

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF PUBLIC HEARING**

TIME AND PLACE: **Monday, May 5, 2008, at 6:30 P.M.**
 Office of Zoning Hearing Room
 441 4th Street, N.W., Suite 220-South
 Washington, D.C. 20001

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

Case No. 04-05 (Text and Map Amendments to Establish and Map the Hill East (HE) District)

THIS CASE IS OF INTEREST TO ANC 6B

This case was originally setdown on March 7, 2004. Further action on this case was delayed pending federal legislation to transfer the site to District ownership. In 2006, when the federal legislation began to proceed, the Office of Planning and Anacostia Waterfront Corporation began a series of community meetings to discuss the zoning and future development of the site. The Office of Planning felt that so much time had elapsed since the initial setdown and a new Comprehensive Plan was adopted by the City Council in December 2006, that a new setdown report should be filed with updated language and analysis of the proposal relative to the 2006 Comprehensive Plan.

On June 1, 2007, the Office of Planning requested through an updated set down report, that the Zoning Commission establish and map a new Hill East (HE) District for the unzoned property known as Federal Reservation 13, which is generally bounded by Independence Avenue, S.E., the D.C. Armory and the Robert F. Kennedy Memorial Stadium to the north; National Park Service Property and the Anacostia River to the east; Congressional Cemetery to the south; and 19th Street, SE to the west. The Zoning Commission set down the case for public hearing at its public meeting of June 11, 2007. The Office of Planning set down report serves as the pre-hearing statement for this case.

SUMMARY

The proposed HE District is part of the implementation of the Reservation 13 Hill East Waterfront Master Plan, which received final approval from the Council of the District of Columbia on October 15, 2002. The vision for Reservation 13 redevelopment is to be a mixed-use, mixed-income, vibrant city neighborhood with residences, retail, office, health care, and institutional uses. The redevelopment will extend the Hill East neighborhood street grid, and extend Massachusetts Avenue to end in a ceremonial circle at the waterfront.

For the convenience of the public, the Zoning Commission is providing the following synopsis of the proposal as provided by the Office of Planning. The views expressed are solely those of

Z.C. NOTICE OF PUBLIC HEARING
Z.C. CASE NO. 04-05
PAGE 2

the Office of Planning. The Zoning Commission has only decided to schedule a hearing on this proposal and has made no determination as to its merits.

OP Synopsis

A key concept in the Master Plan is that building heights will start with the lowest buildings along 19th Street, to provide a transition to the lower scale Hill East neighborhood west of 19th Street, and then increase in height with the slope down to the waterfront. The tallest buildings will be located along Massachusetts Avenue and the waterfront. To achieve this transition, the HE District, a stand-alone base zone, has four subdistricts with different density and building height standards – three for the new development and one for the existing Central Detention Facility and Correction Treatment Facility.

The HE District includes building design standards. These standards regulate the building form as it relates to the street and are based on two types of street frontages – primary and secondary streets. Along primary streets, buildings will have a continuous street wall, and requirements for preferred ground floor uses, building entrance spacing, ground floor windows, and façade articulation to create an active and interesting pedestrian environment. Secondary streets, which are mostly internal to the site, would allow for greater setbacks and a more residential character.

Review Procedures

Matter-of-right building permit applications will be filed with the Zoning Administrator and referred to the Office of Planning for its views as to whether proposed development complies with the matter of right area and building design standards. As is always the case, special exceptions and variance requests will be heard and decided by the Board of Zoning Adjustment.

The Zoning Commission will review Planned Unit Development (PUD) applications, but will not be able to grant flexibility for building height or floor area ratios (FAR). This limitation is needed in order to provide consistency to the building form, in terms of height and bulk, consistent with the Master Plan. PUD applicants will be able to see flexibility that may result from the design standards, provided the design is consistent with the purpose and intent of the HE District.

Use Provisions

The use provisions contain a list of residential, retail, and office uses that will be permitted as a matter-of-right throughout the HE District. The special exception uses mainly address institutional uses, and certain uses which would be inconsistent with the Master Plan's vision of a mixed use neighborhood are prohibited.

