

MEMORANDUM

TO: District of Columbia Zoning Commission

FROM: *JLS*
Jennifer Steingasser,
Deputy Director, Development Review & Historic Preservation

DATE: October 5, 2018

SUBJECT: ZC Case 18-XX – Setdown and Pre-Hearing Report for a Proposed Zoning Text Amendment to Subtitle K to Create the Northern Howard Road Zone

I. RECOMMENDATION

The Office of Planning (OP) recommends that the Zoning Commission set down for a public hearing, amendments to the zoning regulations to create a new Special Purpose zone (Subtitle K), known as the Northern Howard Road (NHR) zone. The NHR zone would be available to property owners for zoning map amendments along the northernmost stretch of Howard Road, SE, within the area adjacent to Poplar Point and between Suitland Parkway and the Anacostia Freeway / I-295. The purpose of the zone would be to allow high density development in the subject location, in conformance with the Comprehensive Plan, and to ensure a mix of uses with a substantial affordable housing component and a high degree of sustainability and pedestrian and bicycle mobility. While OP is not proposing a map amendment with this application, it is anticipated that the NHR zone would be appropriate for the record lots and tax lots fronting on Howard Road, which all share the High Density Commercial / High Density Residential / Institutional designation on the Comprehensive Plan's Future Land use Map.

This report serves as the prehearing report required by Subtitle Z § 501. OP also requests flexibility to work with the Office of the Attorney General and other District agencies to refine the language of the proposed zone, as well as draft any concomitant amendments required throughout the Regulations.

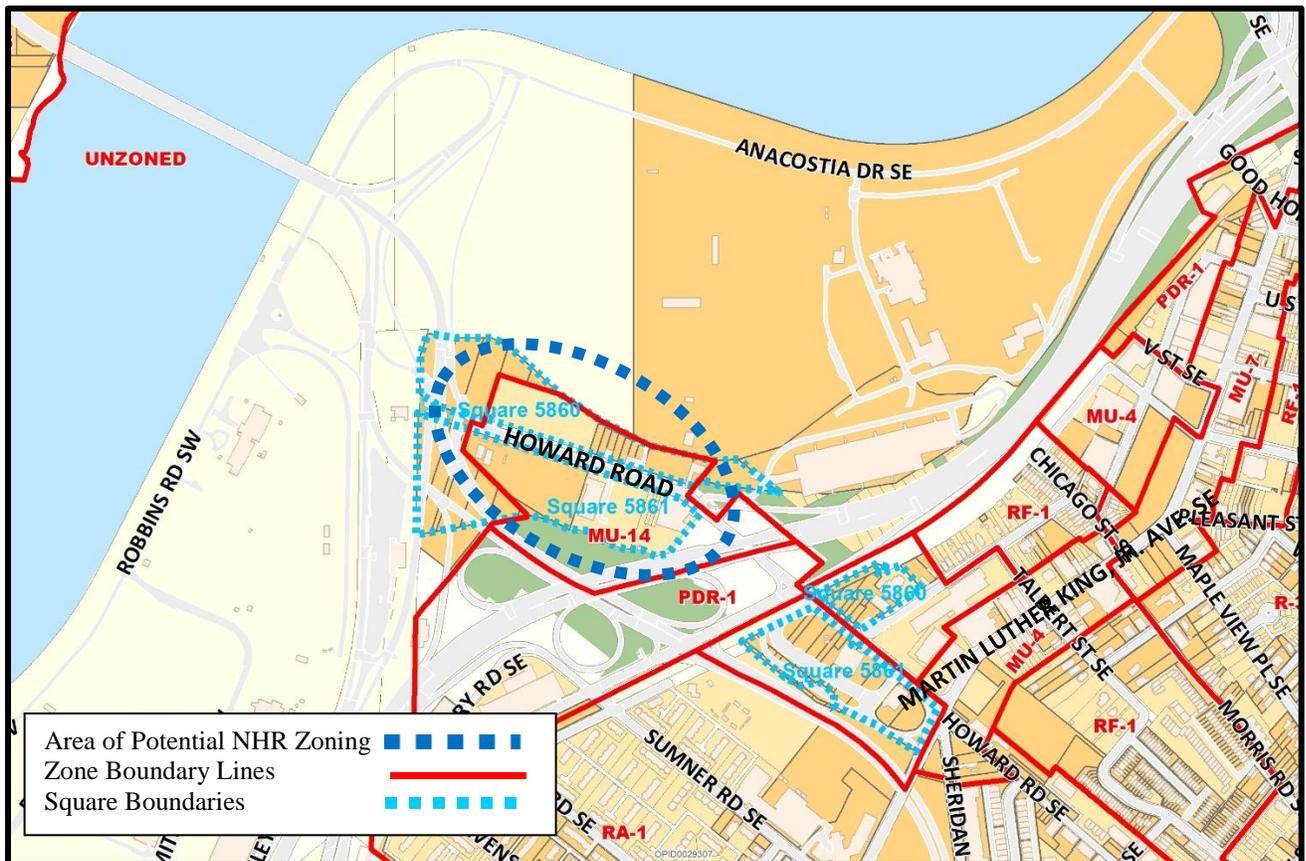
II. BACKGROUND

The District views the area at the northern end of Howard Road as an important potential economic development site. Its proximity to the Anacostia metro station, highways, and the main portion of the Central Employment Area (CEA) could make it attractive to Federal agencies or private sector development. Its location east of the Anacostia River and next to the Anacostia neighborhood and Poplar Point means that the site can contribute to additional development in the future. This potential is recognized by the Comprehensive Plan which designates much of the area for high density development, acknowledges it as part of the CEA, and provides significant policy support for its redevelopment.

