

# **SUBTITLE I**

## **REGULATIONS FOR DOWNTOWN ZONES**

|                                                                            |     |
|----------------------------------------------------------------------------|-----|
| Chapter 1 INTRODUCTION TO DOWNTOWN (D) ZONE REGULATIONS.....               | 3   |
| Chapter 2 DOWNTOWN ZONES AND ZONE TABLES .....                             | 6   |
| Chapter 3 ZONE-BASED MEASUREMENT RULES AND DEVELOPMENT CONDITIONS<br>..... | 37  |
| Chapter 4 ZONE-BASED USE REQUIREMENTS AND PERMISSIONS.....                 | 45  |
| Chapter 5 ZONE-BASED DESIGN REQUIREMENTS AND PERMISSIONS.....              | 55  |
| Chapter 6 LOCATION-BASED REGULATIONS FOR DOWNTOWN SUB-AREAS.....           | 57  |
| Chapter 7 DESIGN REVIEW .....                                              | 92  |
| Chapter 8 GENERATION AND CERTIFICATION OF CREDITS .....                    | 94  |
| Chapter 9 USE OF CREDITS.....                                              | 110 |
| Chapter 10 NON-TRADITIONAL DOWNTOWN USES.....                              | 115 |
| Chapter 11 PARKING REGULATIONS .....                                       | 116 |
| Chapter 12 DEVELOPMENT REGULATIONS FOR ACCESSORY BUILDINGS .....           | 118 |
| Chapter 13 PLANNED UNIT DEVELOPMENTS .....                                 | 119 |
| Chapter 14 ALLEY LOTS.....                                                 | 120 |

DRAFT

Page intentionally blank

## **CHAPTER 1 INTRODUCTION TO DOWNTOWN (D) ZONE REGULATIONS**

### **100 GENERAL PROVISIONS**

- 100.1 The purpose of the D zones is to provide for the orderly development and use of land and structures in areas the Comprehensive Plan generally characterizes as:
- (a) Central Washington; and
  - (b) Appropriate for a high-density mix of office, retail, service, residential, entertainment, lodging, institutional and other uses, often grouped into neighborhoods with distinct identities.
- 100.2 The provisions of the subtitle are intended to:
- (a) Create a balanced mixture of land uses by providing incentives and requirements for retail, residential, entertainment, arts, and cultural uses the Comprehensive Plan identifies as essential to a successful downtown, and by guiding and regulating office development, which is generally favored by market forces over other uses deemed important in the Central Washington elements;
  - (b) Protect historic buildings and places while permitting compatible new development, subject to the review process of the Historic Landmark and Historic District Protection Act of 1978;
  - (c) Guide the design of buildings into being generally consistent with the policies of the Central Washington Element and other relevant elements of the Comprehensive Plan;
  - (d) Provide for the return of historic L'Enfant Streets;
  - (e) Establish design or use requirements for the ground-level of buildings facing certain streets that are of high priority for furthering retail, pedestrian and historic purposes contained in the Comprehensive Plan;
  - (f) Encourage the development of publicly-accessible open space;
  - (g) Encourage the development of housing in the Central Area;
  - (h) Provide incentives and flexible mechanisms for achieving the retail, residential, historic and open spaces goals through the generation and use of density credits that can be traded within defined areas;
  - (i) Ensure a continued mix of retail and residential development in the Comprehensive Plan's Chinatown policy focus area;

- (j) Promote the growth of a well-design mixed-use streetscape on M Street, S.E, including a mechanism for selective design review by the Zoning Commission; and
- (k) Provide for adequate and visually acceptable parking and consolidated loading facilities that do not interfere with active, pedestrian-oriented sidewalks and the flow of vehicular traffic.

## **101 ORGANIZATION OF THIS SUBTITLE**

101.1 This Subtitle is organized as follows:

- (a) Chapters 2 - 5 contain the standards and conditions for physical dimensions and uses in each of the downtown zones, regardless of the location of that zone within downtown. The zone tables in Chapter 2 directly provide some of the standards and provide references to all other relevant standards, permissions, requirements, prohibitions and conditions in this and other subtitles of the zoning regulations.
- (b) Chapter 6 contains the standards and conditions for physical dimensions and uses that apply across several zones within each of a limited number of specific locationally-defined subareas of Downtown;
- (c) Chapter 7 contains design review criteria and standards that apply to only the subarea(s) noted in § 702;
- (d) Chapters 8 and 9 establish a system for the generation and use of Credits to ensure that high priority downtown uses and objectives are achieved within several credit trade areas of the downtown;.
- (e) Chapter 10 is reserved for future text, should the need arise to develop regulations addressing downtown areas with a concentration of uses that do not fit within traditional use categories;
- (f) Chapters 11-14 provide downtown-specific regulations that supplement those for topic areas addressed primarily in other Subtitles. These include: parking and loading, Chapter 11; Accessory Buildings and Structures, Chapter 12; Planned Unit Developments, Chapter 13; and, Alley Structures, Chapter 14.

