504.6 The maximum permitted lot occupancy for residential use in the CG-4 zone shall be seventy-five percent (75%), or eighty percent (80%) with Inclusionary Zoning.

504.7 The front setbacks for the CG-4 zone are as follows:

(a) The setback along M Street shall be measured from the face of the adjacent curb along M Street to the building or structure; and

(b) The front setback from South Capitol Street, S.E. and S.W. shall be provided for the entire height and frontage for each new building or structure.

504.8 For the CG-4 zone, a rear yard is required only for residential uses. If required, the rear yard shall be:

(a) A minimum 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 wall, but not less than twelve feet (12 ft.) shall be provided;

(b) Established no lower than the first level of residential use; and

(c) Measured as follows:

(1) Where a lot abuts an alley, the rear yard may be measured from the center line of the alley to the rear wall of the building or other structure; and

(2) Where a lot does not abut an alley, the rear yard shall be measured from the rear lot line to the rear wall of the building or other structure.

504.9 No side yard is required for the principal building; however, any side yard provided on any portion of the principal building shall be at least two inches (2 in.) per one foot (1 ft.) of height, and no less than five feet (5 ft.).

504.10 Where an open court is provided, the court shall have the following minimum dimensions:

TABLE K § 504.8: MINIMUM COURT DIMENSIONS

Type of Structure	Minimum Width Open Court	Minimum Width Closed Court	Minimum Area Closed Court
Residential (except hotel):	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:	2.5 in./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.

504.11 In the case of an alteration affecting the amount of light and ventilation required in an existing building in an R, RF, or RA zone by other municipal law or regulation, no legally required window shall be permitted to open onto a court that does not comply with the dimensions given in Subtitle K § 504.7.

504.12 The minimum required GAR for the CG-4 zone shall be 0.2.

504.13 Within the CG-4 zone, a plaza comprising eight percent (8%) of the lot area shall be provided for development on a lot of greater than ten thousand square feet (10,000 sq. ft.), in accordance with the provisions of Subtitle C, Chapter 17.

Where preferred use space is required under this chapter and provided, the requirement to provide plaza space shall not apply.

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

505 DEVELOPMENT STANDARDS (CG-5)

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

505.2 The development standards in Subtitle K §§ 505.3 through 505.9 shall control the bulk of buildings in CG-5 zone.

505.3 The permitted density in the CG-5 zone is as follows:

(a) The maximum permitted FAR in the CG-5 zone shall be 4.0 or 4.8 FAR with IZ, with a maximum non-residential FAR of 2.0;

(b) Non-residential floor area shall be the total gross floor area of the building not dedicated to uses in one (1) of the following categories:

(1) Residential;

(2) Emergency shelter;

(3) Lodging uses; or

(4) Education uses that are operated or chartered by the District Government;

(c) The Zoning Commission may grant bonus density for residential development in a building or a combined lot development, using a guideline of 1.0 FAR in excess of the normally-allowed maximum of 4.0 FAR, provided that:

(1) The building or combined lot development shall include at least 2.0 FAR of residential uses;

(2) The Zoning Commission, at its discretion, may allow construction of such bonus density on the property zoned CG-5 or may allow

only for the bonus density to be transferred off-site to a lot or lots zoned CG-4; and

(3) The provisions of Subtitle K § 511 shall govern the procedures for transferring bonus density off-site if permitted by the Zoning Commission;

(d) The Zoning Commission, at its discretion, may also provide for additional on-site or off-site bonus density to be earned for setbacks required under this section, based on the land area of the setback and the proposed features for public open space uses; provided, that 2.0 FAR based on the land area of the open space setback shall be used as a general guideline; and

(e) A building or structure for a local government or parks and recreation use shall have a maximum permitted FAR of 1.8.

505.4 Height requirements for the CG-5 zone are as follows:

(a) The maximum permitted building height, not including the penthouse, in the CG-5 zone shall be sixty feet (60 ft.) and eighty feet (80 ft.) with IZ;

(b) Subtitle K § 510 contains design-related conditions on building height and upper story setbacks for segments of Potomac Avenue, and South Capitol Street, Designated Streets of Subtitle K § 508;

(c) The Zoning Commission, at its discretion, may grant an additional ten feet (10 ft.) of building height in excess of the base amount to accommodate the bonus density provision of Subtitle K § 505.3; and

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

505.5 The maximum permitted height of a penthouse in the CG-5 zone shall be twelve feet (12 ft.), except that a height of fifteen feet (15 ft.) shall be permitted for penthouse mechanical space; and the maximum number of stories within the penthouse shall be one (1), except that a second story for penthouse mechanical space shall be permitted.

505.6 No side yard is required for the principal building; however, any side yard provided on any portion of the principal building shall be at least two inches (2 in.) per one foot (1 ft.) of height, and no less than five feet (5 ft.).

505.7 A minimum rear yard of twelve feet (12 ft.) shall be provided for residential use in the CG-5 zone, in accordance with the following conditions:

(a) Where a lot abuts an alley, the rear yard may be measured from the center line of the alley to the rear wall of the building or other structure; and

(b) Where a lot does not abut an alley, the rear yard shall be measured from the rear lot line to the rear wall of the building or other structure.

505.8 The waterfront setback in the CG-5 zone is as follows:

(a) The waterfront setback shall be provided in accordance with Subtitle C, Chapter 11 for all buildings and structures constructed after January 7, 2005 on any lot that faces or abuts the Anacostia River;

(b) If the Zoning Commission finds that the setback creates an undue economic hardship for the owner of the lot, the Zoning Commission may reduce the depth of the required setback, but shall in no case approve a setback of less than fifty feet (50 ft.) in depth; and

(c) No private driveway to any parking or loading berth areas in or adjacent to a building or structure constructed after January 7, 2005 shall directly face the waterfront.

505.9 Where an open court is provided, the court shall have the following minimum dimensions:

TABLE K § 505.9: MINIMUM COURT DIMENSIONS

Type of Structure	Minimum Width Open Court	Minimum Width Closed Court	Minimum Area Closed Court
Residential (except hotel):	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:	2.5 in./ft. of height of court; 6 ft. minimum.	2.5 in./ft. of height of court; 15 ft. minimum.	Twice the square of the required width of court dimension; 250 sq. ft. minimum.

505.10 In the case of an alteration affecting the amount of light and ventilation required in an existing building in an R, RF, or RA zone by other municipal law or regulation, no legally required window shall be permitted to open onto a court that does not comply with the dimensions given in Subtitle K § 505.9.

505.11 The minimum required GAR for the CG-5 zone shall be 0.3.

505.12 The maximum permitted lot occupancy for residential use in the CG-5 zone shall be seventy-five percent (75%).

SOURCE: Final Rulemaking & Order No. 08-06A published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 08-06G published at 64 DCR 22 (January 6, 2017); Final Rulemaking & Order No. 08-06J published at 64 DCR 6110 (June 30, 2017); Final Rulemaking & Order No. 08-06P published at 65 DCR 11927 (October 26, 2018).

506 DEVELOPMENT STANDARDS (CG-6 AND CG-7)

506.1 The CG-6 and CG-7 zones are mapped only on lands occupied by the Fort McNair Naval Facility.

506.2 Development standards for the CG-6 and CG-7 zones are as follows:

(a) The development standards for the CG-6 zone shall be as established for the MU-12 zone, Subtitle G, Chapter 5; and

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

507 USE PERMISSIONS (CG)

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

507.2 Use permissions for the CG-1 through CG-7 zones are as specified in the following table:

TABLE K § 507.2: CG-1 THROUGH CG-7 USE PERMISSIONS

Zone	Subtitle/Chapter	Use Group
CG-1	Subtitle U, Chapter 4	RA
CG-2	Subtitle U, Chapter 5	MU-Use Group E
CG-3	Subtitle U, Chapter 5	MU-Use Group F
CG-4	Subtitle U, Chapter 5	MU-Use Group G
CG-5	Subtitle U, Chapter 5	MU-Use Group C
CG-6	Subtitle U, Chapter 5	MU-Use Group C
CG-7	Subtitle U, Chapter 5	MU-Use Group C

507.3 Buildings, structures and uses with frontage on the designated streets of Subtitle K § 508 shall provide specified ground floor uses in accordance with the requirements and provisions of Subtitle K § 509.

507.4 A commercial or industrial use that is first permitted in Subtitle U, Chapter 8 (PDR Uses) and that was in existence with a valid Certificate of Occupancy as of January 7, 2005, shall be deemed a conforming use, but shall not be entitled to expand.

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).

508 DESIGNATED STREETS (CG)

508.1 Designated street segments are those segments and side of street rights-of-way where a building with frontage on that street segment must comply with use and/or design regulations that may differ from the requirements of the zone through which the segment passes.

508.2 Refer to Subtitle K § 509 for preferred use requirements that apply to specified designated streets.

508.3 Refer to Subtitle K § 510 for design related requirements that apply to specified designated streets.

508.4 If a lot faces more than one (1) designated street segment or designated area, the regulations governing each category apply.

508.5 Designated Street Segments include any portion of the following streets zoned CG-1 through CG-5:

(a) M Street, S.E. or S.W. (south side of street);

(b) South Capitol Street (both sides of street, south of M Street and West side of street north of M Street);

(c) Half Street, S.E. (both sides of street);

(d) First Street, S.E. (west side of street);

(e) Potomac Avenue, S.E. or S.W. (both sides of street); or

(f) P Street, S.W. (both sides of street).

509 USE REQUIREMENTS FOR DESIGNATED STREETS (CG)

509.1 Preferred use requirements shall apply only to the following designated streets:

(a) M Street, S.E. or S.W.;

(b) Half Street, S.E.; and

(c) First Street, S.E.

509.2 Preferred uses of this section shall include uses within the following use categories:

(a) Animal sales, care, and boarding;

(b) Arts, design, and creation;

(c) Eating and drinking establishments;

(d) Entertainment, assembly, and performing arts;

(e) Retail; and

(f) Service, general or financial.

509.3 Any new building or structure with frontage on the streets identified in Subtitle K § 509.1 shall:

(a) Devote not less than 0.5 FAR of the ground floor gross floor area to one (1) or more of the designated use categories;

(b) Devote no more than twenty-five percent (25%) of the ground floor gross floor area retail requirement to service, general or financial uses;

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

(d) For good cause shown, the Zoning Commission may authorize interim occupancy of the preferred use space required by this subsection by a non-preferred use for up to five (5) years; provided that:

(1) The ground floor space is suitably designed for future occupancy by the preferred use space; and

(2) The ground floor area is designed to fully meet the applicable design regulations of Subtitle K § 510.

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

510 DESIGN REQUIREMENTS FOR DESIGNATED STREETS (CG)

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

(a) M Street, S.E. or S.W.:

(1) The streetwall of each new building shall be set back for its entire height and frontage along M Street not less than fifteen feet (15 ft.), measured from the face of the adjacent curb along M Street, S.E.;

(2) The ground floor shall have a minimum clear floor-to-ceiling height of fourteen feet (14 ft.), for a continuous depth of at least thirty-six feet (36 ft.) from the building line on the primary street;

(3) The ground story shall devote at least fifty percent (50%) of the surface area of to display windows or pedestrian entrances having clear low-emissivity glass, and ensure that the view through the display windows and pedestrian entrances is not blocked for at least ten feet (10 ft.) from the building line;

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

(5) No vehicular garage or loading entrance or exit shall be permitted to a building or structure constructed after February 16, 2007, unless otherwise required by the District Department of Transportation, or permitted by the Board of Zoning Adjustment as a special exception evaluated according to Subtitle X, Chapter 9;

(b) South Capitol Street:

(1) Each new building or structure located on South Capitol Street shall be set back for its entire height and frontage not less than fifteen feet (15 ft.), with the exception of a:

(A) Buildings within Squares 649 and 651; and

(B) Replacement of an existing row dwelling; or

(C) Vertical addition to an existing row dwelling, not extending out into the South Capitol Street right-of-way and not exceeding fifty percent (50%) of the gross floor area of the original row dwelling;

(2) A minimum of sixty percent (60%) of the street-wall shall be constructed on the setback line, with the exception of:

(A) Buildings within Square 651 where a minimum of sixty percent (60%) of the street-wall shall be constructed to the South Capitol Street property line; and

(B) Replacement of or an addition to an existing row dwelling within Squares 653 or 655;

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

(4) No vehicular garage or loading entrance or exit shall be permitted to a building or structure constructed after February 16, 2007, unless otherwise required by the District Department of Transportation (DDOT), or permitted by the Board of Zoning Adjustment as a special exception evaluated according to Subtitle X, Chapter 9.

(c) Half Street, S.E.:

(1) Any portion of a building or structure that exceeds sixty-five feet (65 ft.) in height shall provide a minimum step-back of twenty feet (20 ft.) in depth from the building line along Half Street SE; provided that the Zoning Commission may grant relief pursuant to Subtitle X from this requirement, to a maximum of fifteen feet (15 ft.) in height and eight feet (8 ft.) in depth, for the provision of reasonable building footprints;

(2) The ground floor shall have a minimum clear floor-to-ceiling height of fourteen feet (14 ft.), for a continuous depth of at least thirty-six feet (36 ft.) from the building line on the primary street;

(3) The ground story shall devote at least fifty percent (50%) of the surface area to display windows or pedestrian entrances having clear low-emissivity glass, and ensure that the view through the display windows and pedestrian entrances is not blocked for at least ten feet (10 ft.) from the building line;

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

(5) No vehicular garage or loading entrance or exit shall be permitted to a building or structure constructed after February 16, 2007, unless otherwise required by the District Department of Transportation, or permitted by the Board of Zoning Adjustment as a special exception evaluated according to Subtitle X, Chapter 9;

(d) First Street, S.E.:

(1) The ground floor shall have a minimum clear floor-to-ceiling height of fourteen feet (14 ft.), for a continuous depth of at least thirty-six feet (36 ft.) from the building line on the primary street;

(2) The ground story shall devote at least fifty percent (50%) of the surface area to display windows or pedestrian entrances having clear low-emissivity glass, and ensure that the view through the display windows and pedestrian entrances is not blocked for at least ten feet (10 ft.) from the building line; and

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

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

(f) P Street SW – No vehicular garage or loading entrance or exit shall be permitted from P Street, S.W. to a building or structure constructed after February 16, 2007, unless otherwise required by the District Department of Transportation, or permitted by the Board of Zoning Adjustment as a special exception evaluated according to Subtitle X, Chapter 9.

SOURCE: Final Rulemaking & Order No. 08-06A published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 08-06E published at 63 DCR 10932 (August 26, 2016); Final Rulemaking & Order No. 08-06P published at 65 DCR 11927 (October 26, 2018).

511 CERTIFICATION OF COMBINED LOT DEVELOPMENTS

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

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

(a) Is signed by the owners of all affected lots;

(b) Is for the benefit of the District of Columbia;

(c) Runs with the land in perpetuity;

(d) Burdens all lots involved in the allocation of gross floor area;

(e) Binds the present and future owners of the lot sending nonresidential gross floor area to forgo the nonresidential development and occupation of an on-site area equal to the amount of gross floor area of nonresidential uses transferred; and

(f) States the maximum permitted gross floor areas for all uses in all lots, the maximum allowed gross floor area for nonresidential uses in all lots, and the gross floor area of nonresidential uses allocated. The covenant shall further state that, after the transfer, the combined lots conform with the maximum gross floor area limitations for nonresidential uses on the lots before the transfer.

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

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

(a) The lots' eligibility to allocate residential and nonresidential uses;

(b) The accuracy of the computations with respect to the amount of residential and nonresidential uses allocated; and

(c) Whether, after the transfer, the combined lots will conform with the maximum gross floor area limitations on nonresidential uses for the lots before any such transfer.

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

512 ZONING COMMISSION REVIEW OF BUILDINGS, STRUCTURES, AND USES (CG)

512.1 The provisions of this section apply to properties:

(a) Within the CG-5 zone;

(b) Abutting M Street, S.E.;

(c) Located within Squares 700 or 701;

(d) Abutting South Capitol Street, other than renovation or replacement of an existing row dwelling within Squares 653 or 655; or for a minor addition not exceeding fifty percent (50%) of the gross floor area of the original row dwelling structure;

(e) Within Squares 601, 656, or 657; or

(f) Which are the recipient of density through the combined lot provisions of Subtitle K § 505.3(d).

512.2 With respect to those properties described in Subtitle K § 512.1, all proposed uses, buildings, and structures, or any proposed exterior renovation to any existing buildings or structures that would result in an alteration of the exterior design, shall be subject to review and approval by the Zoning Commission in accordance with the following provisions.

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

(a) Help achieve the objectives of the Capitol Gateway defined in Subtitle K § 500.1,

(b) Help achieve the desired use mix, with the identified preferred uses specifically being residential, hotel or inn, cultural, entertainment, retail, or service uses;

(c) Be in context with the surrounding neighborhood and street patterns;

(d) Minimize conflict between vehicles and pedestrians;

(e) Minimize unarticulated blank walls adjacent to public spaces through facade articulation; and

(f) Minimize impact on the environment, as demonstrated through the provision of an evaluation of the proposal against LEED certification standards.

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

(a) The building or structure shall provide suitably designed public open space along the waterfront;

(b) A plan shall be included in the application for suitable open space treatment of the setback area for such uses as walkway and bikeway, passive or active recreational use, and including provisions assuring private maintenance of the space, convenient and permanent public access to the space, and suitable connections to adjacent public space along the waterfront; and

(c) The application shall include a view analysis that assesses openness of waterfront views and vistas, and views and vistas toward the Capitol

Dome, other federal monumental buildings, existing neighborhoods, South Capitol Street, and the Frederick Douglass Bridge.

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

(a) The building or structure shall provide for safe and active streetscapes through building articulation, landscaping, and the provision of active ground level uses including retail, entertainment, cultural, and pedestrian concourse space;

(b) The building or structure shall provide for safe and convenient movement to and through the site, including to public transit, the Ballpark, and to the Anacostia River; and

(c) The application shall include a view analysis that assesses openness of views and vistas around, including views toward the Capitol Dome, other federal monumental buildings, the Ballpark, and the waterfront.

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

(a) The building or structure shall incorporate massing, materials, and buildings and streetscape landscaping to further the design and development of properties in a manner that is sensitive to the establishment of South Capitol Street as a monumental civic boulevard;

(b) The building or structure shall incorporate massing, location of access to parking and loading, and location of service areas to recognize the proximate residential neighborhood use and context, as applicable; and

(c) The application shall include a view analysis that assesses openness of views and vistas around, including views toward the Capitol Dome, other federal monumental buildings, the Ballpark, and the waterfront.

512.7 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.

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

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

513 PARKING AND LOADING REGULATIONS (CG)

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

513.2 The parking requirements for the CG zones are as follows:

(a) There is no minimum number of vehicular parking space requirement for any use located within a CG zone on any property with frontage on or located east of South Capitol Street; except as required in Subtitle K § 515.1(e) for the ballpark;

(b) Bicycle parking in accordance with the requirements of Subtitle C, Chapter 8 shall be provided; and

(c) All parking shall be sited and designed to conform to the requirements of Subtitle C, Chapters 7 and 8; except parking located on a property which front or abuts the Anacostia River shall also conform to the requirements of Subtitle C, Chapter 11.

514 PLANNED UNIT DEVELOPMENTS (CG)

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

(a) The PUD shall be granted only for projects that are superior in achieving the purposes of this chapter and, particularly, the adopted objectives and policies of the Lower Anacostia Waterfront/Near Southwest Area Elements of the Comprehensive Plan;

(b) The PUD process shall not be used to reduce requirements in this chapter for the preferred uses; and

(c) An applicant for a PUD within the CG-4 zone seeking non-residential density greater than the non-residential density permitted in this chapter shall demonstrate to the Zoning Commission that combined lot density pursuant to Subtitle K § 504.3(d) has been acquired to the maximum extent feasible prior to the PUD application.

515 BALLPARK DISTRICT (CG)

515.1 The sub-area use regulations are as follows:

(a) A Ballpark may be constructed and operated within Squares 702, 703, 704, 705, and 706 and Reservation 247 (the “Ballpark Site”), bounded by N Street, S.E., First Street, S.E., Potomac Avenue, S.E., and South Capitol, Street S.E.;

(b) For the purposes of this section, the term "Ballpark" means a stadium or arena, including accessory buildings or structures (including, but not

limited to office and transportation facilities) that has as its primary purpose the hosting of professional athletic team events;

(c) The Ballpark may also be used to host events customarily held in such facilities including, but not limited to performances, amateur sporting events, municipal functions, and public or private ceremonies.;

(d) Notwithstanding other provisions for residential or mixed uses in this chapter, no portion of the density need be used for residential purposes within the Ballpark Site;

(e) A maximum of one thousand two hundred twenty-five (1,225) vehicular parking spaces shall be provided for the Ballpark use within the Ballpark Site, in addition to bus parking requirements of Subtitle K § 515.3(d). Of this number, a minimum of one hundred twenty-five (125) shall be designated handicapped parking spaces. Any parking spaces in addition to the one thousand two hundred twenty-five (1,225) amount shall be permitted if approved by the Zoning Commission pursuant to Subtitle K § 515.4 subject to the applicant demonstrating:

(1) That the parking spaces are needed to satisfy parking demand generated by the Ballpark not met by existing or approved but not yet constructed parking facilities; and

(2) Compliance with the provisions of Subtitle K § 515.4;

(f) In considering whether to approve additional ballpark-related at or above-ground parking spaces under Subtitle K § 515.1(e), the Zoning Commission shall judge, balance, and reconcile the need for additional on-site parking against any adverse impacts the presence of the parking will have on traffic, and the aesthetics and development of the surrounding neighborhood; and

(g) All parking spaces within the Ballpark Site shall be provided underground. At or above grade parking spaces shall be permitted if approved by the Zoning Commission pursuant to Subtitle K § 515.4; subject to the applicant demonstrating:

(1) Practical difficulty with the provision of underground parking; and

(2) Compliance with the provisions of Subtitle K § 515.4.