In order to help ensure implementation of the Comprehensive Plan, OP proposes the NHR zone, which would allow the high density development called for in the Plan, but also require Zoning Commission design review in order to help achieve the design-related policies of the Plan. OP notes that a PUD was previously approved for several lots along Howard Road (ZC #16-29). Some of the parameters of that project were incorporated into the proposed zoning so that certain benefits associated with that PUD would still be realized, even if the PUD itself is not developed.

III. PROPOSED TEXT AMENDMENT AND ANALYSIS

OP requests the Zoning Commission set down for public hearing a text amendment to create a new Chapter 10 within Subtitle K that would contain the Northern Howard Road zone. While OP is not proposing a map amendment with this application, it is anticipated that property owners could apply the zone in locations abutting or near the portion of Howard Road adjacent to Poplar Point and between Suitland Parkway and the Anacostia Freeway / I-295. Please see below for a vicinity map, and please refer to Attachment 1 for a complete draft of the proposed NHR zone.



OP proposes to locate the new zone within Subtitle K as a Special Purpose zone because the NHR would apply to a single large area that could benefit from a cohesive, self-contained set of regulations to guide site design, building height and bulk, land uses, and other aspects of development. Only one NHR zone, a high density zone, would be available at present, though other NHR zones could, if

necessary, be created in the future to apply to other Comprehensive Plan land use designations in the vicinity.

All of the lots fronting on Howard Road are currently zoned MU-14, a high density waterfront zone (G § 500.5). And while MU-14 is considered high density, the FAR permitted in that zone is not as high as most areas in downtown Washington and in the CEA with similar Comprehensive Plan designations. NHR would allow up to 9.0 FAR, which is more consistent with other areas planned for a mix of high density commercial and high density residential, which are often zoned, for example, MU-9 or D. The Poplar Point and WMATA garage sites, north and east of Howard Road, are currently unzoned. See the table below for a summary comparison of the MU-14 and NHR zones.

Item	Existing Zone MU-14 (formerly W-3)	Proposed Zone NHR
FAR	7.2 (w/ IZ) 5.0 max non-res	9.0 6.5 max non-res.
Height	100' (w/ IZ)	130' max.
Penthouse Height	20' 1 story + mezz. 2 nd story for mech.	20' 1 story + mezz. 2 nd story for mech.
Lot Occupancy	80% (w/ IZ)	No maximum
Rear Yard	12'	2.5" / ft. of height, 12' min.; OR court-in-lieu
Side Yard	None required 8' minimum if provided	None required 5' minimum if provided
GAR	0.3	0.2
IZ	10% for wood-frame construction 8% for steel and concrete	10% minimum for all construction, plus requirements for 3BR units
Permitted Uses	MU Use Group C	MU Use Group F

Design Review

All buildings in the NHR zone would be required to receive Zoning Commission design review approval. This process would help to achieve the goals of the zone, which include developing with a mix of uses that activate the streetscape, encouraging superior architecture and open space design, and ensuring a pedestrian and bike-friendly streetscape. Going through the public hearing process would also allow for ANC and public input into any project. Furthermore, city agencies would have the opportunity to comment on the project at its initial design phase.

Residential Regulations

OP proposes that the NHR zone would have a minimum residential component of 2.5 FAR in order to ensure a mixed use environment in this area. An apportionment provision in the regulations, however, would allow the uses to be shifted between lots, as long as the minimum residential FAR is achieved. OP also proposes requiring a minimum of 10% IZ for all residential development, where 8% is normally anticipated for buildings at this height and FAR, which utilize steel and concrete construction. In addition, the NHR would limit the income levels for the IZ units to 60% of the MFI, with a portion also at 50% MFI. Finally, NHR would require that a certain percentage of all IZ units be three-bedroom units.

Streetscape Design and Uses

The NHR would state that Howard Road would be a “designated street” in the zone, and that special design and use requirements would apply to that street. For example, certain preferred uses would be required along the street frontage including retail, arts and service uses, but also daytime care and medical care, in recognition of the somewhat limited retail appeal of this location at this point in time. The design standards would require 14-foot clear space on the ground floor, display windows, and pedestrian entrances, and would prohibit vehicular entrances on Howard Road. These specifications should help to make Howard Road a more active and pedestrian-friendly street.

IV. PLANNING CONTEXT

As described in the Introduction (Chapter 1 Introduction, Section 103, Attachment I), the Comprehensive Plan is the centerpiece of a “Family of Plans” that guide public policy in the District. The Introduction goes on to note three “Tiers” of Planning (Chapter 1 Introduction, Section 104, Attachment II), including:

- a. Citywide policies;
- b. Ward-level policies;
- c. Small area policies.

