

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of Zoning



Z.C. CASE NO.: 12-08

AUG 24 2012

As Secretary to the Commission, I hereby certify that on _____ copies of this Z.C. Notice of Public Hearing were mailed first class, postage prepaid or sent by inter-office government mail to the following:

1. *D.C. Register* (via e-mail)
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7. Office of Planning (Harriet Tregoning)
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9. Melinda Bolling, Acting General Counsel
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1100 4th Street, S.W.
Washington, D.C. 20024
10. Office of the Attorney General (Alan Bergstein)
11. MLK Library (30 Copies)
12. Property Owners Within 200 Feet (see attached list provided by Petitioner)

ATTESTED BY:

Sharon S. Schellin
Secretary to the Zoning Commission
Office of Zoning

ZONING COMMISSION
District of Columbia

CASE NO. 12-08

EXHIBIT NO. 8

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

TIME AND PLACE: **Thursday, October 18, 2012, @ 6:30 P.M.**
 Jerrily R. Kress Memorial Hearing Room
 441 4th Street, N.W., Suite 220-S
 Washington, D.C. 20001

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

CASE NO. 12-08 (Text and Map Amendments to Create and Implement the Saint Elizabeths East (StE) District for the Saint Elizabeths East Campus)

THIS CASE IS OF INTEREST TO ANC.8C

On June 28, 2010, the Office of Planning filed a report that served as a petition requesting amendments to the Zoning Regulations and Map. The proposed text and map amendments would permit and guide development of Saint Elizabeths East Campus.

The Zoning Commission set down this case for a public hearing on July 9, 2012. The Office of Planning Report served at its supplemental filing required by 11 DCMR § 3014.

The proposed Saint Elizabeths East (StE) District would have nineteen subdistricts, StE-1 through StE-19. Each StE subdistrict would have its own bulk and design provisions, including height, density, lot occupancy, and street frontage requirements for unique conditions associated with the historic nature and architecture of the campus. New parking spaces on the campus would be limited to 4,800 spaces, which will be monitored through each building permit granted. Most of the uses within the StE District would be as a matter-of-right except for a few which would be permitted by special exception or are prohibited. The Office of Planning also proposes related text amendments to achieve the purposes of the StE District. Additional conforming amendments were added after consultation with the Office of the Attorney General.

The following paragraphs have been provided by the Office of Planning and are intended to summarize the most significant aspects of the proposed text amendments that follow.

Purposes of the New Zone

In addition to achieving the goals of the Comprehensive Plan and the Saint Elizabeths East Redevelopment Framework Plan, the StE District is intended to provide for a broad mix of uses, including residential, commercial, hospitality, educational and civic uses consistent with the Saint Elizabeths East Master Plan and Design Guidelines. The purposes of the StE District are to reinvigorate the campus as an important neighborhood center with historic resources preserved and adaptively reused the unique and historic identity of the campus being enhanced by new development. Community connectivity and access to and through the campus should be improved and a safe public realm and enhanced pedestrian experience created. Further, the

District's design and sustainability goals should be incorporated into the redevelopment of the campus.

Use Mix

The campus is planned to have a mix of uses complemented by open space areas capable of being programmed to ensure vitality and social activity across the campus. The proposed zoning provides for flexibility in uses, within appropriate building heights and densities and is organized in categories based on similar activities, functions, physical characteristics, impacts, or operational behaviors.

Preferred Uses

Preferred Retail Areas are proposed to help create a vibrant development with unique places along major streets and intersections of the campus to achieve the vibrancy envisioned on the campus.

Building Heights

Building heights range from zero to nine stories with the tallest buildings away from the historic buildings. The proposed building heights address the context of existing to new buildings and allow heights to transition down to adjacent historic buildings.

Floor Area Ratio (FAR), Lot Occupancy, and Rear Yard

Based on the parcels of the Master Plan, the StE District was divided into the StE-1 through StE-19 subdistricts for the purpose of establishing floor area ratio (FAR), lot occupancy, building height, and rear yard requirements and the District would have an overall maximum possible density of approximately 1.7 FAR for the entire site, excluding parcels 2, 18 and 19, or a density of 1.84 FAR including those parcels.