Density and Building Envelope Standards

Eligible density bonuses from Inclusionary Zoning will be incorporated into the building height, FAR, and lot occupancy standards. The purpose of this provision is to provide certainty with respect to building form and the ultimate density of development across the site.

Building Heights, Lot Occupancy, and FAR

The approach to establishing the density and building massing standards is based on a fundamental concept in the Master Plan – the lowest heights will be along 19th Street SE to buffer the adjacent residential neighborhood and will transition to taller buildings along Massachusetts Avenue and facing the waterfront. The Master Plan recommended general ranges of building heights, lot occupancy and FAR within the subdistricts.

HE Subdistrict	Maximum Lot Occupancy	Building Height		Maximum FAR	Maximum No. of Stories
		Min.	Max.		
HE-1 (19 th Street)	80%	26 ft	50 ft	3.0	4
HE-2 (20 th Street)	75%	40 ft	80 ft	4.8	7
HE-3 (Water Street)	80%	80 ft	110 ft	7.2	10
HE-4 (Corrections)	75%	-	90 ft	6.0	8

A minimum height standard will be established to ensure that a consistent scale is developed, especially with streetwalls along primary streets. Transition height setbacks are provided in locations where a subdistrict boundary splits a square.

Residential Character

The vision for the Hill East Waterfront is a mixed-use neighborhood. The Master Plan specifically identified the C Street Neighborhood as an area that is predominantly residential in character. Therefore, a cap on non-residential space has been established for each square that fronts onto C Street.

Ground Floor Retail Uses

Ground floor retail locations are identified within each subdistrict. There will be two types of ground floor retail frontages:

- Required ground floor retail uses will be along frontages in key locations that require active storefront character.
- Allowed ground floor retail uses will be located along primary street frontages and locations facing the park where preferred ground floor uses are desirable, but not required.

Ground floor retail uses will be prohibited along frontages that are to be more residential in character.

Building Design Standards

The building design standards will define the relationship between buildings and the public realm. The design standards are based on fundamental urban design principles:

- Buildings should front streets with preferred uses (no blank walls facing streets).
- Building facades should be at the front property line to form a continuous street wall along primary streets.
- Front building facades should be transparent with building entrances and ground floor windows.
- Street walls should be articulated with bay windows and elements that create shadow, depth and visual interest.
- Curb cuts for parking garages and alleys should not be permitted on Massachusetts Avenue or facing the park.
- Parking garages should not be visible from the street.

Primary and Secondary Streets

The HE District has two types of street frontages – primary and secondary streets. The primary streets are the major commercial streets at the perimeter and are designed to be more urban in character with buildings built to the edge of the property line. The secondary streets are more residential in character with the opportunity for greater front setbacks and more landscaping.

Key Standards

Design standards are established for each type of street frontage. One of the key standards is a required building line. The required building line ensures a minimum amount of the building façade to be placed at the street edge and is used in conjunction with a maximum front setback for the other portions of the facade to form a continuous street wall along primary streets. The required building line is the same along secondary streets but a softer edge for the residential character along C Street is created by a 15-foot wide landscaping area between the edge of the sidewalk and the building line. This use of the public right-of-way for landscaping along the building side is common throughout the Capitol Hill neighborhood. Other standards address façade articulation, preferred ground floor uses, building entrance spacing, and ground floor windows.

Parking, Loading and Vehicle Access

Specific standards are recommended to regulate the design and location of parking, loading, and driveways. Vehicle access points will be prohibited along primary and secondary streets and

Z.C. NOTICE OF PUBLIC HEARING
Z.C. CASE NO. 04-05
PAGE 5

must be located off alleys. Underground parking is encouraged and above grade parking structures require BZA approval and are subject to additional design standards. At grade surface parking lots are allowed only as an accessory use to an existing building and only as a temporary use as the site redevelops.