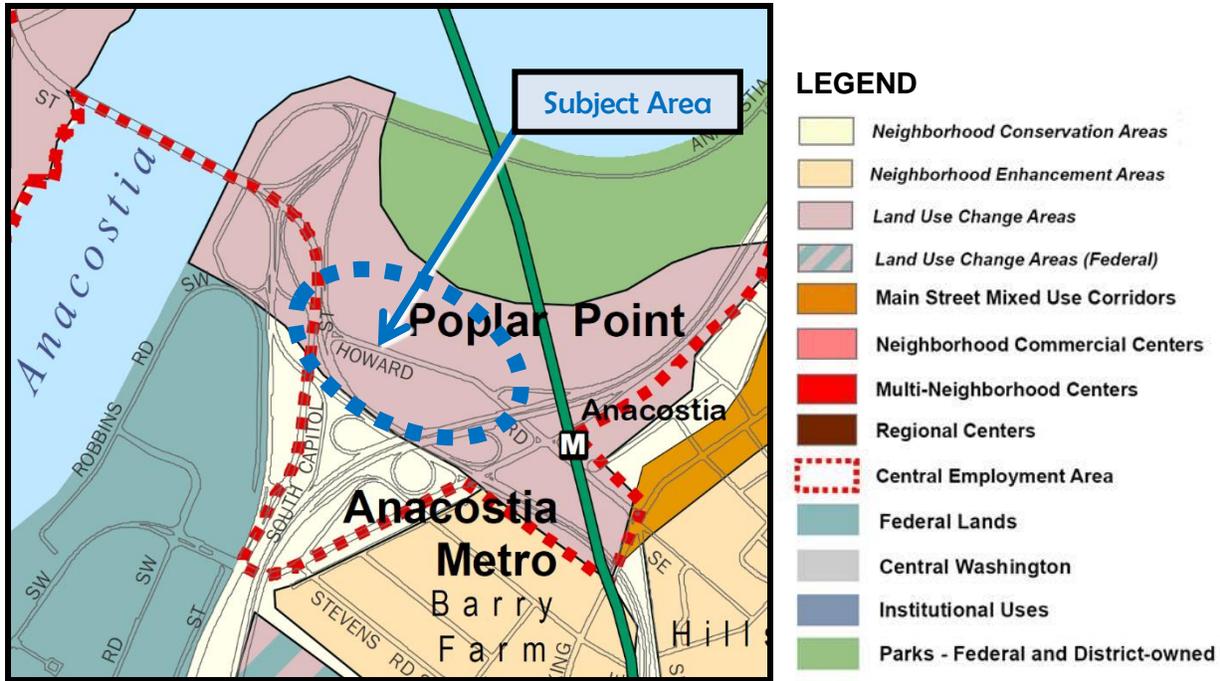
The following is OP’s analysis of how the proposed zone would help to implement the Comprehensive Plan and related documents.

A. COMPREHENSIVE PLAN MAPS

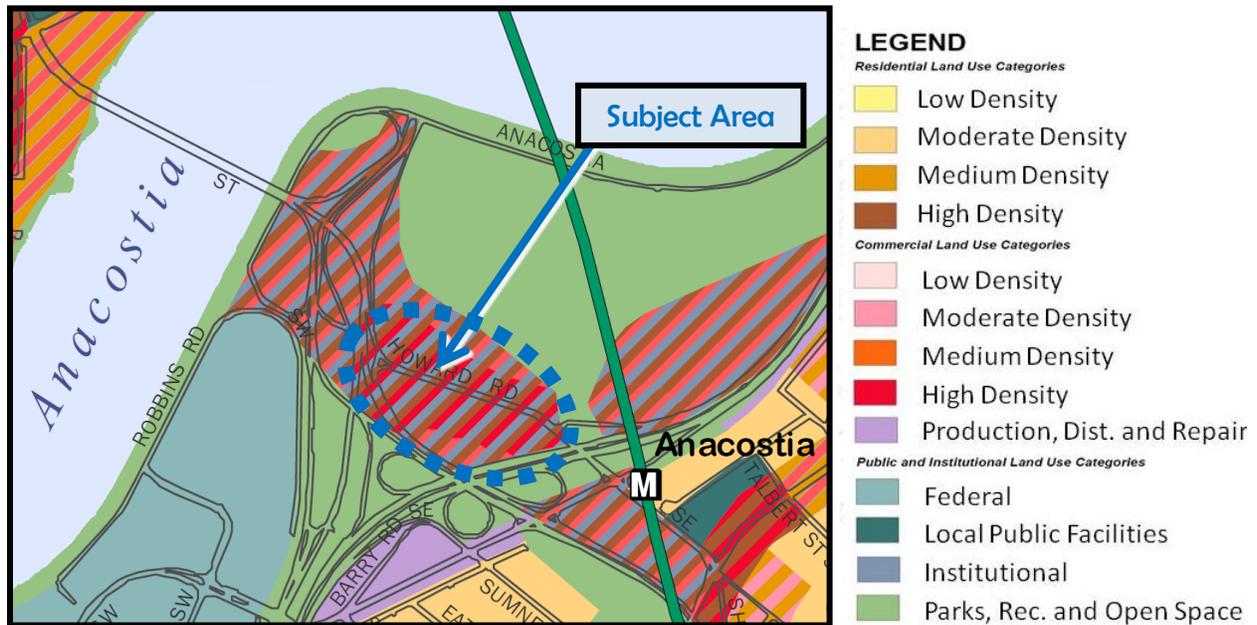
The Comprehensive Plan’s Generalized Policy Map describes the subject area as a Land Use Change Area. Land Use Change Areas are anticipated to become “high quality environments that include exemplary site and architectural design and that are compatible with and do not negatively impact nearby neighborhoods (Comprehensive Plan, § 223.12). In Land Use Change Areas the expected mix of uses is shown on the Future Land Use Map. The Policy Map also shows that the subject site is within the Central Employment Area, which is defined as:

...the business and retail heart of the District and the metropolitan area. It has the widest variety of commercial uses, including but not limited to major government and corporate offices; retail, cultural, and entertainment uses; and hotels, restaurants, and

other hospitality uses. The Central Employment Area draws patrons, workers, and visitors from across the region. The Comprehensive Plan’s Land Use and Economic Development Elements, and the Central Washington Area Element and Anacostia Waterfront Element provide additional guidance, policies and actions related to the Central Employment Area. (Comprehensive Plan § 223.21)



The Future Land Use Map (FLUM) indicates that the area along Howard Road is appropriate for high density residential, high density commercial and institutional uses. The definitions of these use categories, as described in the Comprehensive Plan, can be found in Attachment 2. The proposed zoning language would not be inconsistent with these designations.



B. COMPREHENSIVE PLAN WRITTEN ELEMENTS

Land Use Element

The proposed zoning would help implement the policies of the Land Use Element by facilitating the potential use of the site for a large scale Federal tenant. Because the subject site is within the Central Employment Area, it is anticipated that properties would be developed with higher density mixed use, including concentrations of office development. Permitting high density development would allow efficient use of the Anacostia metro station, and the zone would ensure a mix of uses in this area near the metro, both policy objectives of the Land Use Element. The proposed design guidelines would help achieve goals of promoting walkable and bikeable streets, active ground floor uses, and minimizing the impacts of automobiles on the streetscape.

Policy LU-1.1.3: Central Employment Area

Continue the joint federal/District designation of a “Central Employment Area” (CEA) within the District of Columbia. The CEA shall include existing “core” federal facilities such as the US Capitol Building, the White House, and the Supreme Court, and most of the legislative, judicial, and executive administrative headquarters of the United States Government. Additionally, the CEA shall include the greatest concentration of the city’s private office development, and higher density mixed land uses, including commercial/retail, hotel, residential, and entertainment uses. Given federally-imposed height limits, the scarcity of vacant land in the core of the city, and the importance of protecting historic resources, the CEA may include additional land necessary to support economic growth and federal expansion. The CEA may be used to guide the District’s economic development initiatives, and may be incorporated in its planning and building standards (for example, parking requirements) to reinforce urban character. The CEA is also important because it is part of

the “point system” used by the General Services Administration to establish federal leases. The boundaries of the CEA are shown in Figure 3.2. 304.8

Policy LU-1.1.4: Appropriate Uses in the CEA

Ensure that land within the Central Employment Area is used in a manner which reflects the area’s national importance, its historic and cultural significance, and its role as the center of the metropolitan region. Federal siting guidelines and District zoning regulations should promote the use of this area with high-value land uses that enhance its image as the seat of the national government and the center of the District of Columbia, and that make the most efficient possible use of its transportation facilities. 304.9

Section 306.4

...certain principles should be applied in the management of land around all of the District’s neighborhood stations. These include:

- A preference for mixed residential and commercial uses rather than single purpose uses, particularly a preference for housing above ground floor retail uses;
- A preference for diverse housing types, including both market-rate and affordable units and housing for seniors and others with mobility impairments;
- A priority on attractive, pedestrian-friendly design and a de-emphasis on auto-oriented uses and surface parking;
- Provision of well-designed, well-programmed, and well-maintained public open spaces;
- A "stepping down" of densities with distance away from each station, protecting lower density uses in the vicinity;
- Convenient and comfortable connections to the bus system, thereby expanding access to the stations and increasing Metro's ability to serve all parts of the city; and
- A high level of pedestrian and bicycle connectivity between the stations and the neighborhoods around them. 306.4

Policy LU-1.3.1: Station Areas as Neighborhood Centers

Encourage the development of Metro stations as anchors for economic and civic development in locations that currently lack adequate neighborhood shopping opportunities and employment. The establishment and growth of mixed use centers at Metrorail stations should be supported as a way to reduce automobile congestion, improve air quality, increase jobs, provide a range of retail goods and services, reduce reliance on the automobile, enhance neighborhood stability, create a stronger sense of place, provide civic gathering places, and capitalize on the development and public transportation opportunities which the stations provide. This policy should not be interpreted to outweigh other land use policies which call for neighborhood conservation. Each Metro station area is unique and must be treated as such in planning and development decisions. The Future Land Use Map expresses the desired intensity and mix of uses around each station, and the Area Elements (and in some cases Small Area Plans) provide more detailed direction for each station area. 306.10