To ensure that the overall development maintains the mix of uses envisioned across the campus, a portion of the overall density within seven of the subdistricts is required to be dedicated to residential use. Residential uses are described in proposed § 3303.1(x). To provide further flexibility, residential use can be transferred to properties located in other specified subdistricts through a combined lot mechanism, provided the maximum total density and height for the receiving subdistrict remains as specified for that subdistrict. The transfer of required residential use between subdistricts will be effectuated by a declaration of covenants between the owners of sending and the receiving lots and administered in accordance with proposed § 3307.

Parking

Development on the site will have the flexibility to provide below-grade, surface, or above-grade structured parking. Within the StE-7, 15, and 17 subdistricts, additional density for above-grade structured parking is provided. Any of the additional density that is not used for above-grade parking may be utilized for any other use permitted within that subdistrict, but may not be transferred through the combined lot process. Consistent with the Master Plan, the proposed regulations would impose a district-wide cap of 4,800 new below-grade, surface, or above-grade parking spaces which can only be exceeded through a special exception granted by the Board of Zoning Adjustment. To allow for flexibility in location, timing, shared parking, and response to the market, parking minimums or maximums are not established on individual parcels, and are not required to be on the same lot as the use they serve.

PROPOSED MAP AMENDMENT

The proposed zoning designations for the site are depicted on Map A, which is included in this notice. Metes and bounds descriptions of proposed zoning for the entire StE District and each subdistrict will be provided by the Office of Zoning prior to proposed action.

PROPOSED TEXT AMENDMENT

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

Add a new chapter 33, "Saint Elizabeths East (StE) District"

CHAPTER 33 - SAINT ELIZABETHS EAST CAMPUS (StE) DISTRICT

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3301 GENERAL PROVISIONS AND APPLICABILITY

3301.1 The Saint Elizabeths East Campus (StE) District is a unique location district created to implement the public policy goal and objectives of the Comprehensive Plan, the St. Elizabeths Redevelopment Framework Plan, as approved by the Council of the District of Columbia on December 16, 2008, and the Saint Elizabeths East Master Plan and Design Guidelines, June 4, 2012.

3301.2 The StE District shall apply to the area historically referred to as the Saint Elizabeths East Campus, and generally bounded by the Unified Communications Center to the north; open space and the St. Elizabeths Psychiatric Hospital the east; Alabama Avenue and the residential community to the south; and Martin Luther King, Jr., Avenue to the west.¹ Where there are any inconsistencies between the above description of the District and the descriptions set out in the metes and bounds descriptions attached to the Notice of Final Rulemaking published in the *D.C. Register* on *(date to be determined)*, the latter shall apply.

3301.3 The StE District shall constitute the Zoning Regulations for the geographic area referred to in § 3301.2. Where there are conflicts between this chapter and other chapters of this title, the provisions of the StE District shall govern.

3301.4 PURPOSES

3301.5 The StE District is intended to provide for the development of this site with a mix of uses, achieved through the adaptive reuse of existing buildings as well as new construction.

3301.6 The StE District is intended to provide for a broad mix of uses, including residential, commercial, hospitality, educational, and civic uses consistent with the Master Plan, with a target of approximately 4.2 million square feet of development, exclusive of the StE-2, StE-18, and StE-19 subdistricts and specified above-grade parking.

3301.7 The purposes of the StE District are to:

- (a) Improve community connectivity and access to and through the campus;
- (b) Enhance the unique and historic identity of the campus;
- (c) Reinvigorate the campus as an important neighborhood center;
- (d) Preserve and adaptively reuse the historic resources;

¹ This area is depicted in Map A, which is attached to this Public Hearing notice.

- (e) Embody the District's design and sustainability goals;
- (f) Create a safe public realm and enhanced pedestrian experience;
- (g) Enhance multi-modal transportation networks;
- (h) Support wider economic development initiatives; and
- (i) Ensure a parking supply that meets the needs of the St Elizabeths site while minimizing impacts on surrounding neighborhoods and incurring acceptable impacts on the surrounding road network.

3301.8 Land Use and Urban Design principles for the StE District include:

- (a) Create a safe environment by providing for a mix of uses and open spaces that are capable of being programmed to ensure vitality and social activity;
- (b) Create a desirable development opportunity by providing for flexibility in uses and appropriate building heights and densities;
- (c) Provide street-activating uses such as retail on the ground floor of buildings along designated public streets;
- (d) Recognize the unique and historic characteristics of the site and provide for the appropriate reuse of the historic buildings and new development that will respect the site's historic nature;
- (e) Design and site new development sensitively to preserve existing gateways, vistas, and campus landmarks;
- (f) Create focal points to help establish a unique sense of place and orientation;
- (g) Provide for significant open space, including community parks, plazas, and natural open space on the site;
- (h) Provide for the preservation of the existing ravine within subdistrict StE-19 in its current, natural state; and
- (i) Promote the use of best practice environmental and stormwater management design.

