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4108161	Submitted to ODAI	Notices, Opinions	Zoning Commission Notice of Filing: Case No. 02-38D	12/21/2012 Vol 59/51	12/13/2012 10:59:32
4100886	Confirmed	Notices, Opinions	Zoning Commission Notice of Filing: Case No. 12-2 - Covenant Baptist United Church of Christ	12/14/2012 Vol 59/50	12/12/2012 15:51:02
4099431	Confirmed	Notices, Opinions	Board of Zoning Adjustment - Corrected Order No. 18435-A - Friendship Family LLC - ANC 3E	12/14/2012 Vol 59/50	12/12/2012 15:21:49
4099819	Confirmed	Notices, Opinions	Board of Zoning Adjustment - Order No. 18454 - Hilary Sills - ANC 3C	12/14/2012 Vol 59/50	12/12/2012 15:20:11
4099916	Confirmed	Notices, Opinions	Board of Zoning Adjustment - Order No. 18456 - West End Residential Properties, LLC on behalf of the District of Columbia - ANC 2A	12/14/2012 Vol 59/50	12/12/2012 15:19:06
4101856	Confirmed	Notices, Opinions	Board of Zoning Adjustment - Order No. 18452 - Linn Meyers - ANC 1D	12/14/2012 Vol 59/50	12/12/2012 15:17:05
4101953	Confirmed	Notices, Opinions	Board of Zoning Adjustment - Order No. 18453 - 1728 14th Street LLC - ANC 2F	12/14/2012 Vol 59/50	12/12/2012 15:15:33

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ZONING COMMISSION
District of Columbia
CASE NO. 12-08
EXHIBIT NO. 31

ZONING COMMISSION
District of Columbia
CASE NO.12-08
EXHIBIT NO.31

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF PROPOSED RULEMAKING**

Z.C. Case No. 12-08

(Text and Map Amendments – 11 DCMR)

**To Create and Implement the Saint Elizabeths East (StE) District for the Saint Elizabeths
East Campus)**

The Zoning Commission for the District of Columbia, pursuant to its authority under § 1 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797; D.C. Official Code § 6-641.01 (2008 Repl.)), hereby gives notice of its intent to amend the Zoning Map and the Zoning Regulations (DCMR Title 11). If adopted, the text and map amendments would permit and guide development of Saint Elizabeths East Campus. The amendments would add a new chapter 33 and make conforming amendments to §§ 2101, 2602, 2603, and 2604.

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. This notice includes amendments not originally published in the Notice of Public Hearing intended to address the Commission's concern with the building massing on StE-6, StE-13, StE-16, StE-17, and StE-18. These additional provisions (codified as §§ 3306.7 through 3306.8.) provide step-backs for buildings on StE-17 and StE-18 which abut Alabama Avenue and on StE-6, StE-13, and StE-16, adjacent to the ravine.

As a convenience to the public, the Commission has included at the end of this notice a map that general depicts the location of the nineteen proposed subdistricts. Actual metes and bounds description of each subdistrict follow.

Final rulemaking action shall be taken in not less than thirty days from the date of publication of this notice in the *D.C. Register*.

The Zoning Map is amended as follows:

Zone from unzoned to StE-1 the area described in the metes and bounds descriptions at Exhibit 7 in the record of Z.C. Case No. 12-08 entitled "DESCRIPTION OF PROPOSED A&T LOT 1 FOR ST. ELIZABETH EAST CAMPUS ZONING AMENDMENT SUBDIVISION LOT 2, SQUARE 5-5868 DISTRICT OF COLUMBIA."

Zone from unzoned to StE-2 the area described in the metes and bounds descriptions at Exhibit 7 in the record of Z.C. Case No. 12-08 entitled "DESCRIPTION OF PROPOSED A&T LOT 2 FOR ST. ELIZABETH EAST CAMPUS ZONING AMENDMENT SUBDIVISION LOT 2, SQUARE 5-5868 DISTRICT OF COLUMBIA."

