GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

MEMORANDUM

TO: D. C. Zoning Commission

FROM: Andrew Altman
Director

DATE: March 14, 2003

SUBJECT: Final Report on Zoning Commission Case Number 02-44, a Proposed Zoning Text Amendment Related to Retail Arcades

D.C. OFFICE OF ZONING
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APPLICATION

The District of Columbia Building Industry Association submitted a request to add a new Section 2515.3 to the Zoning Regulations. The Zoning Commission initiated a petition on behalf of DCBIA to add the referenced provision allowing the closure of existing open arcades in commercial zoning districts within the Central Employment Area of the District.

RECOMMENDATION

The Office of Planning recommends amending the Zoning Regulations by:

- Adding the following new subsection to Section 2515:

ZONING COMMISSION
District of Columbia
CASE NO. 02-44
EXHIBIT NO. 17

"Notwithstanding the limitations of Section 771.2, an existing open arcade in a building in a commercial district within the Central Employment Area, for which a floor area limitation credit has been granted pursuant to this section, may be enclosed, and devoted <u>solely</u> to retail, arts and service uses permitted <u>in the zoning district as a matter-of-right, except in the case of buildings designated as historic landmarks or contributing to a historic district where the Historic Preservation Review Board has determined that the arcade constitutes a feature contributing to the building's historic or architectural significance.</u>"

- Limiting the total additional floor area under this amendment to either the floor area ratio (FAR) credit originally granted under Section 2515.3, or 25% of the gross floor area adjacent to the open arcade, whichever is less; and
- Adding a sentence to the renumbered subsection 2515.3 clarifying that construction plans submitted on or after the date the Zoning Commission Order is adopted are *not* eligible for the referenced FAR credit.

ZONING COMMISSION
District of Columbia
CASE NO.02-44
EXHIBIT NO.17

AREA DESCRIPTION

As defined in Section 199.1 of the D.C. Comprehensive Plan, the Central Employment Area (CEA) represents "the core area of the District of Columbia, where the greatest concentration of employment in the city and region is encouraged." The irregular boundaries of the CEA encompass over 11 million square feet (approximately 255.12 acres) in Wards 2, 5, 6 and 8 generally from: Dupont Circle, 20th, 21st and 23rd Street, S.W., southeast to south 2nd and 3rd Street, N.E.; Massachusetts Avenue, Rhode Island Avenue, N.E. south to the Eisenhower Parkway (U.S. Highway 395), and Anacostia River frontage between 2nd Street, S.W. and 12th Street, S.E.; and further south across the river to Firth Sterling Avenue, 11th and 13th Street, S.E. (refer to Exhibit 1). Many properties are developed with a wide range of moderate- to high-density residential and commercial buildings, and Federal Buildings. There are also undeveloped public and private lands.

Residential zoning in this area includes: R-3, R-4, R-4/Capital Interest (CAP) Overlay, R-5-A, R-5-B, R-5-D, R-5-D/Dupont Circle (DC) Overlay, R-5-D/Downtown Development (DD) Overlay, R-5-E/DC, and R-5-E/DD District. Much of the land area is Federal and not subject to zoning, while private properties are covered by a range of nonresidential and mixed-use categories including: C-1, C-2-A, C-2-A/DD, C-2-A/CAP, C-2-B, C-2-C, C-2-C/DD, C-3-A, C-3-A/Eight Street Southeast Neighborhood Commercial (ES) Overlay, C-2-C, C-3-C/DC, C-3-C/DD, C-3-C/Hotel-Residential Incentive (HR) Overlay, C-4/DC, C-4/DD, C-4/Downtown Shopping (SHOP) Overlay, C-5/DD, C-M-1, C-M-1/CAP, C-M-2, C-M-3, SP-1/DC, SP-2/DC, SP-3/CAP, W-1, W-3 and M Districts (refer to Exhibit 2).

The area also covers all or parts of the Downtown, Federal Triangle, Ford's Theatre National Historic Site, Lafayette Square, Pennsylvania Avenue, Washington Navy Yard, Marine Barracks, Capitol Hill, Anacostia, 15th Street and 17th Street Historic Districts.

BACKGROUND

Title 11 of the District of Columbia Municipal Regulations (DCMR), Zoning, includes the following definition for open arcades:

> **"Open arcade** - a continuous area, located along the perimeter of a building, designed for pedestrian uses, and which adjoins a street for its entire length; and, except for structural piers, columns, or arches, is open to the street."

In 1958, the Zoning Commission approved an amendment to the Zoning Regulations adding a new Section 2515 authorizing this use. Subsection 2515.2 states this "... section is designed to encourage open arcades at sidewalk level, to increase pedestrian convenience, and to result in greater open area adjacent to public streets without loss of rental floor space." Open arcades are permitted in *all R-5, SP, W, CR, and C Districts except C-5 (PAD)* subject to the requirements of this section. Developers incorporating these public amenities into their site and building plans are eligible for a FAR "credit" not to exceed twenty-five percent (25%) of the gross floor area of

the floor adjacent to the arcade (refer to Exhibit 9). As noted above, the credit is intended to compensate for potential ground commercial floor area eliminated by designating this exterior pedestrian circulation space.

After adoption of this amendment, a number of downtown buildings were constructed with ground or lower floors recessed into the building envelop. In some cases, entire buildings have been set back from front property lines abutting sidewalks in the public way. Arcades were not only used for pedestrian circulation, but for commercial purposes such as outdoor restaurants, merchandise showcases, and other promotional activities. However, it became increasingly clear that arcaded retail spaces lack the direct connection with the sidewalks that is necessary for retail to function effectively. Several owners were forced to seek variances from the Board of Zoning Adjustment (BZA) in order to incorporate arcades into their building ground floors. This is because the buildings had already used the full zoning envelop, or would exceed the envelop upon expansion into the arcade space, due to previously-granted density bonuses. As more new buildings were built without arcades, and other older buildings sought zoning relief to fill in existing ones, a pattern of continuous arcades evolved into intermittent "dead end" walkways limited to the boundaries of particular lots.