3302 USES

3302.1 The following use categories are applicable to the StE District:

- (a) Agriculture - The on-site cultivation, or maintenance of plants, or the breeding or keeping of animals and livestock intended for personal use or eventual sale or lease off-site, including but are not limited to: farm, truck garden, beekeeping, greenhouse, dairy, horticultural nursery, or community garden;
- (b) Animal Sales, Care, and Boarding - The on-site sale, medical care, or short term boarding of animals for a fee, which may include licensed veterinary practices such as medicine, surgery, or dentistry for animals, the provision of animal services such as grooming, training, or care-taking, including but not limited to pet shop, veterinary clinic or hospital, pet grooming establishment, dog day care center, animal boarding facility, animal sales establishment, or animal shelter;
- (c) Antennas - Any structure involving conducting, transmitting, or receiving communication signals, encompassing the portions of the structure responsible for signal transmission and reception, any associated towers, commercial broadcast antenna, mobile telecommunication antenna, microwave dish, satellite earth station, whip, or yagi antennas immediately-related support and stabilizing elements, and rotating or other directional mechanisms;
- (d) Arts Design and Creation - The on-site design, rehearsal, or creation of visual, auditory, or performance art. This use may encompass work space for artists, artisans, or craftsmen practicing fine arts or applied arts or crafts, and may include the sale of items created on the site; including but not limited to artist studio, artisan production including kiln-fired, metal-working, wood-working, furniture making and glass-blowing arts, photographic studio, recording studio, radio, or broadcasting studio, or arts incubator;
- (e) Basic Utilities - The commercial or governmental generation, transmission, distribution, or storage of energy, water, stormwater, cable, or telecommunication-related information, commonly taking the form of infrastructure services which are provided city-wide including but not limited electrical sub-station, telephone exchange, optical transmission node, electronic equipment facility, sewer plant, water treatment plant, methods and facilities for renewable energy generation, or utility pumping station;
- (f) Chancery - The principal offices of a foreign mission used for diplomatic or related purposes, and annexes to such offices (including ancillary offices and support facilities), including the site and any building on such site that is used for such purposes;

- (g) Community-based Institutional Facility - Monitored care to individuals who have a common need for treatment, rehabilitation, assistance, or supervision in their daily living; have been assigned to the facility; or are being detained by the government, other than as a condition of probation, including, but not limited to, adult rehabilitation home, youth rehabilitation home, or detention or correctional facilities;
- (h) Daytime Care - The non-residential licensed care, supervision, counseling, or training, for a fee, of individuals who are not related by blood, adoption, or marriage to the caregiver, and who are present on the site for less than 24 hours per day, including, but are not limited to: child care centers and programs, pre-schools, nursery schools, before-and-after school programs, or elder care centers and programs;
- (i) Education – Education and academic institutions that provide District or state mandated basic education or educational uses of higher learning which offer courses of general or specialized study leading to a degree as well as accessory play areas, dormitories, cafeterias, recreational, or sports facilities; including, but not limited to, private schools, public or charter schools at the elementary, middle, junior high, or high school level; colleges, community colleges, universities, or boarding schools;
- (j) Emergency Shelter - Any use providing 30 days or less of temporary housing to indigent, needy, homeless, or transient individuals as well as provide ancillary services such as counseling, vocational training, or similar social and career assistance;
- (k) Entertainment, Assembly, and Performing Arts - Facilities designed primarily for public assembly that enables patrons to experience visual, auditory, performance, or literary arts; attend sporting events or conferences; or to participate in active leisure activities, typically characterized by activities and structures that draw large numbers of people to specific events or shows, including, but not limited to bowling alley, miniature golf, movie theatre, concert hall, or stadium;
- (l) Food and Alcohol Services - The sale of food, alcoholic drinks, or refreshments prepared on the premises and sold to customers for immediate consumption on or off the premises, including, but not limited to: prepared food shop, café, delicatessen, restaurant, fast food establishment, bar, nightclub, ice cream parlor, or coffee shop;
- (m) Health Care - The on-site licensed provision of medical diagnosis, treatment, or prevention of illness or disease of humans, or medical or

surgical care to patients including, but not limited to: dentist, doctor, optician, hospitals, clinics, or medical offices;

