

Term

Definitions (Provisions of § 199.1; *excerpts * * * * **)

Building area

The maximum horizontal projected area of a building and its accessory buildings. The term "building area" shall include all side yards and open courts less than five feet (5 ft.) in width, and all closed courts less than six feet (6 ft.) in width. Except for outside balconies, this term shall not include any projections into open spaces authorized elsewhere in this title, nor shall it include portions of a building that do not extend above the level of the main floor of the main building, if placed so as not to obstruct light and ventilation of the main building or of buildings on adjoining property. (Case No. 62-32, May 29, 1962)

Building, height of

The vertical distance measured from the level of the curb opposite the middle of the front of the building to the highest point of the roof or parapet.

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If a building fronts on more than one (1) street, any front may be used to determine the maximum height of the building; but the basis for the height of the building shall be determined by the width of the street selected as the front of the building.

In those districts in which the height of building is permitted to be ninety feet (90 ft.) or greater, the height of buildings shall be measured to the highest point of the roof excluding parapets not exceeding three feet (3 ft.) in height.

Court

An unoccupied space, not a court niche, open to the sky, on the same lot with a building, which is bounded on two (2) or more sides by the exterior walls of the building or by two (2) or more exterior walls, lot lines, or yards. A court may also be bounded by a single curved wall of a building.

Court, closed

A court surrounded on all sides by the exterior walls of a building, or by exterior walls of a building and side or rear lot lines, or by alley lines where the alley is less than ten feet (10 ft.) in width.

Court, height of

The vertical distance from the lowest level of the court to the highest point of any bounding wall.

Court, length of

The mean horizontal distance between the open and closed end of an open court or the greater horizontal dimension of a closed court.

Court niche

An indentation, recess, or decorative architectural treatment of the exterior wall of a building, not a court, which opens onto a street, yard, alley, or court.

Court niche, depth of

The greatest distance between the sides of the court niche, measured perpendicular to the line delineating the width of court niche.

Court niche, width of

The distance between the two (2) points created by the intersection of the sides of the court niche and the sides of the court, yard, street, or alley it abuts.

Court, open

A court opening onto a street, yard, or an alley not less than ten feet (10 ft.) wide.

<u>Term</u>	<u>Definitions</u> (emphasis added to provisions of § 199.1; <i>excerpts</i> * * * * *)
Court, width of	The minimum horizontal dimension substantially parallel with the open end of an open court or the lesser horizontal dimension of a closed court; or, in the case of a non-rectangular court, the diameter of the largest circle that may be inscribed in a horizontal plane within the court.
Ground floor	The floor that is nearest in grade to the adjacent surface of the public right-of-way.
Percentage of Lot Occupancy	A figure that expresses that portion of a lot lying within lot lines and building lines that is occupied or that may be occupied under the provisions of this title as building area; except as provided in the Waterfront and Mixed Use Districts wherein the percentage of lot occupancy may be calculated on a horizontal plane located at the lowest level where residential uses begin.
Yard	An exterior space, other than a court, on the same lot with a building or other structure. A yard required by the provisions of this title shall be open to the sky from the ground up, and shall not be occupied by any building or structure, except as specifically provided in this title. No building or structure shall occupy in excess of fifty percent (50%) of a yard required by this title.
Yard, rear	A yard between the rear line of a building or other structure and the rear lot line, except as provided elsewhere in this title. The rear yard shall be for the full width of the lot and shall be unoccupied, except as specifically authorized in this title.
Yard, rear, depth of	The mean horizontal distance between the rear line of a building and the rear lot line, except as provided elsewhere in this title.
Yard, side	A yard between any portion of a building or other structure and the adjacent side lot line, extending for the full depth of the building or structure.

Applicable Rear Yard and Court Standards

Section

774 REAR YARDS (C) [excerpts]

774.1 Except as provided in this section, a rear yard shall be provided for each structure located in a Commercial District, the minimum depth of which shall be as prescribed *[in a table wherein, for C-3-C zone districts the requirement is a minimum depth of "2-½ inches per foot of vertical distance from the mean finished grade at the middle of the rear of the structure to the highest point of the main roof or parapet wall, but not less than 12 feet."]*

774.2 The Board of Zoning Adjustment may waive the rear yard requirements of this section pertaining to C-3-A, C-3-B, C-3-C, and C-4 Districts in accordance with the requirements of § 3104 for special exceptions; provided, that the standards in §§ 774.3 through 774.6 shall be met.