The most recent case seeking relief was approved by the BZA on November 7, 2001. The Board adopted Summary Order No. 16743 granting a variance from the floor area ratio requirements under Section 771.5 of the Zoning Regulations to allow the existing storefront on property located at 1140 Connecticut Avenue, N.W., to extend across the adjacent open arcade. During the proceedings, the BZA noted that such cases do not fall easily into the Zoning Regulation provisions for granting variances.

Previously the District of Columbia Building Industry Association (DCBIA) had successfully introduced a Comprehensive Plan amendment to permit the enclosure of arcades. DCBIA began working with the District City Council in 1996 to identify specific initiatives to make downtown retail spaces more "user friendly," including a strategy to allow the elimination of remaining open arcades. At the conclusion of these discussions, Councilperson Charlene Drew Jarvis, Chair of the Committee on Economic Development, proposed adding the following section to the District of Columbia Comprehensive Plan:

> "1108 (s) Support modification of the Zoning Regulations to encourage the success of ground floor retail and entertainment uses in the Central Employment Area by allowing arcade space in existing buildings that were built prior to January 1, 1997, to be converted as matter of right to retail, entertainment, arts and service uses."

This amendment was proposed in the belief that "allowing for the conversion of existing arcade space, *even if this causes the reconfigured building to exceed allowable FAR*, will make retail spaces more inviting to the consumer and more attractive to the retailer." Extending retail space "out to the building line (or perhaps to the minimum sidewalk line) [would] eliminate what are often dark and foreboding entrances" making the streets "more retail friendly."

OP supported this amendment. The District City Council subsequently amended Section 1108, Policies in support of the Commercial Areas Objectives of the Comprehensive in 1998, thus making the elimination of existing open arcades an objective of the Comprehensive Plan (refer to the Comprehensive Plan section below).

The Zoning Commission considered the request to set down this text amendment during a meeting on January 13, 2003. During the discussion, Commissioners requested OP staff highlight design issues related to this proposal in its staff report. It directed that Section 2515 of the Zoning Regulations be advertised for deletion since open arcades are no longer encouraged, or that the FAR bonus be "capped" on a date certain. Since no formal petition was presented, the Commission also voted to initiate the subject text amendment.

APPLICANT'S PROPOSAL

DCBIA now proposes adding a new Section 2515.3 to the Zoning Regulations to allow enclosure of existing open arcades associated with buildings granted the referenced FAR credit as a matter of right:

> **"Notwithstanding the limitations of Section 771.2, an existing open arcade in a building in a commercial district within the Central Employment Area, for which a floor area limitation credit has been granted pursuant to this section, may be enclosed and devoted to retail, entertainment, arts and service uses permitted as a matter-of-right."**

Note that Section 771.2 of the Zoning Regulations sets floor area ratio limitations in commercial districts (refer to Exhibit 9). Thus, the amendment would allow arcades in the CEA to be enclosed even in buildings where the resulting total floor area exceeds the FAR limitations in the referenced SP, W, CR, and C Districts.

ANALYSIS

OP staff and the Zoning Commission raised several issues during the "set down" meeting. To address those issues, staff first attempted to determine the approximate number of properties within the CEA that could take advantage of this amendment.

Section 2515 was adopted into the Zoning Regulations on May 12, 1958. Buildings constructed prior to that date could not have taken advantage of the referenced floor area ratio credit, so the focus was on buildings constructed since 1958. Zoning computation sheets are the best resource for identifying projects that have taken advantage of the floor area ratio credit because the Zoning Administrator approves the additional floor area during construction plan review. Buildings were identified in the field that appear to provide open arcades along street frontages, then staff attempted to locate the associated computation sheets (refer to Exhibit 3).

The following conclusions have been drawn from this fieldwork and file analysis:

- Impacts on Historic Districts: Buildings constructed since 1958 will not begin to become 50 years of age and possibly eligible for historic designation until after 2008, so it appears unlikely that the proposed amendment will impact currently designated historic properties. However, State Historic Preservation Office (SHPO) staff expressed concern that in some cases arcades may be integral design elements to a building. Their enclosure could impact properties that may be historic or eligible for designation. To address this concern, OP recommends adding a provision exempting properties designated historic or contributing to a particular historic district from the proposed amendment *if the arcade is determined to be a contributing factor.*

- Impact on existing pedestrian and vehicular circulation: Since any new construction would not extend beyond the front property line without additional review, staff does not think the amendment would result in impediments to pedestrian and vehicular circulation.

  Related issues raised by other reviewing agencies include: ensuring that new construction not impact fire and emergency service access, and requiring on-site parking spaces for the increased gross floor area (refer to the Agency Comments section below). It is noted that enclosure of arcades will not be permitted to encroach into the public space or beyond private property lines.

  Fire Department involvement in the building permit review process allows representatives to ensure that proposed construction does not impact needed fire and emergency access, or access to utility connections (refer to Exhibit 4).

  The Metropolitan Police Department (MPD) expressed concern about whether expanding floor area would necessitate the provision of additional parking. MPD also withheld support of this request because of a lack of specifics sites to be evaluated, preferring to review requests on a case-by-case basis (refer to Exhibits 5, 6 & 7). However, it is unlikely that additional on-site parking facilities can be provided in existing buildings. It is also important to keep in mind the anticipated scale of these additions. The subject regulation requires that open arcades be at least 7-10 feet deep, and extend "for the entire side of the building or other structure and adjoin a street or pedestrian way at sidewalk level" (refer to Exhibit 8). Only these "open" areas could be enclosed as a matter of right under this amendment. Section 2101 of the Zoning Regulations does not require parking spaces until retail or service uses exceed 3,000 square feet of floor area (refer to Exhibit 9). Fieldwork so far indicates that the majority of lot frontage (except for corner properties) would be under than 300 feet long, so enclosing arcades would not generally require additional parking spaces under current regulations.