Policy LU-1.3.2: Development Around Metrorail Stations

Concentrate redevelopment efforts on those Metrorail station areas which offer the greatest opportunities for infill development and growth, particularly stations in areas with weak

market demand, or with large amounts of vacant or poorly utilized land in the vicinity of the station entrance. Ensure that development above and around such stations emphasizes land uses and building forms which minimize the necessity of automobile use and maximize transit ridership while reflecting the design capacity of each station and respecting the character and needs of the surrounding areas. 306.11

Policy LU-1.3.4: Design To Encourage Transit Use

Require architectural and site planning improvements around Metrorail stations that support pedestrian and bicycle access to the stations and enhance the safety, comfort and convenience of passengers walking to the station or transferring to and from local buses. These improvements should include lighting, signage, landscaping, and security measures. Discourage the development of station areas with conventional suburban building forms, such as shopping centers surrounded by surface parking lots. 306.13

Policy LU-1.3.6: Parking Near Metro Stations

Encourage the creative management of parking around transit stations, ensuring that automobile needs are balanced with transit, pedestrian, and bicycle travel needs. New parking should generally be set behind or underneath buildings and geared toward short-term users rather than all day commuters. 306.15

Transportation Element

The goals of the Transportation Element would be advanced by the proposed NHR zone. The zone would encourage a pedestrian- and bicycle-friendly street with connections to metro and the broader neighborhood. It would specifically encourage a cycle track along Howard Road. Vehicular entrances would also be prohibited along Howard Road. The overall goal is to maximize the walkability of the neighborhood, especially given its proximity to the Anacostia metro station, while minimizing the need for automobiles. The proposed text would also require connections for any future development on Poplar Point, with the intent of creating a future street grid.

Policy T-2.2.2: Connecting District Neighborhoods

Improve connections between District neighborhoods through upgraded transit, auto, pedestrian and bike connections, and by removing or minimizing existing physical barriers such as railroads and highways. However, no freeway or highway removal shall be undertaken prior to the completion of an adequate and feasible alternative traffic plan that has been approved by the District government. 408.6

Action T-2.2.B: Pedestrian Connections

Work in concert with WMATA to undertake pedestrian capacity and connection improvements at selected Metrorail transit stations, streetcar stations, and bus and stops and at major transfer facilities to enhance pedestrian flow, efficiency, and operations. 408.11

Policy T-2.3.1: Better Integration of Bicycle and Pedestrian Planning

Integrate bicycle and pedestrian planning and safety considerations more fully into the planning and design of District roads, transit facilities, public buildings, and parks. 409.8

Policy T-2.3.2: Bicycle Network

Provide and maintain a safe, direct, and comprehensive bicycle network connecting neighborhoods, employment locations, public facilities, transit stations, parks and other key destinations. Eliminate system gaps to provide continuous bicycle facilities. Increase dedicated bike-use infrastructure, such as bike-sharing programs like Capital Bikeshare, and identify bike boulevards or bike-only rights of way. 409.9

Policy T-2.3.3: Bicycle Safety

Increase bicycle safety through traffic calming measures, provision of public bicycle parking, enforcement of regulations requiring private bicycle parking, and improving bicycle access where barriers to bicycle travel now exist. 409.10

Action T-2.3.A: Bicycle Facilities

Wherever feasible, require large new commercial and residential buildings to be designed with features such as secure bicycle parking and lockers, bike racks, shower facilities, and other amenities that accommodate bicycle users. 409.11

Action T-2.3.B: Bicycle Master Plan

Implement the recommendations of the Bicycle Master Plan to:

- a. Improve and expand the bike route system and provide functional and distinctive signs for the system;
- b. Provide additional bike facilities on roadways;
- c. Complete ongoing trail development and improvement projects to close gaps in the system;
- d. Improve bridge access for bicyclists;
- e. Provide bicycle parking in public space and encourage bicycle parking in private space;
- f. Update the District laws, regulations and policy documents to address bicycle accommodation;
- g. Review District projects to accommodate bicycles;
- h. Educate motorists and bicyclists about safe operating behavior;
- i. Enforce traffic laws related to bicycling;
- j. Establish a Youth Bicycle and Pedestrian Safety Education Program;
- k. Distribute the District Bicycle Map to a wide audience; and
- l. Set standards for safe bicycle operation, especially where bikes and pedestrians share the same space. 409.12

Sections 410.3 and 410.4

Improvements to pedestrian facilities can enhance the quality of the walking and public transit environments, and foster greater use of both modes. Improvements should focus on reductions in the number and severity of pedestrian-vehicle conflict points, clarified pedestrian routing, widened sidewalks, and improved aesthetic features such as landscaping. 410.3

Encouraging walking will bring many benefits to the District. It will provide convenient and affordable transportation options, reduce vehicular-travel and related pollution, and improve the health and fitness of District residents. 410.4

Policy T-2.4.1: Pedestrian Network

Develop, maintain, and improve pedestrian facilities. Improve the city’s sidewalk system to form a network that links residents across the city. 410.5

Housing Element

The proposed text would further the goals of the Housing Element by mandating a minimum amount of residential on any property. This would result in an increase in the overall supply of housing, but the zone would also require a percentage of IZ housing greater than that normally required for this type of development. In addition, the zone would require a minimum percentage of all IZ units to be three-bedroom units.