## **102 USE OF THIS AND OTHER SUBTITLES IN RELATION TO DOWNTOWN (D) ZONES**

102.1 Downtown development is governed by:

- (a) Regulations in this Subtitle that are specific to individual Downtown zones;
- (b) Regulations in Subtitle that are specific to geographical subareas of downtown and apply to properties with frontages on designated street frontages and

- (c) General zoning rules in Subtitle C, the subtitles listed in § 102.2, and other subtitles.
- 102.2 This Subtitle is to be read and applied in addition to, and not instead of, the regulations or definitions included as part of Subtitles: A, Authority; B, Definitions; C, General Rules; X, General Procedures; Y, Board of Zoning Adjustment; and Z, Zoning Commission. If there is a conflict between or among regulations in this subtitle and regulations in other subtitles regarding the same regulatory topic, this Subtitle shall govern.
- 103 APPLICABILITY AND EFFECTIVE DATE**
- 103.1 Use requirements, restrictions and incentives of this chapter apply to all new buildings, and to existing buildings where any additions, alterations, or repairs made within a consecutive twelve (12)-month period exceed one hundred percent (100 percent) of the assessed value of the building as set forth in the records of the Office of Tax and Revenue as of the date of the building permit application..
- 103.2 The cost basis for alterations or additions to an existing building shall be the amount indicated by the applicant on the application for a building permit;
- 103.3 This subsection is reserved for giving the Effective Date of Subtitle I.

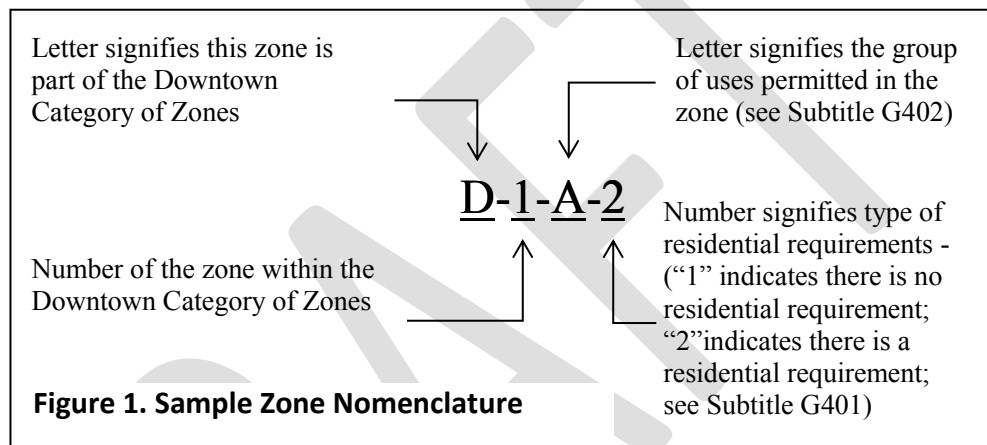
## CHAPTER 2 DOWNTOWN ZONES AND ZONE TABLES

### 200 INTRODUCTION

- (1) This chapter: explains the naming convention, for each zone states each zone's purpose and provides a table physical development standards, use requirements and permissions, and reference to relevant information in other chapters of this or other subtitles.

### 201 SAMPLE ZONE NOMENCLATURE

#### 201.1



### 202 DOWNTOWN ZONE TABLES

- 202.1 Each zone table has five columns and three groups of rows. 'Regulatory Topic' Column A, lists the subject areas for which there may be regulations pertinent to a lot or structure in the D zones. Because the list is standardized for all D zones, the topics may be regulated in some zones, but not in others; 'Zone Standard or Permission, Column B,' provides zone-specific regulations for a topic area that supplement the Subtitle C general rule referenced in Column E, but that may be supplemented by conditions referenced in Column D.
- 202.2 The Regulatory Topics in each zone table are organized in three groups of standards and references that are applicable to all buildings in the particular zone unless otherwise indicated:
  - (a) Group 1, 'Development Standards,' includes maximum or minimum requirements and permissions for:

- (1) Height, floor area ratio and green area ratio, in order to control the bulk or volume of structures and the environmental performance of development; and
- (2) Rear setbacks, side setbacks, and the relationship of buildings to street lot lines in order to control the location of building bulk in relation to adjacent lots and roadways.
- (b) Group 2, 'Use Standards, Permissions and Credits,' includes:
  - (1) The standards, permissions and credits that apply to every building within the zone unless otherwise indicated;
  - (2) The standards, permissions and credits that apply only to buildings within the zone that have frontage on the designated street segments listed in Chapter 6 of this subtitle.
- (c) Group 3, 'Design Standards and Design Review Regulations,' includes:
  - (1) Design standards that apply to every building within the zone unless otherwise indicated;
  - (2) Design standards that apply only to buildings within the zone that have frontage on a designated street segments listed in Chapter 6 of this subtitle, and which include regulations addressing:
    - a. Ground floor heights;
    - b. Glazing;
    - c. Openings for pedestrian, garage and loading entrances and exits;
    - d. Modifications to a building's minimum or maximum distances from build-to or property lines;
    - e. Upper-story setbacks; and
    - f. Other zoning-related matters germane to achieving the development objectives for the area through which the designated street segment runs; and
  - (3) Design Review Regulations in §§ 701 and 702, that § 616 applies to structures on a limited number of designated street segments.
- 202.3 If a regulatory topic row or cell contains multiple references then all of the referenced regulations for that topic are applicable to that zone.
- 202.4 If a cell in the row for "Use Requirements - by Designated Street Segment" or in the row for "Design Requirements - by Designated Street Segment" contains a reference, then a property in that zone that has frontage on a designated street segment in one of the Downtown Subareas described in Chapter 6 is subject to the

geographic-based use or design regulations of Chapter 6, in addition to those governing the zone district.

202.5 If there is a conflict between the regulations that apply throughout the zone and the regulations for a designated street segment within the same zone, the more restrictive regulation applies.

202.6 The following abbreviations are used throughout this chapter:

- (a) 'IZ' is Inclusionary Zoning
- (b) 'Min.' is minimum
- (c) 'Max.' is maximum
- (d) 'ft.' is foot
- (e) 'sf' is square foot
- (f) 'gsf' is gross square foot
- (g) "FAR" is floor area ratio
- (h) 'FAER' is floor area equivalent ratio
- (i) Credits means the *Density Credits* employed pursuant to Chapters 8 and 9.

202.7 Unless otherwise noted, references refer to regulations in this Subtitle, I.

## **203 THE D-1-A-2 ZONE**

(DD/R-5-E, DD/Chinatown/R-5-E)

203.1 The **D-1-A-2** zone:

- (a) Permits high density housing, with a limited amount of commercial uses permitted on only the ground floor;
- (b) Shall be considered as a residential zone by the District Alcoholic Beverage Regulation Administration (ABRA), per § 403.6, and for the purposes of *firearm sales*, per § 403.1(b);
- (c) Does not have a minimum parking requirement, but if parking is provided it is subject to Chapter 11, and to the dimensional and access standards in Subtitle C's Parking Chapter;
- (d) Is not subject to Subtitle C – Chapter 23, Inclusionary Zoning;

- (e) Does not generate or receive Density Credits regulated by - Chapters 8 and 9;
- (f) Includes designated street segments with special requirements, as referenced in italics in the zone table, in the Chinatown and Massachusetts Avenue sub-areas, and
- (g) Shall be developed and used in accordance with the regulations in the following table:

| <b>D-1-A-2 Zone Table</b><br><i>(Italicized references apply only to structures located in the zone on designated street segments in the Chinatown or Massachusetts Avenue sub-areas described and illustrated in Chapter 6.)</i> |                                                                                                        |                                         |                                                        |                                          |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------|-----------------------------------------|--------------------------------------------------------|------------------------------------------|
| A                                                                                                                                                                                                                                 | B                                                                                                      | C                                       | D                                                      | E                                        |
| REGULATORY TOPIC                                                                                                                                                                                                                  | STANDARD OR PERMISSION SPECIFIC TO THIS ZONE                                                           | MEASUREMENT RULES SPECIFIC TO THIS ZONE | CONDITIONS SPECIFIC TO THIS ZONE                       | PERTINENT REGULATIONS IN OTHER SUBTITLES |
| <b>1. Development Standards</b>                                                                                                                                                                                                   |                                                                                                        |                                         |                                                        |                                          |
| <b>Lot area, width, and subdivision</b>                                                                                                                                                                                           | None. See Column E                                                                                     | -----                                   | -----                                                  | Subtitle C - Chapter 5                   |
| <b>Alley Lots</b>                                                                                                                                                                                                                 | Chapter 14                                                                                             | -----                                   | -----                                                  | -----                                    |
| <b>Height Maximum</b>                                                                                                                                                                                                             | 90 ft.                                                                                                 | -----                                   | § 306.1<br>§ 306.3 (a)                                 | Subtitle C - Chapter 6                   |
| <b>FAR – Residential Minimum</b>                                                                                                                                                                                                  | 2.0                                                                                                    | § 307.1                                 | § 308.3<br>§ 401<br>§ 900.4                            | Subtitle C - Chapter 10                  |
| <b>FAR - Non-Residential Maximum</b>                                                                                                                                                                                              | 0.5                                                                                                    | § 307.1                                 | § 308.3<br>§ 900.4                                     | Subtitle C - Chapter 10                  |
| <b>Maximum FAR</b>                                                                                                                                                                                                                | 6.0                                                                                                    | § 307.1                                 | § 308.3<br>§ 900.4                                     | Subtitle C - Chapter 10                  |
| <b>Lot Occupancy</b>                                                                                                                                                                                                              | No limit                                                                                               | -----                                   | -----                                                  | Not Applicable                           |
| <b>Front Setback</b>                                                                                                                                                                                                              | Not regulated.                                                                                         | -----                                   | -----                                                  | -----                                    |
| <b>Front Build-to</b>                                                                                                                                                                                                             | For streets in § 314, 75% within 4 feet of build-to line to a height of 15 ft. Otherwise not regulated | § 313                                   | -----                                                  | -----                                    |
| <b>Side Setback</b>                                                                                                                                                                                                               | Not required. If provided, see Columns C,D,E                                                           | § 315                                   | § 316                                                  | Subtitle C - Chapter 12                  |
| <b>Rear Setback</b>                                                                                                                                                                                                               | Feet from Rear Lot Line                                                                                |                                         | Rear Lot Line does not abut alley § 317.1(a), (c), (d) | Subtitle C – Chapter 13                  |
|                                                                                                                                                                                                                                   | Vertical Height                                                                                        | Horizontal Setback                      |                                                        |                                          |
|                                                                                                                                                                                                                                   | ≤ 25                                                                                                   | 0                                       |                                                        |                                          |

### D-1-A-2 Zone Table

*(Italicized references apply only to structures located in the zone on designated street segments in the Chinatown or Massachusetts Avenue sub-areas described and illustrated in Chapter 6.)*

| A                                                | B                                                        |                                           | C                                                 | D                                | E                                        |
|--------------------------------------------------|----------------------------------------------------------|-------------------------------------------|---------------------------------------------------|----------------------------------|------------------------------------------|
| REGULATORY TOPIC                                 | STANDARD OR PERMISSION SPECIFIC TO THIS ZONE             |                                           | MEASUREMENT RULES SPECIFIC TO THIS ZONE           | CONDITIONS SPECIFIC TO THIS ZONE | PERTINENT REGULATIONS IN OTHER SUBTITLES |
|                                                  | > 25, ≤ 56                                               | 12                                        | Rear Lot Line abuts alley<br>§ 317.1(a), (c), (d) |                                  |                                          |
|                                                  | > 56                                                     | 1 to 4.66 horizontal run to vertical rise |                                                   |                                  |                                          |
| Courtyard                                        | Not required. If provided, see Column E                  |                                           | -----                                             | -----                            | Subtitle C - Chapter 14                  |
| Plazas                                           | Not required. If provided, see Column E                  |                                           | -----                                             | -----                            | Subtitle C - Chapter 15                  |
| GAR                                              | 0.3                                                      |                                           | -----                                             | -----                            | Subtitle C - Chapter 18                  |
| Vehicle Parking                                  | Not required. If provided, see Columns D,E               |                                           | -----                                             | Chapter 11                       | Subtitle C - Chapter 20                  |
| Bicycle Parking                                  | Required. Based on use and square footage. See column E. |                                           | -----                                             | -----                            | Subtitle C                               |
| Loading                                          | See Column E                                             |                                           | -----                                             | -----                            | Subtitle C - Chapter 22                  |
| Accessory Buildings                              | See Chapter 12                                           |                                           | § 12021                                           | § 1202                           | Subtitle C - Chapter 9                   |
| Alley Dwellings                                  | See Chapter 14                                           |                                           | -----                                             | -----                            | -----                                    |
| Planned Development                              | See Columns D, E                                         |                                           | -----                                             | - Chapter 13                     | Subtitle X - Chapter 2                   |
| 2. Use Standards, Permissions and Credits        |                                                          |                                           |                                                   |                                  |                                          |
| Uses Permissions - by Zone                       | See § 402.2(c) and Column D                              |                                           | -----                                             | §§ 203.1(b), 403, 404            | -----                                    |
| Use Requirements - by Zone                       | § 401                                                    |                                           | -----                                             | -----                            | -----                                    |
| Use Requirements - on Designated Street Segments | See §§ 602, 604, 609.3, 601.10                           |                                           | -----                                             | § 601.12                         | -----                                    |
| Use Requirements, IZ                             | IZ not applicable to zone                                |                                           | -----                                             | -----                            | -----                                    |
| Density Credits                                  | Credits not applicable to zone                           |                                           | -----                                             | -----                            | -----                                    |
| 3. Design Standards and Design Review            |                                                          |                                           |                                                   |                                  |                                          |