  Based on this information, staff does not recommend requiring that enclosed arcades be subject to parking requirements. However, to ensure that future additions remain small in scale, amendment text should be modified to ensure that arcade enclosures are the same size of the original FAR credit, or are relatively small compared to the adjacent floor.

- Potential changes to visual corridors and streetscapes: Staff attempted to gauge the visual impact of anticipated open arcade conversions. Several sites were identified as converted properties. As noted in an earlier OP report on this amendment in January 1987, the new streetscapes bring the excitement and interest of interior merchandise displays and retail space closer to the pedestrians on the adjacent sidewalk and vehicle passengers along the street edge. No significant negative impacts were noted. Impacts on overall visual corridors should be limited because the enhanced visual information will be most visible at eye-level, primarily to pedestrians directly in front or in close proximity.

  Staff does think it is important to ensure the additional floor area is designated for "interesting" uses, and recommends modifying amendment text to state that enclosed arcade space can *only* be occupied by the listed use categories.

- Application of the proposed amendment: The proposed amendment would apply to buildings with open arcades, in areas zoned commercial within the CEA that took advantage of the referenced FAR credit.

  However, the subject amendment would only apply to elimination of arcades *in* existing buildings, and does not appear applicable to structures *set back* from the front property boundary (reference pictures of the 1140 Connecticut Avenue, N.W., site in Exhibit 8). "Entertainment" is not a use category in the Zoning Regulations, but what the term brings to mind are uses deemed "arts" or "art related" uses in the regulations such as "dance hall", "dinner theatre" and "drinking place" uses. And clearly "matter of right" is not intended to allow uses that not otherwise permitted in the zoning district. Staff therefore recommends additional text modifications to: include buildings set back in their entirety for the FAR credit; eliminate the term "entertainment"; and clarify that addition floor area will be occupied by retail, arts and service used allowed in the zoning district.

- Status of current arcades: Since arcades are no longer encouraged, there is no need for the FAR credit. However, it is useful to retain the current text in Section 2515 to provide a context for implementing the proposed text amendment. As a result, staff recommends adding a sentence this section clarifying that no future building projects are not eligible this credit after the date the referenced amendment is adopted.

COMPREHENSIVE PLAN

In 1998, the District City Council adopted the following amendment to Section 1108, Policies in of Commercial Area Objectives:

> "(s) Support modification of the Zoning Regulations to encourage the success of ground floor retail and entertainment uses in the Central Employment Area by allowing arcade space in existing buildings to be converted as a matter of right to retail, entertainment, arts or service uses; ..."

AGENCY COMMENT

This proposal was forwarded to the Departments of Public Works, Transportation (DDOT), Fire and Metropolitan Police, and the State Historic Preservation Office (SHPO).

SHPO concerns are noted above. DDOT did not express any concerns. The Fire Department did not object subject to fire and emergency medical service access not being affected. The Metropolitan Police Department expressed several concerns; Regional Operations Command - North and the Second Police District recommended approval with the condition that additional parking spaces be required, but Regional Operations Command - Central did not support the amendment because the proposal "fails to provide sufficient information on any particular address or location for (MPD) to *fully* evaluate the impact (of the text amendment) on police service, traffic, and/or pedestrian safety.

No other comments have been received.

RECOMMENDATION

The Office of Planning (OP) recommends that the Zoning Commission add the following new subsection to Section 2515:

> **"Notwithstanding the limitations of Section 771.2, an existing open arcade in a building in a commercial district within the Central Employment Area, for which a floor area limitation credit has been granted pursuant to this section, may be enclosed, and devoted solely to retail, arts and service uses permitted in the zoning district as a matter-of-right, except in the case of buildings designated as historic landmarks or contributing to a historic district where the Historic Preservation Review Board has determined that the arcade constitutes a feature contributing to the building's historic or architectural significance."**

OP also recommends limiting the total additional floor area under this amendment to either the floor area ratio (FAR) credit originally granted under Section 2515.3, or 25% of the gross floor area adjacent to the open arcade, whichever is less, and adding a sentence to the renumbered subsection 2515.3 clarifying that construction plans submitted on or after the date the Zoning Commission Order is adopted are *not* eligible for the referenced FAR credit.

Attachments:	Exhibit 1	Central Employment Area Boundaries
	Exhibit 2	Central Employment Area Zoning Boundaries and Federal Lands
	Exhibit 3	List of Property Addresses with Potential Arcades
	Exhibit 4	Memorandum from Kenneth B. Ellerbe, Fire Marshal, to Andrew Altman, Director, Office of Planning dated March 6, 2003
	Exhibit 5	Memorandum from Ronald C. Monroe, Assistant Chief of Police, Metropolitan Police Department Regional Operations Command -

	North, to Executive Assistant Chief of Police, Operations Division dated March 6, 2003
Exhibit 6	Memorandum from Jeffrey A. Monroe, Commander, Metropolitan Police Department Second Police District, to Executive Assistant Chief of Police, Operations Division dated March 6, 2003
Exhibit 7	Memorandum from Thomas E. McGuire, Commander, Metropolitan Police Department, Regional Operations Command – Central (First District) to Executive Assistant Chief of Police, Operations, dated March 6, 2003
Exhibit 8	Arcades – Past and Present
Exhibit 9	Pertinent Zoning Regulations