774.3 Apartment and office windows shall be separated from other buildings that contain facing windows a distance sufficient to provide light and air and to protect the privacy of building occupants.

774.4 In determining distances between windows in buildings facing each other, the angle of sight lines and the distance of penetration of sight lines into habitable rooms shall be sufficient to provide adequate light and privacy to the rooms.

774.5 The building plan shall include provisions for adequate off-street service functions, including parking and loading areas and access points.

774.6 Upon receiving an application for an approval under § 774.2, the Board shall submit the application to the D.C. Office of Planning for coordination review, report, and impact assessment, along with reviews in writing of all relevant District of Columbia departments and agencies including the Departments of Transportation and Housing and Community Development and, if a historic district or historic landmark is involved, the State Historic Preservation Officer.

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774.9 In the C-3-B, C-3-C, C-4, and C-5 (PAD) Districts, the depth of rear yard required in §§ 774.1 through 774.6 may be measured as follows:

- (a) Where a lot abuts an alley, the depth of rear yard may be measured from the center line of the alley to the rear wall of the building or other structure. A rear yard on the lot need not be provided below a horizontal plane twenty feet (20 ft.) above the mean finished grade measured at the middle of the rear wall of that portion of the building or other structure below the twenty foot (20 ft.) plane;
- (b) Where a lot does not abut an alley, the depth of rear yard shall be measured as specified in the definition of rear yard in § 199.1, except a rear yard need not be provided below a horizontal plane twenty feet (20 ft.) above the mean finished grade measured at the middle of the rear wall of that portion of the building or other structure below the twenty foot (20 ft.) plane; and
- (c) In the case of a corner lot, a court complying with the width requirements for a closed court as specified in § 776 may be provided in lieu of a rear yard. For the purpose of this section, the required court shall be provided above a horizontal plane beginning not more than twenty feet (20 ft.) above the curb grade opposite the center of the front of the building, and the width of the court shall be computed for the entire height of court.

Section

776 COURTS [excerpts]

776.1 Where a court [*“open” or “closed”*] is provided for a building or portion of a building devoted to nonresidential uses, at any elevation in the court, the *width* of court shall be a minimum of three inches per foot (3 in./ft.) of height [*of highest bounding wall*], measured from the lowest level of the court to that elevation; provided, that in no case shall the width of court be less than twelve feet (12 ft.).

776.2 In the case of a closed court for a building or a portion of a building devoted to nonresidential uses, the minimum area shall be at least twice the square of the width of the court based on the height of the court, but not less than two hundred and fifty square feet (250 ft.²).

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776.8 No portion of a court niche shall be farther than three feet (3 ft.) from a point where the court niche is less than three feet (3 ft.) wide.