H-1.1 Expanding Housing Supply

Expanding the housing supply is a key part of the District’s vision to create successful neighborhoods. Along with improved transportation and shopping, better neighborhood schools and parks, preservation of historic resources, and improved design and identity, the production of housing is essential to the future of our neighborhoods. It is also a key to improving the city’s fiscal health. The District will work to facilitate housing construction and rehabilitation through its planning, building, and housing programs, recognizing and responding to the needs of all segments of the community. The first step toward meeting this goal is to ensure that an adequate supply of appropriately zoned land is available to meet expected housing needs. 503.1

Policy H-1.1.3: Balanced Growth

Strongly encourage the development of new housing on surplus, vacant and underutilized land in all parts of the city. Ensure that a sufficient supply of land is planned and zoned to enable the city to meet its long-term housing needs, including the need for low- and moderate-density single family homes as well as the need for higher-density housing. 503.4

Policy H-1.1.4: Mixed Use Development

Promote mixed use development, including housing, on commercially zoned land, particularly in neighborhood commercial centers, along Main Street mixed use corridors, and around appropriate Metrorail stations. 503.5

Economic Development Element

Policies of the Economic Development Element would be furthered by the proposed zone, which would permit high density mixed use development. This, in turn, could allow for the location of a federal agency, one of the District’s core industries. The development of the area could help to revitalize the surrounding neighborhood through an increase in local employment. The proposed

zoning language would require Zoning Commission design review, to help ensure any office buildings achieve a high standard of architectural design.

Policy ED-1.1.1: Core Industries

Continue to support and grow the District’s core industries, particularly the federal government, professional and technical services, membership associations, education, hospitality, health care, and administrative support services. 703.9

Policy ED-1.1.5: Use of Large Sites

Plan strategically for the District’s remaining large development sites to ensure that their economic development potential is fully realized. These sites should be viewed as assets that can be used to revitalize neighborhoods and diversify the District economy over the long term. Sites with Metrorail access, planned light rail access, and highway access should be viewed as opportunities for new jobs and not exclusively as housing sites. 703.13

Policy ED-2.1.1: Office Growth

Plan for an office sector that will continue to accommodate growth in government, government contractors, legal services, international business, trade associations, and other service-sector office industries. The primary location for this growth should be in Central Washington and in the emerging office centers along South Capitol Street and the Anacostia Waterfront. 707.6

Policy ED-2.1.3: Signature Office Buildings

Emphasize opportunities for build-to-suit/signature office buildings in order to accommodate high-end tenants and users and corporate headquarters. Consider sites in secondary office centers such as NoMA and the Near Southeast for this type of development. 707.8

Urban Design Element

The design review process contained in the new zone would help achieve the goals of the Urban Design Element. Allowing for high density development could help make this area a prominent east-of-the-river gateway. The design criteria would also help to ensure that pedestrians and bicycles are prioritized over the automobile, and use requirements would help ensure an active and interesting streetscape.

Policy UD-1.3.8: East of the River Gateways

Improve the visual and urban design qualities of the gateways into East-of-the-River neighborhoods from the Anacostia River crossings, with landscape and transportation improvements along Howard Road, Martin Luther King Jr Avenue, Pennsylvania Avenue, Randle Circle (Minnesota and Massachusetts), Benning Road, and Kenilworth Avenue. 905.14

Action UD-1.3.A: Anacostia Waterfront Initiative

Continue to implement the Framework Plan for the Anacostia River, restoring Washington’s identity as a waterfront city and bridging the historic divide between the east and west sides of the river. 905.15

Policy UD-1.4.4: Multi-Modal Avenue/Boulevard Design

Discourage the use of the city’s major avenues and boulevards as “auto-only” roadways. Instead, encourage their use as multi-modal corridors, supporting transit lanes, bicycle lanes, and wide sidewalks, as well as conventional vehicle lanes. 906.10

Policy UD-3.1.7: Improving the Street Environment

Create attractive and interesting commercial streetscapes by promoting ground level retail and desirable street activities, making walking more comfortable and convenient, ensuring that sidewalks are wide enough to accommodate pedestrian traffic, minimizing curb cuts and driveways, and avoiding windowless facades and gaps in the street wall. 913.14

Lower Anacostia Waterfront / Near Southwest Area Element

The NHR zone would help implement the policies of the Lower Anacostia Waterfront / Near Southwest Area Element which seek to create new mixed use neighborhoods, including at Poplar Point. The proposed zone would also support commercial development near the waterfront, including the potential for government offices. The area element also calls for multi-modal streets, and the review criteria of the zone would help ensure that new development prioritizes pedestrians and bicyclists. Any development that occurs in this zone would also need to demonstrate how connections would be made to any potential development on the Poplar Point site.