Exhibit 1

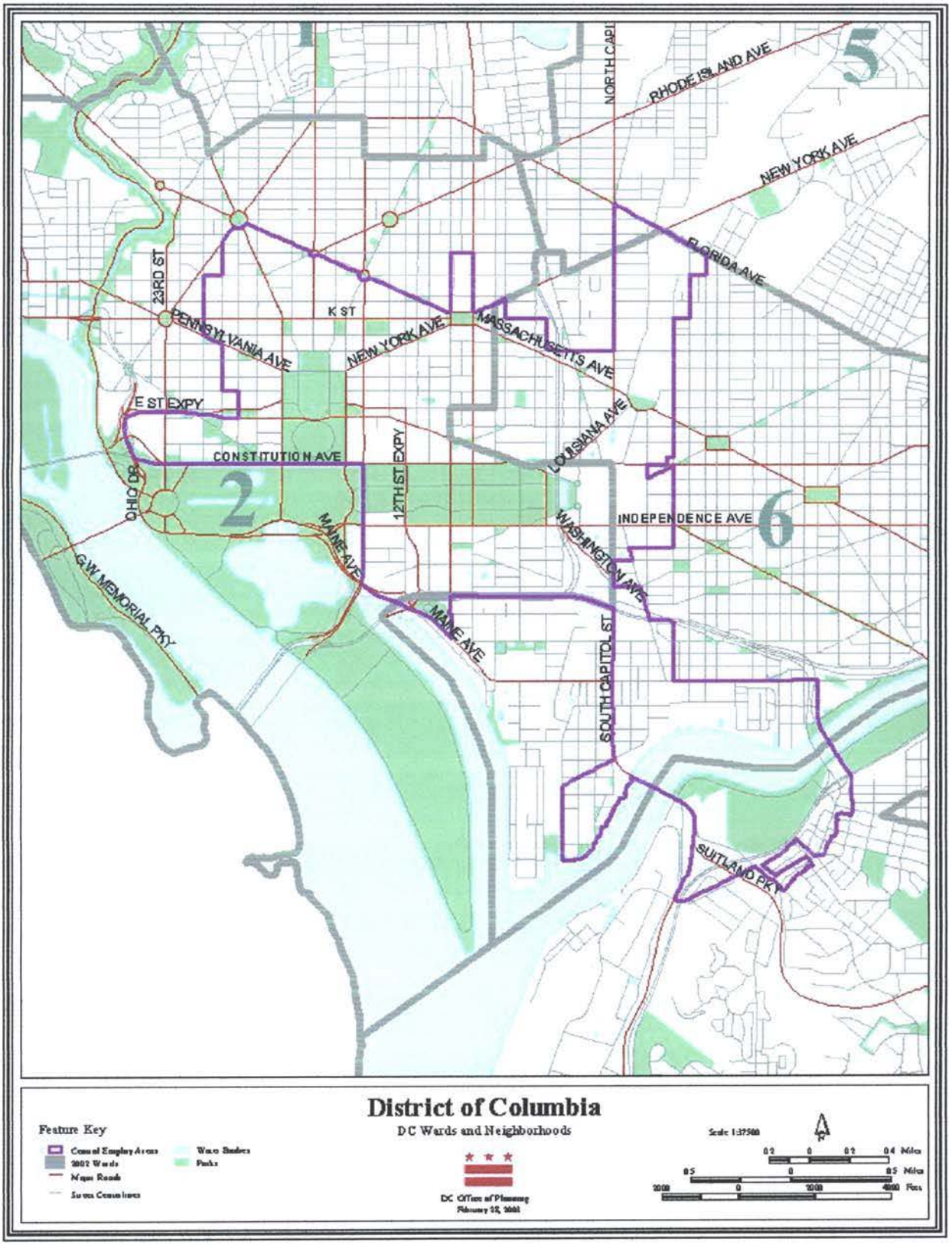

1
2
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6
NORTH CAPITOL
RHODE ISLAND AVE
NEW YORK AVE
FLORIDA AVE
23RD ST
K ST
PENNSYLVANIA AVE
NEW YORK AVE
MASSACHUSETTS AVE
E ST EXPY
CONSTITUTION AVE
OHIO DR
12TH ST EXPY
LOUISIANA AVE
INDEPENDENCE AVE
MAINE AVE
WASHINGTON AVE
G.W. MEMORIAL PKY
MAINE AVE
SOUTH CAPITOL ST
SUITLAND PKY
District of Columbia
DC Wards and Neighborhoods
Feature Key
Census Employ Areas
2002 Wards
Major Roads
Water Bodies
Parks
DC Office of Planning
February 28, 2002
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0.5 0 0.5 Miles
2000 0 2000 4000 Feet