Section **“M Street SE” Standards from Capitol Gateway (“CG”)**

1604 **ZONING COMMISSION REVIEW OF BUILDINGS AND STRUCTURES ON
M STREET, S.E. *[complete]***

- 1604.1 Any proposed building on a lot that abuts M Street, S.E., between South Capitol Street and 4th Street, S.E., shall be subject to review and approval by the Zoning Commission.
- 1604.2 An applicant requesting approval under this section must prove that the proposed building’s architectural design, site plan, landscaping, and sidewalk treatment are of a superior quality, pursuant to the design and use requirements set forth in §§ 1604.3 through 1604.7.
- 1604.3 The streetwall of each new building shall be set back for its entire height and frontage along M Street not less than fifteen (15) feet measured from the face of the adjacent curb along M Street, S.E.
- 1604.4 Each new building shall devote not less than thirty-five percent (35%) of the gross floor area of the ground floor to retail, service, entertainment, or arts uses (“preferred uses”) as permitted in §§ 701.1 through 701.5 and §§ 721.1 through 721.6 of this Title; provided, that the following uses shall not be permitted: automobile, laundry, drive-through accessory to any use, gasoline service stations, and office uses (other than those accessory to the administration, maintenance, or leasing of the building). Such preferred uses shall occupy 100% of the building’s street frontage along M Street, except for space devoted to building entrances or required to be devoted to fire control.
- 1604.5 For good cause shown, the Commission may authorize interim occupancy of the preferred use space required by § 1604.4 by non-preferred uses for up to a five (5) year period; provided, that the ground floor space is suitably designed for future occupancy by the preferred uses.
- 1604.6 Not less than fifty percent (50%) of the surface area of the streetwall of any new building along M Street shall be devoted to display windows having clear or low emissivity glass except for decorative accent, and to entrances to commercial uses or the building.
- 1604.7 No driveway may be constructed or used from M Street to required parking spaces or loading berths in or adjacent to a new building.
- 1604.8 A building that qualifies as a Capitol South Receiving Zone site under § 1709.18 and for which a building permit has been applied for prior to August 31, 2001, shall not be subject to the requirements of this section.
- 1604.9 The Commission may hear and decide any additional requests for special exception or variance relief needed for the subject property. Such requests shall be advertised, heard, and decided together with the application for Zoning Commission review and approval.
- 1604.10 At the time of filing an application with the Commission, the applicant shall pay the filing fee specified in § 3180.1(b)(16), plus such fees as apply to any additional zoning relief requested. The provisions of § 3181 relating to the administration of fees shall apply, except that the applicant may appeal any decision of the Director regarding the fee schedule to the Commission, which shall decide the appeal as a preliminary matter to hearing the application.

Development Envelope and Planned Attributes of 100 M Street, SE

Underlying Authority	Description [with Zoning Citation]	Allowed / Required	To Be Provided	Relief Requested
Height Act of 1910				
	Maximum Height (from top of curb to parapet, both at middle of front of building)	130' 0"	130' 0" ¹	None (no variance authority)
Zoning Act / Regulations (Other Than "Courts" and "M Street" Provisions)				
	Maximum Height (from top of curb to highest point of [main] roof) [§§ 770 and 1709.21]	130' 0"	129' 4" ²	None
	Maximum Floor Area Ratio [§§ 771 and 1709.21]	10.0	10.0	None
	Maximum Percentage of Lot Occupancy [§ 772] ○ Per "Building Area"	100.0 %	94.1 %	None
	Residential Recreation Space [§ 773]	Not Applicable	None	None
	Minimum Depth of Rear Yard [normal] [§ 774.1]	26' 11" (applying 2½"/ft. to rear height of 129.17 ft.)	12' 0" ³ (same as absolute minimum depth of 12' 0")	14' 11" (55.5 %)
	Minimum Depth of Rear Yard [optional "corner rule" (court width)] [§ 774.9(c)]	29' 5¾" (applying 3"/ft. to rear court height of 110.94 ft.)	20' 1" (exceeds absolute minimum width of 12' 0")	9' 5¾" (32.2 %)

¹ Measured from height of curb along 1st Street SE at the midpoint of the building on that street.

² Measured from height of curb along 1st Street SE at the midpoint of the building on that street.

³ Rear yard being at the north as front here is along M Street, and differs (as expressly allowed) from that used to measure height.

Underlying Authority	Description [with Zoning Citation]	Allowed / Required	To Be Provided	Relief Requested
Zoning Act / Regulations (“Courts”)				
	Minimum Width and Area of: Closed Courts (“CC”), Open Courts (“OC”) and Court Niches (“CN”) [§§ 776.1, 776.2 and 776.8]			
	<u>Rising from the Ground Up</u> CC #1 (on eastern face of building)	<u>Width:</u> 32’ 3½” (3”/ft. for 129.17’) <u>Area:</u> 4,171.00 ft. ²	1’ 11¾”	30’ 3¾” (94.2 %)
	CN #2 (at SE property limit)	3’ 0”	3’ 0” ⁶	None
	OC #3 (SW corner, at 1 st and M) ⁴	33’ 4” (3”/ft. for 133.62’)	11’ 8½” (See footnote 3)	21’ 7½” (64.9 %)
	CNs #4 (SW corner, along 1 st Street)	3’ 0”	Each > 3’ 0”	None
	OC #5 (at garage entrance, one story)	12’ 0” ⁵	22’ 11¼”	None
	CN #6 (at NE property limit)	3’ 0”	28’ 0”	None
	<u>Rising from Second Floor Up</u> OC #7 (over garage ramp roof, if excluded from “rear yard” when depth of rear yard is not established by “averaging.”)	29’ 7½”	8’ 0”	21’ 7½” (76.3 %)
	<u>Rising from Eleventh Floor Up</u> CN #8 (NW corner)	3’ 0”	5’ 0”	None
	CN #9 (SE corner)	3’ 0”	4’ 4¾”	None