515.2 The prefered use regulations are as follows:

(a) Preferred uses of this section shall include one (1) or more of the following use categories:

(1) Retail;

(2) Entertainment, assembly, and performing arts;

(3) Eating and drinking establishments;

(4) Animal sales, care, and boarding;

(5) Arts, design, and creation; and

(6) Services, general or financial;

(b) Not less than twenty percent (20%) of the Ballpark building's exterior perimeter frontage, not including any detached accessory building, shall be devoted to preferred uses of Subtitle K § 515.2(a) in accordance with the provisions of the following provisions:

(1) Preferred uses shall have a street orientation;

(2) Preferred uses shall provide direct exterior access at ground level;

(3) Not less than fifty percent (50%) of area devoted to preferred uses shall be devoted to display windows having clear or low-emissivity;

(4) The minimum floor to ceiling height of area devoted to preferred uses shall be fourteen feet (14 ft.) clear; and

(5) The average depth from the exterior facade in towards the center of the building for space devoted to preferred retail shall be fifty feet (50 ft.) minimum; and

(c) The Zoning Commission may grant relief to a maximum of fifty percent (50%) of the amount of space required by Subtitle K § 515.2(b) if necessary for the economic viability of the Ballpark and if consistent with the purposes of the Capital Gateway zones as stated in Subtitle K § 500.1 and the provisions of Subtitle K § 524.4.

515.3 The design regulations are as follows:

(a) The Ballpark's maximum permitted height shall be that permitted by the Height Act, as amended. For the purposes of determining height for a Ballpark, height shall mean the vertical distance measured from the level of the curb opposite the middle of the front of the building to the highest point of the building, including a scoreboard, roof, cantilevered sunscreen, or parapet;

(b) Each building or structure located on the portion of South Capitol Street that lies within the Ballpark Site shall be set back for its entire height and frontage not less than fifteen feet (15 ft.), provided that a minimum of

sixty percent (60%) of the street-wall shall be constructed on the setback line;

(c) In addition to the streetwall setbacks of Subtitle K § 515.3(b), any portion of the Ballpark that exceeds one hundred ten feet (110 ft.) in height shall provide an additional one-to-one (1:1) step back from the building line along South Capitol Street;

(d) Any on-site bus parking shall be located internal to a building, with doors and entranceways designed to complement the building facade, and shall permit safe and convenient vehicular and pedestrian movement. The Zoning Commission may grant relief from this requirement pursuant to Subtitle K § 515.4 if necessary to the economic viability of the Ballpark and if consistent with the purposes of the Capital Gateway as stated in Subtitle K § 500.1 and the provisions of Subtitle K § 515.4;

(e) Loading platforms and berths for the Ballpark shall be located internal to a building, with doors and entranceways designed to complement the building facade, and shall permit safe and convenient vehicular and pedestrian movement;

(f) A minimum of one (1) pedestrian entrance gate to the Ballpark shall be provided on each street frontage; and

(g) No private driveway may be constructed or used from South Capitol Street to any parking or loading berth areas in or adjacent to a building or structure constructed after November 4, 2005.

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

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

(1) Minimizing associated noise, particularly into adjacent residential neighborhoods;

(2) Minimizing light spill, particularly into adjacent residential neighborhoods;

(3) Minimizing parking and traffic conflict between Ballpark patrons and neighborhood residents;

(4) Encouraging the use of bicycles through the provision of safe, secure and convenient bike storage, as well as other forms of alternative transportation to the site;

(5) Minimizing conflict between vehicles and pedestrians;

(6) Encouraging the design and development of properties in a manner that is sensitive to the establishment of South Capitol Street as a monumental civic boulevard, while recognizing the proximate residential neighborhood use and context;

(7) Being in context with the surrounding neighborhood and street patterns;

(8) Providing view analysis which assesses openness of views and vistas around the Ballpark, including views toward the Capitol Dome, other federal monumental buildings, and the waterfront, from the surrounding neighborhood and neighborhoods east of the Anacostia River, South Capitol Street, the Frederick Douglas Bridge, and the waterfront;

(9) Providing for safe and convenient movement to and through the site, including to public transit and to the Anacostia River; and

(10) Ensuring that signage on the exterior of building or internal to the ballpark structure but visible from the outside, including the scoreboard, will not have such intensity or brilliance as to cause glare or impair the vision of any driver, or otherwise interfere with the driver's operation of a motor vehicle; adversely impact an owner's enjoyment of residential property located proximate to the ballpark; or impact the character and integrity of the ballpark site;

(b) In addition to the required provisions of Subtitle K § 515.4(a), an applicant requesting approval under this section shall also demonstrate that the proposed building or structure, including the siting, architectural design, site plan, landscaping, sidewalk treatment, and operation will:

(1) Help achieve the objectives of the Capital Gateway as set forth in Subtitle K § 500.1;

(2) Be of a superior quality;

(3) Encourage safe and active streetscapes through building articulation, landscaping, and the provision of active ground level uses including retail, entertainment, cultural, and pedestrian concourse space;

(4) Minimize unarticulated blank walls adjacent to public spaces through facade articulation; and

(5) Promote the use of best practice environmental design, including minimizing potential impacts on the Anacostia River through stormwater management and recycling practices;

(c) The Zoning Commission may impose requirements pertaining to building or structure design, appearance, landscaping, signage, lighting, and other such requirements, as it deems necessary to protect neighboring property and to achieve the purposes of the Capitol Gateway zones;

(d) The Zoning Commission may hear and decide any additional requests for relief from Zoning Regulations for the subject site. Such requests may be advertised, heard, and decided together with the application for Zoning Commission review and approval;

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

(f) At any time after the application is filed, but no later than thirty (30) days prior to the hearing date, at the request of one (1) or more Zoning Commission member(s), the Zoning Commission may, at a regular or special public meeting, offer preliminary comment on the design presented. Written notice of the Zoning Commission's intent to offer preliminary comment shall be provided to the Applicant, the ANC within which the project is located, and the Office of Planning. The Office Planning may participate at the meeting only through responding to the Zoning Commission's questions and offering solutions to any concerns expressed.

CHAPTER 6 SAINT ELIZABETHS EAST CAMPUS ZONES – StE-1 THROUGH StE-19

600 GENERAL PROVISIONS (StE)

600.1 The Saint Elizabeths East Campus (StE) zones (StE-1 through StE-19) are unique location zones created to implement the public policy goal and objectives of the Comprehensive Plan, St. Elizabeths Redevelopment Framework Plan, as approved by the Council of the District of Columbia on December 16, 2008, and the Saint Elizabeths East Master Plan and Design Guidelines, June 4, 2012.

600.2 The StE zones shall constitute the Zoning Regulations for the geographic area referred to in Subtitle W § 115. Where there are conflicts between this chapter and other chapters of this title, the provisions of the StE zones shall govern.

600.3 The purposes of the StE zones are to:

(a) Provide for the development of the site with a mix of uses, achieved through the adaptive reuse of existing buildings as well as new construction;

(b) Provide for a broad mix of uses, including residential, commercial, hospitality, educational, and civic uses consistent with the master plan, with a target of approximately four million two hundred thousand square feet (4,200,000 sq. ft.) of development, exclusive of the StE-2, StE-18, and StE-19 zones and specified above-grade parking;

(c) Improve community connectivity and access to and through the campus;

(d) Enhance the unique and historic identity of the campus;

(e) Reinvigorate the campus as an important neighborhood center;

(f) Preserve and adaptively reuse the historic resources;

(g) Embody the District's design and sustainability goals;

(h) Create a safe public realm and enhanced pedestrian experience;

(i) Enhance multi-modal transportation networks;

(j) Support wider economic development initiatives; and

(k) Ensure a parking supply that meets the needs of the St. Elizabeths site while minimizing impacts on surrounding neighborhoods and incurring acceptable impacts on the surrounding road network.

600.4 The land use and design principles are as follows:

(a) Create a safe environment by providing for a mix of uses and open spaces that are capable of being programmed to ensure vitality and social activity;

(b) Create a desirable development opportunity by providing for flexibility in uses and appropriate building heights and densities;

(c) Provide street-activating uses such as retail on the ground floor of buildings along designated public streets;

(d) Recognize the unique and historic characteristics of the site and provide for the appropriate reuse of the historic buildings and new development that will respect the site's historic nature;

(e) Design and site new development sensitively to preserve existing gateways, vistas, and campus landmarks;

(f) Create focal points to help establish a unique sense of place and orientation;

(g) Provide for significant open space, including community parks, plazas, and natural open space on the site;

(h) Provide for significant open space, including community parks, plazas, and natural open space on the site; and

(i) Promote the use of best practice environmental and stormwater management design.

601 DEVELOPMENT STANDARDS (StE)

601.1 The development standards in Subtitle K §§ 602 through 611 shall control the bulk of buildings in the StE zones.

601.2 The StE zones are divided into the StE-1 through StE-19 zones for the purpose of floor area ratio (FAR), lot occupancy, and building height.

601.3 Except as provided in this chapter, the density, height of a building or structure not including the penthouse, lot occupancy, front setback, and rear yard in a StE zone shall not exceed or be less than that set forth in Subtitle K §§ 602 through 606.

601.4 In addition to the development standards set forth in this subtitle, additional general regulations relevant to this Subtitle can be found in Subtitle C.

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. 12-08C published at 67 DCR 1534 (February 14, 2020).

602 DENSITY – FLOOR AREA RATIO (FAR) (StE)

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

TABLE K § 602.1: MAXIMUM PERMITTED FAR

Zone District	FAR (Max.)	FAR – Required Residential (Min.)	FAR – Above Grade Parking (Max.)
StE-1	0.20	-	-
StE-2	4.00	-	-
StE-3	2.50	-	-
StE-4	0.50	-	-
StE-5	1.50	-	-
StE-6	3.20	1.60	-
StE-7	1.50	1.00	Subtitle K § 602.2
StE-8	0.40	-	-
StE-9	1.50	-	-
StE-10	1.50	-	-
StE-11	0.70	-	-
StE-12	3.00	1.50	-
StE-13	4.00	2.00	-
StE-14A	1.50	-	-
StE-14B	1.50	1.00	-
StE-15	2.50	1.20	Subtitle K § 602.2
StE-16	3.20	1.60	-
StE-17	1.00	-	Subtitle K § 602.2
StE-18	4.00	-	-
StE-19	0.00	-	-

602.2 Density for structured parking located above grade is regulated as follows:

(a) In addition to the density permitted by Subtitle K § 602.1, additional density for above grade parking is permitted as follows:

(1) Within the StE-7 zone – 1.0 FAR;

(2) Within the StE-15 zone – 1.0 FAR; and

(3) Within the StE-17 zone – 2.0 FAR;

(b) Any of the density permitted under Subtitle K § 602.2(a) that is not used for above grade parking may be utilized for any other use permitted within that zone;

(c) Any above grade parking shall conform to the standards of Subtitle K § 608; and

(d) This density may not be transferred through the combined lot provisions of Subtitle K §§ 602.4 through 602.8 to another parcel.

602.3 The minimum lot area for row dwellings in any StE zone shall be one thousand eight hundred square feet (1,800 sq. ft.) with a minimum lot width of eighteen feet (18 ft.).

602.4 Except for lots located in the StE-2, StE-10, StE-14a, StE-14b, StE-18, or StE-19 subdistrict, two (2) or more lots in one (1) or more StE subdistrict(s) may be combined for the purpose of achieving the minimum required FAR equivalent of residential uses, subject to the following:

(a) The total height and density limits of the zone(s) shall not be exceeded; The lots may be located in the same StE subdistrict or in different StE subdistricts;

(b) The lot(s) receiving residential gross floor area need not be located in a StE subdistrict with a residential requirement; and

(c) The total height and density limits of the subdistricts shall not be exceeded.

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

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

(a) Is signed by the owners of all affected parcels;

(b) Is for the benefit of the District of Columbia;

(c) Runs with the land in perpetuity;

(d) Burdens all parcels involved in the allocation of gross floor area; and

(e) States the maximum permitted gross floor areas for all uses in all parcels, the maximum allowed gross floor area for nonresidential uses in all parcels and the gross floor area of nonresidential uses allocated. The

covenant shall further state that, after the transfer, the combined lots conform with the maximum gross floor area limitations.

602.7 The declaration of covenants shall expressly state that it may be substantively amended or terminated only with the approval of the Zoning Administrator.

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

(a) The lots' eligibility to allocate residential and nonresidential uses;

(b) The accuracy of the computations with respect to the amount of residential and nonresidential uses allocated; and

(c) Whether, after the transfer, the combined lots will conform with the maximum gross floor area limitations for the lots before any such transfer.

602.9 The density and height limits of Subtitle K §§ 602 and 603 shall serve as the maximums permitted under a planned unit development (PUD).

SOURCE: Final Rulemaking & Order No. 08-06A published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 12-08C published at 67 DCR 1534 (February 14, 2020); Final Rulemaking & Order No. 19-26 published at 67 DCR 13131 (November 6, 2020).

603 HEIGHT (StE)

603.1 The maximum permitted building height, not including the penthouse, as well as the maximum permitted penthouse height and number of stories, in the StE zones shall be given in the following table:

TABLE K § 603.1: MAXIMUM PERMITTED BUILDING HEIGHT, PENTHOUSE HEIGHT, AND PENTHOUSE STORIES

Zone District	Maximum Building Height (Feet.)	Maximum Penthouse Height	Maximum Penthouse Stories
StE-1	25	12 ft. except 15 ft. for penthouse mechanical space	1; Second story permitted for penthouse mechanical space
StE-2	Subtitle K § 603.3	12 ft. except 18 ft. 6 in. for penthouse mechanical space	1; Second story permitted for penthouse mechanical space
StE-3	80	20 ft.	1; Second story permitted for penthouse mechanical space
StE-4	25	12 ft. except 15 ft. for penthouse mechanical space	1; Second story permitted for penthouse mechanical space
StE-5	65	12 ft. except 18 ft. 6 in. for penthouse	1; Second story permitted for penthouse

Zone District	Maximum Building Height (Feet.)	Maximum Penthouse Height	Maximum Penthouse Stories
		mechanical space	mechanical space
StE-6	90	20 ft.	1 plus mezzanine; Second story permitted for penthouse mechanical space
StE-7	Subtitle K § 603.2	Subtitle K § 603.2	Subtitle K § 603.2
StE-8	25	12 ft. except 15 ft. for penthouse mechanical space	1; Second story permitted for penthouse mechanical space
StE-9	65	12 ft. except 18 ft. 6 in. for penthouse mechanical space	1; Second story permitted for penthouse mechanical space
StE-10	40	12 ft. except 15 ft. for penthouse mechanical space	1; Second story permitted for penthouse mechanical space
StE-11	25	12 ft. except 15 ft. for penthouse mechanical space	1; Second story permitted for penthouse mechanical space
StE-12	80	20 ft.	1; Second story permitted for penthouse mechanical space
StE-13	90	20 ft.	1 plus mezzanine; Second story permitted for penthouse mechanical space
StE-14 A & B	40	12 ft. except 15 ft. for penthouse mechanical space	1; Second story permitted for penthouse mechanical space
StE-15	80	20 ft.	1; Second story permitted for penthouse mechanical space
StE-16	90	20 ft.	1 plus mezzanine; Second story permitted for penthouse mechanical space
StE-17	70	20 ft.	1; Second story permitted for penthouse mechanical space
StE-18	90	20 ft.	1 plus mezzanine; Second story permitted for penthouse mechanical space
StE-19	0	0	0

603.2 Maximum permitted building height and penthouse height within the StE-7 zone is as follows:

(a) For distance of two hundred fifty feet (250 ft.) measured from the north property line bounding Cypress Street, S.E., the maximum permitted building height, not including the penthouse, shall be eighty feet (80 ft.) and the maximum permitted height of the penthouse shall be twenty feet (20 ft.), and the maximum number of stories within the penthouse shall be one (1), except that a second story for penthouse mechanical space shall be permitted; and

(b) For the remainder of this parcel, the maximum permitted height shall be fifty feet (50 ft.); and the maximum permitted height of a penthouse shall be twelve feet (12 ft.), except that a height of fifteen feet (15 ft.) shall be permitted for penthouse mechanical space; and the maximum number of stories within the penthouse shall be one (1), except that a second story for penthouse mechanical space shall be permitted.

603.3 The maximum permitted building height, not including the penthouse, for any portion of a building shall be as follows based on the building's distance from the property line along Martin Luther King, Jr. Avenue:

(a) For a distance of two hundred thirty feet (230 ft.) or less, the maximum permitted building height, not including the penthouse, shall be forty feet (40 ft.);

(b) For a distance of more than two-hundred thirty feet (230 ft.) and less than five hundred sixty feet (560 ft.), the maximum permitted building height, not including the penthouse, shall be eighty feet (80 ft.); and

(c) For a distance of five hundred sixty feet (560 ft.) or more, the maximum permitted building height, not including the penthouse, shall be ninety feet (90 ft.).

SOURCE: Final Rulemaking & Order No. 08-06A published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 12-08B published at 66 DCR 2513 (March 1, 2019); Final Rulemaking & Order No. 12-08C published at 67 DCR 1534 (February 14, 2020).

604 LOT OCCUPANCY (StE)

604.1 The maximum permitted lot occupancy for the StE zones shall be given in the following table:

TABLE K § 604.1: MAXIMUM PERMITTED LOT OCCUPANCY

Zone District	Lot Occupancy for Residential Use (Max. %)
StE-1	25
StE-2	75
StE-3	60
StE-4	60
StE-5	60
StE-6	75
StE-7	60

Zone District	Lot Occupancy for Residential Use (Max. %)
StE-8	60
StE-9	60
StE-10	60
StE-11	60
StE-12	75
StE-13	75
StE-14A	60
StE-14B	60
StE-15	75
StE-16	75
StE-17	60
StE-18	75
StE-19	n/a

SOURCE: Final Rulemaking & Order No. 08-06A published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 12-08C published at 67 DCR 1534 (February 14, 2020).

605 FRONT SETBACK (StE)

605.1 Buildings within the StE-17 and StE-18 zones shall be setback not less than ten feet (10 ft.) from the property line that abuts Alabama Avenue and 13th Street.

605.2 No part of a building within the StE-17 and StE-18 zones shall project above a plane drawn at a forty-five degree (45^0) angle from a line located fifty feet (50 ft.) directly above the property line that abuts Alabama Avenue.

606 REAR YARD (StE)

606.1 A minimum required rear yard of twenty feet (20 ft.) shall be provided in the StE-10, StE-14A, and StE-14B zones.

606.2 No part of a building within the StE-6, StE-13, and StE-16 zones shall project above plane drawn at a forty-five-degree (45°) angle from a line located seventy-five feet (75 ft.) directly above the eastern property line that abuts the ravine.

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).

607 INCLUSIONARY ZONING (StE)

607.1 All residential development is subject to Inclusionary Zoning and shall be constructed according to the provisions set forth in Subtitle C, Chapter 10.

607.2 The density, height, and lot occupancy maximums of Subtitle K §§ 602, 603, and 604 shall serve as the maximum permitted density for buildings and structures within each zone including for the provision of inclusionary units.

607.3 An inclusionary development in an StE zone shall devote no less than ten percent (10%) of the gross floor area being devoted to residential use for Inclusionary Units.

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. 04-33I published at 66 DCR 13705 (October 18, 2019); Final Rulemaking & Order No. 12-08C published at 67 DCR 1534 (February 14, 2020).

608 PARKING (StE)

608.1 The cumulative total of all parking spaces, including below-grade, surface, and above-grade structured parking, shall not exceed a total of four thousand eight hundred (4,800) parking spaces, exclusive of parking on the StE-2 or StE-18 zone, existing surface parking lots, historic structures, and any parking associated with existing District of Columbia Government facilities.

608.2 Each application to the Department of Consumer and Regulatory Affairs for a development that includes above-grade or below-grade structured parking or surface parking shall provide an accounting of the total number of parking spaces within the StE zones which count towards the four thousand eight hundred (4,800) parking space limit.

608.3 Additional parking spaces beyond the four thousand eight hundred (4,800) space limit shall be permitted by special exception by the Board of Zoning Adjustment pursuant to Subtitle X, and provided that the applicant addresses compliance with the following standards:

(a) The application shall include a detailed accounting of the existing and proposed number and locations of parking spaces provided pursuant to Subtitle K § 608.1; and shall also include a traffic study assessing the impacts of the proposed additional parking spaces on local traffic patterns for referral to and comment by the District Department of Transportation;

(b) The applicant shall include a transportation demand management (TDM) plan, as well as District Department of Transportation analysis of the TDM plan. The parameters of the analysis shall be outlined by the District Department of Transportation; and

(c) Vehicular access and egress will be located and designed so as to encourage safe and efficient pedestrian movement, minimize conflict with principal pedestrian ways, function efficiently, and create no dangerous or otherwise objectionable traffic conditions.

608.4 For any application pursuant to Subtitle K § 608.3:

(a) The Board of Zoning Adjustment shall judge, balance, and reconcile the need for additional on-site parking against any adverse impacts the presence of the parking will have on traffic, and the aesthetics and development of the surrounding neighborhood; and

(b) The Board of Zoning Adjustment may impose requirements pertaining to design, appearance, signs, massing, landscaping, and other such requirements as it deems necessary to protect neighboring property and to achieve the purposes of the StE zones.

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

608.6 Parking spaces shared by more than one (1) use is permitted.

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

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

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

608.10 Parking spaces within an above-grade structure along 13th Street, S.E., and Sycamore Drive, S.E. shall be lined with preferred uses as defined in Subtitle K § 619.1 on the ground floor to a depth of thirty feet (30 ft.) minimum.

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

608.12 Parking spaces provided within an automated parking garage need not meet the accessibility requirement of Subtitle K § 608.11 as long as the mechanized parking system does.

608.13 Parking spaces and drive aisles shall be designed in accordance with the standards of Subtitle C, Chapter 7.

608.14 Where buildings located in the StE-1 through StE-9, StE-11 through StE-12, StE-16, and StE-18 through StE-19 zones, where other options for access to parking spaces exist, such as from an alley or a different street, access to parking shall not be from a section of street where preferred uses are required in accordance with Subtitle K §§ 619.2 and 619.3; or from Martin Luther King Jr. Avenue, S.E., Sycamore Drive, S.E., 12th Street, S.E., 13th Street, S.E., or Oak Drive, S.E.

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

SOURCE: Final Rulemaking & Order No. 08-06A published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 12-08C published at 67 DCR 1534 (February 14, 2020).