- (n) Institutional - Any non-governmental use involving the public assembly of people or provision of services for social, cultural, or religious purposes and which may include uses of a public, nonprofit, or charitable nature generally providing local service on-site to people of a local community, including, but not limited to, private clubs, private libraries, non-profit social service providers, or religious facilities;
- (o) Large Scale Government - Any use involving services owned, managed, or provided by a governmental entity and associated with providing regional or wider services, including, but are not limited to: airports, jails, truck dispatch facilities or police/fire training facilities;
- (p) Local Government - Services owned, managed, or provided by local government and associated with providing neighborhood-scaled services to meet the community needs of the directly adjacent areas, including, but not limited to: public community centers, police stations, libraries, or fire stations;
- (q) Lodging - Temporary housing for an agreed upon term of less than thirty (30) consecutive days; offered to the public for compensation, and open to transient rather than permanent guests, including, but not limited to, hotels, motels, inns, or bed and breakfast establishments;
- (r) Motor Vehicle-related - On-site sale, rental, service, maintenance, or refueling of motor vehicles or their components. These uses include the sale, installation or repair of parts, components, accessories, or fuel for motor vehicles, including, but not limited to, gas service station, auto repair facility, carwash, automobile sales, boat sales, or motorcycle sales;
- (s) Office - On-site administrative, business, professional, research, or laboratory-based activities. These uses are characterized by activities in an office setting that focus on the provision of off-site sale of goods or on-site information-based services, usually by professionals, including, but not limited to, real estate agency, law firm, accounting firm, advertising agency, stockbrokerage firm, or laboratory;
- (t) Open Space - Land that is intended to be preserved in a largely natural state;
- (u) Parking - The on-site short or long-term storage of motor vehicles, including surface lots or within structures, including, but not limited to:

parking accessory to another use, public parking lot, public parking garage, and private garage;

- (v) Parks and Recreation - Publicly accessible passive or active open space or a structure or facility under the jurisdiction of a public agency that is used for community recreation activities, including, but not limited to: Public plazas, parks, outdoor recreation, community gardens, areas devoted to recreational activities such as picnicking, boating, fishing, bicycling, tennis, or swimming, and structures or other recreation facilities such as auditorium, multi-purpose room, gymnasium, meeting space, open space, playground, playing court, golf course, playing field, or swimming pool, with associated accessory uses such as kitchen facilities;
- (w) Production, Distribution, Light Industrial, and Repair - The on-site production, distribution, repair, assembly, processing, or sale of materials, products, innovative technology, or goods intended for a wholesale, manufacturing, or industrial application, including, but not limited to, centralized services or logistics for retail uses, wholesale goods establishments, outdoor material storage, warehouse, ground shipping facility, or wholesale sales;
- (x) Residential - Any use offering habitation to one or more households on a continuous basis established by tenancy with a minimum term of a month or property ownership, including, but are not limited to: single dwelling unit, multiple dwelling units. This use category includes residential facilities that provide housing and supervision for persons with disabilities, which may include 24-hour on-site supervision, lodging, and meals for individuals who require supervision within a structured environment, and which may include specialized services such as medical, psychiatric, nursing, behavioral, vocational, social, or recreational services, including but not limited to community residence facilities, retirement homes, substance abusers' home, youth residential care home, assisted living facility, floating homes, and other residential uses;
- (y) Retail - The on-site sale of goods, wares, or merchandise directly to the consumer or persons without a resale license, typically to individuals in small quantities for their direct use, including, but not limited to, uses such as antique shop, drugstore, department store, card shop, grocery store, jewelry store, fabric store, or pawn shop but not including firearm sales;
- (z) Service - The contracting of work that does not necessarily result in a tangible commodity, typically providing personal services or small-scale product repair or services for consumer and business goods on-site,

including, but not limited to: bank, appliance repair, travel agency, fitness center, yoga studio, shoe repair, tailor, or parcel delivery service; and

- (aa) Transportation Infrastructure -- Structures or conveyances designed for individual mode or multimodal public transportation purposes, including, but not limited to: land or facilities for the movement or storage of transportation system components, streetcar or bus passenger depots, transportation rights of way, Metro stations, mass transit stations, bus stops, bicycle paths, bus transfer stations, accessways, airports, bicycle facilities, multi-use paths, pedestrian connections, or streets.