Zone from unzoned to StE-3 the area described in the metes and bounds descriptions at Exhibit 7 in the record of Z.C. Case No. 12-08 entitled "DESCRIPTION OF PROPOSED A&T LOT 3 FOR ST. ELIZABETH EAST CAMPUS ZONING AMENDMENT SUBDIVISION LOT 2, SQUARE 5-5868 DISTRICT OF COLUMBIA.

Zone from unzoned to StE-4a the area described in the metes and bounds descriptions at Exhibit 7 in the record of Z.C. Case No. 12-08 entitled "DESCRIPTION OF PROPOSED A&T LOT 4a FOR ST. ELIZABETH EAST CAMPUS ZONING AMENDMENT SUBDIVISION LOT 2, SQUARE 5-5868 DISTRICT OF COLUMBIA."

Zone from unzoned to StE-4b the area described in the metes and bounds descriptions at Exhibit 7 in the record of Z.C. Case No. 12-08 entitled "DESCRIPTION OF PROPOSED A&T LOT 4b FOR ST. ELIZABETH EAST CAMPUS ZONING AMENDMENT SUBDIVISION LOT 2, SQUARE 5-5868 DISTRICT OF COLUMBIA."

Zone from unzoned to StE-5 the area described in the metes and bounds descriptions at Exhibit 7 in the record of Z.C. Case No. 12-08 entitled "DESCRIPTION OF PROPOSED A&T LOT 5 FOR ST. ELIZABETH EAST CAMPUS ZONING AMENDMENT SUBDIVISION LOT 2, SQUARE 5-5868 DISTRICT OF COLUMBIA."

Zone from unzoned to StE-6 the area described in the metes and bounds descriptions at Exhibit 7 in the record of Z.C. Case No. 12-08 entitled "DESCRIPTION OF PROPOSED A&T LOT 6 FOR ST. ELIZABETH EAST CAMPUS ZONING AMENDMENT SUBDIVISION LOT 2, SQUARE 5-5868 DISTRICT OF COLUMBIA."

Zone from unzoned to StE-7 the area described in the metes and bounds descriptions at Exhibit 7 in the record of Z.C. Case No. 12-08 entitled "DESCRIPTION OF PROPOSED A&T LOT 7 FOR ST. ELIZABETH EAST CAMPUS ZONING AMENDMENT SUBDIVISION LOT 2, SQUARE 5-5868 DISTRICT OF COLUMBIA."

Zone from unzoned to StE-8 the area described in the metes and bounds descriptions at Exhibit 7 in the record of Z.C. Case No. 12-08 entitled "DESCRIPTION OF PROPOSED A&T LOT 8 FOR ST. ELIZABETH EAST CAMPUS ZONING AMENDMENT SUBDIVISION LOT 2, SQUARE 5-5868 DISTRICT OF COLUMBIA."

Zone from unzoned to StE-9 the area described in the metes and bounds descriptions at Exhibit 7 in the record of Z.C. Case No. 12-08 entitled "DESCRIPTION OF PROPOSED A&T LOT 9 FOR ST. ELIZABETH EAST CAMPUS ZONING AMENDMENT SUBDIVISION LOT 2, SQUARE 5-5868 DISTRICT OF COLUMBIA."

Zone from unzoned to StE-10 the area described in the metes and bounds descriptions at Exhibit 7 in the record of Z.C. Case No. 12-08 entitled "DESCRIPTION OF PROPOSED A&T LOT 10

FOR ST. ELIZABETH EAST CAMPUS ZONING AMENDMENT SUBDIVISION LOT 2, SQUARE 5-5868 DISTRICT OF COLUMBIA.”

Zone from unzoned to StE-11 the area described in the metes and bounds descriptions at Exhibit 7 in the record of Z.C. Case No. 12-08 entitled "DESCRIPTION OF PROPOSED A&T LOT 11 FOR ST. ELIZABETH EAST CAMPUS ZONING AMENDMENT SUBDIVISION LOT 2, SQUARE 5-5868 DISTRICT OF COLUMBIA.”