PROPOSED MAP AMENDMENT:

1. Rezone from unzoned to HE-1 all properties with frontage onto 19th Street, between Independence Avenue and Massachusetts Avenue.
2. Rezone from unzoned to HE-2 all properties with frontage onto squares with frontage on 20th Street, and with the exception of parcel H, those properties with frontage onto squares with frontage on 21st Street.
3. Rezone from unzoned to HE-3 all properties with frontage onto squares with frontage on Water Street.
4. Rezone from unzoned to HE-4 all property within squares N and O.

PROPOSED TEXT AMENDMENT

Title 11 DCMR (Zoning) is proposed to be amended as follows:

Add a new Chapter 28, "Hill East (HE) District"

CHAPTER 28 HILL EAST (HE) DISTRICT

2800 PURPOSES

- 2800.1 The Hill East (HE) District is applied to Federal Reservation 13, which is designated for mixed use development in the Comprehensive Plan for the National Capital and the Reservation 13 Hill East Master Plan, as approved by the Council of the District of Columbia on October 15, 2002.
- 2800.2 Any reference to a street or a square refers to proposed streets and squares as depicted in Map A attached to the Office of Planning report dated June 1, 2007, filed in Zoning Commission Case Number 04-05, which may be viewed at the D.C. Office of Zoning.
- 2800.3 Any reference to a street shall be deemed to include a reference to the Southeast (S.E.) quadrant.

- 2800.4 For the purposes of this chapter the terms:
- (a) “Primary street” shall mean Independence Avenue, Massachusetts Avenue, and Water Street; and
 - (b) “Secondary street” shall refer to 19th Street, 20th Street, 21st Street, Burke Street, C Street, and C Place I
- 2800.5 The boundaries of the HE District correspond to Federal Reservation 13, which is bounded by Independence Avenue on the north, 19th Street on the west, Water Street on the east, and the Congressional Cemetery on the south.
- 2800.6 The HE District is divided into the following four subdistricts for the purpose of lot occupancy, floor area ratio and building height:
- (a) HE-1 (19th Street) Subdistrict, which includes squares with frontage onto 19th Street, between Independence Avenue and Massachusetts Avenue);
 - (b) HE-2 (20th Street) Subdistrict, which includes squares with frontage on 20th Street;
 - (c) HE-3 (Water Street) Subdistrict, which includes squares with frontage on Water Street; and
 - (d) HE-4 (Corrections) Subdistrict, which includes squares N and O.
- 2800.7 The purposes of the Hill East District 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:
 - i. 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;
 - ii. Massachusetts Avenue as a grand Washington ‘boulevard’ in the tradition of the L’Enfant plan;
 - iii. A district for city-wide uses and services, such as health care, education, and recreation along Independence Avenue;
 - iv. A grand public waterfront park incorporating monumental places and quiet natural retreats accessed by a meandering park drive set back from the Anacostia River.

2800.8 The Hill East District shall constitute the Zoning Regulations for the geographic area referred to in § 2800.1. Where there are conflicts between this chapter and other parts of the Zoning Regulations, the provisions of the Hill East District shall govern.

2801 GENERAL PROVISIONS

2801.1 Unless specifically exempted, the requirements of the HE District shall apply to all new buildings and to all other buildings where any additions, alterations, or repairs within any 12-month period exceed 100 percent of the assessed value of the building as set forth in the records of the Office of Tax and Revenue as of the date of a building permit application; provided:

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

Z.C. NOTICE OF PUBLIC HEARING
Z.C. CASE NO. 04-05
PAGE 8

- 2801.2 An applicant for a building permit or a certificate of occupancy involving 10,000 square feet or more of gross floor area within the HE District shall provide a copy of the application to the Director of the D.C. Office of Planning at the time of filing with the Zoning Administrator.
- 2801.3 The Zoning Administrator shall take no action on a building permit application for 75 days from the date of filing, or for 15 days after receipt of the Office of Planning report, whichever time period is less.