| <b>D-1-A-2 Zone Table</b><br><i>(Italicized references apply only to structures located in the zone on designated street segments in the Chinatown or Massachusetts Avenue sub-areas described and illustrated in Chapter 6.)</i> |                                                     |                                                |                                         |                                                 |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------|------------------------------------------------|-----------------------------------------|-------------------------------------------------|
| <b>A</b>                                                                                                                                                                                                                          | <b>B</b>                                            | <b>C</b>                                       | <b>D</b>                                | <b>E</b>                                        |
| <b>REGULATORY TOPIC</b>                                                                                                                                                                                                           | <b>STANDARD OR PERMISSION SPECIFIC TO THIS ZONE</b> | <b>MEASUREMENT RULES SPECIFIC TO THIS ZONE</b> | <b>CONDITIONS SPECIFIC TO THIS ZONE</b> | <b>PERTINENT REGULATIONS IN OTHER SUBTITLES</b> |
| <b>Design Requirements - by Zone</b>                                                                                                                                                                                              | See Column D                                        | -----                                          | § 500.3                                 | -----                                           |
| <b>Design Requirements - on Designated Street Segments</b>                                                                                                                                                                        | See §§ 603, 605, 609.4, 610.4                       | -----                                          | § 601.12                                | -----                                           |
| <b>Design Review Requirements</b>                                                                                                                                                                                                 | Not applicable to zone                              | -----                                          | -----                                   | -----                                           |

## 204 THE D-2-B-1 ZONE:

(SP-2)

### 204.1 The **D-2-B-1** zone:

- (a) Is mapped near lower 16<sup>th</sup> Street, NW, 17<sup>th</sup> Street, NW near the White House, and Judiciary Square, NW to ensure the scale of new development is compatible with the scale of these historic areas; Places certain restrictions on retail uses;
- (b) Does not have a minimum parking requirement, but if parking is provided it is subject to Chapter 11, and to the dimensional and access standards in Subtitle C's Parking Chapter;
- (c) Is subject to Subtitle C – Chapter 23, Inclusionary Zoning;
- (d) Does not generate or receive Density Credits regulated by - Chapters 8 and 9;
- (e) Does not include any designated street segments; and
- (f) Shall be developed in accordance with the regulations in the following table:

| <b>D-2-B-1 Zone Table</b><br>This zone does not include any designated street segments. |                                                                                                        |                                                |                                                   |                                                 |
|-----------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------|------------------------------------------------|---------------------------------------------------|-------------------------------------------------|
| <b>A</b>                                                                                | <b>B</b>                                                                                               | <b>C</b>                                       | <b>D</b>                                          | <b>E</b>                                        |
| <b>REGULATORY TOPIC</b>                                                                 | <b>STANDARD OR PERMISSION SPECIFIC TO THIS ZONE</b>                                                    | <b>MEASUREMENT RULES SPECIFIC TO THIS ZONE</b> | <b>CONDITIONS SPECIFIC TO THIS ZONE</b>           | <b>PERTINENT REGULATIONS IN OTHER SUBTITLES</b> |
| <b>1. Development Standards</b>                                                         |                                                                                                        |                                                |                                                   |                                                 |
| <b>Lot area, width, and subdivision</b>                                                 | None. See column E                                                                                     | -----                                          | -----                                             | Subtitle C - Chapter 5                          |
| <b>Alley Lots</b>                                                                       | Chapter 14                                                                                             | -----                                          | -----                                             | -----                                           |
| <b>Height Maximum without IZ</b>                                                        | 90 ft.                                                                                                 | -----                                          | § 306.1                                           | Subtitle C - Chapter 6                          |
| <b>Height Maximum with IZ</b>                                                           | 100 ft.                                                                                                | -----                                          | § 306.1                                           | Subtitle C - Chapters 6, 23                     |
| <b>FAR – Residential Minimum</b>                                                        | none                                                                                                   | § 307.1                                        | § 308.3<br>§ 401<br>§ 900.4                       | -----                                           |
| <b>FAR - Non-Residential Maximum</b>                                                    | 3.5                                                                                                    | § 307.1                                        | § 308.3<br>§ 900.4                                | Subtitle C - Chapter 10                         |
| <b>Maximum FAR without IZ</b>                                                           | 6.0                                                                                                    | § 307.1                                        | § 308.3<br>§ 900.4                                | Subtitle C - Chapter 10                         |
| <b>Maximum FAR with IZ</b>                                                              | 7.2                                                                                                    | § 307.1                                        | § 308.3<br>§ 900.4                                | Subtitle C – Chapters 10, 23                    |
| <b>Lot Occupancy</b>                                                                    | No limit                                                                                               | -----                                          | -----                                             | Not Applicable                                  |
| <b>Front Setback</b>                                                                    | Not regulated                                                                                          | -----                                          | -----                                             | -----                                           |
| <b>Front Build-to</b>                                                                   | For streets in § 314, 75% within 4 feet of build-to line to a height of 15 ft. Otherwise not regulated | § 313                                          | § 314                                             | Subtitle C – Chapter 11                         |
| <b>Side Setback</b>                                                                     | Not required. If provided, see Columns C,D,E other columns                                             | § 315                                          | § 316.1                                           | Subtitle C - Chapter 12                         |
| <b>Rear Setback</b>                                                                     | Feet from Rear Lot Line                                                                                |                                                | § 317.3<br>§ 318                                  | Subtitle C - Chapter 13                         |
|                                                                                         | Vertical Height                                                                                        | Horizontal Setback                             |                                                   |                                                 |
|                                                                                         | ≤25                                                                                                    | 0                                              |                                                   |                                                 |
|                                                                                         | > 25, ≤ 56                                                                                             | 12                                             |                                                   |                                                 |
|                                                                                         | > 56                                                                                                   | 1 to 4.66 horizontal run to vertical rise      | Rear Lot Line abuts alley<br>§ 317.1(b), (c), (d) |                                                 |
| <b>Courtyard</b>                                                                        | Not required. If provided, see Column E                                                                | -----                                          | -----                                             | Subtitle C - Chapter 14                         |
| <b>Plazas</b>                                                                           | If provided, see Column E                                                                              | -----                                          | -----                                             | Subtitle C - Chapter 15                         |