Zone from unzoned to StE-12 the area described in the metes and bounds descriptions at Exhibit 7 in the record of Z.C. Case No. 12-08 entitled "DESCRIPTION OF PROPOSED A&T LOT 12 FOR ST. ELIZABETH EAST CAMPUS ZONING AMENDMENT SUBDIVISION LOT 2, SQUARE 5-5868 DISTRICT OF COLUMBIA.”

Zone from unzoned to StE-13 the area described in the metes and bounds descriptions at Exhibit 7 in the record of Z.C. Case No. 12-08 entitled "DESCRIPTION OF PROPOSED A&T LOT 13 FOR ST. ELIZABETH EAST CAMPUS ZONING AMENDMENT SUBDIVISION LOT 2, SQUARE 5-5868 DISTRICT OF COLUMBIA.”

Zone from unzoned to StE-14a the area described in the attached metes and bounds descriptions entitled "DESCRIPTION OF PROPOSED A&T LOT 14a FOR ST. ELIZABETH EAST CAMPUS ZONING AMENDMENT SUBDIVISION LOT 2, SQUARE 5-5868 DISTRICT OF COLUMBIA.”

Zone from unzoned to StE-14b the area described in the metes and bounds descriptions at Exhibit 7 in the record of Z.C. Case No. 12-08 entitled "DESCRIPTION OF PROPOSED A&T LOT 14b FOR ST. ELIZABETH EAST CAMPUS ZONING AMENDMENT SUBDIVISION LOT 2, SQUARE 5-5868 DISTRICT OF COLUMBIA.”

Zone from unzoned to StE-15 the area described in the attached metes and bounds descriptions entitled "DESCRIPTION OF PROPOSED A & T LOT 15 FOR ST. ELIZABETH EAST CAMPUS ZONING AMENDMENT SUBDIVISION LOT 2, SQUARE 5-5868 DISTRICT OF COLUMBIA.”

Zone from unzoned to StE-16 the area described in the metes and bounds descriptions at Exhibit 7 in the record of Z.C. Case No. 12-08 entitled "DESCRIPTION OF PROPOSED A&T LOT 16 FOR ST. ELIZABETH EAST CAMPUS ZONING AMENDMENT SUBDIVISION LOT 2, SQUARE 5-5868 DISTRICT OF COLUMBIA.”

Zone from unzoned to StE-17a the area described in the metes and bounds descriptions at Exhibit 7 in the record of Z.C. Case No. 12-08 entitled "DESCRIPTION OF PROPOSED A&T LOT 17a FOR ST. ELIZABETH EAST CAMPUS ZONING AMENDMENT SUBDIVISION LOT 2, SQUARE 5-5868 DISTRICT OF COLUMBIA.”

Zone from unzoned to StE-17b the area described in the metes and bounds descriptions at Exhibit 7 in the record of Z.C. Case No. 12-08 entitled "DESCRIPTION OF PROPOSED A&T LOT 17b FOR ST. ELIZABETH EAST CAMPUS ZONING AMENDMENT SUBDIVISION LOT 2, SQUARE 5-5868 DISTRICT OF COLUMBIA."

Zone from unzoned to StE-18a the area described in the metes and bounds descriptions at Exhibit 7 in the record of Z.C. Case No. 12-08 entitled "DESCRIPTION OF PROPOSED A&T LOT 18a FOR ST. ELIZABETH EAST CAMPUS ZONING AMENDMENT SUBDIVISION LOT 2, SQUARE 5-5868 DISTRICT OF COLUMBIA."

Zone from unzoned to StE-18b the area described in the metes and bounds descriptions at Exhibit 7 in the record of Z.C. Case No. 12-08 entitled "DESCRIPTION OF PROPOSED A&T LOT 18b FOR ST. ELIZABETH EAST CAMPUS ZONING AMENDMENT SUBDIVISION LOT 2, SQUARE 5-5868 DISTRICT OF COLUMBIA."