2802 USES AS A MATTER OF RIGHT

- 2802.1 The following uses shall be permitted as a matter of right in the HE District, provided that no use may be located on a site that has not been designated for that use by the Master Plan:
- (a) Residential dwellings, including row dwellings, flats, and multiple dwellings;
 - (b) Retail sales and services involving the sale, lease, or servicing of new or used products to the general public, or which provide personal services or entertainment, or provide product repair or services for consumer and business goods;
 - (c) Private club, restaurant, fast food restaurant, or food delivery service; provided, a fast food restaurant or food delivery service shall not include a drive-through;
 - (d) Church or other place of worship;
 - (e) Office;
 - (f) Medical clinic where patients do not generally stay overnight;
 - (g) Government offices and facilities,
 - (h) Public recreation and community center;
 - (i) Public school;
 - (j) Park or open space;
 - (k) Library;
 - (l) Museum;
 - (m) Hotel or inn;

- (n) Child/elderly development center;
- (o) Other Community-Based Residential Facilities, subject to the following limitations:
 - i. Youth residential care home, community residence facility, or health care facility for not more than 6 persons, not including resident supervisors or staff and their families.
 - ii. Youth residential care home or community residence facility for 7 to 15 persons, not including resident supervisors or staff and their families; provided that there shall be no property containing an existing community-based residential facility for 7 or more persons either in the same Square or within a radius of 500 feet from any portion of the subject property; and
 - iii. Emergency shelter for not more than 4 persons, not including resident supervisors or staff and their families.
- (p) A community based residential facility to be occupied persons with a handicap plus resident supervisors, as permitted by right in residence and commercial districts pursuant 11 DCMR §§ 201.1 (o) and 330/5 (i)
- (q) Adult day treatment facility; and
- (r) Antenna, subject to the standards and procedures that apply to the particular class of antenna pursuant to Chapter 27 of this Title.

2803 PLANNED UNIT DEVELOPMENT PROVISIONS

- 2803.1 The matter-of-right height and floor area ratio limits shall serve as the maximum permitted height and floor area ratio for a planned unit development (“PUD”) in the HE District.
- 2803.2 Any project proposed as a Planned Unit Development shall demonstrate that the proposed development is consistent with the purpose and intent of the HE District.

2804 SPECIAL EXCEPTIONS – SPECIFIC USES PERMITTED BY

- 2804.1 The uses identified in this section shall be permitted in the HE District as a special exception if approved by the Board of Zoning Adjustment pursuant to the general standard of §3104, the criteria set forth in .§ 2805.1 and such specific conditions as are stated below.

2804.2 Hospitals provided:

- (a) The hospital use will be located only on Square B and/or C;
- (b) 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
- (c) There is a detailed plan for the facility, 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.

2804.3 Health care facility that meets the definition for, and is licensed as, a skilled care facility or intermediate nursing care facility under the Health Care Facilities and Community Residence Regulations.

2804.4 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.

2804.5 Private school, public or private college or university provided

- (a) The use shall be located only on Squares A, B, C, and/or K and subject to the height, floor area ratio and lot occupancy standards of each respective square;
- (b) Use as a private school and residences for teachers and staff of a private school, shall be permitted as a special exception if approved by the Board of Zoning Adjustment under §3104 and subject to the provisions of §§ 206 AND 206.3;
- (c) Use as a college or university that is an academic institution of higher learning, including a college or university hospital, dormitory, fraternity, or sorority house proposed to be located on the campus of a college or university, shall be permitted as a special exception if approved by the Zoning Commission under § 3104, and subject to the provisions of §§ 210.2 and 210.4 through 210.9

2804.6 Community-based residential facilities in the following categories:

- (a) Youth residential care home or community residence facility for nine to 15 persons, not including resident supervisors or staff and their families, subject to the standards and requirements of § 303;
- (b) Emergency shelter for five to 15 persons, not including resident supervisors or staff and their families, subject to the standards and requirements of § 305; and
- (c) Youth rehabilitation home, adult rehabilitation home, or substance abusers' home for one to 15 persons, not including resident supervisors or staff and their families, subject to the standards and requirements of § 306.