| <b>D-2-B-1 Zone Table</b>                                  |                                                          |                                                |                                         |                                                 |
|------------------------------------------------------------|----------------------------------------------------------|------------------------------------------------|-----------------------------------------|-------------------------------------------------|
| This zone does not include any designated street segments. |                                                          |                                                |                                         |                                                 |
| <b>A</b>                                                   | <b>B</b>                                                 | <b>C</b>                                       | <b>D</b>                                | <b>E</b>                                        |
| <b>REGULATORY TOPIC</b>                                    | <b>STANDARD OR PERMISSION SPECIFIC TO THIS ZONE</b>      | <b>MEASUREMENT RULES SPECIFIC TO THIS ZONE</b> | <b>CONDITIONS SPECIFIC TO THIS ZONE</b> | <b>PERTINENT REGULATIONS IN OTHER SUBTITLES</b> |
| <b>GAR</b>                                                 | 0.3                                                      | -----                                          | -----                                   | Subtitle C - Chapter 18                         |
| <b>Vehicle Parking</b>                                     | Not Required. If provided, see Columns D, E              | -----                                          | § 603.1(c)(2) – Chapter 11              | Subtitle C - Chapter 20                         |
| <b>Bicycle Parking</b>                                     | Required. Based on use and square footage. See column E. | -----                                          | -----                                   | Subtitle C                                      |
| <b>Loading</b>                                             | . See Column E                                           | -----                                          | § 603.1(c)(2)                           | Subtitle C - Chapter 22                         |
| <b>Accessory Buildings</b>                                 | - Chapter 12                                             | § 1202.1                                       | § 1202                                  | Subtitle C - Chapter 9                          |
| <b>Alley Dwellings</b>                                     | - Chapter 14                                             | -----                                          | -----                                   | -----                                           |
| <b>Planned Development</b>                                 | . See Columns D, E                                       | -----                                          | - Chapter 13                            | Subtitle X - Chapter 2                          |
| <b>2. Use Standards, Permissions and Credits</b>           |                                                          |                                                |                                         |                                                 |
| <b>Uses Permissions - by Zone</b>                          | § 402.2(c) and Column D                                  | -----                                          | § 403<br>§ 404                          | -----                                           |
| <b>Use Requirements - by Zone</b>                          | None                                                     | -----                                          | -----                                   | -----                                           |
| <b>Use Requirements - on Designated Street Segments</b>    | Not Applicable                                           | -----                                          | -----                                   | -----                                           |
| <b>Use Requirements, IZ</b>                                | See Column E                                             | -----                                          | -----                                   | Subtitle C - Chapter 23                         |
| <b>Credits</b>                                             | Not applicable to zone                                   | -----                                          | § 900.4                                 | -----                                           |
| <b>3. Design Standards and Design Review</b>               |                                                          |                                                |                                         |                                                 |
| <b>Design Requirements - by Zone</b>                       | – Chapter 5                                              | -----                                          | § 500.3                                 | -----                                           |
| <b>Design Requirements – on Designated Street Segments</b> | Not applicable. No designated streets in zone.           | -----                                          | -----                                   | -----                                           |
| <b>Design Review Requirements</b>                          | Not applicable                                           | -----                                          | -----                                   | -----                                           |

## 205 THE D-3-B-1 ZONE

(HR/C3C/TDR, C3C/ Downtown East TDR)

### 205.1 The D-3-B-1 zone:

- (a) Promotes high-density development of commercial and mixed uses in the eastern portion of downtown;
- (b) Establishes a maximum height that responds to federal concerns for the security of the nearby U.S. Capitol and Union Station;
- (c) Does not have a minimum parking requirement, but if parking is provided it is subject to Chapter 11, and to the dimensional and access standards in Subtitle C's Parking Chapter;
- (d) Is not subject to Subtitle C – Chapter 23, Inclusionary Zoning;
- (e) Is eligible to generate and receive Density Credits, subject to - Chapters 8 and 9;
- (f) Includes designated street segments with special requirements, as referenced in italics in the zone table, in the Massachusetts Avenue sub-area; and
- (g) Shall be developed in accordance with the regulations in the following table:

| <b>D-3-B-1 Zone Table</b>                                                                                                                                                            |                                                     |                                                |                                         |                                                 |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------|------------------------------------------------|-----------------------------------------|-------------------------------------------------|
| <i>Italicized references apply only to structures located in the zone on designated street segments in the Massachusetts Avenue sub-area described and illustrated in Chapter 6.</i> |                                                     |                                                |                                         |                                                 |
| <b>A</b>                                                                                                                                                                             | <b>B</b>                                            | <b>C</b>                                       | <b>D</b>                                | <b>E</b>                                        |
| <b>REGULATORY TOPIC</b>                                                                                                                                                              | <b>STANDARD OR PERMISSION SPECIFIC TO THIS ZONE</b> | <b>MEASUREMENT RULES SPECIFIC TO THIS ZONE</b> | <b>CONDITIONS SPECIFIC TO THIS ZONE</b> | <b>PERTINENT REGULATIONS IN OTHER SUBTITLES</b> |
| <b>1. Development Standards</b>                                                                                                                                                      |                                                     |                                                |                                         |                                                 |
| <b>Lot area, width, and subdivision</b>                                                                                                                                              | None                                                | -----                                          | -----                                   | Subtitle C - Chapter 5                          |
| <b>Alley Lot</b>                                                                                                                                                                     | Chapter 14                                          | -----                                          | -----                                   | -----                                           |
| <b>Height Maximum without Density Credits</b>                                                                                                                                        | 110 ft.                                             | -----                                          | § 306.1<br>§ 306.3(a)<br>§ 610.4        | Subtitle C - Chapter 6                          |
| <b>Height Maximum with Density Credits</b>                                                                                                                                           | 110 ft.                                             | -----                                          | § 306.1<br>– Chapter 9                  | Subtitle C – Chapter 6                          |
| <b>FAR – Residential Minimum</b>                                                                                                                                                     | None                                                | -----                                          | -----                                   | Subtitle C - Chapter 10                         |
| <b>FAR - Non-Residential Maximum without Density Credits</b>                                                                                                                         | 6.5                                                 | § 307.1                                        | § 308.1<br>§308.3                       | Subtitle C - Chapter 10                         |