Exhibit 2

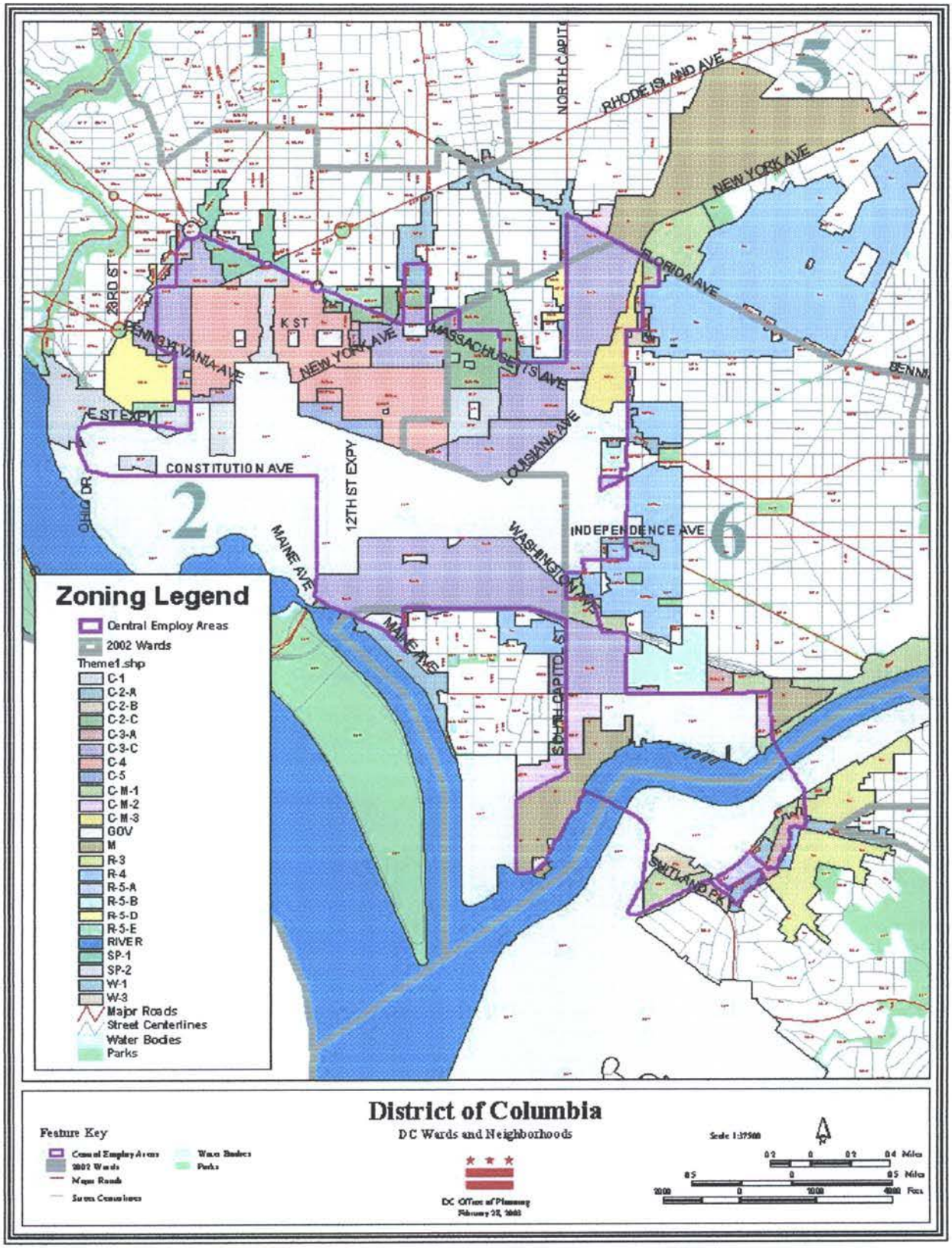

Zoning Legend
Central Employ Areas
2002 Wards
Theme1.shp
C-1
C-2-A
C-2-B
C-2-C
C-3-A
C-3-C
C-4
C-5
C-M-1
C-M-2
C-M-3
GOV
M
R-3
R-4
R-5-A
R-5-B
R-5-D
R-5-E
RIVER
SP-1
SP-2
W-1
W-3
Major Roads
Street Centerlines
Water Bodies
Parks
District of Columbia
DC Wards and Neighborhoods
Feature Key
DC Office of Planning
February 28, 2003
Scale 1:37500
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RHODE ISLAND AVE
NEW YORK AVE
FLORIDA AVE
23RD ST
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PENNSYLVANIA AVE
MASSACHUSETTS AVE
LOUISIANA AVE
E ST EXPY
CONSTITUTION AVE
OHIO DR
12TH ST EXPY
MAINE AVE
INDEPENDENCE AVE
WASHINGTON AVE
SOUTH CAPITOL ST
SUITLAND PKY

Exhibit 3

Addresses of Properties with Potential Arcades

No.	Address		Construction Year	Site Photo
1	1250	Connecticut Avenue N.W.[1]	1963	
2	1200	19th Street N.W.	1963	
3	2000	L Street N.W.	1966	

[1] Note that retail floor area appears to occupy the former open arcade

4	1156	15th Street N.W.	1966	
5	2001	L Street N.W.	1967	

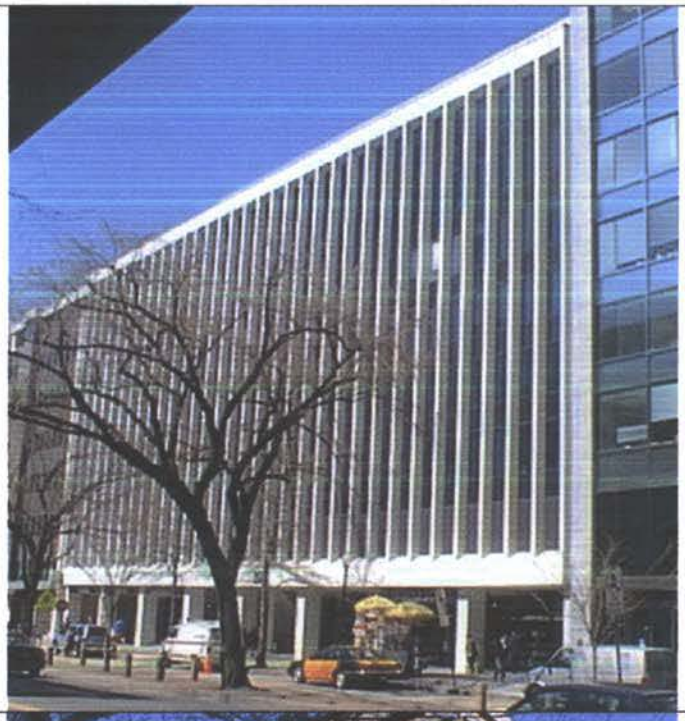
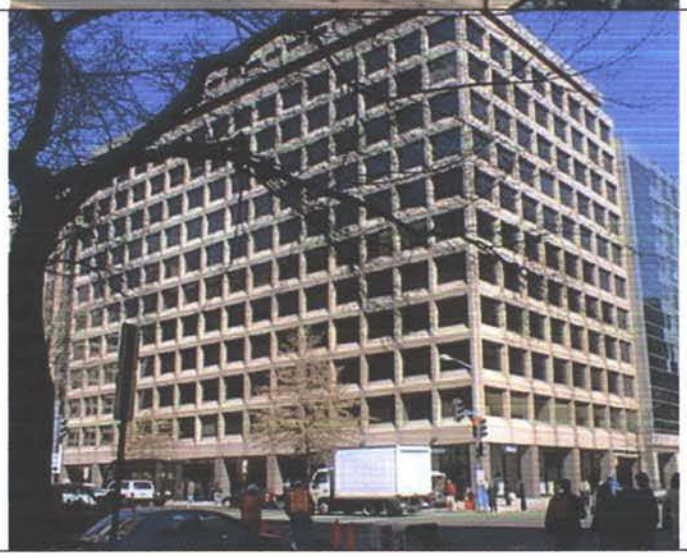
6	2021	K Street N.W.	1970	
7	1101	15th Street N.W.	1972	