This section shall not apply to a community based residential facility to be occupied by persons with a handicap, as permitted by right in residence and commercial districts pursuant 11 DCMR §§ 201.1 (o) and 330/5 (i).

2804.7 Additions to or the replacement of the Central Detention Facility and the Correction Treatment Facility existing as of the [EFFECTIVE DATE OF AMENDMENT]; provided:

- (a) Any addition or replacement to the facilities shall be located only on Squares N and O;
- (b) There is 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.

2804.8 Basic utilities and supporting infrastructure facilities, such as an electrical substation, natural gas regulator station, pump station, or telephone exchange, subject such setbacks screening requirements as the Board deemed necessary for protection of the neighborhood.

2804.9 Antennas shall be permitted in the HE District as a special exception when approved by the Board of Zoning Adjustment pursuant to § 3104, subject to the provisions in § 2804.1 and the standards and procedures that apply to the particular class of antenna in Chapter 27 of this Title.

2816.1 Above grade parking structures subject to the following conditions:

- (a) The structures shall not directly front onto a primary or secondary street;
- (b) Preferred ground floor uses, as defined in § 2812.1, 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) The upper floors of a parking structure shall be separated from the primary or secondary street by commercial or residential uses.
- 2804.10 New or expanded at grade surface parking lots accessory to an existing use or building within the HE District as of [adoption date]; and
- 2804.11 Permitted by the Board of Zoning Adjustment as a special exception, pursuant to § 3104, as a temporary use for a maximum period of five (5) years.
- 2804.12 Other uses that are not permitted by § 2802, but not prohibited by § 2806 shall be permitted in the HE District as a special exception when approved by the Board of Zoning Adjustment pursuant to § 3104, subject to the provisions in § 2804.1, if the Board considers that the use is appropriate in furthering the purposes of the HE District.

2805 SPECIAL EXCEPTIONS – GENERAL PROVISIONS

- 2805.1 In addition to the general standard set forth in § 3104, any specific conditions set forth in § 2804, an applicant for a special exception within the HE District shall demonstrate compliance with §§ 2805.2 and, if applicable, 2805.3.
- 2805.2 For all proposed uses, the applicant must demonstrate:
 - (a) Parking and traffic conditions associated with the operation of a proposed use shall not adversely affect adjacent or nearby uses; and
 - (b) Noise associated with the operation of a proposed use shall not adversely affect adjacent or nearby uses.
- 2805.3 For those proposed uses that will occupy more than 50% of the gross area of new construction, the applicant shall prove:
 - (a) The proposed building will comply use with the applicable ground floor use and design requirements of §§ 2808 through 2816;
 - (b) The building's architectural design will enhance the urban design features of the immediate vicinity in which it is located; 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.
- 2805.4 Before taking final action on an application for a special exception, the Board shall refer the application to the D.C. Office of Planning for review and report, including,

coordination with, and recommendations from, the D.C. Department of Transportation, as well as other departments and agencies of the District of Columbia government, as appropriate.

2805.5 The D.C. Office of Planning report shall address:

- (a) Whether the proposed use furthers the purposes of the HE District;
- (b) The relationship of the proposed use to other planning considerations for the area and the District of Columbia as a whole, including the plans, programs, and policies of other departments and agencies of the District government;
- (c) Whether the building in which the use will be established will meets the standards of the HE District set forth at §§ ;
- (d) The impact of the proposed use on neighboring properties; and
- (e) Any other matters that are within the Office's jurisdiction.

2805.6 The Board may impose requirements pertaining to design, appearance, signs, massing, landscaping, and other such requirements as it deems necessary to protect neighboring property and to achieve the purposes of the HE District.

2806 PROHIBITED USES

2806.1 The following uses are prohibited within the HE District:

- (a) At grade surface parking lots, except as provide in § 3804.10.
- (b) Vehicle sales;
- (c) 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;
- (d) Any industrial use first permitted in an M District;
- (e) Sexually-oriented business establishment;
- (f) Self-service storage establishment that provides separate storage areas for individual or business uses; and
- (g) Drive-through establishment (any establishment where goods are sold/rented or services rendered, directly to occupants of motor vehicles while in the vehicles).