609 LOADING (StE)

609.1 Loading requirements for each use shall be as prescribed in Subtitle C, Chapter 9.

609.2 Where buildings located in the StE-1 through StE-9, StE-11 through StE-12, StE-16, and StE-18 through StE-19 zones, where other options for access to loading exist, such as from an alley or a different street, access to loading shall not be from a section of street where preferred uses are required in accordance with Subtitle K §§ 619.2 and 619.3; or from Martin Luther King Jr. Avenue, S.E., Sycamore Drive, S.E., 12th Street, S.E., 13th Street, S.E., or Oak Drive, S.E.

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

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

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

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

SOURCE: Final Rulemaking & Order No. 08-06A published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 12-08C published at 67 DCR 1534 (February 14, 2020).

610 BICYCLE PARKING (StE)

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

610.2 Bicycle parking spaces shall be provided in accordance with the requirements and standards of Subtitle C, Chapter 8.

611 PENTHOUSES (StE)

611.1 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.

612 USE PERMISSIONS (StE)

612.1 The following uses categories shall be permitted as a matter of right in all of the StE zones, except as limited in Subtitle K §§ 613 and 614, or if specifically prohibited by Subtitle K § 615:

(a) Agriculture, large and residential;

(b) Animal sales, care, and boarding;

(c) Antennas;

(d) Arts, design, and creation;

(e) Chancery;

(f) Community solar facility, subject to the following conditions:

(1) Roof-mounted solar array of any size; or

(2) Ground-mounted solar array, subject to the following requirements:

(A) Measures no greater than twenty feet (20 ft.) in height;

(B) Has an aggregate panel face area of one-and-one half (1.5) acres or less;

(C) Meets the yard and height development standards of the zone; and

(D) Where the panels are sited no less than forty feet (40 ft.), including any intervening street or alley, from an adjacent property in the R, RF, or RA-1 zone.

(g) Daytime care;

(h) Eating and drinking establishments;

(i) Education uses, including public and private schools, colleges and universities, and trade schools;

(j) Emergency shelter uses that house no more than four (4) persons, not including resident supervisors or staff and their families, except in the StE-2 zone where no numeric limit applies;

(k) Entertainment, assembly, and performing arts;

(l) Government, large scale and local;

(m) Medical care;

(n) Institutional, general and religious;

(o) Lodging;

(p) Motor vehicle-related sales and services;

(q) Office;

(r) Parking;

(s) Parks and recreation;

(t) Production, distribution, and repair;

(u) Residential;

(v) Retail;

(w) Service, general and financial;

(x) Transportation infrastructure; and

(y) Utility (basic).

SOURCE: Final Rulemaking & Order No. 08-06A published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 12-08B published at 66 DCR 2513 (March 1, 2019); Final Rulemaking & Order No. 19-04 published at 66 DCR 12137 (September 13, 2019).

613 USE LIMITATIONS (StE)

613.1 Within the StE-19 zone, no use is permitted except for open space and transportation infrastructure.

613.2 Uses permitted within the StE-10 and StE-14A zones shall be in accordance with the RF-1 use provisions of Subtitle U, Chapter 3, which include, but are not limited to, buildings containing one (1) or two (2) dwelling units, and other uses compatible with a low- to moderate-density residential zone.

SOURCE: Final Rulemaking & Order No. 08-06A published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 17-23 published at 66 DCR 2337 (February 22, 2019); Final Rulemaking & Order No. 12-08C published at 67 DCR 1534 (February 14, 2020).

614 USES PERMITTED BY SPECIAL EXCEPTION (StE)

614.1 The uses in this section shall be permitted in the StE zones as a special exception if approved by the Board of Zoning Adjustment pursuant to the general standards of Subtitle X and subject to the applicable conditions of each section as stated below:

(a) Community-based institutional facilities (CBIF) for seven (7) to fifteen (15) persons, not including resident supervisors or staff and their families, subject to the criteria set forth in Subtitle K § 618 and the following conditions:

(1) There shall be no other property containing a CBIF for seven (7) or more persons within a radius of five hundred feet (500 ft.) from any portion of the property;

(2) There shall be adequate, appropriately located, and screened off-street parking to provide for the needs of occupants, employees, and visitors to the facility;

(3) The proposed CBIF shall meet all applicable code and licensing requirements;

(4) The shelter shall not have an adverse impact on the neighborhood because of traffic, noise, operations, or the number of similar facilities in the area;

(5) The Board of Zoning Adjustment may approve more than one (1) CBIF in a square or within five hundred feet (500 ft.) only when the Board of Zoning Adjustment finds that the cumulative effect of the facilities will not have an adverse impact on the neighborhood because of traffic, noise, or operations; and

(6) The Board of Zoning Adjustment may approve a CBIF for more than fifteen (15) persons, not including resident supervisors or staff and their families, only if the Board of Zoning Adjustment finds that the program goals and objectives of the District of Columbia cannot be achieved by a facility of a smaller size at the subject

location, and there is no other reasonable alternative to meet the program needs of that area of the District of Columbia;

(b) Community solar facility not meeting the conditions of Subtitle K § 612.1(f), subject to the following:

(1) Provision of a landscaped area at least five feet (5 ft.) wide facing public space, residential use, or parks and recreation use, regardless of zone, that:

(A) Maintains as many existing native trees as possible;

(B) Includes a diverse mix of native trees, shrubs, and plants, and avoids planting a monoculture;

(C) Ensures all trees measure a minimum of six feet (6 ft.) in height at the time of planting; and

(2) The Application, including the landscape plan, shall be referred to the District Department of Energy and Environment for review and report; and

(c) Except as permitted as a matter of right in the StE-2 zone by Subtitle K § 612.1(j), emergency shelter uses for five (5) to fifteen (15) persons, not including resident supervisors or staff and their families, subject to the following conditions:

(1) There shall be no other property containing an emergency shelter for seven (7) or more persons within a radius of five hundred feet (500 ft.) from any portion of the property;

(2) There shall be adequate, appropriately located, and screened off-street parking to provide for the needs of occupants, employees, and visitors to the facility;

(3) The proposed shelter shall meet all applicable code and licensing requirements;

(4) The shelter shall not have an adverse impact on the neighborhood because of traffic, noise, operations, or the number of similar facilities in the area;

(5) The Board of Zoning Adjustment may approve more than one (1) shelter in a square or within five hundred feet (500 ft.) only when the Board of Zoning Adjustment finds that the cumulative effect of the facilities will not have an adverse impact on the neighborhood because of traffic, noise, or operations; and

(6) The Board of Zoning Adjustment may approve a shelter for more than fifteen (15) persons, not including resident supervisors or staff and their families, only if the Board of Zoning Adjustment finds that the program goals and objectives of the District of Columbia cannot be achieved by a facility of a smaller size at the subject location and there is no other reasonable alternative to meet the program needs of that area of the District of Columbia; and

SOURCE: Final Rulemaking & Order No. 08-06A published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 12-08B published at 66 DCR 2513 (March 1, 2019); Final Rulemaking & Order No. 19-04 published at 66 DCR 12137 (September 13, 2019); Final Rulemaking & Order No. 12-08C published at 67 DCR 1534 (February 14, 2020); Errata published at 67 DCR 4506 (April 24, 2020).

615 USES PROHIBITED (StE)

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

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

(b) Any industrial use first permitted in the PDR-4 zone;

(c) Correctional facility;

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

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

(f) Self-service storage establishment;

(g) Sexually-oriented business establishment:

(h) Vehicle repair and servicing, including full-serve and mini-serve gas stations, unattended key card stations, car washes, quick lubrication services, and vehicle emission test sites; and

(i) Vehicle sales.

SOURCE: Final Rulemaking & Order No. 20-03 published at 67 DCR 14506 (December 11, 2020).

616 ACCESSORY USES (StE)

616.1 Accessory uses, buildings, or structures customarily incidental and subordinate to the principal uses permitted in Subtitle K § 612 shall be permitted in any StE zone except StE-19 as a matter of right, subject to the development standards of Subtitle K §§ 602 through 606.

616.2 Short-Term Rental shall be permitted as an accessory use to a principal residential use in the StE zones.

SOURCE: Final Rulemaking & Order No. 08-06A published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 12-08C published at 67 DCR 1534 (February 14, 2020); Final Rulemaking & Order No. 19-15 published at 67 DCR 1543 (February 14, 2020).

617 PREFERRED USES (StE)

617.1 Preferred uses described in Subtitle K § 619 shall be provided in accordance with the provisions of that section.

618 SPECIAL EXCEPTION - GENERAL USE PROVISIONS (StE)

618.1 In addition to the general standards set forth in Subtitle X, an applicant for a special exception to establish a community based institutional facility (CBIF) pursuant to Subtitle K § 614.1(a) shall demonstrate that:

(a) The proposal addresses any conditions pertaining to that use as detailed in this chapter;

(b) Noise and other potential impacts associated with the operation of a proposed use shall not adversely affect adjacent or nearby uses;

(c) Traffic conditions associated with the operation of a proposed use shall not adversely affect adjacent or nearby uses; and

(d) The proposed building will comply with the applicable ground floor use.

SOURCE: Final Rulemaking & Order No. 08-06A published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 12-08C published at 67 DCR 1534 (February 14, 2020); Errata published at 67 DCR 4506 (April 24, 2020).

619 PREFERRED USE REQUIREMENTS (StE)

619.1 Preferred uses shall include any use within the arts, design and creation; eating and drinking establishments; retail; general service; or financial service use categories described in Subtitle B, Chapter 2.

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

(a) StE-3: facing Martin Luther King Jr. Avenue, S.E., Cypress Street, S.E., or Sycamore Street, S.E., and the park;

(b) StE-7: facing Martin Luther King Jr. Avenue, S.E., Cypress Street, S.E., Sycamore Drive, S.E., or 8th Street, S.E.;

(c) StE-15: facing Sycamore Drive, S.E., 13th Street, S.E., Oak Drive, S.E., or the park;

(d) StE-16: facing 13th Street, S.E., and the southwest corner;

(e) StE-17: facing Sycamore Drive, S.E., 13th Street, S.E., or 12th Street, S.E.

619.3 Not addition to the preferred use requirements of Subtitle K § 619.2, each building in the StE-15 and StE-17 zones shall devote additional square footage to preferred uses on the ground floor in an amount sufficient that all buildings in the StE-15 and StE-17 zones collectively provide an additional six thousand six hundred and twenty square feet (6,620 sq. ft.) devoted to preferred uses on the ground floor across the StE-15 and StE-17 zones. Each building permit application shall include evidence of the allocation of these six thousand six hundred and twenty square feet (6,620 sq. ft.) to the individual buildings in these zones.

619.4 Not less than fifty percent (50%) of the surface area of the street wall, including building entrances, of those building frontages described in Subtitle K §§ 619.2 and 619.3 shall be devoted to doors or display windows having clear or low emissivity glass.

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

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

619.7 Ground floor area required for preferred uses may not be transferred to any other lot through the combined lot development procedures of Subtitle K §§ 602.4 through 602.8.

619.8 For good cause shown, the Board of Zoning Adjustment may authorize interim occupancy of the preferred use space required under Subtitle K §§ 619.2 and 619.3 by other uses permitted in the StE zones for up to a five (5) year period, provided that:

(a) The ground-floor space is suitably designed for future occupancy by preferred uses;

(b) The proposed use is compatible with the surrounding uses; and

(c) It can be demonstrated that a preferred use cannot be accommodated due to market conditions.

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. 12-08C published at 67 DCR 1534 (February 14, 2020).

CHAPTER 7 REED-COOKE ZONES - RC-1 THROUGH RC-3

700 PURPOSE AND INTENT (RC)

700.1 The Reed-Cooke (RC) zones consist of the RC-1 through RC-3 zones.

700.2 The RC-1 zone is intended provide for areas developed with predominantly moderate- and medium-density rowhouses and apartments.

700.3 The RC-2 zone is intended to permit moderate-density mixed-use development at a limited height and with an emphasis on housing.

700.4 The RC-3 zone is intended to permit medium-density, compact mixed-use development, with an emphasis on residential development at a limited height and with an emphasis on housing.

700.5 The purpose of the Reed-Cooke residential apartment and mixed-use zones is to:

(a) Protect current housing and provide for the development of new housing;

(b) Maintain heights and densities at appropriate levels;

(c) Encourage small-scale business development that will not adversely affect the residential community;

(d) Ensure that new nonresidential uses serve the local community by providing retail goods, personal services, and other activities that contribute to the satisfaction of unmet social, service, and employment needs in the Reed-Cooke and Adams Morgan community;

(e) Protect adjacent and nearby residences from damaging traffic, parking, environmental, social, and aesthetic impacts; and

(f) Ensure the preservation and adaptive reuse of the First Church of Christ Scientist building, located on Lot 872 of Square 2560, through a planned unit development process.

700.6 In addition to other applicable provisions of this title, the requirements of this chapter shall apply to:

(a) All new construction;

(b) All additions, alterations, or repairs that, within any eighteen (18) month period, exceed in cost fifty percent (50%) of the assessed value of the structure as set forth in the records of the Office of Tax and Revenue on the date of the application for a building permit;

(c) Any use that requires a change in the use listed on the owner's or lessee's certificate of occupancy; and

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

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

(a) The first shall be selected by the owner;

(b) The second shall be selected by the Zoning Administrator; and

(c) The third shall be selected by the first two (2) contractors.

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

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

701 DENSITY – FLOOR AREA RATIO (FAR) (RC)

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

TABLE K § 701.1: MAXIMUM PERMITTED FAR

Zone	Use	Maximum FAR
RC-1	Public Library	2.0
	All Other	1.8
	All Other with IZ	2.16
RC-2	Total	2.5
	Total with IZ	3.0
	Non-Residential	1.5 for lots larger than 10,000 sq. ft.
RC-3	Total	3.5
	Total with IZ	4.2
	Non-Residential	1.5 for lots larger than 10,000 sq. ft.

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

701.3 Inclusionary Zoning requirements for the RC zones are as specified in Subtitle C, Chapter 10.

702 HEIGHT AND PENTHOUSE REGULATIONS (RC)

702.1 The maximum permitted building height, not including the penthouse, in a RC zone shall not exceed that given in the following table:

TABLE K § 702.1: MAXIMUM PERMITTED BUILDING HEIGHT AND STORIES

Zone	Maximum Height (Feet)	Maximum No. of Stories
RC-1	40	3
RC-2	40	No limit
RC-3	40 50 with IZ	No limit

702.2 In the RC-3 zone, a building shall be permitted a maximum height of fifty feet (50 ft.), not including the penthouse, provided fifty percent (50%) of the additional gross floor area made possible by the height bonus is devoted to low and moderate income household units, as defined in Subtitle B, Chapter 2.

702.3 Penthouses shall be subject to the regulations of Subtitle C, Chapter 15 and the height and story limitations specified in Subtitle K § 702.4.

702.4 The maximum permitted height of a penthouse, except as prohibited on the roof of a detached dwelling, semi-detached dwelling, rowhouse or flat in Subtitle C § 1500.4, shall be as set forth in the following table:

TABLE K § 702.4: MAXIMUM PERMITTED PENTHOUSE HEIGHT AND STORIES

ZONE	Maximum Penthouse Height	Maximum Penthouse Stories
RC-1 RC-2	12 ft. except 15 ft. for penthouse mechanical space	1
RC-3	12 ft., except 18 ft. 6 in. for penthouse mechanical space	1; Second story 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. 04-33I Published at 66 DCR 13705 (October 18, 2019).

703 LOT OCCUPANCY (RC)

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

TABLE K § 703.1: MAXIMUM PERMITTED LOT OCCUPANCY

Zone	Use	Maximum Lot Occupancy
RC-1	Pub Rec Center	20%
	All Other	60 %
RC-2	Residential	60 %
	Residential with IZ	75%
	All Other	N/A
RC-3	Residential	80%
	Residential with IZ	80%
	All Other	N/A

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

704 REAR YARD (RC)

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

TABLE K § 704.1: MINIMUM REAR YARD

Zone	Minimum Rear Yard Distance
RC-1	A distance equal to 4 inches per 1 foot of principal building height but no less than 15 feet
RC-2	15 feet
RC-3	15 feet

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

704.3 In the RC-2 and RC-3 zones, rear yards shall be measured as follows:

(a) Where a lot abuts an alley:

(1) For that portion of the structure below a horizontal plane, described in Subtitle K § 704.2, from the center line of the alley to the rear wall of the portion; and

(2) For that portion of the structure above the horizontal plane, described in Subtitle K § 704.2, from the rear lot line to the rear wall of that portion immediately above the plane; and

(b) Where a lot does not abut an alley, the rear yard shall be measured from the rear lot line to the rear wall of the building or other structure.

705 SIDE YARD (RC)

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

TABLE K § 705.1: MINIMUM SIDE YARD

Zone	Minimum Side Yard Distance
RC-1	None required; however, if a side yard is provided, it shall be no less than 4 ft.
RC-2	None required for a principal building; however, if a side yard is provided, it shall be at least 2 in. wide for each 1 ft. of height of building but no less than 5 ft.
RC-3	None required for a principal building; however, if a side yard is provided, it shall be at least 2 in. wide for each 1 ft. of height of building but no less than 5 ft.

705.2 In the RC-2 and RC-3 zones, any portion of a building setback from the side lot line shall be considered a side yard and not a court.

706 COURT (RC)

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

TABLE K § 706.1: MINIMUM COURT DIMENSIONS

Type of Structure	Minimum width Open Court	Minimum Width Closed Court	Minimum Area Closed Court
Residential, more than three 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:	2.5 in./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.

707 GREEN AREA RATIO (RC)

707.1 A minimum green area ratio (GAR) shall be provided for each lot in an RC zone as set forth in the following table pursuant to the conditions and requirements of Subtitle C, Chapter 6:

TABLE K § 707.1: MINIMUM GREEN AREA RATIO

Zone	Minimum GAR
RC-1	0.40
RC-2	0.30
RC-3	0.30

708 ACCESSORY BUILDING REGULATIONS (RC)

708.1 Accessory buildings in the RC-1 zone shall be regulated as outlined in Subtitle F, Chapter 8.

709 ALLEY LOT REGULATIONS (RC)

709.1 Alley lots in the RC-1 zone shall be regulated as outlined in Subtitle F, Chapter 9.

709.2 Alley lots in the RC-2 and RC-3 zones shall be regulated as outlined in Subtitle G, Chapter 15.

710 PLANNED UNIT DEVELOPMENTS (RC)

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

710.2 Notwithstanding Subtitle K § 710.1, the Zoning Commission, as part of a planned unit development permitting a hotel integrating the First Church Christ Scientist building on a new lot created by combining Lots 872, 875, and 127 of Square 2560, may permit a building height on former Lots 875 and 127 not to exceed seventy-two feet (72 ft.) measured from Euclid Street, and an overall building density not to exceed 3.99 FAR.

711 PUBLIC SCHOOLS, PUBLIC RECREATION AND COMMUNITY CENTERS, AND PUBLIC LIBRARIES (RC)

711.1 Public recreation and community centers and public libraries shall be controlled through the development standards specified in Subtitle C, Chapter 16.

711.2 Public schools shall be controlled through the development standards specified in Subtitle K, Chapter 49.

711.3 Development standards not otherwise addressed in Subtitle C, Chapter 16, or Subtitle K, Chapter 49, shall be those development standards for the zone in which the building or structure is proposed.

SOURCE: Final Rulemaking & Order No. 19-11 published at 67 DCR 3776 (April 3, 2020).

712 MATTER-OF-RIGHT USES (RC)

712.1 In the RC-1 zone, uses permitted as a matter of right in the RA-2 zone listed in Subtitle U, Chapter 4 shall be permitted as a matter of right in the RC-1 zone, unless otherwise not permitted in Subtitle K § 715.

712.2 In the RC-2 zone, uses permitted as a matter of right in the MU-4 zone listed in Subtitle U § 512 shall be permitted as a matter of right in the RC-2 zone, unless otherwise not permitted in Subtitle K § 715.

712.3 In the RC-3 zone, uses permitted as a matter of right in the MU-5 zone listed in Subtitle U § 513 shall be permitted as a matter of right in the RC-3 zone, unless otherwise not permitted in Subtitle K § 715.

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

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

712.6 Short-Term Rental shall be permitted as an accessory use to a principal residential use in the RC zones.

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. 19-15 published at 67 DCR 1543 (February 14, 2020).

713 USES PERMITTED BY SPECIAL EXCEPTION (RC)

713.1 In the RC-1 zone, uses listed as special exceptions in the RA-2 zone in Subtitle U, Chapter 4 shall be permitted by special exception in the RC-1 zone if approved by the Board of Zoning Adjustment under Subtitle X and subject to the conditions of each section unless otherwise not permitted in Subtitle K § 715.

713.2 In the RC-2 zone, uses listed as special exceptions in Subtitle U § 512 shall be permitted by special exception in the RC-2 zone if approved by the Board of Zoning Adjustment under Subtitle X and subject to the conditions of each section, unless otherwise not permitted in Subtitle K § 715.

713.3 In the RC-3 zone, uses listed as special exceptions in Subtitle U § 513 shall be permitted by special exception in the RC-3 zone if approved by the Board of Zoning Adjustment under Subtitle X and subject to the conditions of each section, unless otherwise not permitted in Subtitle K § 715.

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

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

(a) The parking lot or garage shall meet the conditions specified in Subtitle U §§ 203.16(c) through 203.16(h);

(b) The parking lot or garage shall meet the conditions in Subtitle K § 715; and

(c) The Board of Zoning Adjustment may require that all or a portion of the parking spaces be reserved for the following:

(1) Residential parking;

(2) Unrestricted commercial parking;

(3) Accessory parking for uses within eight hundred feet (800 ft.); and

(4) Shared parking for different uses by time of day.

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).

714 CONDITIONS ON USES IN FORMER PUBLIC SCHOOLS (RC)

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

(a) A use permitted as a matter of right pursuant to Subtitle U §§ 212.3 and 212.4, unless otherwise not permitted in Subtitle K § 715; and

(b) A use permitted by special exception pursuant to Subtitle U § 212.5, unless otherwise not permitted in Subtitle K § 715.