Exhibit 4

GOVERNMENT OF THE DISTRICT OF COLUMBIA
FIRE AND EMERGENCY MEDICAL SERVICES DEPARTMENT
WASHINGTON, D.C. 20001

MEMORANDUM

TO: Andrew Altman
Director
Office of Planning

FROM: Kenneth B. Ellerbe
Fire Marshal

DATE: March 6, 2003

SUBJECT: Zoning Commission Case No. 02-44

The D.C. Fire and EMS Department has reviewed the above case for a proposed zoning text amendment related to retail arcades.

We have no objections to the proposed change provided:

1. Fire and Emergency Medical Services access is not affected.

2. Access to standpipe and sprinkler connections are not compromised with any new construction, for those buildings desiring to building out to the front of the property line.

METROPOLITAN POLICE DEPARTMENT
Regional Operations Command North
Ronald C. Monroe, Assistant Chief of Police

March 6, 2003

MEMORANDUM

TO: Executive Assistant Chief of Police
Operational Services

SUBJECT: Zoning Commission Case Number 02-44

Forwarded is an assessment of the impact on police services should existing public arcade space be converted to retail space as proposed in Zoning Commission Case number 02-44.

Commander Jeffrey Moore of the Second District has surveyed the area of concern, and determined that additional vehicular traffic would most likely create a need for more parking. He recommends that business owners be required to provide additional parking for this reason. No other adverse conditions give rise to concern.

Therefore, Commander Moore's assessment is that should the proposed amendment be granted, it would not adversely impact the Department's ability to provide police service.

I have reviewed the report, and concur with the findings.

for Ronald C. Monroe
Assistant Chief of Police

Attachments

Exhibit 6

METROPOLITAN POLICE

Second Police District

3320 Idaho Avenue, NW, Washington D.C., 20016 (202) 282-0042 FAX (202) 282-0196

March 4, 2003

TO: Executive Assistant Chief of Police
Operational Services

THRU: Regional Assistant Chief of Police
Regional Operations Command – North

Noted + concur
A/C R. L. Monroe
3/6/03

SUBJECT: Zoning Commission Case Number 02-44

Per you instructions, I have reviewed the proposed zoning amendment, which would allow existing arcades to be converted to retail space. The proposed amendment would allow for the conversion of a public "arcade", or the open space within the perimeter of a building, to be converted to usable retail or other commercial space.

It appears that the proposed amendment is designed to allow building owners to convert open space within a building complex to increased retail or commercial space. This will clearly increase the volume of retail or commercial traffic attracted to these new retailers or commercial entities.

However, the amendment does not require the building owner to increase the number of off-street parking spaces or loading berths commensurate to the additional gross floor area permitted by the conversion of this once open space. Therefore, it is recommended that the proposed amendment be changed to require building owners to provide an appropriate number of additional parking spaces in support of the increased vehicular traffic that will be attracted by the new retail establishments or commercial entities.

If the proposed amendment is altered to address an appropriate increase in off-street parking and loading berthes, I find nothing in the proposed amendment that would adversely impact the Department's ability to provide police service. I do however acknowledge the increase in retail or commercial space will increase vehicular or pedestrian traffic in the Downtown Central Business District, but not to such an that it would adversely affect traffic or public safety.

Jeffrey A. Moore
Commander

Exhibit 7

METROPOLITAN POLICE DEPARTMENT
Regional Operations Command - Central
First District

2003 MAR -7 AM 11: 33

March 5, 2003

MEMORANDUM

TO: Executive Assistant Chief of Police
Operational Services

THRU: Assistant Chief
Regional Operations Command - Central

SUBJECT: Comments on Zoning Commission Case Number 02-44

Pursuant to the attached correspondence from the District of Columbia Office of Planning, the undersigned has evaluated the Proposed Zoning Text Amendment regarding the elimination of existing open arcades in the Downtown Central Business District. It is my opinion that this proposal fails to provide sufficient information on any particular address or location for us to *fully* evaluate the impact on police service, traffic, and/or pedestrian safety in the downtown area.