Policy AW-1.1.2: New Waterfront Neighborhoods

Create new mixed use neighborhoods on vacant or underutilized waterfront lands, particularly on large contiguous publicly-owned waterfront sites. Within the Lower Anacostia Waterfront/Near Southwest Planning Area, new neighborhoods should be developed at the Southwest Waterfront, Buzzard Point, Poplar Point, Southeast Federal Center and Carrollsburg areas. These neighborhoods should be linked to new neighborhoods upriver at Reservation 13, Poplar Point, and Kenilworth-Parkside. A substantial amount of new housing and commercial space should be developed in these areas, reaching households of all incomes, types, sizes, and needs. 1908.3

Policy AW-1.1.3: Waterfront Area Commercial Development

Encourage commercial development in the Waterfront Area in a manner that is consistent with the Future Land Use Map. Such development should bring more retail services and choices to the Anacostia Waterfront as well as space for government and private sector activities, such as offices and hotels. Commercial development should be focused along key corridors, particularly along Maine Avenue and M Street Southeast, along South Capitol Street; and near the Waterfront/SEU and Navy Yard metrorail stations. Maritime activities such as cruise ship operations should be maintained and supported as the waterfront redevelops. 1908.4

Policy AW-1.1.7: Multi-modal Waterfront Streets

Design streets along the waterfront to be truly multi-modal, meeting the needs of pedestrians, bicyclists, and transit users as well as motor vehicles. Safe pedestrian crossings, including overpasses and underpasses, should be provided to improve waterfront access. 1908.8

Policy AW-2.4.8: Access Improvements to Poplar Point

Improve access to Poplar Point by redesigning the road system on the site’s perimeter, rebuilding the Frederick Douglass (South Capitol) bridge, converting the Anacostia Metrorail station to a multi-modal terminal, adding provisions for pedestrians and bicycles along Howard Road, W Street SE, and Good Hope Road, and providing water taxi service on the Anacostia River. 1914.14

C. OTHER PLANNING DOCUMENTS

Anacostia Waterfront Initiative

The subject area is within the Anacostia Waterfront Initiative (AWI) area. The vision of the AWI is of a clean and vibrant waterfront with a variety of parks, recreation opportunities, and places for people to meet, relax, encounter nature and experience the heritage of the waterfront. The AWI also seeks to revitalize surrounding neighborhoods, enhance and protect park areas, improve water quality and environment, and, where appropriate, increase access to the water and maritime activities along the waterfront. The subject site is included within two of the areas called out for improvement in the plan – the Poplar Point target area and the South Capitol Street Corridor target area. The proposed development is not inconsistent with the AWI’s planning guidance for these areas, including the following:

- Howard Road is to be an “enhanced gateway” to the existing neighborhood, as well as to the parkland at Poplar Point (pp. 114-115);
- Howard Road should contain a “vibrant mix of uses” (p. 115);
- The South Capitol Street area “is a long-term growth and employment corridor that can support a mixture of uses, including new residential and office development” (p. 120);
- Higher density development near South Capitol Street should be clustered near metro stations (p. 121);
- Streetscape design should include wide sidewalks and other facilities to encourage pedestrian, bicycle and transit access (p. 121).

V. ATTACHMENTS

1. Proposed Northern Howard Road Zone

NORTHERN HOWARD ROAD ZONE – SUBTITLE K, CHAPTER 10

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, SE;
- (f) Provide for the development of Howard Road, SE 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 found at Subtitle K §§ 1001 through 1010.

1000.5 Penthouses shall be subject to the regulations of Subtitle C, Chapter 15 and the height and story limitations specified in this chapter.

1000.6 All requests to zone a property with an NHR zone shall be heard as a rulemaking.

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, SE; 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, SE as an active, pedestrian-oriented street with active ground floor uses.

- 1001.2 The development standards in Subtitle K §§ 1001.3 through 1001.19 shall control the bulk of buildings in NHR zone.
- 1001.3 The maximum permitted density in the NHR zone is 9.0 FAR, except as provided in Subtitle K § 1001.5.
- 1001.4 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 § 1001.5 below. Residential FAR consists exclusively of uses that fall within the “Residential” use category described in Subtitle B, Section 200.2(aa).
- 1001.5 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.
- 1001.6 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.
- 1001.7 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.
- 1001.8 The declaration of covenants shall expressly state that it may be substantively amended or terminated only with the approval of the Zoning Administrator.
- 1001.9 The declaration of covenants shall be approved in content by the Zoning Administrator, who may, in his or her discretion, request their General Counsel or the Office of the Attorney General to undertake a legal sufficiency review.

1001.10 The declaration 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.

1001.11 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 feet
Less than 110 ft. but greater than or equal to one 100 ft.	120 feet
Less than 100 ft. but greater than or equal to 90 ft.	110 feet
Less than 90 ft.	No taller than the width of the street right of way, plus 20 feet

1001.12 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.

1001.13 The height and density limits of Subtitle K § 1001 shall serve as the maximum permitted under a planned unit development.

1001.9 The maximum permitted lot occupancy in the NHR zone shall be one hundred percent (100%).

1001.15 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.).

1001.16 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 §1001.16(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.

1001.17 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.

1001.18 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

1001.19 The minimum required Green Area Ratio for the NHR zone shall be 0.2.

1002 INCLUSIONARY ZONING (NHR)

1002.1 The NHR zone shall be subject to the inclusionary zoning requirements of Subtitle C, Chapter 10, as modified by this chapter. Inclusionary zoning is indicated by the abbreviation “IZ”.