715 USES NOT PERMITTED IN REED-COOKE ZONES (RC)

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

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

(b) Any use not permitted in the M-10 zone, except a parking lot as permitted by Subtitle K § 713.5;

(c) Assembly hall, auditorium, or public hall;

(d) Automobile laundry;

(e) Automobile or truck sales;

(f) Automobile rental agency that stores or services automobiles within an RC zone;

(g) Bar or cocktail lounge;

(h) Billiard parlor or pool hall;

(i) Boat or other marine sales;

(j) Bowling alley;

(k) Bus passenger depot;

(l) Drive-through;

(m) Funeral mortuary or other similar establishment;

(n) Gasoline service station or repair garage;

(o) Hotel;

(p) Motorcycle sales or repair;

(q) Movie theater;

(r) Off-premises alcoholic beverage sales, except that the off-premises beer and wine sales accessory use in the grocery store located in Square 2572, Lot 36 may continue as a matter of right provided that it shall not occupy more than 2,078 square feet of the store's gross floor area;

(s) On-premises dry cleaning establishment;

(t) Parcel delivery service establishment other than one exclusively dedicated to serving a sound stage or a movie, video, or television production facility that existed on April 26, 1991;

(u) Restaurant or fast food establishment;

(v) Satellite reception dish greater than fifteen feet (15 ft.) in diameter;

(w) Transient accommodations that are not home occupations;

(x) Veterinary hospital; and

(y) Video game parlor.

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).

716 RELIEF FROM DEVELOPMENT STANDARDS (RC)

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

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

(b) Vehicular ingress and egress shall be designed and located so as to minimize conflict with pedestrian ways, to function efficiently, and to create no dangerous or otherwise objectionable traffic condition;

(c) Adequate off-street parking shall be provided for employees and for trucks and other service vehicles;

(d) Noise associated with the operation of a proposed use will not adversely affect adjacent or nearby residences;

(e) No outdoor storage of materials, nor outdoor processing, fabricating, or repair shall be permitted; and

(f) If located within a RC-3 zone, the use shall not be within twenty-five feet (25 ft.) of a residentially zoned property, unless separated there from by a street or alley.

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

717 PARKING, LOADING, AND VEHICLE ACCESS (RC)

717.1 Parking requirements for the RC zones are as specified in Subtitle C, Chapter 7.

717.2 Bicycle parking requirements for the RC zones are as specified in Subtitle C, Chapter 8.

717.3 Loading requirements for the RC zones are as specified in Subtitle C, Chapter 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).

CHAPTER 8 MIXED-USE-UPTOWN ARTS ZONES - ARTS-1 THROUGH ARTS-4

800 PURPOSE AND INTENT (ARTS)

800.1 The purposes of the Mixed-Use-Uptown Arts (ARTS) zones (ARTS-1 through ARTS-4) are to:

(a) Promote the creation of arts, arts-related, and art-supporting uses;

(b) Encourage a pedestrian scale of development, a mixture of building uses, adaptive reuse of older buildings, strengthened design character, public safety, and eighteen (18) hour activity;

(c) Require uses that encourage pedestrian activity, especially retail, entertainment, and residential uses;

(d) Provide for an increased presence and integration of the arts and related cultural and arts-related support uses;

(e) Expand the area's housing supply in a variety of rent and price ranges;

(f) Expand business and job opportunities, and encourage development of residential and commercial buildings;

(g) Strengthen the design character and identity of the area by means of physical design standards;

(h) Encourage adaptive reuse of older buildings in the area and an attractive combination of new and old buildings; and

(i) Foster eighteen (18) hour activity and increased public safety.

800.2 The ARTS-1 zone is intended to permit moderate-density, mixed-use development.

800.3 The ARTS-2 zone is intended to permit medium-density, compact mixed-use development, with an emphasis on residential development.

800.4 The ARTS-3 zone is intended to permit medium-density, mixed-use development, with a focus on employment.

800.5 The ARTS-4 zone is intended to permit medium- to high-density, mixed-use development, with a balance of uses conducive to a higher quality of life and environment for residents, businesses, employees, and institutions.

800.6 The requirements of this chapter shall apply to all new construction and to any addition, alteration, or repair that within any twenty-four (24) month period exceeds seventy-five percent (75%) of the assessed value of the building; provided:

(a) The cost basis for alterations or additions to an existing building shall be the amount indicated by the applicant on the application for a building permit; and

(b) The assessed value of the building shall be the value in the records of the Office of Tax and Revenue as of the date of the building permit application.

801 DENSITY – FLOOR AREA RATIO (FAR) (ARTS)

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

TABLE K § 801.1: MAXIMUM PERMITTED FAR

Zone	Use	Maximum FAR
ARTS-1	Total	2.5
	Total with IZ	3.0 (IZ)
	Non-Residential	1.5
ARTS-2	Total	3.5
	Total with IZ	4.2 (IZ)
	Non-Residential	1.5
ARTS-3	Total	4.0
	Total with IZ	4.8 (IZ)
	Non-Residential	2.5
ARTS-4	Total	6.0
	Total with IZ	7.2 (IZ)
	Non-Residential	3.0

801.2 In an ARTS-1 and ARTS-2 zone, an existing building on a lot with an area ten thousand square feet (10,000 sq. ft.) or less may have a maximum FAR of 2.0 for non-residential uses, provided the non-residential uses are located in the ground story, and the story directly above the ground story and the use of the additional 0.5 FAR shall not include eating or drinking uses.

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

(a) A lot or a combined lot having less than seven thousand five hundred square feet (7,500 sq. ft.) of land area;

(b) A conversion of a building constructed before 1958 to nonresidential uses; or

(c) A building that contributes to a historic district or is designated a landmark, and that has at least 0.5 FAR occupied by or reserved for one (1) or more of the preferred arts uses as listed in Subtitle U, Chapter 7, other than eating and drinking establishments.

801.4 Inclusionary Zoning requirements for the ARTS zones are as specified in Subtitle C, Chapter 10.

802 BONUS DENSITY (ARTS)

802.1 A project shall be eligible for bonus density for space devoted to one (1) or more of the preferred arts uses of Subtitle K § 802.2, subject to the following provisions:

(a) Bonus density may be used either to increase the gross floor area of the building for any permitted use up to the maximum density specified in paragraph (b) of this subsection, or to provide nonresidential uses or development in excess of the otherwise applicable limitation on the gross floor area of nonresidential uses in the underlying zone district;

(b) No building that uses bonus density shall achieve a maximum density in excess of the following:

(1) 3.0 FAR in the ARTS-1 zone,

(2) 4.5 FAR in the ARTS-2 or ARTS-3 zones, or

(3) 6.0 FAR in the ARTS-4 zone; and

(c) No property subject to Subtitle C, Chapter 10, shall be eligible for bonus gross floor area under this chapter unless it has met the set-aside requirements and used all the bonus density available through Subtitle C, Chapter 10.

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

TABLE K § 802.2: PREFERRED USES FOR BONUS FLOOR AREA

Preferred Use	GFA devoted to the bonus use	Proportionate number of sq. ft. of additional GFA earned for on-site or off-site development
Legitimate theater;	1	3
Department store, drugstore, dry cleaner, laundry, grocery store, hardware store, variety store, and any use listed in Subtitle U § 700.6 other than legitimate theater or drinking places;	1	2
Any general retail use or use listed in Subtitle U, Chapter 7, in excess of the required 0.5 FAR at ground level; not to be counted in addition to bonus floor area ; and	1	1.5
Space in a building constructed before 1958 and occupied by one (1) of the uses listed in paragraphs (a) through (d); provided, that this bonus shall count in addition to any applicable use bonus.	1	1

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

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

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

803 HEIGHT AND PENTHOUSE REGULATIONS (ARTS)

803.1 Except as provided in this section, the maximum permitted building height, not including the penthouse, shall be as set forth in the following table:

TABLE K § 803.1: MAXIMUM PERMITTED BUILDING HEIGHT

Zone	Maximum Height
ARTS-1	50 ft.
	50 ft. (IZ)
ARTS-2	65 ft.
	70 ft. (IZ)

Zone	Maximum Height
ARTS-3	65 ft.
	75 ft. (IZ)
ARTS-4	90 ft.
	100 ft. (IZ)

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

803.3 In the underlying ARTS-3 zone, a building may be constructed in excess of the height limit of sixty-five feet (65 ft.), up to a maximum height of seventy-five feet (75 ft.); provided:

(a) No penthouse permitted by this title shall exceed a height of eighty-three and one-half feet (83.5 ft.) above the measuring point used for the building; and

(b) If a lot abuts either a R, RF, or RA zone or an alley that serves as the zone district boundary line of an adjacent R, RF, or RA zone, no part of the building shall project above a plane drawn at a forty-five degree (45°) angle from a line located fifty feet (50 ft.) directly above the property line that abuts the R, RF, or RA zone or the alley.

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

803.5 Penthouses shall be subject to the regulations of Subtitle C, Chapter 15 and the height and story limitations set forth in the following table:

TABLE K § 803.5: MAXIMUM PERMITTED PENTHOUSE HEIGHT AND STORIES

ZONE	Maximum Penthouse Height	Maximum Penthouse Stories
ARTS-1	12 ft. except 15 ft. for penthouse mechanical space	1; Second story permitted for penthouse mechanical space
ARTS-2	12 ft. except 18 ft. 6 in. for penthouse mechanical space	1; Second story permitted for penthouse mechanical space
ARTS-3	Except as limited in Subtitle K § 803.3: 12 ft. except 18 ft. 6 in. for penthouse mechanical space	1

ZONE	Maximum Penthouse Height	Maximum Penthouse Stories
ARTS-4	Except as limited in Subtitle K § 803.4: 20 ft.	1 plus mezzanine; Second story permitted for penthouse mechanical space

804 LOT OCCUPANCY (ARTS)

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

TABLE K § 804.1: MAXIMUM PERMITTED LOT OCCUPANCY

Zone	Use	Lot Occupancy Maximum
ARTS-1	Public Rec Center	20%
	Residential	60 %
	Residential with IZ	75%
	All Other	n/a
ARTS-2	Public Rec Center	20%
	Residential	80%
	Residential with IZ	80%
	All Other	n/a
ARTS-3	Public Rec Center	20%
	Residential	75%
	Residential with IZ	80%
	All Other	n/a
ARTS-4	Public Rec Center	20 %
	Residential	75 %
	Residential with IZ	80%
	All Other	n/a

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

805 REAR YARD (ARTS)

805.1 A rear yard shall be provided for each structure in the ARTS zones with a minimum depth as set forth in the following table:

TABLE K § 805.1: MINIMUM REAR YARD

Zone	Minimum Rear Yard
ARTS-1	15 ft.
ARTS-2	15 ft.
ARTS-3	2.5 inches per foot of vertical distance from the mean finished grade at the middle of the rear of the structure to the highest point of the main roof or parapet wall, but not less than 12 feet

Zone	Minimum Rear Yard
ARTS-4	2.5 inches per foot of vertical distance from the mean finished grade at the middle of the rear of the structure to the highest point of the main roof or parapet wall, but not less than 12 feet

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

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

(a) Where a lot abuts an alley:

(1) For that portion of the structure below a horizontal plane described in Subtitle K § 805.2, from the center line of the alley to the rear wall of the portion; and

(2) For that portion of the structure above the horizontal plane described in Subtitle K § 805.2, from the rear lot line to the rear wall of that portion immediately above the plane; and

(b) Where a lot does not abut an alley, the rear yard shall be measured from the rear lot line to the rear wall of the building or other structure.

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

(a) A rear yard shall be established no lower than the first level of residential use;

(b) Where a lot abuts an alley, the rear yard may be measured from the center line of the alley to the rear wall of the building or other structure; and

(c) Where a lot does not abut an alley, the rear yard shall be measured from the rear lot line to the rear wall of the building or other structure.

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

806 SIDE YARD (ARTS)

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

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

807 COURT (ARTS)

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

TABLE K § 807.1: MINIMUM COURT DIMENSIONS

Type of Structure	Minimum Width Open Court	Minimum Width Closed Court	Minimum Area Closed Court
Residential, more than three 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:	2.5 in./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

808 GREEN AREA RATIO (ARTS)

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

TABLE K § 808.1: MINIMUM GREEN AREA RATIO

Zone	Minimum GAR
ARTS-1	0.30
ARTS-2	0.30
ARTS-3	0.25
ARTS-4	0.20

809 PLANNED UNIT DEVELOPMENT (ARTS)

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

810 STREET FRONTAGE DESIGN REQUIREMENTS (ARTS)

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

(a) No driveway that provides access from a pedestrian street to required parking spaces or loading berths shall be permitted;

(b) Each new building on a lot that fronts on a pedestrian street shall be designed and built so that not less than seventy-five percent (75%) of the

streetwall(s) to a height of not less than fifteen feet (15 ft.) shall be constructed to the street lot line; and

(c) Not less than fifty percent (50%) of the surface area of the streetwall(s) at the ground level of each building on a lot that fronts on a pedestrian street shall be devoted to display windows and to entrances to commercial uses or to the building; provided:

(1) The windows shall use clear or low-emissivity glass, except for decorative or architectural accent; and

(2) Entrances to the building, including entrances to shops and the main lobby, shall be separated by not more than forty feet (40 ft.) on average for the linear frontage of the building.

811 USE PERMISSIONS (ARTS)

811.1 In an ARTS zone, the retail and service uses shall be permitted as a matter of right subject to the conditions of this section.

811.2 In the ARTS-1 and ARTS-2 zones, arts uses in Subtitle U, Chapter 7 shall be permitted as a matter of right in addition to the MU-Use Group E standards of Subtitle U, Chapter 5, subject to the limitations and conditions of this chapter.

811.3 In the ARTS-3 zone, the arts uses in Subtitle U, Chapter 7 shall be permitted as a matter of right in addition to the MU-Use Group F standards of Subtitle U, Chapter 5, subject to the limitations and conditions of this chapter.

811.4 In the ARTS-4 zone, the arts uses in Subtitle U, Chapter 7 shall be permitted as a matter of right in addition to the MU-Use Group G standards of Subtitle U, Chapter 5, subject to the limitations and conditions of this chapter.

811.5 Where there is a conflict between this chapter and Subtitle U, this chapter shall govern.

811.6 Arts use groups listed in Subtitle U § 700.6 subject to the restriction on eating and drinking establishments of Subtitle K § 811.9, retail, service, general, and service, financial uses shall occupy no less than fifty percent (50%) of the ground floor level of each building on a lot that fronts on 14th Street, U Street, 7th Street, or Florida Avenue between 7th and 9th Streets; provided, this requirement shall not apply to a building located on a lot less than fifty feet (50 ft.) in width, measured along the property line that abuts the public street, if the building is used as an apartment house, multiple dwelling, or hotel.

811.7 A hotel shall be permitted as a matter of right provided no other hotel is located within five hundred feet (500 ft.).

811.8 No drive-through accessory to any use shall be permitted.

811.9 Eating and drinking establishments shall be subject to the following limitations:

(a) No more than fifty percent (50%) of the ground floor linear frontage on the named street within each individual square set forth in the table below, and within an ARTS zone, shall be devoted to eating and drinking establishments:

TABLE K § 811.9(a):
LINEAR FRONTAGE OF EATING AND DRINKING ESTABLISHMENTS

14th Street, N.W.		U Street, N.W.	
Square	**Frontage (feet)**	**Square**	**Frontage (feet)**
202	222.5	204	305.3
203	310.0	205	618.0
204	320.0	236	523.4
205	430.6	237	538.5
206	399.8	273	303.3
207	450.1	274	340.9
208	400.0	304	192.2
209	380.0	305	186.0
210	203.5	332	189.7
211	296.1	333	187.7
234	253.1	359	96.8
235	310.0	360	240.4
236	320.0	361	251.7
237	380.0		
238	450.0		
239	200.0		
240	391.0		
241	450.0		
242	363.1		
242N	154.5		

(b) An eating and drinking establishment not located on the ground (street) level of a building shall not count towards the fifty percent (50%) limit; and

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

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

(a) The eligible evening uses shall be restaurant, legitimate theater, movie theater, dinner theater, or cabaret;

(b) The eligible daytime uses shall be office use and the arts uses and arts-related uses with the exception of the evening uses listed in paragraph (a) of this subsection; and

(c) The respective property owners shall execute an agreement that identifies the designated parking spaces and provides that use of the spaces for permitted daytime uses shall cease at no later than 6:00 p.m., Monday through Saturday, and shall be available for parking by the specified evening uses as agreed to by the parties involved. This agreement shall be filed with the Zoning Administrator to be maintained as part of the certificate of occupancy file on each affected property.

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. 20-05 published at 67 DCR 9085 (July 24, 2020).

812 COMBINED LOT DEVELOPMENT (ARTS)

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

(a) The lots may be located in the same square or in different squares within the ARTS zones;

(b) Bonus floor area earned by the provisions of Subtitle K §§ 801.4 or 802 may be developed on any lot or combination of lots governed by the instrument required by Subtitle C, Chapter 12; provided, no development on any lot shall exceed the maximum height and bulk standards of this chapter;

(c) The ground level uses required by Subtitle K § 811 shall not be transferred, but shall be provided on each lot; and

(d) If a combined lot development involves the transfer of bonus density or allocates residential development rights from one (1) lot to another, the certificate of occupancy for the bonus floor area for the nonresidential building shall not be issued until a building permit has been issued for the building that will provide the residential or other preferred uses.

813 SPECIAL EXCEPTION (ARTS)

813.1 The Board of Zoning Adjustment may grant exceptions pursuant to Subtitle X, Chapter 9 from the requirements or limits of this chapter, other than Subtitle K § 811.9, subject also to the following criteria:

(a) The uses, buildings, or features at the size, intensity, and locations proposed, will substantially advance the purposes of the ARTS zones and

will not adversely affect neighboring property or be detrimental to the health, safety, convenience, or general welfare of persons living, working, or visiting in the area;

(b) The architectural design of the project will enhance the urban design features of the immediate vicinity in which it is located; provided, if a historic district or historic landmark is involved, the Board of Zoning Adjustment shall refer the application to the Historic Preservation Office for review and report; and

(c) Vehicular access and egress are located and designed so as to minimize conflict with principal pedestrian ways, to function efficiently, and to create no dangerous or otherwise objectionable traffic conditions.

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

813.3 A public recreation and community center may have a lot occupancy up to forty percent (40%) if approved by the Board of Zoning Adjustment pursuant to Subtitle X, Chapter 9 provided that the agency shows that the increase is consistent with agency policy of preserving open space.

814 PARKING, LOADING, AND VEHICLE ACCESS (ARTS)

814.1 Parking requirements for the ARTS zones are as specified in Subtitle C, Chapter 7.

814.2 Bicycle parking requirements for the ARTS zones are as specified in Subtitle C, Chapter 8.

814.3 Loading requirements for the ARTS zones are as specified in Subtitle C, Chapter 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).

CHAPTER 9 WALTER REED ZONES – WR-1 THROUGH WR-8

900 GENERAL PROVISIONS AND PURPOSE AND INTENT (WR)

900.1 The purposes of the Walter Reed (WR) zones (WR-1 through WR-15) are to:

(a) Provide for the growth of the former Walter Reed Army Medical Center campus with a broad mix of uses, achieved through the adaptive reuse of existing buildings as well as new construction, as generally indicated in the Comprehensive Plan and as recommended by the planning studies of the area;

(b) Preserve the unique historic architectural and landscape character of the Walter Reed campus as a resource for the adjacent neighborhoods and the District as a whole;

(c) Reweave the Walter Reed campus into the physical and social fabric of the adjacent neighborhoods by extending the existing street grid into the WR zone;

(d) Create a vibrant town center that will provide economic development, employment, and retail opportunities for the District and adjacent neighborhoods;

(e) Advance sustainability performance with green building techniques and promote innovative energy uses and stormwater management; and

(f) Accommodate selected uses pursuant to a Base Realignment and Closure Act Notice of Interest process.

900.2 Where there are conflicts between this chapter and other chapters or subtitles of this title, the provisions of this chapter shall govern.

900.3 The WR zones include the WR-1 through the WR-15 zones. Each zone may have one (1) or more sub-areas, as identified in the Development Standards table for each zone. Each sub-area may be comprised of one (1) or more Land Bays.

900.4 Land Bays may be shown, for reference only, in the boundary maps of this chapter for each zone.

900.5 Any reference to a street refers to either existing or proposed streets as depicted in the boundary maps of this chapter for each zone.

900.6 Any reference to a building number refers to the buildings as identified in the Walter Reed Army Medical Center Small Area Plan, adopted by the Council of the District of Columbia, April 30, 2013.

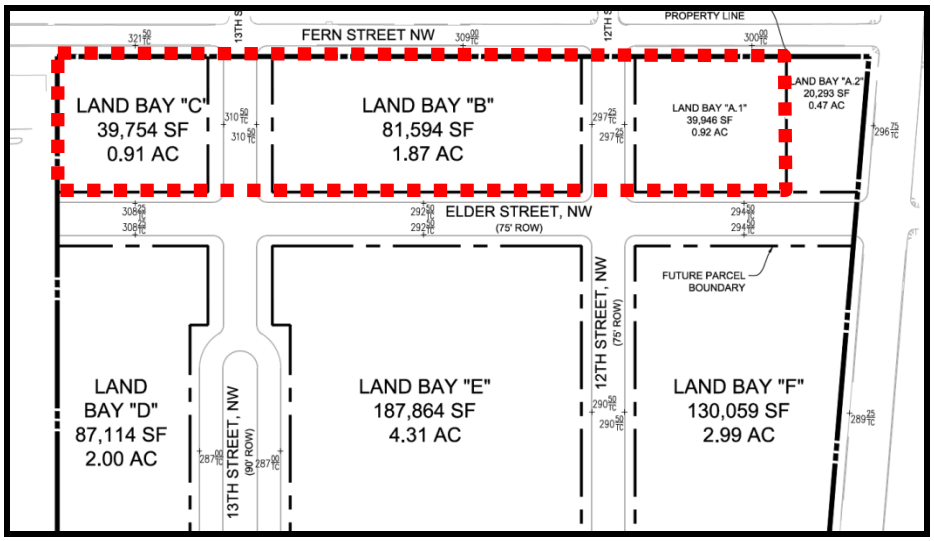
900.7 The area of private rights-of-way shall not be included in the area of any land bay, nor included in the calculation of floor area ratio (FAR).