3302.2 The uses listed in § 3303.1 shall be permitted by-right in all subdistricts of the StE District, except as limited in §§ 3303.3 to 3303.8.

3302.3 Within the StE-19 subdistrict, no use is permitted except for Open Space and Transportation Infrastructure.

3302.4 Uses permitted within the StE-10 and StE-14a subdistricts shall be in accordance with the R-4 use provisions of DCMR 11 § 330 which includes but is not limited, to rowhouses, flats, attached or detached dwellings, and other uses compatible with a low to moderate density residential zone.

3302.5 Accessory uses, buildings, or structures customarily incidental and subordinate to the principal uses permitted in § 3302 shall be permitted in any StE District except StE 19 as a matter of right, subject to the limitations in chapter 25 of this title.

3302.6 Preferred uses described in § 3305 shall be provided in accordance with the provisions of that section.

3302.7 The following uses shall be permitted in the StE 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 § 3304 and the specific conditions stated below:

- (a) 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
- (b) Community Based Institutional Facilities for seven to 15 persons, not including resident supervisors or staff and their families, subject to the standards and requirements for Youth and Adult Rehabilitation Homes of § 306.

3302.8 The following uses are prohibited within the StE District as either a principal or an accessory use:

- (a) Any establishment that has as its principal use the administration of massages;
- (b) Any industrial use first permitted in the M District;
- (c) Correctional Facility;
- (d) Drive-through establishment, where goods are sold/rented or services rendered, directly to occupants of motor vehicles while in the vehicles;
- (e) Firearm Sales, including gun store, ammunition sales, pawn shop carrying guns, or weaponry store;
- (f) Self-service storage establishment that provides separate storage areas for individual or business uses;
- (g) Sexually-oriented business establishment;
- (h) Vehicle repair and servicing, including full-serve and mini-serve gas stations, unattended key card stations, car washes, quick lubrication services, and vehicle emission test sites; and
- (i) Vehicle sales.

3303 SPECIAL EXCEPTION GENERAL PROVISIONS

3303.1 In addition to the general standards set forth in § 3104, an applicant for a special exception to establish a Community Based Institutional Facility pursuant to § 3303.7 shall demonstrate that:

- (a) The proposal addresses any conditions pertaining to that use as detailed in this chapter;
- (b) Noise and other potential impacts associated with the operation of a proposed use shall not adversely affect adjacent or nearby uses;
- (c) Traffic conditions associated with the operation of a proposed use shall not adversely affect adjacent or nearby uses; and
- (d) The proposed building will comply with the applicable ground floor use.

3304 PREFERRED USE REQUIREMENTS

3304.1 Preferred uses shall include any use within the Arts, Design & Creation; Food & Alcohol Services; Retail; or Service use categories described in § 3303.1.

3304.2 Each building that faces the following streets or locations in the following subdistricts shall devote not less than fifty percent (50%) of the gross floor area of the ground floor to preferred uses:

- (a) StE 3, facing Martin Luther King Jr. Avenue SE, Cypress Street SE, or Sycamore Street SE and the park;
- (b) StE 7, facing Martin Luther King Jr. Avenue SE, Cypress Street SE, or Dogwood Drive SE, or Oak Drive SE;
- (c) StE 14b, facing Dogwood Drive SE, Oak Drive SE, or the southwest corner;
- (d) StE 15, facing Dogwood Drive SE, 13th Street SE, Oak Drive SE, or the park;
- (e) StE 16, facing 13th Street SE at the southwest corner; and
- (f) StE 17, facing Dogwood Drive SE, 13th Street SE, or Oak Drive SE.

3304.3 Not less than fifty percent (50%) of the surface area of the street wall, including building entrances, of those building frontages described in § 3305.2 shall be devoted to doors or display windows having clear or low emissivity glass.

3304.4 Preferred uses shall provide direct, exterior access to the ground level.

3304.5 The minimum floor-to-ceiling height for portions of the ground floor level devoted to preferred uses shall be fourteen (14) feet.

3304.6 Ground floor area required for preferred uses may not be transferred to any other lot through the Combined Lot Development procedures of § 3307.

3304.7 For good cause shown, the Board of Zoning Adjustment may authorize interim occupancy of the preferred use space required under § 3305.2 by other uses permitted in the StE District for up to a five (5) year period, provided that:

- (a) The ground-floor space is suitably designed for future occupancy by preferred uses;
- (b) The proposed use is compatible with the surrounding uses; and
- (c) It can be demonstrated that a preferred use cannot be accommodated due to market conditions.