⁴ If deemed a “court niche,” the need for a variance is eliminated.

⁵ Applying 3” per foot to height of facing wall yields minimum width less than absolute minimum of 12’ 0”.

⁶ The overall width of the unenclosed area rising from ground level up at the SE corner is 7’ 4¾” of which all but 3’ 0” is covered by a roof at the level of the tenth floor. The remaining open area is, then, 3’ 0” wide and is open to the sky, satisfying all width requirements for a **court niche**.

Underlying Authority	Description [with Zoning Citation]	Allowed / Required	To Be Provided	Relief Requested
Zoning Act / Regulations (“M Street” under “CG”)				
	Setback from M Street curb line [§ 1604.3]	15’ 0”	15’ 0”	None
	Minimum percentage of gross floor area of ground floor dedicated to “preferred” retail, service, entertainment or arts” uses; these not to include automobile laundry, drive-through accessory to any use, gasoline service stations, and office uses (other than those accessory to the administration, maintenance, or leasing of the building) [§ 1604.4]	35.0 %	73.8 % ⁷	None
	Minimum occupancy of frontage along M Street, S.E. [1604.4]	100.0 %	100.0 %	None
	Minimum Percentage of Surface Area of M Street Streetwall along ground floor dedicated to display windows or entrances to commercial uses with clear or low emissivity glass [§ 1604.6]	50.0 %	93.0 % (85.0 % along 1 st Street, none required)	None
	Having or using a driveway along M Street frontage as means of access to or egress from required parking spaces or loading berths [§ 1604.7]	Prohibited	Access to parking is from First Street, SE Access to loading berths is existing public alley.	None

⁷ Percentage changes to 74.0 % if CG zone boundary limit is established at a depth of 104’ from M Street property line.

Parking and Loading Requirements for 100 M Street, SE

Underlying Authority	Description [with Zoning Citation]	Minimum Required	Provided (On Site)	Variance Requested
Zoning Act / Regulations				
	Parking Spaces Required [§2101.1]			
	Office Use	137		None
	<u>Other Uses (Retail, Service, etc.)</u>	<u>20</u>		<u>None</u>
	Total, Required	157		
	Total, Complying with Chapter 21		160⁸	None
	Bicycle Spaces Required [§ 2119.2]	7 spaces (5 % of 137)	At least 7	None
	Loading Requirements [§ 2201.1]			
	55' Loading Berths	0	0	None
	30' Loading Berths	3	3	None
	20' Service Delivery Space	1	1	None

⁸ Complying as to all dimensions and aisles by the Zoning Regulations on site for full-sized vehicles or vans (including spaces for persons with mobility limitations).

Roof Structure Requirements for 100 M Street, SE

Underlying Authority	Description [with Zoning Citation]	Maximum Allowed	Provided (On Site)	Variance Requested
Zoning Act / Regulations [§§ 770, 777, and 411, excerpts]				
	Single enclosure harmonizing with main structure in architectural character, material and color [§ 411.3]	As stated	Complies	None
	Walls of equal height, rising vertically [§ 411.5]	As stated	Complies	None
	Overall area does not exceed FAR 0.37 [§ 411.7]	0.37	0.29 ⁹	None
	Set back from all exterior walls at least a distance equal to its height [§ 770.6(b)]	18' 6"	Varies, none less than 18' 6"	None
	Walls do not exceed a height of 18' 6" [§ 770.6(c)]	18' 6"	18' 6"	None

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⁹ Total FAR would increase by 0.03 to 0.32 if mechanical system chosen requires a mezzanine / platform over the elevator hoistways. Such a platform would not exceed 775 square feet.