Zone from unzoned to StE-19 the area described in the metes and bounds descriptions at Exhibit 7 in the record of Z.C. Case No. 12-08 entitled "DESCRIPTION OF PROPOSED A&T LOT 19 FOR ST. ELIZABETH EAST CAMPUS ZONING AMENDMENT SUBDIVISION LOT 2, SQUARE 5-5868 DISTRICT OF COLUMBIA."

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

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 Lot 2 in Square S-5868, which comprises 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.
- 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.

3302 PURPOSES

- 3302.1 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.
- 3302.2 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.
- 3302.3 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;
 - (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.
- 3302.4 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.

3303 USES

3303.1 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 thirty (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.

- 3303.2 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.
- 3303.3 Within the StE-19 subdistrict, no use is permitted except for Open Space and Transportation Infrastructure.
- 3303.4 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.
- 3303.5 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.

3303.6 Preferred uses described in § 3305 shall be provided in accordance with the provisions of that section.

3303.7 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 (5) to fifteen (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 (7) to fifteen (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.

3303.8 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.

3304 SPECIAL EXCEPTION GENERAL PROVISIONS

3304.1 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.

3305 PREFERRED USE REQUIREMENTS

3305.1 Preferred uses shall include any use within the Arts, Design & Creation; Food & Alcohol Services; Retail; or Service use categories described in § 3303.1.

3305.2 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 S.E., Cypress Street S.E., or Sycamore Street S.E. and the park;
- (b) StE 7, facing Martin Luther King Jr. Avenue S.E., Cypress Street S.E., or Dogwood Drive S.E., or Oak Drive S.E.;
- (c) StE 14b, facing Dogwood Drive S.E., Oak Drive S.E., or the southwest corner;
- (d) StE 15, facing Dogwood Drive S.E., 13th Street S.E., Oak Drive S.E., or the park;
- (e) StE 16, facing 13th Street S.E. an the southwest corner; and
- (f) StE 17, facing Dogwood Drive S.E., 13th Street S.E., or Oak Drive S.E.

3305.3 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.

- 3305.4 Preferred uses shall provide direct, exterior access to the ground level.
- 3305.5 The minimum floor-to-ceiling height for portions of the ground floor level devoted to preferred uses shall be fourteen feet (14 ft.).
- 3305.6 Ground floor area required for preferred uses may not be transferred to any other lot through the Combined Lot Development procedures of § 3307.
- 3305.7 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.

3306 FLOOR-AREA-RATIO (FAR), HEIGHT, LOT OCCUPANCY, REAR YARD SETBACK, MINIMUM LOT AREA, AND SETBACKS

- 3306.1 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.
- 3306.2 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	-

Zone District	FAR (Max.)	FAR – Required Residential (Min.)	FAR – Above Grade Parking (Max.)	Height (Max. Ft.)	Lot Occupancy (Max. %)	Rear Yard (Min. Ft.)
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	-

3306.3 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.

3306.4 Maximum permitted height within the StE-7 subdistrict is as follows:

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

3306.5 The height and FAR limits of §3306.2 shall serve as the maximums permitted under a Planned Unit Development (PUD).

- 3306.6 The minimum lot area for row dwellings in any StE District shall be one thousand eight hundred square feet (1,800 s.f.) with a minimum lot width of eighteen feet (18 ft.).
- 3306.7 No part of a building within the StE-6, StE-13, and StE-16 subdistricts shall project above plane drawn at a forty-five degree (45⁰) angle from a line located seventy-five feet (75 ft.) directly above the eastern property line that abuts the ravine.
- 3306.8 Buildings within the StE-17 and StE-18 subdistricts shall be setback not less than ten feet (10 ft.) from the property line that abuts Alabama Avenue and 13th Street.
- 3306.9 No part of a building within the StE-17 and StE-18 subdistricts shall project above a plane drawn at a forty-five degree (45⁰) angle from a line located fifty feet (50 ft.) directly above the property line that abuts Alabama Avenue.

3307 COMBINED LOTS

- 3307.1 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.
- 3307.2 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.
- 3307.3 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.

3307.4 The declaration of covenants shall expressly state that it may be substantively amended or terminated only with the approval of the Zoning Administrator.

3307.5 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.