2807 ACCESSORY USES

2807.1 Accessory uses (including parking, but not at grade accessory surface parking lots) buildings, or structures customarily incidental and subordinate to the principal uses permitted in § 2802 shall be permitted in the HE District as a matter of right subject to the limitations in Chapter 25 of this Title.

2808 INCLUSIONARY HOUSING REQUIREMENTS

2808.1 Development that is subject to the Inclusionary Zoning Program set forth in Chapter 26 shall be constructed according to the provisions set forth in § 2808, notwithstanding any bonus they may be granted by Chapter 26.

2809 BULK AND DENSITY

2809.1 Except as provided in § 2809.4, the maximum permitted lot occupancy, building height, floor area ratio, and number of stories in a the HE District Residence District shall be as set forth in the following table:

HE Subdistrict	Maximum Lot Occupancy	Building Height Min. Max.		Maximum FAR	Maximum No. of Stories
HE-1 (19 th St)	80%	26 ft	50 ft	3.0	4
HE-2 (20 th St)	75%	40 ft	80 ft	4.8	7
HE-3 (Water St)	80%	80 ft	110 ft	7.2	10
HE-4 (Corrections)	75%	-	90 ft	6.0	8
Square E (Park)	20%	-	26 ft	0.2	-

2809.2 The following FAR limitation on non-residential uses apply:

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

2809.3 Building height shall be measured from the lowest curb level along a street frontage abutting the lot.

- 2809.4 Building height shall be measured from the lowest curb level along a street frontage abutting the lot.
- 2809.5 Hospital or medical clinic use located the HE-2 Subdistrict may exceed eighty (80) feet in height to a maximum of one hundred ten (110) feet if approved as a special exception by the Board of Zoning Adjustment pursuant to § 2804.
- 2809.6 Buildings or structures that abut the HE-1 subdistrict shall provide a 12-foot setback from the subdistrict boundary line for any part of the building or structure that exceeds 50 feet in height.
- 2809.7 Buildings or structures that abut the HE-2 subdistrict shall provide a 12 foot setback for any part of the building that exceeds 80 feet.
- 2809.8 Architectural embellishments, such as spires, towers, domes, pinnacles or minarets; penthouses over elevator shafts, ventilator shafts; antennas, chimneys, smokestacks, or fire sprinkler tanks may be erected to a height in excess of that which this section otherwise authorizes, pursuant to the Act to Regulate the Height of Buildings in the District of Columbia, approved June 1, 1910 (36 Stat. 452, as amended; D.C. Official Code §§ 6-601.01 to 6.601.09 (2001).
- 2809.9 The portion of Square A devoted to St. Coletta's School shall be subject to the Zoning Commission Order 03-21;

2810 ROOF STRUCTURES

- 2810.1 The provisions of § 411 and 400.7 shall apply to roof structures in the HE District.
- 2810.2 The gross floor area of roof structures permitted under this section shall not be counted in determining the amount of off-street parking that is required by Chapter 21.

2811 YARDS AND LOT SIZE

- 2811.1 No side yard shall be required. If a side yard is provided, its minimum width shall be at least eight feet.
- 2811.2 No rear yard shall be required for non-residential buildings or structures unless:
- (a) A rear window to a residential use is located within forty (40) feet directly in front of another building.
 - (b) A non-residential window is located within thirty (30) feet directly in front of another building;

2811.3 A rear yard shall be provided for each residential building or structure as follows:

- (a) When the residential use begins at or below grade, the minimum depth of rear yard shall be three 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, but not less than 12) feet;
- (b) When the residential use begins above grade, the minimum depth of rear yard shall be three (3) inches per foot of vertical distance from the horizontal plane at which the residential use begins to the highest point of the main roof, but not less than twelve (12) feet; and
- (c) The rear yard shall be provided at and above the horizontal plane at which residential use begins.