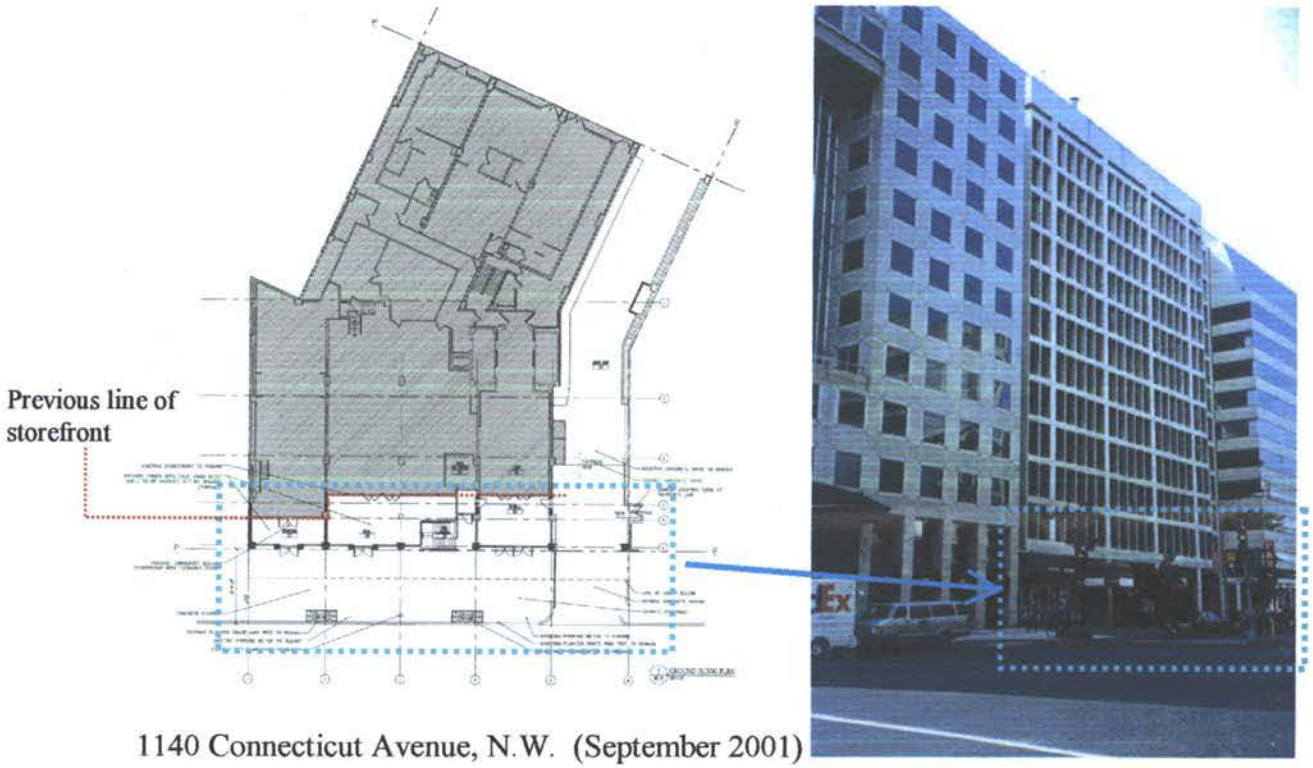
As a variance for one building may not adversely impact traffic or pedestrian safety, and/or the delivery of police service, while a variance for an adjacent or nearby building may cause crowding on a sidewalk that adversely impacts those same areas of concern, *we cannot support the proposed amendment.*

To remedy this situation, it is our suggestion that any variation(s) to the current zoning regulations be made or allowed on a case-by-case basis so that we can properly evaluate the effect of such change(s) on a particular address.

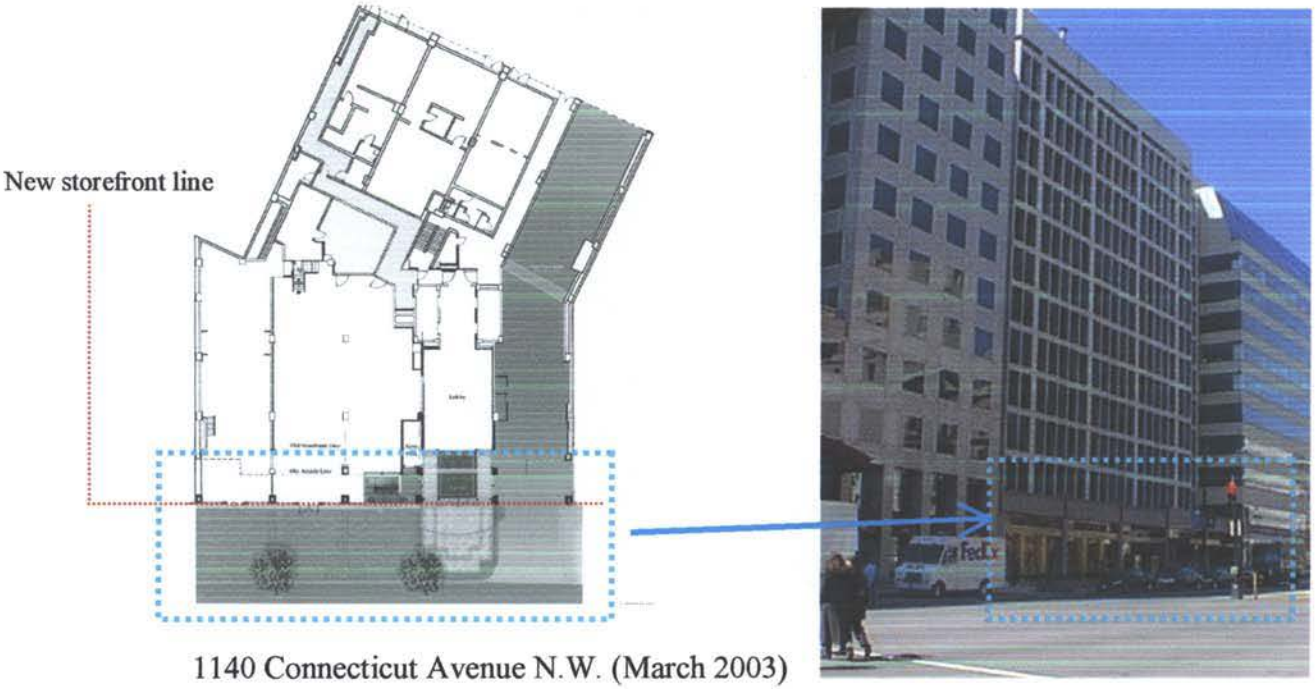
Thomas E. McGuire
Commander

03-0126
3-5-03
CSC

Arcades – Past & Present



1140 Connecticut Avenue, N.W. (September 2001)



1140 Connecticut Avenue N.W. (March 2003)

Pertinent Zoning Regulations

771 FLOOR AREA RATIO (C)

771.1 Except as specified in §§ 771.5 and 771.6 and chapters 20 through 25 of this title, the maximum permitted floor area ratio of a building or structure in a Commercial District shall be as specified in this section.