900.8 In the WR zone, square footage allocated for streetcar related facilities or for the production of energy, such as co- or tri-generation facilities, does not count against FAR maximums.

900.9 In the WR zone, floor area allocated to a covered loading area, whose perimeter is at least seventy-five percent (75%) lined with other uses, does not count against FAR maximums.

901 WR-1 ZONE

FIGURE K § 901: ILLUSTRATION OF BOUNDARIES OF THE WR-1 ZONE



901.1 The WR-1 zone is intended to:

(a) Provide for residential development that complements the character of nearby established residential neighborhoods;

(b) Transition from the low- to moderate-scale residential uses north of Fern Street to the medium-density commercial and residential uses proposed for south of Elder Street; and

(c) Discourage driveway access directly from the street to private off-street parking.

901.2 The development standards for the WR-1 zone are set forth in the following table:

TABLE K § 901.2: WR-1 DEVELOPMENT STANDARDS

WR-1							
Sub-Area (Land Bays A.1, B and C)	**Lot Width (min.)**	**Building Height (max.)**	**Stories (max.)**	**Lot Occupancy (max.)**	**Pervious Surface (min.)**	**Side Yard (min.)**	**Rear Yard (min.)**
Lots with any frontage on Fern Street	18 ft.	45 ft.	4	70%	10%	None required; 4 ft. if provided	None required
Any other lot	18 ft.	55 ft.	5	70%	10%	None required; 4 ft. if provided	None required

901.3 The maximum number of permitted dwelling units on any lot shall be two (2), which includes both principal and accessory units.

901.4 For any inclusionary or affordable residential unit that is administered through the Department of Housing and Community Development, the minimum lot width shall be sixteen feet (16 ft.).

901.5 Height shall be measured in accordance with Subtitle B §§ 308, except that for any building fronting on Elder Street, the building height measuring point may be established at the finished grade at the middle of the front of the building.

901.6 No building shall be located between Fern and Elder Streets within fifty feet (50 ft.) of the western boundary of the WR zone.

901.7 In the WR-1 zone, no driveway or garage entrance providing access to parking or loading areas shall be permitted from a public or private street.

901.8 In the WR-1 zone, any private driveway shall be constructed of pervious materials. This does not apply to a private alley.

901.9 An addition to a single dwelling unit or flat, or a new or enlarged accessory structure on the same lot as a single dwelling unit or flat, shall be permitted, even though the addition or accessory structure does not comply with all of the requirements of Subtitle K § 901.2, as a special exception if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9, subject to the provisions of this subsection:

(a) The addition or accessory structure shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular:

(1) The light and air available to neighboring properties shall not be unduly affected;

(2) The privacy of use and enjoyment of neighboring properties shall not be unduly compromised;

(3) The addition or accessory structure, together with the original building, as viewed from the street, alley, and other public way, shall not substantially visually intrude upon the character, scale, and pattern of houses along the subject street frontage; and

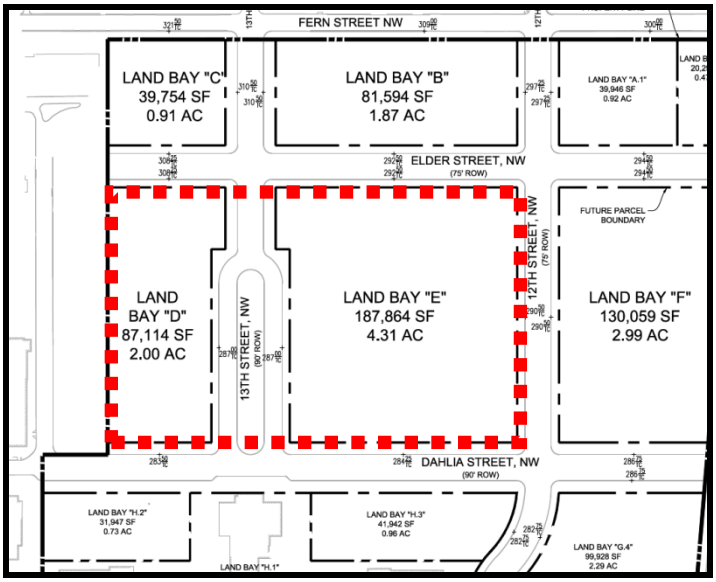
(4) In demonstrating compliance with paragraphs (a), (b), and (c) of this subsection, the applicant shall use graphical representations such as plans, photographs, or elevation and section drawings sufficient to represent the relationship of the proposed addition or accessory structure to adjacent buildings and views from public ways;

(b) The lot occupancy of all new and existing structures on the lot shall not exceed eighty percent (80%); and

(c) The Board of Zoning Adjustment may require special treatment in the way of design, screening, exterior or interior lighting, building materials, or other features for the protection of adjacent or nearby properties.

902 WR-2 ZONE

FIGURE K § 902: ILLUSTRATION OF BOUNDARIES OF THE WR-2 ZONE



902.1 The WR-2 zone is intended to:

(a) Create a vibrant and pedestrian-oriented commercial and residential center to serve as a housing, commercial, and retail anchor for the Walter Reed campus, adjacent neighborhoods, and the District.

(b) Promote an engaging streetscape to activate adjacent uses and users;

(c) Encourage clear visibility of retail uses along 12th Street from Georgia Avenue; and

(d) Create new passive and active open space amenities to accommodate residential and retail uses.

902.2 The development standards for the WR-2 zone are set forth in the following table:

TABLE K § 902.2: WR-2 DEVELOPMENT STANDARDS

WR-2					
Sub-Area	**Building Height (max.)**	**Stories (max.)**	**Floor Area Ratio (max.)**		**Residential Lot Occupancy Above the First Two Stories (max.)**
			Total	**Non-Residential Use**	
Land Bay D	85 ft.	7	2.5	1.0	80%
Land Bay E	85 ft.	7	3.75	1.0	80%

902.3 The non-residential maximum FAR requirement shall be measured per sub-area, as opposed to per building.

902.4 Lot occupancy on the first two (2) stories is permitted up to one hundred percent (100%), regardless of use.

902.5 If less than 3.75 FAR is developed in Land Bay E, excess floor area can be transferred to Land Bay K.1 in the WR-3 zone, or Land Bay F in the WR-3 zone, or Land Bay D in the WR-2 zone, or a combination of those land bays, subject to the requirements of this subsection:

(a) No more than one hundred fifty thousand square feet (150,000 sq. ft.) of floor area may be transferred in total, of which no more than fifty thousand square feet (50,000 sq. ft.) may be non-residential floor area;

(b) The maximum total FAR and the maximum non-residential FAR on Land Bay E shall be reduced by the total amount of floor area transferred and the amount of non-residential floor area transferred, respectively;

(c) The maximum total FAR and the maximum non-residential FAR on the receiving land bays shall be increased by the total amount of floor area transferred and the amount of non-residential floor area transferred, respectively;

(d) The allowable building height and lot occupancy on the receiving parcels shall not be increased, but the total FAR and the non-residential FAR of the receiving land bays may be increased to the amounts listed in the following table:

TABLE K § 902.5 (d): WR-1 DEVELOPMENT STANDARDS

Land Bay	Maximum FAR (Total)	Maximum FAR (Non-residential uses)
K.1	3.5	1.25
F	2.5	1.25
D	3.5	1.25

(e) Before the transfer may occur, the applicant shall record in the Land Records of the District of Columbia a covenant running with the land, found technically sufficient by the Zoning Administrator and legally sufficient by the Office of the Attorney General, for each property by the owner or owners for the benefit of the District of Columbia that states the size, in square feet, of Land Bays E, K.1, F, and D, the maximum FAR and non-residential FAR permitted as a matter of right for Land Bays E, K.1, F, and D, the total amount of floor area being transferred, the amount of non-residential floor area being transferred, and the resulting maximum FAR and nonresidential FAR for both Land Bays E, K.1, F, and D; and

(f) The applicant for any building permit for Land Bays E, K.1, F, or D shall submit with the permit application the covenant required by sub-paragraph (e) as well as any and all calculations used to derive the matter of right and resulting FARs for the land bays.

902.6 In the WR-2 zone, no less than one hundred percent (100%) of the façade of buildings located along Elder Street, Dahlia Street, 12th Street, and 13th Street shall be built to within ten feet (10 ft.) of the property lines abutting the subject street to a height of not less than twenty-five feet (25 ft.), except that:

(a) The requirements of this subsection shall not apply to the portions of building façades that front on a plaza located along 12th Street;

(b) The height requirement of this subsection may be reduced to eighteen feet (18 ft.) if the roof immediately above the eighteen (18)-foot façade is occupied by a public or private outdoor terrace; and

(c) Relief from the build-to requirements of this subsection may be granted by the Board of Zoning Adjustment as a special exception subject to the requirements of Subtitle X, Chapter 9, provided that the applicant adequately demonstrates that:

(1) The proposed design meets the intent of creating a streetwall along the street in question; and

(2) The area set back from the property line does not unduly restrict access by the public by a gate, fence, wall, or other barrier.

902.7 In the WR-2 zone, all portions of the ground floor devoted to non-residential uses shall be subject to the following requirements:

(a) The minimum floor-to-ceiling clear height shall be fourteen feet (14 ft.), except for those spaces within the ground floor of any building devoted to the following uses: mechanical, electrical, and plumbing; storage; fire control; loading; parking; and retail corridors and service corridors;

(b) The surface of any streetwall or wall fronting on a plaza shall devote at least fifty percent (50%) of the surface area at the ground floor to display windows with clear glass or pedestrian entrances;

(c) Each non-residential use with frontage on a public street or plaza shall have an individual public pedestrian entrance directly accessible from a sidewalk or plaza upon which the use has frontage;

(d) Pedestrian entrances or areas where future entrances to non-residential uses could be installed without structural changes shall be located no more than an average distance of forty feet (40 ft.) apart on all façades fronting a public street or plaza;

(e) On 12th Street, no single non-residential occupancy shall occupy more than one hundred (100) consecutive linear feet of ground-floor building frontage. On other streets, no single non-residential occupancy shall occupy more than fifty (50) consecutive linear feet of ground-floor building frontage; and

(f) One (1) or more building frontages of a grocery store may be exempt from the requirements of paragraph (e) provided that:

(1) The grocery store contains as an ancillary use a café, restaurant or similar use, or a seating area within the grocery store where food and beverages purchased on-site may be consumed;

(2) The use described in sub-paragraph (1) is located directly against the subject building frontage;

(3) Clear glass allows the plain view of the use from the exterior of the building;

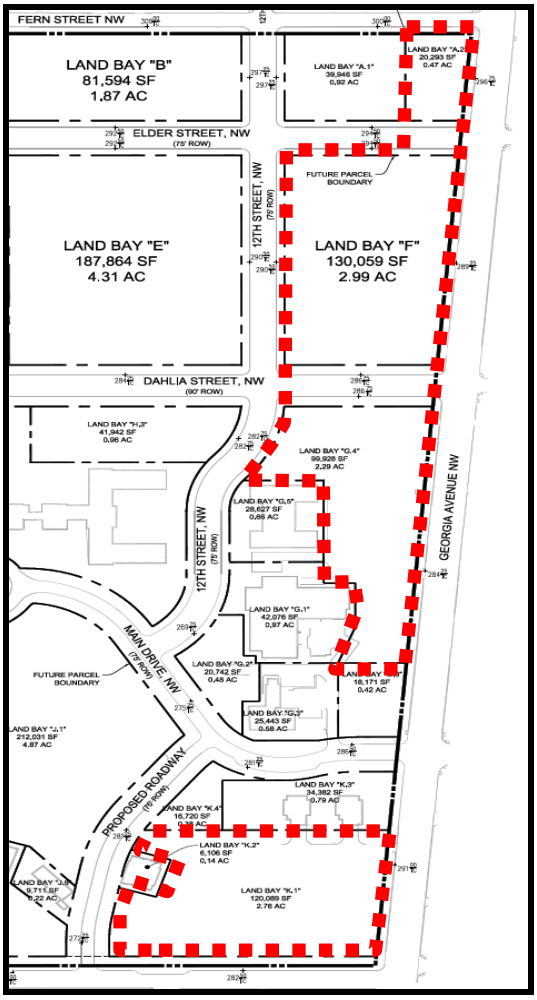
(4) The use is open to the public at least during normal grocery store hours; and

(5) In no case shall a single non-residential occupancy occupy more than two hundred (200) consecutive linear feet of ground-floor building frontage on 12th Street or one hundred feet (100 ft.) on any other street.

SOURCE: Final Rulemaking & Order No. 19-26 published at 67 DCR 13131 (November 6, 2020).

903 WR-3 ZONE

FIGURE K § 903: ILLUSTRATION OF BOUNDARIES OF THE WR-3 ZONE



903.1 The WR-3 zone is intended to:

(a) Provide for moderate- to medium-density commercial and residential development that activates Georgia Avenue frontage through enhanced ground-floor retail opportunities, a more uniform street wall, and publicly accessible plazas;

(b) Maintain a sensitive scale of development in relation to properties on the east side of Georgia Avenue as appropriate; and

(c) Preserve existing and encourage new green and open space to activate the site, and to allow for recreation opportunities as appropriate.

903.2 The development standards for the WR-3 zone are set forth in the following table:

TABLE K § 903.2: WR-3 DEVELOPMENT STANDARDS

WR-3						
Sub-Area	**Building Height (max.)**	**Stories (max.)**	**Floor Area Ratio (max.)**		**Residential Lot Occupancy Above the First Two Stories (max.)**	**Setbacks**
			Total	**Non-Residential Use**		
Land Bay A.2	70 ft.	5	3.5	1.0	80%	n/a
Land Bay F	See § 903.3	6	1.75	1.0	80%	n/a
Land Bay G.4	75 ft.	6	3.0	1.0	80%	n/a
Land Bay K.1	70 ft.	5	2.75	1.0	80%	See § 903.7

903.3 For Land Bay F, the maximum height of buildings or structures shall be sixty (60) feet within one hundred feet (100 ft.) of Georgia Avenue, and seventy-five feet (75 ft.) elsewhere.

903.4 For Land Bays F, G.4, and K.1, the non-residential maximum FAR requirement shall be measured by sub-area, as opposed to per building.

903.5 Lot occupancy on the first two (2) stories is permitted up to one hundred percent (100%), regardless of use, and except as limited by Subtitle K § 903.10.

903.6 Non-residential uses or building entrances to any use shall occupy one hundred percent (100%) of the ground-floor building façades facing the plaza constructed pursuant to Subtitle K § 903.10.

903.7 In Land Bay K.1, any new construction shall be set back no less than twenty feet (20 ft.) from the Aspen Street property line as it exists as of January 1, 2015.

903.8 In the WR-3 zone, no less than seventy percent (70%) of the façade of buildings located along Fern Street, Elder Street, Dahlia Street, Aspen Street, and Georgia Avenue shall be built to the property lines abutting the subject street right-of-way to a height of not less than twenty-five feet (25 ft.), except that:

(a) The requirements of this subsection shall not apply to the portions of building façades that front on a plaza established pursuant to Subtitle K § 903.10;

(b) The requirements of this subsection shall not apply to portions of building façades that are set back from the right-of-way for the purpose of preserving existing mature trees and for which trees the applicant for a building permit shall provide a permanent plan, approved by the Urban Forestry Administration, for tree maintenance and replacement;

(c) The height requirement of this subsection may be reduced to eighteen feet (18 ft.) if the roof immediately above the eighteen (18)-foot façade is occupied by a public or private outdoor terrace; and

(d) Relief from the build-to requirements of this subsection may be granted by the Board of Zoning Adjustment as a special exception subject to the requirements of Subtitle X, Chapter 9, provided that the applicant adequately demonstrates that:

(1) The proposed design meets the intent of creating a streetwall along the street in question; and

(2) The area set back from the property line does not unduly restrict access by the public by a gate, fence, wall, or other barrier.

903.9 In the WR-3 zone, all portions of the ground floor devoted to non-residential uses shall be subject to the following requirements:

(a) The minimum floor-to-ceiling clear height shall be fourteen feet (14 ft.), except for those spaces within the ground floor of any building devoted to the following uses: mechanical, electrical, and plumbing; storage; fire control; loading; parking; and retail corridors and service corridors;

(b) The surface of any streetwall or wall fronting on a plaza shall devote at least fifty percent (50%) of the surface area at the ground floor to display windows with clear glass or pedestrian entrances;

(c) Each non-residential use with frontage on a public street or plaza shall have an individual public pedestrian entrance directly accessible from a sidewalk or plaza upon which the use has frontage; and

(d) Pedestrian entrances or areas where future entrances to non-residential uses could be installed without structural changes shall be located no more than an average distance of forty feet (40 ft.) apart on all facades fronting a public street or plaza.

903.10 In Land Bay F, a plaza shall be provided which meets the criteria of this subsection:

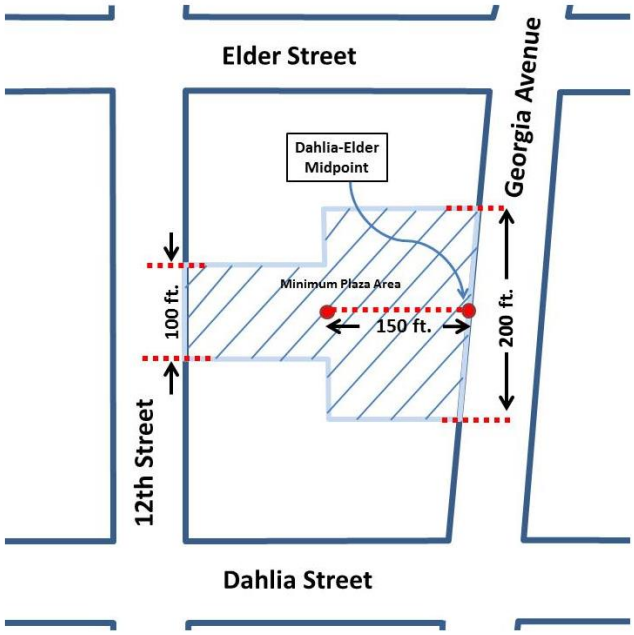
(a) No part of a building above grade shall cover the areas described below, as illustrated in the diagram below. The resulting plaza is the minimum open space, and building façades need not front immediately upon or follow the boundaries of the prescribed open space:

(1) The central two hundred feet (200 ft.) of the frontage on Georgia Avenue between Dahlia and Elder Streets to a depth of one hundred fifty feet (150 ft.) west of Georgia Avenue, with the depth

measured at the midpoint between Dahlia and Elder Streets and drawn parallel to Dahlia and Elder Streets; and

(2) The central one hundred feet (100 ft.) of frontage on 12th Street between Dahlia and Elder Streets and extending east to connect to the open space described in Subtitle K § 903.10(a)(1); and

FIGURE K § 903.10(a)(2): ILLUSTRATION OF WR-3 OPEN SPACE



(b) The open space described in Subtitle K § 903.10(a) shall constitute a plaza that must:

(1) Be open to the sky;

(2) Be open and available to the general public on a continuous basis;

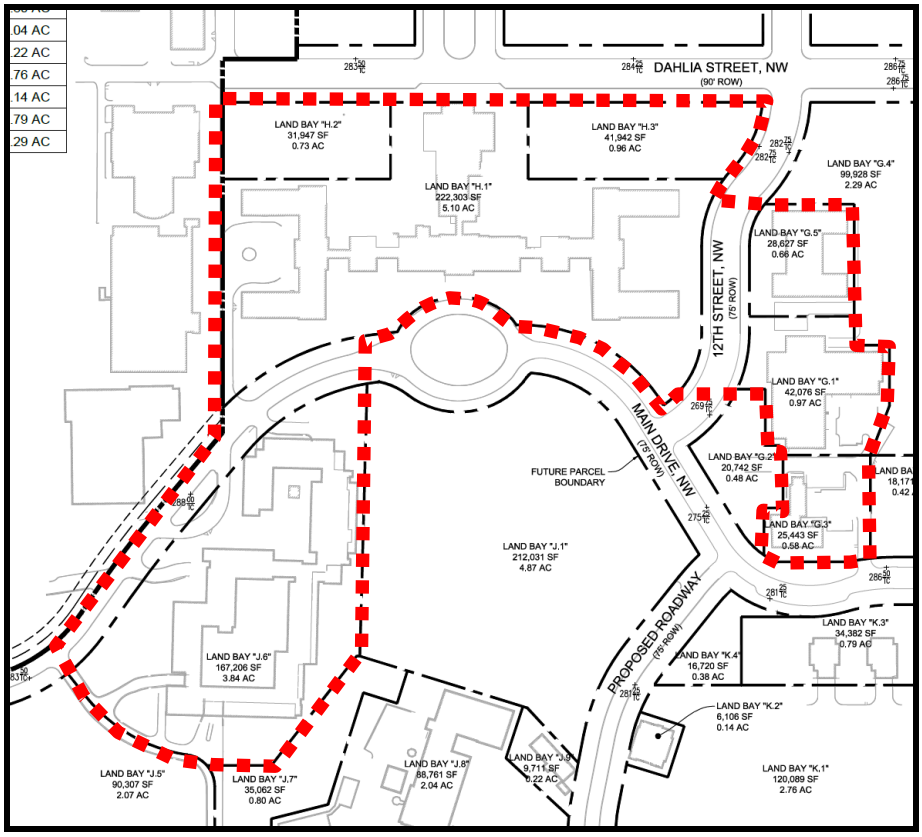
(3) Be lighted and landscaped;

(4) Preserve at least ninety percent (90%) of the existing mature, healthy trees; and

(5) Provide at least fifty percent (50%) pervious surface, including any water feature.

904 WR-4 ZONE

FIGURE K § 904: ILLUSTRATION OF BOUNDARIES OF THE WR-4 ZONE



904.1 The WR-4 zone is intended to:

(a) Provide for moderate-density commercial and residential development that adaptively reuses and sensitively develops proximate to historic resources; and

(b) Maintain the campus-like setting of Building 1 and other buildings through preservation of certain nearby open spaces.