3305 FLOOR-AREA-RATIO (FAR), HEIGHT, LOT OCCUPANCY AND REAR YARD SETBACK

3305.1 The StE District is divided into the StE-1 through StE-19 Districts for the purpose of floor area ratio (FAR), lot occupancy, and building height.

3305.2 Except as provided in this section, the FAR, height of a building or structure , lot occupancy and rear yard in a StE District shall not exceed or be less than that set forth in the following table:

Zone District	FAR (Max.)	FAR – Required Residential (Min.)	FAR – Above Grade Parking (Max.)	Height (Max. Ft.)	Lot Occupancy (Max. %)	Rear Yard (Min. Ft.)
StE-1	0.20	-	-	25	25	-
StE-2	4.00	-	-		75	-
StE-3	2.50	-	-	80	60	-
StE-4	0.50	-	-	25	60	-
StE-5	1.50	-	-	65	60	-
StE-6	3.20	1.60	-	90	75	-
StE-7	1.50	1.00	§ 3306.3	§ 3306.4	60	-
StE-8	0.40	-	-	25	60	-
StE-9	1.50	-	-	65	60	-
StE-10	1.50	-	-	40	60	20
StE-11	0.70	-	-	25	60	-
StE-12	3.00	1.50	-	80	75	-
StE-13	3.20	1.60	-	90	75	-
StE-14a	1.50		-	40	60	20
StE-14b	1.50	1.00	-	40	60	20
StE-15	2.00	1.00	§ 3306.3	80	75	-
StE-16	3.20	1.60	-	90	75	-
StE-17	0.50	-	§ 3306.3	70	60	-
StE-18	4.00	-	-	90	75	-
StE-19	0.00	-	-	0	n/a	-

3305.3 FAR for structured parking located above grade is regulated as follows:

- (a) In addition to the FAR permitted by §3306.2, additional FAR for above grade parking is permitted as follows:
 - (1) Within the StE-7 subdistrict – 1.0 FAR;
 - (2) Within the StE-15 subdistrict – 1.0 FAR; and

- (3) Within the StE-17 subdistrict – 2.0 FAR;
- (b) Any of the FAR permitted under §3306.3(a) that is not used for above grade parking may be utilized for any other use permitted within that zone;
- (c) Any above grade parking shall conform to the standards of §3309; and
- (d) This density may not be transferred through the Combined Lot Provisions of §3307 to another parcel.

3305.4 Maximum permitted height within the StE-7 subdistrict is as follows:

- (a) For a distance of 250 feet measured from the north property line bounding Cypress Street, the maximum permitted height shall be 80 feet; and
- (b) For the remainder of this parcel, the maximum permitted height shall be 50 feet.

3305.5 The height and FAR limits of §3306.2 shall serve as the maximums permitted under a Planned Unit Development (PUD).

3305.6 The minimum lot area for row dwellings in any StE District shall be 1,800 square feet with a minimum lot width of 18 feet.

3306 COMBINED LOTS

3306.1 In any StE subdistrict with a minimum residential requirement, two (2) or more lots within such a subdistrict may be combined for the purpose of achieving the required FAR equivalent of residential uses, subject to the following:

- (a) The total height and density limits of the subdistrict(s) shall not be exceeded; and
- (b) The combined lot provisions may not be used to transfer density to or from any property within the StE-2, StE-10, StE-14a, StE-14b, StE-18, or StE-19 subdistricts.

3306.2 No allocation of gross floor area shall be effective unless an instrument, legally sufficient to effect such a transfer, is filed with the Zoning Administrator and recorded by the Recorder of Deeds in the land records against all lots included in the combined lot development.

3306.3 The instrument shall be in the form of a declaration of covenants that:

- (a) Is signed by the owners of all affected parcels;

- (b) Runs with the land in perpetuity;
- (c) Burdens all parcels involved in the allocation of gross floor area; and
- (d) States the maximum permitted gross floor areas for all uses in all parcels, the maximum allowed gross floor area for nonresidential uses in all parcels and the gross floor area of nonresidential uses allocated. The covenant shall further state that, after the transfer, the combined lots conform with the maximum gross floor area limitations.

3306.4 The declaration of covenants shall expressly state that it may be substantively amended or terminated only with the approval of the Zoning Administrator.