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) Ten percent (10%) 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) Seventy-five percent (75%) of the set aside required by Subtitle K § 1002.3(a) shall be reserved for households earning equal to or less than sixty percent (60%) of the MFI;
 - (b) 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 MFI; and
 - (c) One hundred percent (100%) of the set aside required by Subtitle A § 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-bedroom units.

1002.6 Any non-residential penthouse habitable space shall be subject to the affordable housing production requirements of Subtitle C § 1505.

1003 USE PERMISSIONS (NHR)

1003.1 The use permissions in this section include uses permitted as a matter of right, as a special exception, and uses not permitted.

1003.2 Use permissions for the NHR zone are as specified in the following table:

TABLE K § 1002.2: NHR USE PERMISSIONS

Zone	Subtitle/Chapter	Use Group
NHR	Subtitle U, Chapter 5	MU-Use Group F

1003.3 Buildings, structures and uses with frontage on a Designated Street of Subtitle K § 1004 shall provide specified ground floor uses in accordance with the requirements and provisions of Subtitle K § 1005.

1004 DESIGNATED STREETS (NHR)

1004.1 Designated Streets for the purposes of this chapter are those streets where a building with frontage on that street must comply with use and/or design regulations that may differ from the requirements of the zone through which the street passes.

1004.2 Refer to Subtitle K § 1005 for preferred use requirements that apply to a specified Designated Street.

1004.3 Refer to Subtitle K § 1006 for design related requirements that apply to a specified Designated Street.

1004.4 Any portion of Howard Road, SE (both sides of the street) in the NHR zone shall be a Designated Street.

1005 USE REQUIREMENTS FOR DESIGNATED STREETS (NHR)

1005.1 Preferred use requirements shall apply only to a Designated Street identified in Subtitle K, § 1004.4.

1005.2 Preferred uses of this section shall include uses within the following 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.

1005.3 Any new building or structure with frontage on a Designated Street identified in Subtitle K § 1004.4 shall devote one hundred percent (100%) of the building's street frontage along a Designated Street to the preferred uses specified in this section, except for space devoted to building entrances or required for fire control.

1006 DESIGN REQUIREMENTS FOR DESIGNATED STREETS (NHR)

1006.1 The following design requirements shall apply to a Designated Street identified in Subtitle K, § 1004:

- (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.

1007 ZONING COMMISSION REVIEW OF BUILDINGS, STRUCTURES, AND USES (NHR)

1007.1 The provisions of this section apply to properties within the NHR zone.

1007.2 With respect to those properties described in Subtitle K § 1007.1, 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.

1007.3 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.

1008 RELIEF FROM DEVELOPMENT STANDARDS AND USE AND DESIGN REQUIREMENTS (NHR)

- 1008.1 The Zoning Commission may grant special exception relief to the development standards of this chapter and the Designated Street use and design standards of this chapter, subject to any applicable conditions of this chapter.
- 1008.2 As set forth in this chapter, specific conditions or criteria may be applicable in the consideration of relief and shall be considered in combination with the conditions of Subtitle X, Chapter 9.
- 1008.3 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.
- 1008.4 Relief may be granted as a special exception by the Zoning Commission to the development standards and regulations of this chapter where, in the judgment of the Commission, the special exception:
 - (a) Will be in harmony with the general purpose and intent of the NHR zone, the Zoning Regulations, and Zoning Maps;
 - (b) Will not tend to affect adversely the use of neighboring property, in accordance with the Zoning Regulations and Zoning Maps; and
 - (c) Will be subject in each case to any applicable conditions specified in this chapter.
- 1008.5 The Zoning Commission may grant, pursuant to Subtitle X, Chapter 9, special exception relief to 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;

- (d) Provision shall be included for service functions, including parking and loading access and adequate loading areas; and
- (e) Upon receiving an application to waive rear yard requirements in the NHR zone, the Office of Zoning shall refer the application to the Office of Planning, the Office of Planning’s Historic Preservation Office if a historic district or historic landmark is involved, the Department of Transportation, the District of Columbia Housing Authority, and any other relevant District agencies for review, report, and impact assessment.

1008.6 The Zoning Commission may grant, pursuant to Subtitle X, Chapter 9, special exception relief to 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.

1009 PARKING AND LOADING REGULATIONS (NHR)

1009.1 This chapter provides conditions and requirements related to parking spaces and loading, including location and access.

1009.2 Vehicle parking shall be provided in accordance with the requirements of Subtitle C, Chapter 7.

1009.3 Bicycle parking shall be provided in accordance with the requirements of Subtitle C, Chapter 8.

1009.4 Loading shall be provided in accordance with the requirements of Subtitle C, Chapter 9.

1010 SUSTAINABILITY (NHR)

1010.1 Each building constructed or substantially modified shall earn a LEED v4 Gold rating, with a financial security compliant with the provisions of Section 6 of the

Green Building Act of 2006, as amended (D.C. Official Code § 6-1451.05) provided prior to receipt of the first certificate of occupancy.

1010.2 Each building constructed or substantially modified shall have an on-site renewable energy system installed and operating prior to receipt of the first certificate of occupancy, which renewable energy system shall generate at least 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 & Regulatory Affairs.