904.2 The development standards for the WR-4 zone are set forth in the following table:

TABLE K § 904.2: WR-4 DEVELOPMENT STANDARDS

WR-4					
Sub-Area	**Building Height (max.)**	**Stories (max.)**	**Floor Area Ratio (max.)**	**Lot Occupancy (max.)**	**Setbacks**
Land Bay H.1	40 ft.	3	1.0	60%	See § 904.3
Land Bays H.2 and H.3	40 ft.	3	2.0	N/A	See § 904.3
Land Bays G.1 and G.5	50 ft.	4	1.75	75%	n/a
Land Bay G.3	40 ft.	4	0.9	60%	See § 904.4
Land Bay J.6	55 ft.	4	1.15	50%	n/a

904.3 In Land Bays H.1, H.2, and H.3, no building or portion of a building shall be constructed east of the easternmost point of existing Building 1.

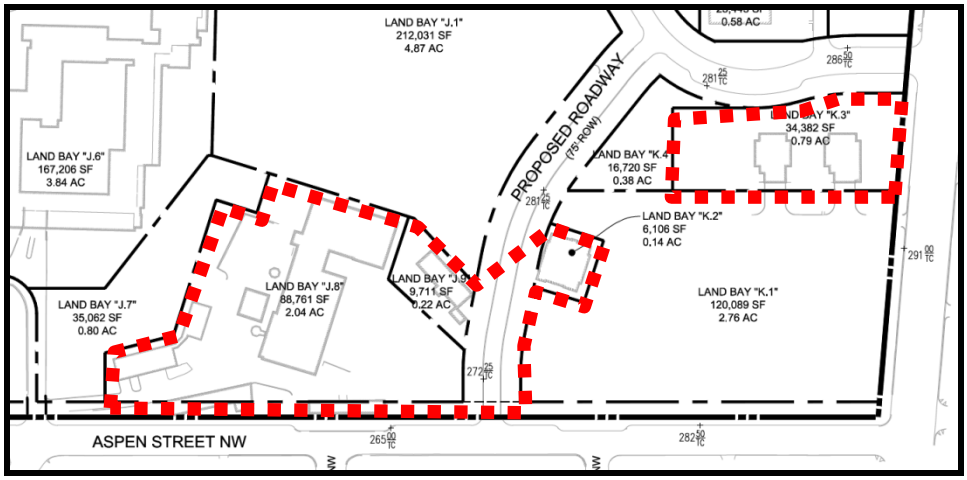
904.4 In Land Bay G.3, no building or portion of a building shall be constructed south of the southernmost point of existing Building 12.

904.5 In Land Bay H.3, no surface parking lot is permitted east of the easternmost point of existing Building 1.

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

905 WR-5 ZONE

FIGURE K § 905: ILLUSTRATION OF BOUNDARIES OF THE WR-5 ZONE



905.1 The WR-5 zone is intended to:

(a) Provide moderate-density residential and commercial development that also supports arts and cultural uses; and

(b) Encourage continuous east/west green connections and passive and active recreation opportunities.

905.2 The development standards for the WR-5 zone are set forth in the following table:

TABLE K § 905.2: WR-5 DEVELOPMENT STANDARDS

WR-5					
Sub-Area	**Building Height (max.)**	**Stories (max.)**	**FAR (max.)**	**Lot Occupancy (max.)**	**Setbacks**
Land Bay K.3	50 ft.	3	1.0	35%	See § 905.3
Land Bays J.9 and K.2	35 ft.	2	0.75	75%	n/a
Land Bay J.8	35 ft.	2	0.4	40%	See § 905.4

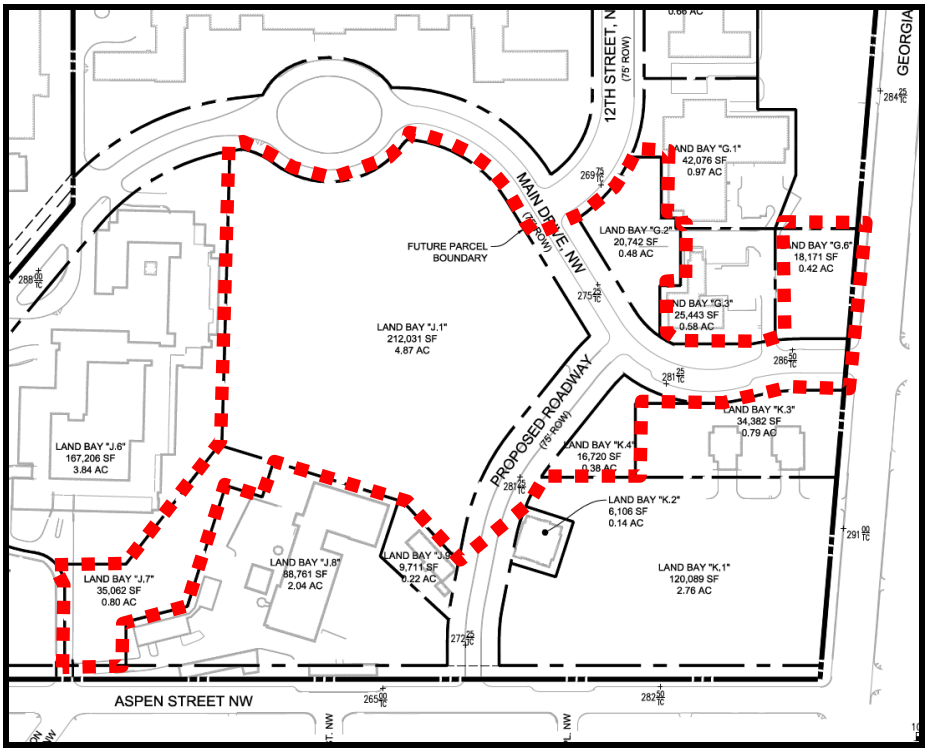
905.3 In Land Bay K.3, no building or portion of a building shall be constructed north of the northernmost point of existing Buildings 8 or 9, or east of the easternmost portion of Building 8.

905.4 In Land Bay J.8, any new construction shall be set back no less than twenty feet (20 ft.) from the Aspen Street property line as it exists on January 1, 2015. Existing buildings may be renovated and adaptively reused, even if within the setback area.

905.5 For new construction in Land Bay J.8, all portions of the ground floor devoted to non-residential uses shall have a minimum floor-to-ceiling height of fourteen feet (14 ft.), except for those spaces within the ground floor of any building devoted to the following uses: mechanical, electrical, and plumbing; storage; fire control; loading; parking; and retail and service corridors.

906 WR-6 ZONE

FIGURE K § 906: ILLUSTRATION OF BOUNDARIES OF THE WR-6 ZONE



906.1 The WR-6 zone is intended to:

(a) Preserve the unique character of the Great Lawn and maintain the campus atmosphere at the heart of the historic Walter Reed campus, including the landscaped entrances to the WR zone around Main Drive and East and West Cameron Drives;

(b) Assure that the Great Lawn's permanent use is for its primary natural function as well as for enjoyment by the general public; and

(c) Encourage continuous east/west green connections.

906.2 The development standards for the WR-6 zone are set forth in the following table:

TABLE K § 906.2: WR-6 DEVELOPMENT STANDARDS

WR-6	
Sub-Area	**FAR (max.)**
Land Bays J.1, J.7, G.2, G.6, and K.4	0

906.3 In the WR-6 zone, no new surface parking lots are permitted.

906.4 Notwithstanding the restriction of Subtitle K § 906.2, temporary structures may be erected to house any temporary use, subject to the temporary use provisions of Subtitle K § 922.6.

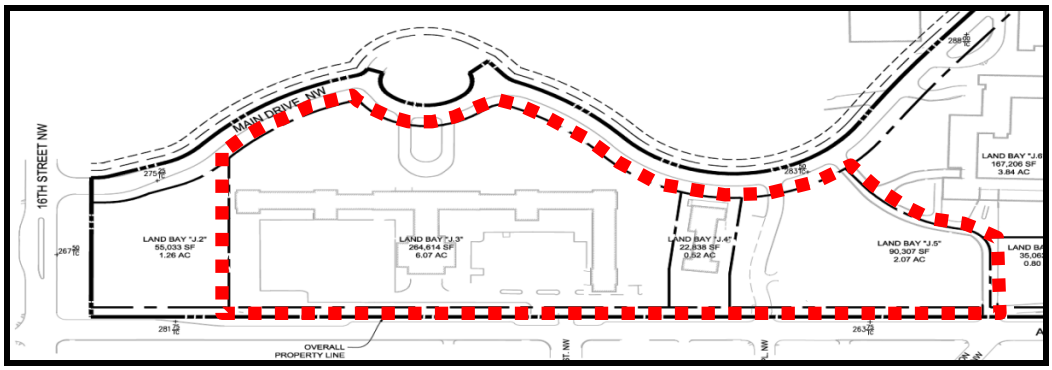
906.5 Notwithstanding the restriction of Subtitle K § 906.2, up to five (5) permanent structures, of no more than four hundred square feet (400 sq. ft.) each, may be constructed for the general purpose of food and beverage sales, or other retail or service use ancillary to the role of the WR-6 as an open space zone. This section shall not imply approval by the Historic Preservation Review Board or any other permitting authority.

906.6 In Land Bay J.7, a FAR of 0.5 is permitted for a Parks and Recreation use, or a similar use operated by a non-governmental entity.

906.7 In Land Bay J.7, any new construction built pursuant to Subtitle K § 906.5 shall be set back no less than twenty feet (20 ft.) from the Aspen Street property line as it exists on January 1, 2015.

907 WR-7 ZONE

FIGURE K § 907: ILLUSTRATION OF BOUNDARIES OF THE WR-7 ZONE



907.1 The WR-7 zone is intended to:

(a) Provide medium-density residential development that is sensitive to existing development on the south side of Aspen Street;

(b) Encourage adaptive reuse of existing buildings to accommodate, among other uses, institutions; and

(c) Encourage open and green space suitable for sustainable infrastructure and amenities as appropriate.

907.2 The development standards for the WR-7 zone are set forth in the following table:

TABLE K § 907.2: WR-7 DEVELOPMENT STANDARDS

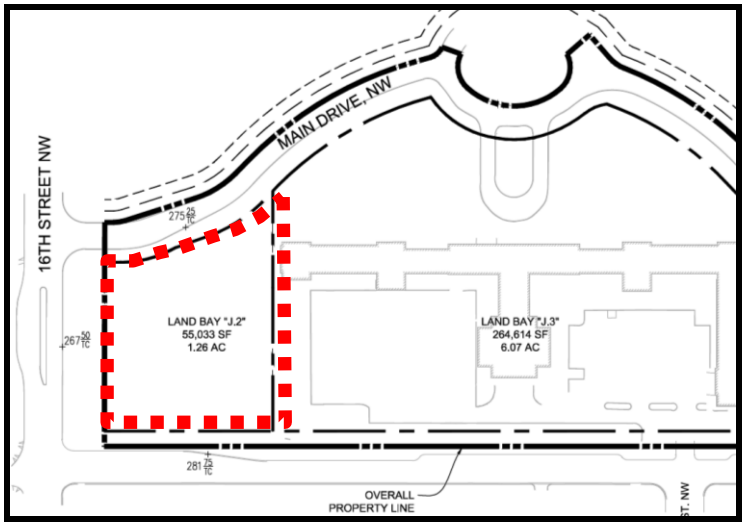
WR-7					
Sub-Area	**Building Height (max.)**	**Stories (max.)**	**FAR (max.)**	**Lot Occupancy (max.)**	**Setbacks**
Land Bay J.5	55 ft.	5	1.25	50%	See § 907.3
Land Bay J.4	25 ft.	2	1.0	50%	See § 907.3
Land Bay J.3	45 ft.	4	0.75	40%	See § 907.3 See § 907.4

907.3 In the WR-7 zone, any new construction shall be set back no less than twenty feet (20 ft.) from the Aspen Street property line as it exists on January 1, 2015.

907.4 In Land Bay J.3, no building or portion of a building shall be constructed north of the northernmost point of existing Building 11.

908 WR-8 ZONE

FIGURE K § 908: ILLUSTRATION OF BOUNDARIES OF THE WR-8 ZONE



908.1 The WR-8 zone is intended to:

(a) Provide medium-density residential development that is sensitive to existing development on the south side of Aspen Street; and

(b) Encourage open and green space suitable for sustainable infrastructure and amenities as appropriate.

908.2 The development standards for the WR-8 zone are set forth in the following table:

TABLE K § 908.2: WR-8 DEVELOPMENT STANDARDS

WR-8					
Sub-Area	**Building Height (max.)**	**Stories (max.)**	**FAR (max.)**	**Lot Occupancy (max.)**	**Setbacks**
Land Bay J.2	See § 3508.3	5	3.25	80%	See § 908.4

908.3 In the WR-8 zone, the maximum height of buildings or structures shall be as follows:

(a) Within twenty-five feet (25 ft.) of the setback specified in Subtitle K § 908.4, fifty feet (50 ft.) above the finished grade at the middle of the Aspen Street building façade; and

(b) Elsewhere, sixty-five feet (65 ft.) as measured from whichever measuring point is chosen for the building for the purpose of measuring height.

908.4 In the WR-8 zone, any new construction shall be set back no less than twenty feet (20 ft.) from the Aspen Street property line, as it exists on January 1, 2015.

909 WR-9 ZONE

909.1 The WR-9 zone is intended to support the expansion of medical care and research facilities at a scale of development that does not adversely impact the character of nearby established neighborhoods.

909.2 The development standards for the WR-9 zone are set forth in the following table:

TABLE K § 909.2: WR-9 DEVELOPMENT STANDARDS

Building Height (maximum)	Stories (maximum)	Lot Occupancy (maximum)	Pervious Surface (minimum)	Side Yard (minimum)	Rear Yard (minimum)
45 ft.	4	70%	10%	None required; 4 ft. if provided	None required

910 WR-10 THROUGH WR-15 ZONES

910.1 The WR-10 through WR-15 zones are intended to:

(a) Support the expansion of medical care and research facilities at a scale of development that does not adversely impact the character of nearby established neighborhoods; and

(b) Encourage adaptive reuse of existing buildings to support medical research uses.

910.2 The development standards for the WR-10 through WR-15 zones are set forth in the following table:

TABLE K § 910.2: WR-10 THROUGH WR-15 DEVELOPMENT STANDARDS

Zone District	FAR	Building Height (maximum)	Lot Occupancy (maximum)	Side Yard (minimum)	Rear Yard (minimum)
WR-10	4.5	60 ft.	100%	None required	None required
WR-11	4.5	90 ft.	75%	None required	None required
WR-12	2.0	65 ft.	75%	None required	None required
WR-13	6.0	110 ft.	100%	None required	None required
WR-14	4.5	110 ft.	75%	None required	None required
WR-15	2.5	85 ft	60%	None required	None required

910.3 In the WR-11 zone, no building or portion of a building shall be constructed above grade within one hundred fifty feet (150 ft.) of the street lot lines abutting Dahlia Street, N.W.

910.4 In the WR-15 zone, no building or portion of a building shall be constructed above grade within eighty feet (80 ft.) of the street lot lines abutting Fern Street, N.W.

911 HEIGHT AND PENTHOUSES (WR)

911.1 In the WR zone, the point chosen for measurement of height shall conform to the other provisions of this title, except that the point may be on either a public or private street.

911.2 For the purposes of applying general zoning requirements of this title:

(a) The WR-1, WR-7, and WR-8 zones shall be considered Residence zones; and

(b) The WR-2, WR-3, WR-4, WR-5, WR-6, WR-9, WR-10, WR-11, WR-12, WR-13, WR-14, and WR-15 zones shall be considered Mixed Use or Commercial Zones.

911.3 Penthouses shall be subject to the regulations of Subtitle C, Chapter 15 and the height and story limitations specified in Subtitle C § 911.4.

911.4 A penthouse constructed in accordance with the provisions of Subtitle C, Chapter 15 may be erected to a height in excess of that permitted, but shall not exceed the

height, as measured from the surface of the roof upon which the penthouse sits, in the following table:

TABLE K § 911.4: TABLE OF PENTHOUSE STANDARDS

ZONE DISTRICT	Maximum Penthouse Height (Feet)	Maximum Penthouse Stories
WR-1, WR-6	Pursuant to Subtitle C § 1500.4	Pursuant to Subtitle C § 1500.4
WR-4, WR-5, WR-7, WR-9	12 ft. except 15 ft. for penthouse mechanical space	1; second story permitted for penthouse mechanical space
WR-8	12 ft. except 18 ft. 6 in. for penthouse mechanical space	1; second story permitted for penthouse mechanical space
WR-3	20 ft.	1; second story permitted for penthouse mechanical space
WR-2, WR-10, WR-11, WR-12, WR-13, WR-14, WR-15	20 ft.	1 plus mezzanine; second story permitted for penthouse mechanical space

912 STREETSCAPE STANDARDS (WR)

912.1 In all WR zones, all buildings are subject to the following design requirements:

(a) Façades that front on public or private streets or plazas shall not have blank walls uninterrupted for more than ten feet (10 ft.) by doors, windows, or architectural features that modulate and articulate the building wall planes. Projections permitted into the public right-of-way by other regulations shall satisfy this requirement; and

(b) Security grilles shall have no less than seventy percent (70%) transparency.

913 USE PERMISSIONS (WR)

913.1 The uses in this section shall be permitted as a matter of right in the WR-1 zone, subject to any applicable conditions.

(a) Agriculture, large and residential;

(b) Antennas subject to the conditions of Subtitle K § 914.2;

(c) Arts, design, and creation subject to the conditions of Subtitle K § 914.3;

(d) Chanceries;

(e) Community solar facility, subject to the following conditions:

(1) Roof-mounted solar array of any size; or

(2) Ground-mounted solar array, subject to the following requirements:

(A) Measures no greater than twenty feet (20 ft.) in height;

(B) Has an aggregate panel face area of one-and-one half (1.5) acres or less;

(C) Meets the yard and height development standards of the zone; and

(D) Where the panels are sited no less than forty feet (40 ft.), including any intervening street or alley, from an adjacent property in the R, RF, or RA-1 zone;

(f) Daytime care subject to the conditions of Subtitle K § 914.4;

(g) Emergency shelter subject to the conditions of Subtitle K § 914.5;

(h) Institutional, religious-based;

(i) Parking subject to the conditions of Subtitle K § 914.8;

(j) Parks and recreation;

(k) Residential;

(l) Retail subject to the conditions of Subtitle K § 914.9;

(m) Short-Term Rental as an accessory use to a principal residential use

(n) Transportation infrastructure; and

(o) Utilities, basic.

913.2 The uses in this section shall be permitted as a matter-of-right in the WR-2, WR-3, WR-4, and WR-5 zones, subject to any applicable conditions:

(a) Agriculture, large and residential;

(b) Antennas subject to the conditions of Subtitle K § 914.2;

(c) Arts, design, and creation;

(d) Basic utilities;

(e) Chanceries;

(f) Daytime care;

(g) Eating and drinking establishments subject to the conditions of Subtitle K § 914.6;

(h) Education, college/university;

(i) Education, private;

(j) Education, public;

(k) Emergency shelter subject to the conditions of Subtitle K § 914.5;

(l) Entertainment, assembly, and performing arts;

(m) Government, local;

(n) Institutional, general;

(o) Institutional, religious-based;

(p) Lodging;

(q) Medical care;

(r) Office;

(s) Parking subject to the conditions of Subtitle K § 914.8;

(t) Parks and recreation;

(u) Residential;

(v) Retail;

(w) Service, financial;

(x) Service, general subject to the conditions of Subtitle K § 914.10;

(y) Short-Term Rental as an accessory use to a principal residential use; and

(z) Transportation infrastructure.

913.3 The uses in this section shall be permitted as a matter-of-right in the WR-6 zone, subject to any applicable conditions:

(a) Agriculture, large and residential;

(b) Arts, design, and creation;

(c) Basic utilities;

(d) Eating and drinking establishments;

(e) Entertainment, assembly, and performing arts;

(f) Institutional, religious-based;

(g) Parks and recreation;

(h) Retail;

(i) Short-Term Rental as an accessory use to a principal residential use; and

(j) Transportation infrastructure.

913.4 The uses in this section shall be permitted as a matter of right in the WR-7 zone, subject to any applicable conditions:

(a) Agriculture, large and residential;

(b) Antennas subject to the conditions of Subtitle K § 914.2;

(c) Arts, design, and creation;

(d) Basic utilities;

(e) Chanceries;

(f) Daytime care;

(g) Education, college/university subject to the conditions of Subtitle K § 914.7;

(h) Education, private, subject to the conditions of Subtitle K § 914.7;

(i) Education, public, subject to the conditions of Subtitle K § 914.7;

(j) Emergency shelter subject to the conditions of Subtitle K § 914.5;

(k) Institutional, general;

(l) Institutional, religious-based;

(m) Medical care;

(n) Office;

(o) Parking subject to the conditions of Subtitle K § 914.8;

(p) Parks and recreation;

(q) Residential;

(r) Retail subject to the conditions of Subtitle K § 914.9; and

(s) Transportation infrastructure.

913.5 The uses in this section shall be permitted as a matter of right in the WR-8 zone, subject to any applicable conditions:

(a) Agriculture, large and residential;

(b) Antennas subject to the conditions of Subtitle K § 914.2;

(c) Arts, design, and creation subject to the conditions of Subtitle K § 914.3;

(d) Basic utilities;

(e) Chanceries;

(f) Daytime care;

(g) Emergency shelter subject to the conditions of Subtitle K § 914.5;

(h) Institutional, general;

(i) Institutional, religious-based;

(j) Medical care;

(k) Parking subject to the conditions of Subtitle K § 914.8;

(l) Parks and recreation;

(m) Residential;

(n) Retail subject to the conditions of Subtitle K § 914.9;

(o) Short-Term Rental as an accessory use to a principal residential use; and

(p) Transportation infrastructure.

913.6 The uses in this section shall be permitted as a matter of right in the WR-9 through WR-15 zones, subject to any applicable conditions:

(a) Daytime Care;

(b) Office;

(c) Medical Care;

(d) Institutional, General; and

(e) Lodging uses devoted to persons associated with the permitted medical care and institutional uses at Children's National at Walter Reed including, but not limited to, patient families, visiting researchers, and medical professionals.