771.2 For a building or structure for which an application for a building permit was filed on or after November 17, 1978, the maximum permitted floor area ratio shall be as set forth in the following table:

ZONE DISTRICT	APARTMENT HOUSE OR OTHER RESIDENTIAL USE	OTHER PERMITTED USE	MAXIMUM PERMITTED (FAR)
C-1	1.0	1.0	1.0
C-2-A	2.5	1.5	2.5
C-2-B	3.5	1.5	3.5
C-2-C	6.0	2.0	6.0
C-3-A	4.0	2.5	4.0
C-3-B	5.0	4.0	5.0
C-3-C	6.5	6.5	6.5
C-4	8.5	8.5	8.5
C-5 (PAD)	10.0	10.0	10.0

771.3 For a building or structure in existence with a valid Certificate of Occupancy prior to November 17, 1978, or for which an application for a building permit was filed prior to November 17, 1978, the maximum floor area ratio to be devoted to an "other permitted use" shall be as shown in the table in § 771.2. An "apartment house or other residential use" may occupy all or any portion of the building or structure.

771.4 **[DELETED]** – 47 DCR 9741-9743 (December 8, 2000).

771.5 In the C-4 District, a building or structure that is erected to a height in excess of one hundred ten feet (110 ft.) as permitted in § 770.4 may have a floor area ratio not exceeding ten (10.0), except as provided in § 2405.2.

771.6 In the C-5 (PAD) District, the maximum permitted floor area ratio, as specified in §§ 771.1 through 771.3, may be increased as provided in §§ 762.1 and 762.2. 771.7 In the computation of gross floor area for a hotel, guestroom areas and service areas shall be charged against the floor area ratio for "apartment house or other residential use," as specified in §§ 771.1 through 771.3.

771.7 In the computation of gross floor area for a hotel, function rooms, exhibit space, and commercial adjuncts shall be charged against the floor area ratio for "other permitted use," as specified in §§ 771.1 through 771.3.

771.7 In the computation of gross floor area for a hotel, function rooms, exhibit space, and commercial adjuncts shall be charged against the floor area ratio for "other permitted use," as specified in §§ 771.1 through 771.3.

771.9 For the purposes of this section, an inn or community-based residential facility shall be charged against the floor area ratio for "apartment house or other residential use," as specified in §§ 771.1 through 771.3.

SOURCE: §§ 5301 through 5301.4 of the Zoning Regulations effective May 12, 1958; as amended by Final Rulemaking published at 27 DCR 382 (January 25, 1980), and by Final Rulemaking published at 27 DCR 2226, 2227 (May 23, 1980).

...

2101 SCHEDULE OF REQUIREMENTS FOR PARKING SPACES

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

USES	NUMBER OF PARKING SPACES REQUIRED
Retail or service establishment except gasoline service station and repair garage:	
C-1. C-2-A C-3-A C-M-I, M	In excess of 3.000 ft², 1 for each additional 300 ft² of gross floor area and cellar floor area
W, CR. C-2-B, C-2-C, C-3-B. C-3-C, C-M-2, C-M-3	In excess of 3,000 ft², I for each additional 750 ft² of gross floor area
C-4	In excess of 30,000 ft², 1 for each additional 3,000 ft² of gross floor area
C-5 (PAD)	No requirement

...

2515 EXCEPTIONS TO DENSITY REGULATIONS FOR OPEN ARCADES

2515.1 This section establishes the standards and requirements for arcades to receive a floor area ratio credit.

2515.2 This section is designed to encourage open arcades at sidewalk level, to increase pedestrian convenience, and to result in greater open area adjacent to public streets without loss of rental floor space.

2515.3 An open arcade shall be allowed a floor area ratio credit not to exceed twenty-five percent (25%) of the gross floor area of the floor that is adjacent to the arcade.

2515.4 An open arcade shall be permitted in all R-5, SP, W, CR, and C Districts except C-5 (PAD); provided, that the requirements of this section shall be met.

2515.5 An open arcade shall provide pedestrian access to and along a building and shall extend for the entire side of the building or other structure and adjoin a street or pedestrian way at sidewalk level. This open arcade shall be designed to meet and carry through the arcades of adjoining buildings.

2515.6 The floor area ratio credit granted by this section shall apply only to those areas embraced within the perimeter of the open arcade. Where vehicular access is permitted across an arcade area, the portion of the arcade encompassed by the access space shall not be counted for the purposes of this section.

2515.7 An open arcade shall be not less than ten feet (10 ft.) in width at any point, including piers, columns, or arches. The minimum open, unobstructed passageway shall be seven feet (7 ft.) in width.

2515.8 An open arcade shall be not less than nine feet (9 ft.) in height at any point within the arcade.

2515.9 An open arcade shall have its floor at the same level and continuous with the sidewalks, and shall connect to existing, adjoining open arcades or shall be constructed to permit this connection in the future; provided, that where the existing arcade is at a different elevation, the new arcade connection shall be made in a barrier-free manner.

2515.10 The use of the area within an open arcade shall be restricted essentially to pedestrian uses, and vehicular access to or through an open arcade shall be minimized.

2515.11 In commercial buildings, an open arcade shall include retail and service uses fronting on at least sixty percent (60%) of the arcade, with these uses directly accessible from the open arcade.

2515.12 The additional gross floor area permitted under § 2515.3 shall not be counted in determining the number of off-street parking spaces or loading berths.

SOURCE: §§ 7614.1, 7614.2 and 7614.3 of the Zoning Regulations effective May 12, 1958.