3306.5 The declaration of covenants shall be approved in content by the Zoning Administrator and certified for legal sufficiency by the Office of the Attorney General. The declaration shall also contain a written statement by the Director of the D.C. Office of Planning attesting to:

- (a) The lots' eligibility to allocate residential and nonresidential uses;
- (b) The accuracy of the computations with respect to the amount of residential and nonresidential uses allocated; and
- (c) Whether, after the transfer, the combined lots will conform with the maximum gross floor area limitations for the lots before any such transfer.

3307 INCLUSIONARY ZONING

3307.1 All residential development is subject to Inclusionary Zoning and shall be constructed according to the provisions set forth in chapter 26 except for § 2604.

3307.2 The FAR, lot occupancy, and height maximums of § 3306.2 shall serve as the maximum permitted density for buildings and structures within each subdistrict including for the provision of inclusionary units.

3308 OFF-STREET PARKING

3308.1 The cumulative total of all parking spaces, including below grade, surface, and above grade structured parking, shall not exceed a total of 4,800 parking spaces, exclusive of parking on the StE-2 or StE-18 subdistricts, existing surface parking lots, historic structures, and any parking associated with existing District of Columbia Government facilities.

3308.2 Each application to the Department of Consumer and Regulatory Affairs for a development that includes above grade or below grade structured parking or

surface parking shall provide an accounting of the total number of parking spaces within the StE District which count towards the 4,800 parking space limit.

3308.3 Additional parking spaces beyond the 4,800 space limit shall be permitted by special exception by the Board of Zoning Adjustment pursuant to § 3104 and in accordance with the provisions of §§ 3304.2 and 3304.3, provided that the applicant addresses compliance with the following standards:

- (a) The application shall include a detailed accounting of the existing and proposed number and locations of parking spaces provided pursuant to § 3309.1; and shall also include a traffic study assessing the impacts of the proposed additional parking spaces on local traffic patterns for referral to and comment by the District Department of Transportation;
- (b) The applicant shall include a transportation demand management (TDM) plan, as well as District Department of Transportation analysis of the TDM plan. The parameters of the analysis shall be outlined by the District Department of Transportation; and
- (c) Vehicular access and egress will be located and designed so as to encourage safe and efficient pedestrian movement, minimize conflict with principal pedestrian ways, function efficiently, and create no dangerous or otherwise objectionable traffic conditions.

3308.4 For any application pursuant to § 3309.3:

- (a) The Board shall judge, balance, and reconcile the need for additional on-site parking against any adverse impacts the presence of the parking will have on traffic, and the aesthetics and development of the surrounding neighborhood; and
- (b) The Board may impose requirements pertaining to design, appearance, signs, massing, landscaping, and other such requirements as it deems necessary to protect neighboring property and to achieve the purposes of the StE District.

3308.5 Any additional commuter parking, beyond parking that may exist as of (*date of enactment*) within the St-E-18, shall be for the exclusive use of residents of, employees within, or visitors to the StE District or Federal employees of the adjacent St Elizabeths West Campus.

3308.6 Parking spaces shared by more than one use is permitted.

3308.7 Parking spaces need not be located on the same lot as the building or buildings they are intended to serve, but must be located on a lot within the StE District other than

the StE-18 or StE-19 subdistrict.

3308.8 Parking spaces shall not be located between a street right-of-way line and the more restrictive of either a building façade or a line extending from and parallel to a building façade. A building used solely as a parking attendant shelter shall not trigger this restriction.

3308.9 Parking spaces provided within a structure shall be located at least twenty feet (20 ft.) from all lot lines that abut public streets, unless the surface of the parking spaces is at least ten feet (10 ft.) below grade, at all points along the building frontage.

3308.10 Parking spaces within an above grade structure along 13th Street, Dogwood Street, and Sycamore Street shall be lined with preferred uses as defined in § 3305.1 on the ground floor to a depth of thirty feet (30 ft.) minimum.

3308.11 All parking spaces, other than mechanical parking spaces shall be accessible at all times from a driveway accessing either an improved street or an improved alley or alley system with a minimum width of ten feet (10 ft.).

3308.12 Parking spaces provided within a mechanized parking system need not meet the accessibility requirement of § 3309.10 as long as the mechanized parking system does.