3308 INCLUSIONARY ZONING

3308.1 All residential development is subject to Inclusionary Zoning and shall be constructed according to the provisions set forth in chapter 26 except for § 2604.

3308.2 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.

3309 OFF-STREET PARKING

3309.1 The cumulative total of all parking spaces, including below grade, surface, and above grade structured parking, shall not exceed a total of four thousand eight hundred (4,800) parking spaces, exclusive of parking on the StE-2 or StE-18 subdistricts, existing surface parking lots, historic structures, and any parking associated with existing District of Columbia Government facilities.

3309.2 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 four thousand eight hundred (4,800) parking space limit.

3309.3 Additional parking spaces beyond the four thousand eight hundred (4,800) space limit shall be permitted by special exception by the Board of Zoning Adjustment pursuant to § 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.

3309.4 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.

3309.5 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.

3309.6 Parking spaces shared by more than one use is permitted.

3309.7 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.

3309.8 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.

- 3309.9 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.
- 3309.10 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.
- 3309.11 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.).
- 3309.12 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.
- 3309.13 Parking spaces and drive aisles shall be designed in accordance with the standards of DCMR 11 chapter 21.
- 3309.14 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. Avenue, S.E., Dogwood Street, 13th Street, or Oak Drive.
- 3309.15 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.

3310 LOADING

- 3310.1 Loading requirements for each use shall be as prescribed in chapter 22, § 2201, § 2203, and § 2204 of this title.
- 3310.2 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. Avenue, S.E., Dogwood Street, 13th Street, or Oak Drive.

- 3310.3 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.
- 3310.4 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.
- 3310.5 Loading entrances shall make use of architectural treatments, to mitigate visual impacts,
- 3310.6 Access points to requiring a curb cut should be a sufficient distant from any street intersection so as not to disrupt traffic flow.

3311 BICYCLE PARKING

- 3311.1 The bicycle parking standards of this chapter apply to all newly constructed buildings.
- 3311.2 Bicycle parking spaces shall be provided in accordance with § 2119 of this title.

3312 ROOF STRUCTURES

- 3312.1 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.

Chapter 21, **OFF-STREET PARKING REQUIREMENTS**, § 2101, **SCHEDULE OF REQUIREMENTS FOR PARKING SPACES**, § 2101.1 is amended adding the phrase “except for buildings and structures located in the StE District,” so that provisions read 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:

Chapter 26, **INCLUSIONARY ZONING**, is amended as follows:

Section 2602, **APPLICABILITY**, § 2602.1(a) is amended by inserting a reference to the StE District, so that the entire subsection reads 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;
- (b) Have ten (10) or more dwelling units (including off-site inclusionary units); and
- (c) Are either:
 - (1) New multiple-dwellings;
 - (2) New one-family dwellings, row dwellings, or flats constructed concurrently or in phases on contiguous lots or lots divided by an alley, if such lots were under common ownership at the time of construction; or
 - (3) An existing development described in subparagraph (i) or (ii) for which a new addition will increase the gross floor area of the entire development by fifty percent (50%) or more.

Section 2603, **SET-ASIDE REQUIREMENTS**, is amended as follows:

By amending § 2603.4 to insert a reference to the StE District, so that the subsection reads 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 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 ten percent (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 eight percent (8%) of the gross floor area being devoted to residential use in an StE District.

Section 2604, **BONUS DENSITY**, § 2604.1 is amended by inserting the phrase “except those located in the StE District” so that the provision reads 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.).

All persons desiring to comment on the subject matter of this proposed rulemaking action should file comments in writing no later than thirty days after the date of publication of this notice in the D.C. Register. Comments should be filed with Sharon Schellin, Secretary to the Zoning Commission, Office of Zoning, 441 4th Street, N.W., Suite 210-S, Washington, D.C. 20001. Ms. Schellin may also be contacted by telephone at 202-727-6311 or by email at Sharon.Schellin@dc.gov. Copies of this proposed rulemaking action may be obtained at cost by writing to the above address.

MAP (For illustrative purposes only)