2811.4 The minimum lot area for row dwellings shall be 1,800 square feet with a minimum lot width of 18 feet.

2812 GROUND FLOOR USE – WHERE REQUIRED, PERMITTED, AND PROHIBITED.

2812.1 For the purposes of this section, and §§ 2813 and 2814, the term “preferred uses” shall mean retail, entertainment, cultural, or commercial uses.

2812.2 The following locations shall devote not less than sixty-five (65) percent 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 §§ 2813 through 2815:

- (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) Independence Avenue, Burke Street, Water Street, and Massachusetts Avenue frontages;

2812.3 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 (65) percent of the ground floor frontage will be devoted to preferred uses i and main building

entrances, or lobbies to office and residential uses and shall comply with the design requirements of §§ 2813 through 2815:

- (a) 19th Street;
- (b) Burke Street;
- (c) The C Street frontage of Square H, facing the park in Square E, for a maximum length of 200 feet from the northeast square 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: and
- (f) The northeast corner of Square I which faces the intersection of C Street and Water Street.

2813 GROUND FLOOR USES – DESIGN STANDARDS

2813.1 Wherever preferred uses, as defined in §2812.1, are required or allowed pursuant to §§ 2812.2 and 2812.3, such ground floor preferred uses shall:

- (a) If located on a corner shall wrap around the corner to a minimum depth of 50 feet on the side street;
- (b) Occupy the ground floor to a minimum depth of 30 feet;
- (c) Have a minimum clear floor-to-ceiling height of fourteen (14) feet, 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 fifty (50) percent of the length and fifty (50) percent 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 building secondary streets shall devote not less than thirty (30) percent of the length and thirty (30) percent 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.

2813.2 The windows required by § 2813 (d) have clear or clear/low emissivity glass allowing transparency to a depth of twenty (20) feet into the preferred ground level space with bottom sills no more than four (4) feet above the adjacent sidewalk grade.

2813.3 Such windows must allow views from within the building to the street.

2813.4 The ground level streetwall shall be measured from finish grade to a height of fourteen (14) feet.

2814 DESIGN REQUIREMENT - ALL LOCATIONS

2814.1 The provisions of this section establish the design requirement for all building and structures located in the HE Overlay.

2814.2 The building or structure shall extend to the property line(s) abutting the street right-of-way for not less than seventy-five (75) percent of the property line to a height of not less than twenty-five (25) feet.

2814.3 Other portions of the building must extend to within 25 feet of the front property line to a height of not less than twenty-five (25) feet.

2814.4 Awnings, canopies, bay windows and balconies may extend forward of the required building line to the extent permitted by any other regulations.

2814.5 For every fifty (50) feet of building façade length, the building shall incorporate modulated and articulated building wall planes through use of projections, recesses and reveals expressing structural bays or other changes in color or graphical patterns, changes in texture, or changes in building material of the façade.

2814.6 Buildings shall incorporate vertical elements to create a series of storefront-type bays with entrances that are no more than 50 feet apart.

2814.7 The articulation shall have a minimum change of plane of six (6) inches.

2814.8 Façade articulation of less than two (2) feet in depth shall qualify to meet the street frontage required building line standard of § 2814.2.

2814.9 Any single articulation feature shall not exceed sixty (60) percent of the building façade width.

2814.10 Security grilles shall have no less than seventy (70) percent transparency.

2814.11 Street-facing facades shall not have blank walls (without doors or windows) greater than 10 feet in length.

- 2814.12 Each use within building shall have an individual public entrance that is clearly defined, directly accessible from the public sidewalk, and unlocked during regular business hours.
- 2814.13 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.
- 2814.14 Windows shall cover the following minimum area of street-facing facades above the ground floor level.