3308.13 Parking spaces and drive aisles shall be designed in accordance with the standards of DCMR 11 chapter 21.

3308.14 Where other options for access to parking spaces exist, such as from an alley or a different street, access to parking shall not be from a section of street where preferred uses are required in accordance with § 3305; or from Martin Luther King Jr. Ave SE, Dogwood Street, 13th Street, or Oak Drive.

3308.15 Approval of a driveway under this chapter shall not be interpreted to imply permission for a curb cut in public space. An applicant for a driveway with a curb cut in public space shall have the responsibility to obtain all other necessary approvals and permissions.

3309 LOADING

3309.1 Loading requirements for each use shall be as prescribed in chapter 22, § 2201, § 2203, and § 2204 of this title.

3309.2 Where other options for access to parking spaces exist, such as from an alley or a different street, access to loading shall not be from a section of street where

preferred uses are required in accordance with § 3305; or from Martin Luther King Jr. Ave SE, Dogwood Street, 13th Street, or Oak Drive.

3309.3 Loading entrances shall not be located closer than forty feet (40 ft.) from the intersection of an alley and public street as measured from the intersection of the curb lines extended.

3309.4 Loading entrances shall not be located closer than forty feet (40 ft.) from an intersection of as measured from the intersection of the curb lines extended.

3309.5 Loading entrances shall make use of architectural treatments, to mitigate visual impacts,

3309.6 Access points to requiring a curb cut should be a sufficient distant from any street intersection so as not to disrupt traffic flow.

3310 BICYCLE PARKING

3310.1 The bicycle parking standards of this chapter apply to all newly constructed buildings.

3310.2 Bicycle parking spaces shall be provided in accordance with § 2119 of this title.

3311 ROOF STRUCTURES

3311.1 Rooftop penthouses not intended for human occupation, such as penthouses over mechanical equipment, a stairway or an elevator shaft shall be erected or enlarged pursuant to § 411 of this title.

Conforming amendments (additions to existing text is shown in bold and underlined).

Amend chapter 21, § 2101.1 as follows:

2101.1 On and after May 12, 1958, all buildings or structures shall be provided with parking spaces as specified in the following table, **except for buildings and structures located in the StE District:**

Amend chapter 26 as follows:

Subsection 2602.1(a) is amended to read as follows:

2602.1 Except as provided in § 2602.3, the requirements and incentives of this chapter shall apply to developments that:

- (a) Are mapped within the R-2 through R-5-D, C-1 through C-3-C, USN, CR, SP, StE, and W-1 through W-3 Zone Districts, unless exempted pursuant to § 2602.3;

Section 2603 is amended as follows:

By adding new §§ 2603.6 and 2603.7 to read as follows:

- 2603.6 An inclusionary development for which the primary method of construction does not employ steel and concrete frame structure located in an StE District shall devote no less than 10% of the gross floor area being devoted to residential use for inclusionary units.
- 2603.7 An inclusionary development of steel and concrete frame construction located in an StE District shall devote no less than 8% of the gross floor area being devoted to residential use in an StE District

By amending § 2603.4 to read as follows:

- 2603.4 Developments located in CR, C-2-B through C-3-C, USN, StE, W-2 through W-3, and SP Districts shall set aside 100% of inclusionary units for eligible moderate-income households.

By amending § 2603.4 to read as follows

- 2604.1 Inclusionary developments subject to the provisions of this chapter, except those located in the StE District, may construct up to twenty percent (20%) more gross floor area than permitted as a matter of right ("bonus density"), subject to all other zoning requirements (as may be modified herein) and the limitations established by the Act to Regulate the Height of Buildings in the District of Columbia, approved June 1, 1910 (36 Stat. 452; D.C. Official Code § 6-601.01, et seq. (2001 Ed.).

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

The public hearing on this case will be conducted as a rulemaking in accordance with the provisions of 11 DCMR § 3021. 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 should be forwarded to Sharon S. Schellin, the Secretary of the Zoning Commission, Office of Zoning, Suite 200-S, 441 4th Street, N.W., Washington, D.C., 20001. Please include the number of this particular case and your daytime telephone number. **FOR FURTHER INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311.**

ANTHONY J. HOOD, MARCIE I. COHEN, PETER G. MAY, AND MICHAEL G. TURNBULL ----- ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA, BY SARA A. BARDIN, DIRECTOR, AND BY SHARON S. SCHELLIN, SECRETARY TO THE ZONING COMMISSION

MAP A

Saint Elizabeths East (StE) District