913.7 For the purposes of the WR zone, a community garden or playground managed by a non-profit organization or homeowners' association shall be considered a use in the parks and recreation use group provided the community garden or playground is open to the public.

913.8 A home occupation use, including a business, profession, or other economic activity, which is conducted full-time or part-time in a dwelling unit that serves as the principal residence of the practitioner, shall be permitted subject to the following conditions:

(a) The home occupation use shall comply with the requirements of Subtitle U § 251;

(b) The home occupation use is not within a dwelling unit in an accessory building; and

(c) A home occupation use not meeting all of the above conditions may be permitted as a special exception by the Board of Zoning Adjustment under Subtitle X, Chapter 9 of this title.

SOURCE: Final Rulemaking & Order No. 08-06A published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 17-20 published at 65 DCR 6596 (June 15, 2018); Final Rulemaking & Order No. 19-04 published at 66 DCR 12137 (September 13, 2019); Final Rulemaking & Order No. 19-15 published at 67 DCR 1543 (February 14, 2020); Final Rulemaking & Order No. 19-24 published at 67 DCR 11679 (October 9, 2020).

914 CONDITIONAL USES (WR)

914.1 The following conditions shall apply as required in Subtitle K § 911.

914.2 Antennas shall be permitted subject to the standards and procedures that apply to the particular class of antenna in Subtitle C, Chapter 13 of this title, which shall be applied to the WR zone as follows:

(a) The WR-1, WR-7, and WR-8 zones shall be considered Residential/R zones; and

(b) The WR-2, WR-3, WR-4, WR-5, and WR-6 zones shall be considered as MU-4 zones.

914.3 An arts, design, and creation use shall be permitted as a matter of right if it is clearly incidental to and accessory to the primary residential use, and subject to the following:

(a) The practitioner of the arts, design, and creation use must reside on the premises;

(b) All operations and storage of materials shall occur inside the building;

(c) Incidental sales of art work or other craft produced on site shall be permitted within the dwelling; and

(d) The practitioner may teach the art to one (1) or more apprentices.

914.4 Daytime care uses shall be permitted in the WR-1 zone as a matter of right subject to the following conditions:

(a) The dwelling unit in which the use is located shall be the principal residence of the caregiver; and

(b) The use otherwise shall meet the conditions of a home occupation.

914.5 An emergency shelter for one (1) to four (4) persons, not including resident supervisors or staff and their families, shall be a matter-of-right use.

914.6 All eating and drinking establishment uses shall be permitted as a matter of right except that:

(a) A drive-through shall not be permitted; and

(b) Fast food establishments and a fast food establishment that meets the definition of a food delivery services may be permitted by special exception pursuant to Subtitle K § 915.2(d) and if approved by the Board of Zoning Adjustment as a special exception under Subtitle X, Chapter 9.

914.7 Education (public, private, college/university) uses shall be permitted in the WR-7 zone only on Land Bay J.3.

914.8 Parking shall be permitted as a matter of right provided that all off-street parking is provided in compliance with the provisions of Subtitle K § 917;

914.9 A sale in the nature of a yard sale, garage sale, or home sales party may be held at a dwelling unit at most four (4) times during a twelve (12) month period.

914.10 Service, general uses shall be permitted as a matter of right provided that a laundry or dry cleaning facility shall not exceed two thousand five hundred square feet (2,500 sq. ft.) of gross floor area.

SOURCE: Final Rulemaking & Order No. 08-06A published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 17-20 published at 65 DCR 6596 (June 15, 2018); Final Rulemaking & Order No. 19-14 published at 67 DCR 11679 (October 9, 2020).

915 SPECIAL EXCEPTION USES (WR)

915.1 The following uses shall be permitted in the WR-1 zone if approved by the Board of Zoning Adjustment pursuant to Subtitle X, Chapter 9 and subject to the applicable provisions of each section:

(a) Community-based institutional facilities (CBIF) for one (1) to twenty (20) persons, not including resident supervisors or staff and their families, subject to the following conditions:

(1) There shall be no other property containing a CBIF for seven (7) or more persons in the same square;

(2) There shall be no other property containing a CBIF for seven (7) or more persons within a radius of five hundred feet (500 ft.) from any portion of the subject property;

(3) There shall be adequate, appropriately located, and screened off-street parking to provide for the needs of occupants, employees, and visitors to the facility;

(4) The proposed facility shall meet all applicable code and licensing requirements;

(5) The facility shall not have an adverse impact on the neighborhood because of traffic, noise, operations, or the number of similar facilities in the area; and

(6) The Board of Zoning Adjustment may approve more than one (1) community-based institutional facility in a square or within five hundred feet (500 ft.) only when the Board finds that the cumulative effect of the facilities will not have an adverse impact on the neighborhood because of traffic, noise, or operations;

(b) Community solar facility not meeting the requirements of Subtitle K § 913.1(e), subject to the following:

(1) Provision of a landscaped area at least five feet (5 ft.) wide facing public space, residential use, or parks and recreation use, regardless of zone, that:

(A) Maintains as many existing native trees as possible;

(B) Includes a diverse mix of native trees, shrubs, and plants, and avoids planting a monoculture;

(C) Ensures all trees measure a minimum of six feet (6 ft.) in height at the time of planting; and

(2) The Application, including the landscape plan, shall be referred to the District Department of Energy and Environment for review and report; and

(c) Emergency shelter use for five (5) to twenty-five (25) persons, not including resident supervisors or staff and their families, subject to the following conditions:

(1) There shall be no other property containing an emergency shelter for seven (7) or more persons either in the same square or within a radius of five hundred feet (500 ft.) from any portion of the property;

(2) There shall be adequate, appropriately located, and screened off-street parking to provide for the needs of occupants, employees, and visitors to the facility;

(3) The proposed facility shall meet all applicable code and licensing requirements;

(4) The facility shall not have an adverse impact on the neighborhood because of traffic, noise, operations, or the number of similar facilities in the area;

(5) The Board of Zoning Adjustment may approve more than one (1) emergency shelter in a square or within five hundred feet (500 ft.) only when the Board finds that the cumulative effect of the facilities will not have an adverse impact on the neighborhood because of traffic, noise, or operations; and

(6) The Board of Zoning Adjustment may approve a facility for more than twenty-five (25) persons, not including resident supervisors or staff and their families, only if the Board finds that the program goals and objectives of the District of Columbia cannot be achieved by a facility of a smaller size at the subject location and if there is no other reasonable alternative to meet the program needs of that area of the District.

915.2 The following uses shall be permitted as a special exception WR-2, WR-3, WR-4, and WR-5 zones if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9, subject to any applicable provisions of each section:

(a) Animal sales, care, and boarding shall be subject to the following conditions:

(1) The use shall produce no noise or odor objectionable to nearby properties, including residential units located in the same building as the use, and shall utilize industry standard sound-absorbing materials, such as acoustical floor and ceiling panels, acoustical concrete and masonry, and acoustical landscaping;

(2) The applicant shall demonstrate that the use will comply with the following conditions, and any Board of Zoning Adjustment approval shall be subject to the use's continued compliance with these standards:

(A) The use shall take place entirely within an enclosed building;

(B) The windows and doors of the space devoted to the animal boarding use shall be kept closed;

(C) No animals shall be permitted in an external yard on the premises;

(D) Animal waste shall be placed in closed waste-disposal containers and shall utilize a qualified waste disposal company to collect and dispose of all animal waste at least weekly; and

(E) Odors shall be controlled by means of an air filtration system (for example, High Efficiency Particulate Air "HEPA" filtration) or an equivalently effective odor control system;

(F) A veterinary boarding hospital may board any animal permitted to be lawfully sold in the District of Columbia, pursuant to D.C. Official Code § 8-1808(h)(1); and

(3) The Board of Zoning Adjustment may impose additional requirements pertaining to the location of buildings or other structures; entrances and exits; buffers, barriers, and fencing; soundproofing; odor control; waste storage and removal (including frequency); the species and/or number and/or breeds of animals; or other requirements, as the Board deems necessary to protect adjacent or nearby property;

(b) Community-based institutional facilities (CBIF) for one (1) to twenty (20) persons, not including resident supervisors or staff and their families, subject to the conditions of Subtitle K § 913.1(a);

(c) Community solar facility not meeting the requirements of Subtitle K § 911.1(e), subject to the following:

(1) Provision of a landscaped area at least five feet (5 ft.) wide facing public space, residential use, or parks and recreation use, regardless of zone, that:

(A) Maintains as many existing native trees as possible;

(B) Includes a diverse mix of native trees, shrubs, and plants, and avoids planting a monoculture;

(C) Ensures all trees measure a minimum of six feet (6 ft.) in height at the time of planting; and

(2) The Application, including the landscape plan, shall be referred to the District Department of Energy and Environment for review and report.

(d) Food establishment and a fast food establishment that meets the definition of a food delivery services shall be permitted by special exception, subject to the following conditions:

(1) No part of a lot on which a fast food establishment or food delivery business is located shall be within twenty-five feet (25 ft.) of a residential zone, including WR-1, WR-7, and WR-8, unless separated therefrom by a street or alley;

(2) Any outdoor refuse dumpsters shall be housed in a three (3)-sided brick enclosure equal in height to the dumpster or six feet (6 ft.) high, whichever is greater, with the entrance to the enclosure including an opaque gate;

(3) The use shall not include a drive-through;

(4) There shall be no customer entrance in the side or rear of a building that faces an alley containing a zone boundary line for a residential zone;

(5) There shall be adequate facilities to allow deliveries to be made and trash to be collected without obstructing public rights-of-way or unreasonably obstructing parking spaces, aisles, or driveways on the site;

(6) The use shall be designed and operated so as not to become objectionable to neighboring properties because of noise, sounds, odors, lights, hours of operation; and

(7) The use shall be located and designed so as to create no dangerous or other objectionable traffic conditions;

(e) Emergency shelter use for five (5) to twenty-five (25) persons, not including resident supervisors or staff and their families, subject to the conditions of Subtitle K § 915.1(c); and

(f) All motor vehicle related uses are prohibited except motor vehicle sales, which may be permitted as a special exception subject to the following conditions:

(1) There shall be no outdoor storage of vehicles;

(2) The surface of any streetwall or wall fronting on a plaza shall devote at least fifty percent (50%) of the surface area at the ground floor to display windows with clear glass or pedestrian entrances;

(3) Vehicular access into the showroom shall be through a moveable glass façade, or through an internal ramp or elevator from an underground garage;

(4) If vehicular access into the showroom is from the street through a moveable façade, the applicant shall submit a plan showing the area external to the building, including landscaping, hardscape, the method by which vehicles shall be transferred into the showroom, and where any necessary delivery trucks shall unload and park;

(5) The Board of Zoning Adjustment shall find that the loading activities shall not unduly impact pedestrian movement outside the building, or negatively impact the streetscape, including street trees and street furniture. If the use fronts on a public street, approval under this section shall not imply approval by the Public Space Committee or any other permitting authority;

(6) Any repair of vehicles shall occur inside the building in a location not visible from the right-of-way; and

(7) The Board of Zoning Adjustment shall find that the use does not impair the overall pedestrian or retail environment of the neighborhood.

915.3 The following uses shall be permitted as a special exception WR-7 and WR-8 zones if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9, subject to any applicable provisions of each section:

(a) Community solar facility not meeting the requirements of Subtitle K § 913.1(e), subject to the following:

(1) Provision of a landscaped area at least five feet (5 ft.) wide facing public space, residential use, or parks and recreation use, regardless of zone, that:

(A) Maintains as many existing native trees as possible;

(B) Includes a diverse mix of native trees, shrubs, and plants, and avoids planting a monoculture;

(C) Ensures all trees measure a minimum of six feet (6 ft.) in height at the time of planting; and

(2) The Office of Zoning shall refer the Application, including the landscape plan, to the District Department of Energy and Environment for review and recommendation if filed to the case record within the forty (40)-day period established by Subtitle A § 211; and

(b) Emergency shelter use for five (5) to twenty-five (25) persons, not including resident supervisors or staff and their families, subject to the conditions of Subtitle K § 915.1(c).

SOURCE: Final Rulemaking & Order No. 08-06A published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 17-20 published at 65 DCR 6596 (June 15, 2018); Final Rulemaking & Order No. 19-04 published at 66 DCR 12137 (September 13, 2019); Final Rulemaking & Order No. 19-24 published at 67 DCR 11679 (October 9, 2020).

916 PROHIBITED USES (WR)

916.1 The following uses are prohibited in the WR zone as either a principal or accessory use:

(a) Drive-through or drive-in, as either a principal or accessory use;

(b) Any establishment that has as its principal use the administration of massages; and

(c) Self-service storage establishment.

916.2 Any use not otherwise permitted by Subtitle K §§ 913, 914, or 915, or permitted as an accessory or home occupation in this chapter shall not be permitted.

SOURCE: Final Rulemaking & Order No. 20-03 published at 67 DCR 14506 (December 11, 2020).

917 VEHICLE PARKING (WR)

917.1 Except as noted in this section, the provisions and requirements of Subtitle C, Chapter 7, Vehicle Parking, shall not apply, and the following provisions of this section shall apply.

917.2 In the WR-1 through WR-8 zones, the cumulative total of all automobile parking spaces, including below-grade, surface, and above-grade structured parking, shall not exceed a total of three thousand four hundred (3,400) parking spaces.

917.3 Each application to the Department of Consumer and Regulatory Affairs for a development within the WR-1 through WR-8 zones that includes parking shall provide an accounting of the total number of parking spaces within the WR zone which count towards the parking space limit of Subtitle K § 917.2.

917.4 In the WR-9 through WR-15 zones, the cumulative total of all automobile parking spaces, including below-grade, surface, and above-grade structured parking, shall not exceed a total of one thousand six hundred (1,600) parking spaces.

917.5 Each application to the Department of Consumer and Regulatory Affairs for a development within the WR-9 through WR-15 zones that includes parking shall provide an accounting of the total number of parking spaces which count towards the parking space limit of Subtitle K § 917.4.

917.6 Parallel parking spaces on a private street shall not count toward the limit of Subtitle K §§ 917.2 and 917.4, provided they are open to use by the public and not reserved for a particular or private use.

917.7 Parking spaces dedicated for use by a car-sharing service or dedicated for the charging of electric vehicles shall not count toward the limits of Subtitle K §§ 917.2 and 917.4.

917.8 Additional parking spaces beyond the limit of Subtitle K §§ 917.2 and 917.4, as applicable, shall be permitted by special exception by the Board of Zoning Adjustment pursuant to Subtitle X, Chapter 9 and provided that the applicant addresses compliance with the following standards:

(a) The application shall include:

(1) A detailed accounting of the existing and proposed number and locations of parking spaces provided pursuant to Subtitle K §§ 917.2 and 917.4, as applicable;

(2) A traffic study assessing the impacts of the proposed additional parking spaces that would, at a minimum, include an updated trip generation study, parking occupancy study for the entire site, and impacts on local traffic patterns, for referral to and comment by the District Department of Transportation (DDOT). The parameters of the analysis shall be outlined by DDOT prior to the application; and

(3) A transportation demand management (TDM) plan, for referral to and comment by DDOT. The parameters of the analysis shall be outlined by DDOT prior to the application; and

(b) Vehicular access and egress to the additional parking will be located and designed so as to encourage safe and efficient pedestrian movement, minimize conflict with principal pedestrian ways, function efficiently, and create no dangerous or otherwise objectionable traffic conditions.

917.9 For any application pursuant to Subtitle K § 917.8:

(a) The Board of Zoning Adjustment shall judge, balance, and reconcile the need for additional on-site parking against any adverse impacts the presence of the parking will have on traffic, and the aesthetics and development of the surrounding neighborhood; and

(b) The Board of Zoning Adjustment may impose requirements pertaining to design, appearance, signs, massing, landscaping, and other such requirements as it deems necessary to protect neighboring property and to achieve the purposes of the individual WR zones.

917.10 Parking spaces need not be located on the same lot as the building or buildings they are intended to serve, but must be located within the WR zone.

917.11 Parking spaces may be shared among more than one (1) use, whether the uses are on the same lot or on separate lots. A parking space that is shared among more than one (1) use shall be subject to the following conditions:

(a) The parking space and the uses shall all be within the WR zone;

(b) The parking space shall not serve as required parking for any other use during the days and times each use the space serves is in operation;

(c) A written agreement assigning the parking space to each use, stating compliance with Subtitle K § 917.11(b), shall be signed by the owner of the parking space and the owner of each use requiring the parking space;

(d) The final, original written agreement shall be filed with the Zoning Administrator prior to the issuance of the first certificate of occupancy for the use;

(e) Any amendment or successor agreement must be filed no later than ten (10) days following execution by the parties; and

(f) The Zoning Administrator shall maintain a file of all written agreements and amendments for each lot containing a parking space shared between multiple uses and for the lots sharing the parking space.

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

existing surface parking lot south of Building 11 may remain, but shall not be expanded in size.

917.13 An above-grade structure constructed or renovated to provide parking after September 4, 2015, when this chapter was adopted, shall be lined with preferred uses on the ground and second floors to a depth of fifteen feet (15 ft.) minimum, except the portions of the building façade used for vehicular, bicycle, or pedestrian access to the parking area. For the purposes of this subsection, preferred uses shall include any use from the arts design and creation; eating and drinking establishments; office; residential; retail; service, general; and service, financial use groups.

917.14 All parking spaces, other than mechanical parking spaces, shall be accessible at all times from a driveway accessing either an improved street or an improved alley or alley system with a minimum width of ten feet (10 ft.). Parking spaces provided within or accessed by a mechanized parking system need not meet the accessibility requirement of this subsection as long as the mechanized parking system does.

917.15 New parking spaces and drive aisles shall be designed in accordance with the standards of Subtitle C §§ 710 through 716.

917.16 Approval of a driveway under this chapter shall not be interpreted to imply permission for a curb cut in public space. All curb cuts in public space shall obtain all necessary approvals and permissions.

917.17 All access to parking facilities, whether from a public or private right-of-way, shall meet DDOT and Public Space Committee standards.

SOURCE: Final Rulemaking & Order No. 19-24 published at 67 DCR 11679 (October 9, 2020).

918 BICYCLE PARKING (WR)

918.1 Bicycle parking shall be provided in accordance with the requirements of Subtitle C, Chapter 8, and in accordance with Subtitle K § 918.2.

918.2 Long-term bicycle parking spaces shall meet the following additional requirements:

(a) All required long-term bicycle parking spaces shall be located within the building of the use requiring them;

(b) Except as noted below, required long-term bicycle parking spaces shall be located no lower than the first cellar level or the first complete parking level below grade, and no higher than the first above-grade level. Spaces shall be available to employees, residents, and other building occupants; and

(c) If vehicular parking is segregated on different levels of a parking garage based on use, required long-term bicycle parking spaces may be located on the garage level dedicated to the use which generated the bicycle parking requirement. However, in no instance shall required long-term bicycle spaces be located lower than the second parking level below grade or the second parking level above grade.

SOURCE: Final Rulemaking & Order No. 19-24 published at 67 DCR 11679 (October 9, 2020).

919 LOADING (WR)

919.1 Loading shall be provided in accordance with the requirements of Subtitle C, Chapter 9 and the provisions of this section.

919.2 Access to loading and service/delivery space shall not be required to meet the requirement of Subtitle C § 904.5, which requires access be from an open or approved alley, where one exists.

919.3 All access to loading facilities, whether from a public or private right of way, shall meet DDOT and Public Space Committee standards.

919.4 In addition to the loading screening and lighting requirements of Subtitle C § 908, any loading berths or service/delivery spaces that are not enclosed within a building, if potentially visible from a public right-of-way, shall have, in addition to the wall required by this subsection, a screen of evergreen trees, planted at a distance of no more than fifteen feet (15 ft.) on center, of a species that at maturity would have a typical height of at least fifteen feet (15 ft.).

SOURCE: Final Rulemaking & Order No. 19-24 published at 67 DCR 11679 (October 9, 2020).

920 AFFORDABLE HOUSING (WR)

920.1 Affordable housing shall be provided as described in this section. The provisions of Subtitle C, Chapter 10 shall not apply in the WR-1 through WR-8 zones, with the exception of the relevant penthouse habitable space affordable housing provisions pursuant to Subtitle C § 1500.11 as specified in Subtitle K § 920.13.

920.2 The purposes of this section are to:

(a) Ensure the provision of a significant amount of affordable housing, including for very low-income households; and

(b) Ensure that the affordable housing is distributed throughout the WR zone.

920.3 The FAR, lot occupancy, and height listed in the Development Standards for each WR zone shall serve as the maximum permitted density and building envelopes for buildings and structures, including for the provision of affordable units.

920.4 For the WR-1 through WR-8 zones, no less than four hundred and thirty-two (432) units of affordable housing shall be subject to affordable housing covenants that collectively result in compliance with Subtitle K §§ 920.5 and 920.6.

920.5 Of the four hundred and thirty-two (432) units minimum:

(a) No less than one hundred and fourteen (114) rental units shall be reserved for and provided at rents affordable to households earning thirty percent (30%) or less of the Area Median Income (AMI);

(b) No less than one hundred and thirty-nine (139) units shall be reserved for and provided at rents or sales prices affordable to households earning fifty percent (50%) of the AMI or less; and

(c) No less than one hundred and seventy-nine (179) units shall be reserved for and provided at rents or sales prices affordable to households earning eighty percent (80%) of the AMI or less.

920.6 A minimum amount of affordable units shall be provided in each of the WR-1 through WR-8 zones, and in each multifamily building, according to the following table. The remaining affordable units may be located anywhere in the WR-1 through WR-8 zones.

TABLE K § 920.6: AFFORDABLE UNIT REQUIREMENTS

	Column A	**Column B**
Zone	**Minimum Percentage of Residential Units to be Provided as Affordable Units in the Zone**	**Of the Units Prescribed in Column A, the Minimum Percentage to be Provided in Each Multifamily Building in the Zone**
WR-1	8%	n/a
WR-2	8%	20%
WR-3	8%	12.5%
WR-4	8%	20%
WR-5	8%	25%
WR-7	8%	25%
WR-8	8%	25%

920.7 At the expiration of the affordability control period established by its affordable housing covenant, each multifamily building within the WR-2 through WR-8 zones shall devote no less than eight percent (8%) of its units to affordable units, which shall remain affordable in accordance with Subtitle K § 920.8 for so long as the multifamily building exists.