Location	Minimum Percentage
Primary Street	35%
Secondary Street	40%

2815 DESIGN REQUIREMENTS FOR BUILDINGS LOCATED ON PRIMARY STREETS

- 2815.1 The provisions of this section set forth standards for buildings and structures with frontages on a primary street.
- 2815.2 The space between the building and front street property line shall be reserved for uses such as sidewalk cafes, vendor's stands, or landscaping.
- 2815.3 Buildings located at street intersections shall be constructed to the property line without any setback for a minimum of fifty (50) feet along each street frontage.
- 2815.4 The corner of the building at the intersection shall be angled, curved, or chamfered.
- 2815.5 The distance from the corner shall not exceed 20 feet measured from the corner of the lot to the end of the angled or curved wall segment.
- 2815.6 Entrances shall be no more than fifty (50) feet apart and recessed no more than six (6) feet deep or ten (10) feet wide.
- 2815.7 Buildings shall incorporate vertical elements in the street facing façade to create a series of storefront-type bays.
- 2815.8 Residential buildings shall have at least one primary entrance directly accessible from the public sidewalk.
- 2815.9 Windows above the ground floor shall cover at least thirty-five (35) percent of the area of street-facing facades above the ground floor level.

2815.10 Artwork and displays relating to activities occurring within the building shall be permitted as a special exception if approved by the Board of Zoning Adjustment pursuant to § 3104, provided the applicant demonstrates that:

- (a) The building has more than 50 percent of its ground level space in storage, parking, or loading areas, or in uses which by their nature are not conducive to windows (such as theaters); and
- (b) The artwork or displays are consistent with the objective of providing a pleasant, rich, and diverse pedestrian experience.

2816 PARKING, LOADING, AND VEHICLE ACCESS

2816.1 Parking for residential uses shall be provided as prescribed for the R-5-B Residence zone district in Chapter 21

2816.2 Parking for non-residential uses shall be as prescribed for the CR Mixed-Use zone district in Chapter 21

2816.3 Loading for residential uses shall be as prescribed for the R-5-B Residence zone district in Chapter 22

2816.4 Loading for non-residential uses shall be as prescribed for the CR Mixed-Use zone district in Chapter 22.

2816.5 Loading berths shall not front onto a primary or secondary street.

2816.6 No driveway or garage entrance providing access to parking or loading areas may be constructed or used to provide vehicle access from a primary or secondary street.

2816.7 A driveway or garage entrance shall not be located closer than forty feet (40 ft.) to a street intersection as measured from the intersection of the curb lines extended.

2816.8 A driveway or garage entrance shall be set back at least twelve feet (12 ft.) from the center line of an alley.

2816.9 Exceptions from the prohibitions and limitations of this Section shall be permitted if approved by the Board of Zoning Adjustment pursuant to § 3104, 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;
- (b) The driveway or alley will not impede the flow of pedestrian traffic; and

**Z.C. NOTICE OF PUBLIC HEARING
Z.C. CASE NO. 04-05
PAGE 21**

- (c) The driveway or alley 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.

Proposed amendments to the Zoning Regulations and Map of the District of Columbia are authorized pursuant to the Zoning Act of June 20, 1938, (52 Stat. 797); D.C. Official Code § 6-641.01 *et seq* (2001).

The public hearing on this case will be conducted as a rulemaking in accordance with the provisions of Section 3021 of the District of Columbia Municipal Regulations, Title 11, Zoning. Pursuant to that section, the Commission will impose time limits on testimony presented to it at the public hearing.

All individuals, organizations, or associations wishing to testify in this case should file their intention to testify in writing. Written statements, in lieu of personal appearances or oral presentations, may be submitted for inclusion in the record.

Information responsive to this notice should be forwarded to the Director, Office of Zoning, Suite 210, 441 4th Street, N.W., Washington, D.C. 20001. **FOR FURTHER INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311.**

ANTHONY HOOD, GREGORY N. JEFFRIES, CURTIS L. ETHERLEY, PETER G. MAY, AND MICHAEL G. TURNBULL, ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA, BY JERRILY R. KRESS, FAIA, DIRECTOR, AND BY SHARON SCHELLIN, SECRETARY TO THE ZONING COMMISSION.