920.8 At the expiration of the affordability control period established by its affordable housing covenant, each multifamily building within the WR-2 through WR-8 zones shall set aside fifty percent (50%) of affordable units for households earning fifty percent (50%) of the AMI or less and fifty percent (50%) of affordable units shall for households earning eighty percent (80%) of the AMI or less. The first affordable unit that becomes available after the expiration of the affordability control period and each additional odd number unit shall be set aside for households earning fifty percent (50%) of the AMI or less.

920.9 At the expiration of all affordability control periods established by affordable housing covenants recorded against properties in the WR-1 zone, no less than eight percent (8%) of all units within the WR-1 zone shall be devoted to affordable units, which shall remain affordable in accordance with Subtitle K § 920.10 for so long as the units exists.

920.10 At the expiration of all affordability control periods established by affordable housing covenants recorded against properties in the WR-1 zone, fifty percent (50%) of affordable units within the WR-1 zone shall be set-aside for households earning fifty percent (50%) of the AMI or less and fifty percent (50%) of affordable units shall be set aside for households earning eighty percent (80%) of the AMI or less. The first affordable unit that becomes available after the expiration of the affordability control period and each additional odd number unit shall be set aside for households earning fifty percent (50%) of the AMI or less.

920.11 In the WR-1 through WR-8 zones, each application for a building permit for a residential use shall include in tabular and map format a description of which affordable units have been provided to date and where, which affordable units have yet to be provided and where they are anticipated to be provided, and how the provisions of this section are being met.

920.12 Pursuant to Subtitle X, Chapter 9, the Board of Zoning Adjustment may hear and decide any requests for relief from Subtitle K §§ 920.5 and 920.6, subject to the application demonstrating that the purposes of Subtitle K § 920.2 would still be met.

920.13 Affordable units, in addition to the other requirements of this section, arising from penthouse habitable space pursuant to Subtitle C §§ 1500.11 and 1500.12 shall be provided in accordance with the relevant provisions of Subtitle C, Chapter 10, for residential penthouse habitable space or Subtitle C § 1505 for non-residential penthouse space, except that such units may be located anywhere within the area covered by any WR zone.

SOURCE: Final Rulemaking & Order No. 19-24 published at 67 DCR 11679 (October 9, 2020).

921 GREEN AREA RATIO (WR)

921.1 In the WR-2, WR-3, WR-4, WR-5, WR-7, WR-8, and WR-10 through WR-15 zones, the GAR requirement is four-tenths (0.4), pursuant to Subtitle C, Chapter 6.

SOURCE: Final Rulemaking & Order No. 19-24 published at 67 DCR 11679 (October 9, 2020).

922 PLANNED UNIT DEVELOPMENTS (WR)

922.1 A planned unit development (PUD) in the WR zone shall be subject to the following provisions in addition to the provisions of Subtitle X, Chapter 3 of this title:

(a) The minimum area required for a proposed PUD shall be fifteen thousand square feet (15,000 sq. ft.);

(b) In the WR-1, WR-5, WR-6, WR-7, and WR-8 zones, the height, number of stories, and FAR provided in the relevant zone's development standards table shall serve as the maximum permitted for a PUD; and

(c) In the WR-2, WR-3, and WR-4 zones, the maximum height and FAR limits for PUDs in the WR zone shall be the following:

(1) For the WR-2 zone, the limits on height, number of stories and FAR provided in the development standards table in Subtitle K § 902 may be increased by no more than ten feet (10 ft.), one (1) story, and twenty percent (20%) FAR;

(2) For the WR-3 zone, the limits on height, number of stories and FAR provided in the development standards table in Subtitle K § 903 may be increased by no more than ten feet (10 ft.), one (1) story, and twenty percent (20%) FAR; and

(3) For the WR-4 zone, the limits on height, number of stories and FAR provided in the development standards table in Subtitle K § 904 may be increased by no more than ten feet (10 ft.), one (1) story, and twenty percent (20%) FAR.

SOURCE: Final Rulemaking & Order No. 19-24 published at 67 DCR 11679 (October 9, 2020).

923 SPECIAL EXCEPTION RELIEF (WR)

923.1 Except for Subtitle K §§ 903.10 through 903.14 and 903.18 or as provided elsewhere in this chapter, relief from any section of this chapter may be heard and decided by the Board of Zoning Adjustment as a special exception. In addition to the general special exception criteria of Subtitle X, Chapter 9, the Board of

Zoning Adjustment must find that the request for relief is consistent with the purposes of the WR zone.

SOURCE: Final Rulemaking & Order No. 19-24 published at 67 DCR 11679 (October 9, 2020).

CHAPTER 10 CHAPTER 10 - NORTHERN HOWARD ROAD (NHR) ZONE

1000 GENERAL PROVISIONS (NHR)

1000.1 The Northern Howard Road (NHR) zone is intended to be applied to a defined geographic area including the portions of Squares 5860 and 5861 north of Interstate 295.

1000.2 The purposes of the Northern Howard Road (NHR) zone are to:

(a) Assure development of the area with a mixture of residential and commercial uses, and a suitable height, bulk, and design of buildings, as generally indicated in the Comprehensive Plan;

(b) Encourage a variety of visitor-related uses, such as retail, service, and entertainment;

(c) Provide for increased height and density associated with increased affordable housing;

(d) Encourage superior architecture and design in all buildings and publicly accessible outdoor spaces;

(e) Require preferred ground-level retail and service uses along Howard Road, S.E.;

(f) Provide for the development of Howard Road, S.E. as a pedestrian- and bicycle-friendly street, with street-activating uses, and connections to metro and the broader neighborhood; and

(g) Encourage the inclusion of a bicycle track along Howard Road.

1000.3 Where there are conflicts between this chapter and other chapters or subtitles of this title, the provisions of the NHR zone shall govern.

1000.4 Development in the NHR zone shall be in accordance with the development standards of this chapter.

1000.5 Penthouses shall be subject to the regulations of Subtitle C, Chapter 15 and the height and story limitations specified in this chapter.

1001 DEVELOPMENT STANDARDS (NHR)

1001.1 The NHR zone is intended to permit high-density mixed-use development generally in the vicinity of the Anacostia Metrorail Station along Howard Road, S.E.; encourage a variety of support and visitor-related uses, such as retail,

service, and entertainment uses; provide for increased height and bulk of buildings with increased affordable housing; and provide for development of Howard Road, S.E. as an active, pedestrian-oriented street with active ground floor uses.

1001.2 The maximum permitted density in the NHR zone is 9.0 FAR, except as provided in Subtitle K § 1009.

1001.3 A building on a lot in the NHR zone shall provide a minimum residential FAR of 2.5 on the lot unless modified through the provisions of Subtitle K § 1009 below. Residential FAR consists exclusively of uses that fall within the "Residential" Use Category defined in Subtitle B § 200.2.

1001.4 The maximum permitted building height, not including the penthouse, in the NHR zone shall be:

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

1001.5 The maximum permitted height of a penthouse in the NHR zone shall be twenty feet (20 ft.); and the maximum number of stories within the penthouse shall be one (1), plus a mezzanine, except that a second story for penthouse mechanical space shall be permitted.

1001.6 The height and density limits of Subtitle K § 1001 shall serve as the maximum permitted under a planned unit development.

1001.7 The maximum permitted lot occupancy in the NHR zone shall be one hundred percent (100%).

1001.8 No side yard is required for the principal building; however, any side yard provided on any portion of the principal building shall be at least two inches (2 in.) per one foot (1 ft.) of height, and no less than five feet (5 ft.).

1001.9 A minimum rear yard of two and one-half inches (2.5 in.) per one foot (1 ft.) of vertical distance measured from the mean finished grade at the middle of the rear of the structure to the highest point of the main roof or parapet wall, but not less than twelve feet (12 ft.) shall be provided, subject to the following conditions:

(a) A horizontal plane may be established at twenty feet (20 ft.) above the mean finished grade at the middle of the rear of the structure for the purpose of measuring rear yards;

(b) A rear yard is not required to be provided below a horizontal plane as described in Subtitle K § 1001.9(a) above;

(c) Where a lot abuts an alley, the rear yard may be measured from the center line of the alley to the rear wall of the building or other structure; and

(d) Where a lot does not abut an alley, the rear yard shall be measured from the rear lot line to the rear wall of the building or other structure.

1001.10 In the case of a corner lot, a court complying with the width requirements for a closed court may be provided in lieu of a required rear yard. For the purposes of this section, the required court shall be provided above a horizontal plane beginning not more than twenty feet (20 ft.) above the curb grade opposite the center of the front of the building and the width of the court shall be computed for the entire height of court.

1001.11 A court is not required in the NHR zone, but where it is provided, it shall have the following minimum 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	2.5 in./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

1001.12 The minimum required Green Area Ratio for the NHR zone shall be 0.2.

1002 INCLUSIONARY ZONING (NHR)

1002.1 The Inclusionary Zoning (IZ) requirements, and the available IZ modifications to certain development standards, shall apply to the NHR zone as specified in Subtitle C, Chapter 10, and as modified by this chapter, which shall govern in any conflict with the provisions of Subtitle C, Chapter 10.

1002.2 No bonus density, as made available in Subtitle C § 1002, shall be available in the NHR zone.

1002.3 Residential development in the NHR zone shall set aside for IZ the following square footage:

(a) Twelve percent (12%) of the gross floor area dedicated to residential use, excluding penthouse habitable space; and

(b) The equivalent of eight percent (8%) of the gross floor area of any residential penthouse habitable space.

1002.4 Inclusionary units resulting from the set-aside required by Subtitle K § 1002.3 shall be reserved as follows:

(a) At least twenty-five percent (25%) of the set-aside required by Subtitle K § 1002.3(a) shall be reserved for households earning equal to or less than fifty percent (50%) of the Median Family Income (MFI), with the remainder reserved for households earning equal to or less than sixty percent (60%) of the MFI; and

(b) One hundred percent (100%) of the set-aside required by Subtitle K § 1002.3(b) shall be reserved for households earning equal to or less than fifty percent (50%) of the MFI.

1002.5 A minimum of twenty-five percent (25%) of the total IZ set-aside requirement shall be three- (3)-bedroom units.

1002.6 Any non-residential penthouse habitable space shall be subject to the affordable housing production requirements of Subtitle C § 1505.

1002.7 Any affordable housing generated in excess of that required by Subtitle K § 1002.3(a) shall be reserved for households earning equal to or less than sixty percent (60%) of the MFI.

1003 USE PERMISSIONS (NHR)

1003.1 The use permissions for the NHR zone are those specified for MU-Use Group F; provided that buildings, structures, and uses with frontage on a Designated Street of Subtitle K § 1004 shall provide the ground floor uses specified in Subtitle K § 1004.

1004 DESIGNATED STREETS (NHR)

1004.1 For the purpose of this chapter any portion of Howard Road, S.E. (both sides of the street) in the NHR zone shall be a Designated Street.

1004.2 A building, structure, or use with frontage on a Designated Street shall devote one hundred percent (100%) of its ground floor street frontage along the Designated Street, except for space devoted to building entrances or required for fire control, to the following preferred use categories:

(a) Arts, design, and creation;

(b) Daytime care;

(c) Eating and drinking establishments;

(d) Education, public or private;

(e) Entertainment, assembly, and performing arts;

(f) Medical Care;

(g) Retail; and

(h) Service, general or financial.

1004.3 Buildings and structures with frontage on a Designated Street must comply with the following design requirements:

(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 the Designated Street;

(b) The ground story shall devote at least fifty percent (50%) of the surface area facing a designated street 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;

(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; and

(d) No direct vehicular garage or loading entrance or exit shall be permitted to a new building or structure.

1005 ZONING COMMISSION REVIEW OF BUILDINGS, STRUCTURES, AND USES (NHR)

1005.1 For all properties within the NHR zone, all proposed buildings and structures, or any proposed exterior renovation to any existing buildings or structures that would result in a substantial alteration of the exterior design, shall be subject to review and approval by the Zoning Commission in accordance with the following provisions.

1005.2 In addition to proving that the proposed use, building, or structure meets the standards set forth in Subtitle X, Chapter 6, and the relevant provisions of this chapter, an applicant requesting approval under this section shall prove that the

proposed building or structure, including the architectural design, site plan, landscaping, sidewalk treatment, and operation, will:

(a) Help achieve the objectives of the NHR zone defined in Subtitle K § 1000.1;

(b) Help achieve the desired use mix, with the identified preferred uses specifically being residential, office, entertainment, retail, or service uses;

(c) Provide streetscape connections for future development on adjacent lots and parcels, and be in context with an urban street grid;

(d) Minimize conflict between vehicles, bicycles, and pedestrians;

(e) Minimize unarticulated blank walls adjacent to public spaces through facade articulation;

(f) Minimize impact on the environment, as demonstrated through the provision of an evaluation of the proposal against LEED certification standards; and

(g) Promote safe and active streetscapes through building articulation, landscaping, and the provision of active ground level uses.

1005.3 Each application for review under this section shall provide a report on the following items as part of the initial submission:

(a) Coordination by the applicant with the Department of Employment Services (DOES) regarding apprenticeship and training opportunities during construction and operation at the subject site, and the provision of any internship or training opportunities during construction and operation at the subject site, either with the applicant or with contractors working on the project independent of DOES;

(b) Efforts by the applicant to include local businesses, especially Wards 7 and 8 businesses, in contracts for the construction or operation of the proposed project;

(c) Efforts by the applicant to provide retail or commercial leasing opportunities to small and local businesses, especially Ward 8 businesses, and efforts to otherwise encourage local entrepreneurship and innovation; and

(d) Coordination by the applicant with the State Archaeologist and any plans to study potential archeological resources at the subject site, and otherwise recognize local Anacostia history.

1005.4 The applicant shall also provide evidence that the information required by Subtitle K § 1005.3 has been served on any ANC on or adjacent to the NHR zone.

1006 RELIEF FROM DEVELOPMENT STANDARDS AND USE AND DESIGN REQUIREMENTS (NHR)

1006.1 The Zoning Commission may grant special exception relief from the development standards of § 1001 of this chapter and from the Designated Street use and design standards of § 1004 of this chapter, subject to the standards of Subtitle X, Chapter 9 and to the applicable conditions of this chapter and provided that the applicant demonstrates the special exception relief would result in a design that still complies with the purposes of this chapter.

1006.2 Requested relief that does not comply with the applicable conditions or limitations for a special exception as set out in this chapter shall be processed as a variance.

1006.3 The Zoning Commission may grant special exception relief, pursuant to Subtitle X, Chapter 9, from the rear yard requirements of this chapter, provided:

(a) No apartment window shall be located within forty feet (40 ft.) directly in front of another building;

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

(c) In buildings that are not parallel to the adjacent buildings, the angle of sight lines and the distance of penetration of sight lines into habitable rooms shall be considered in determining distances between windows and appropriate yards; and

(d) Provision shall be included for service functions, including parking and loading access and adequate loading areas.

1006.4 The Zoning Commission may grant special exception relief, pursuant to Subtitle X, Chapter 9, from the driveway prohibition of Subtitle K § 1006.1(d), subject to the following criteria:

(a) The applicant shall demonstrate that 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.

1007 PARKING AND LOADING REGULATIONS (NHR)

1007.1 This section provides conditions and requirements related to parking spaces and loading, including location and access.

1007.2 Vehicle parking shall be provided in accordance with the requirements of Subtitle C, Chapter 7.

1007.3 Bicycle parking shall be provided in accordance with the requirements of Subtitle C, Chapter 8.

1007.4 Loading shall be provided in accordance with the requirements of Subtitle C, Chapter 9.

1008 SUSTAINABILITY (NHR)

1008.1 Each building constructed or substantially improved shall earn certification at the LEED v4.1 for New Construction Gold level, provided that prior to receipt of the first certificate of occupancy for the new construction or substantial improvement, the applicant shall submit to the Department of Consumer and Regulatory Affairs a financial security that is compliant with the provisions of § 6 of the Green Building Act of 2006, as amended (D.C. Official Code § 6-1451.05).

1008.2 Each building constructed or substantially improved shall have an on-site renewable energy system installed and operating prior to receipt of the first certificate of occupancy for the new construction or substantial improvement, which renewable energy system shall generate at least one percent (1%) of the total energy estimated to be needed to operate the building as calculated in the energy model submitted with the building permit application to the Department of Consumer and Regulatory Affairs.

1009 COMBINED LOT (NHR)

1009.1 Two (2) or more lots in the NHR zone may be combined for the purpose of achieving the minimum residential FAR required for all of the lots, provided that the total density limits of the zone shall not be exceeded, except that the maximum floor area on any one (1) lot in the combined lot shall not exceed 10.0 FAR.

1009.2 No allocation of gross floor area shall be effective unless an instrument is filed with the Zoning Administrator and recorded by the Recorder of Deeds in the land records against all lots included in the combined lot development.

1009.3 The instrument shall be in the form of a declaration of covenants that:

(a) Is signed by the owners of all affected lots;

(b) Runs with the land in perpetuity;

(c) Burdens all lots involved in the allocation of gross floor area; and

(d) States the maximum permitted gross floor areas for all uses in all lots, the maximum allowed gross floor area for nonresidential uses in all lots and the gross floor area of nonresidential uses allocated. The covenant shall further state that, after the transfer, the combined lots conform with the maximum gross floor area limitations.

1009.4 The declaration of covenants shall also contain a written statement by the Director of the Office of Planning attesting to:

(a) The accuracy of the computations with respect to the amount of residential and nonresidential uses allocated; and

(b) Whether, after the transfer, the combined lots will conform with the maximum gross floor area limitations for the lots before any such transfer.

1009.5 The declaration of covenants shall expressly state that it may be amended or terminated only with the prior approval of the Zoning Administrator.

1009.6 The declaration of covenants shall be approved in content by the Zoning Administrator, who may, in his or her discretion, request the Office of the Attorney General to undertake a legal sufficiency review.

1010 DEVELOPMENT ON LOTS 97, 1025-1031, 1036-1037 IN SQUARE 5860 AND ON LOT 991 IN SQUARE 5861

1010.1 Any new building constructed on Lots 97, 1025-1031, or 1036-1037 in Square 5860 or on Lot 991 in Square 5861, shall comply with the following provisions, which shall govern in the event of conflict with other provisions of this chapter:

(a) Rooftop solar panels shall be constructed on each building to generate one hundred seventy-eight kilowatt hours (178 kWh) per one thousand (1,000) gross square feet of building area;

(b) All inclusionary units set aside at fifty percent (50%) of the Median Family Income (MFI) shall be three- (3)-bedroom units;

(c) One-third (1/3) of all inclusionary units set aside at sixty percent (60%) of the MFI shall be three- (3)-bedroom units;

(d) Each building shall provide a stormwater capacity to withstand a one and seven-tenths inch (1.7”) stormwater event; and

(e) No building shall be constructed within the five hundred- (500)-year flood plain.

SOURCE: Final Rulemaking & Order No. 08-06A published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 18-18 published at 66 DCR 15997 (December 6, 2019).

CHAPTER 49 PUBLIC SCHOOLS

4900 GENERAL PROVISIONS

4900.1 The provisions of this govern the height and bulk of public school buildings, public recreation and community centers, and public libraries in the RC-1 through RC-3 zones.

4901 DEVELOPMENT STANDARDS

4901.1 The specific standards of this section shall govern public schools, public recreation and community centers, and public libraries; in the absence of specific standards, the development standards for the zone in which the building or structure is proposed shall apply.

4902 DENSITY

4902.1 Public schools, public recreation and community centers, and public libraries shall be permitted a maximum floor area ratio as set forth in the following table:

TABLE K § 4902.1: MAXIMUM FLOOR AREA RATIO (FAR) FOR PUBLIC SCHOOLS

Zone	Maximum FAR
RC-1	2.0
RC-2, RC-3	As permitted by zone

4903 HEIGHT

4903.1 The maximum permitted building height, not including the penthouse, shall be as set forth in the following table:

TABLE K § 4903.1: MAXIMUM HEIGHT FOR PUBLIC SCHOOLS

Zone	Maximum Height (ft.)	Maximum Number of Stories
RC-1	90	No limit
RC-2, RC-3	As permitted by zone	As permitted by zone

4904 PENTHOUSES

4904.1 Penthouses shall be subject to the regulations of Subtitle C, Chapter 15, and to the height and story limitations specified in each zone of this subtitle; provided that public schools shall be permitted a mechanical penthouse to a maximum height of eighteen feet six inches (18 ft. 6 in.) or the permitted mechanical penthouse height in the zone, whichever is greater.

4905 REAR YARD

4905.1 A rear yard shall be provided for each public school, the minimum depth of which shall be as set forth in the following table:

TABLE K § 4905.1: MINIMUM REAR YARD FOR PUBLIC SCHOOLS

Zone	Minimum Rear Yard
RC-1	4 in./ft. of vertical distance from the mean finished grade at the middle of the rear of the structure to the highest point of the main roof or parapet wall, but not less than 15 ft.
RC-2, RC-3	As permitted by zone

4905.2 In the case of a lot proposed to be used by a public school that abuts or adjoins along the rear lot line a public open space, recreation area, or reservation, no rear yard shall be required.

4906 SIDE YARD

4906.1 In the case of a lot proposed to be used by a public school that abuts or adjoins a public open space, recreation area, or reservation on a side lot line, no side yard shall be required.

4907 LOT OCCUPANCY

4907.1 Public schools shall not occupy a lot in excess of the maximum lot occupancy as set forth in the following table:

TABLE K § 4907.1: MAXIMUM LOT OCCUPANCY FOR PUBLIC SCHOOLS

Zone	Maximum Lot Occupancy (%)
RC-1	60
RC-2, RC-3	No limit

4907.2 A public school may occupy the lot upon which it is located in excess of the permitted percentage of lot occupancy prescribed in this section provided the portion of the building, excluding closed court, exceeding the lot coverage shall not exceed twenty feet (20 ft.) in height or two (2) stories.

4908 SPECIAL EXCEPTION

4908.1 Exceptions to the development standards of this chapter for public schools shall be permitted as a special exception if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9.

SOURCE: Final Rulemaking & Order No. 19-11 published at 67 DCR 3776 (April 3, 2020).