### D-3-B-1 Zone Table

*Italicized references apply only to structures located in the zone on designated street segments in the Massachusetts Avenue sub-area described and illustrated in Chapter 6.*

| A                                                                                                                                                         | B                                                                                                      |                                           | C                                                         | D                                         | E                                        |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------|-------------------------------------------|-----------------------------------------------------------|-------------------------------------------|------------------------------------------|
| REGULATORY TOPIC                                                                                                                                          | STANDARD OR PERMISSION SPECIFIC TO THIS ZONE                                                           |                                           | MEASUREMENT RULES SPECIFIC TO THIS ZONE                   | CONDITIONS SPECIFIC TO THIS ZONE          | PERTINENT REGULATIONS IN OTHER SUBTITLES |
| Maximum FAR:<br>a) If all FAR is residential;<br>b) If all FAR exceeding the non-residential maximum is residential;<br>or<br>c) If using Density Credits | 9.0                                                                                                    |                                           | § 307.1                                                   | § 308.1<br>§ 3078.3<br>§ 401<br>Chapter 9 | Subtitle C - Chapter 10                  |
| Lot Occupancy                                                                                                                                             | No limit                                                                                               |                                           | -----                                                     | -----                                     | -----                                    |
| Front Setback                                                                                                                                             | Not regulated                                                                                          |                                           | -----                                                     | -----                                     | -----                                    |
| Front Build-to                                                                                                                                            | For streets in § 314, 75% within 4 feet of build-to line to a height of 15 ft. Otherwise not regulated |                                           | § 313                                                     | -----                                     | -----                                    |
| Side Setback                                                                                                                                              | Not required.<br>If provided, see column C,D,E                                                         |                                           | § 315                                                     | § 316.1                                   | Subtitle C - Chapter 12                  |
| Rear Setback                                                                                                                                              | Feet from Rear Lot Line                                                                                |                                           | Rear Lot Line does not abut alley<br>§ 317.1(a), (c), (d) | § 317.3<br>§ 318                          | Subtitle C - Chapter 13                  |
|                                                                                                                                                           | Vertical Height                                                                                        | Horizontal Setback                        |                                                           |                                           |                                          |
|                                                                                                                                                           | ≤25                                                                                                    | 0                                         |                                                           |                                           |                                          |
|                                                                                                                                                           | > 25, ≤ 56                                                                                             | 12                                        |                                                           |                                           |                                          |
|                                                                                                                                                           | > 56                                                                                                   | 1 to 4.66 horizontal run to vertical rise | Rear Lot Line abuts alley<br>§ 317.1(b), (c), (d)         |                                           |                                          |
| Courtyard                                                                                                                                                 | Not required. If provided, see Column E                                                                |                                           | -----                                                     | -----                                     | Subtitle C - Chapter 14                  |
| Plazas                                                                                                                                                    | Not required. If provided, see Column E                                                                |                                           | -----                                                     | -----                                     | Subtitle C - Chapter 15                  |
| GAR                                                                                                                                                       | 0.3                                                                                                    |                                           | -----                                                     | -----                                     | Subtitle C - Chapter 18                  |
| Vehicle Parking                                                                                                                                           | Not required. If provided, see columns D, E.                                                           |                                           | -----                                                     | – Chapter 11                              | Subtitle C - Chapter 20                  |
| Bicycle Parking                                                                                                                                           | Required. Based on use and square footage. See column E.                                               |                                           | -----                                                     | -----                                     | Subtitle C - Chapter 21                  |
| Loading                                                                                                                                                   | See Column E                                                                                           |                                           | -----                                                     | -----                                     | Subtitle C - Chapter 22                  |
| Accessory Buildings                                                                                                                                       | Chapter 12                                                                                             |                                           | § 1201                                                    | § 1202                                    | Subtitle C - Chapter 9                   |
| Alley Dwellings                                                                                                                                           | Chapter 14                                                                                             |                                           | -----                                                     | -----                                     | -----                                    |
| Planned Development                                                                                                                                       | See columns D, E                                                                                       |                                           | -----                                                     | Chapter 13                                | Subtitle X - Chapter 2                   |

| <b>D-3-B-1 Zone Table</b>                                                                                                                                                            |                                                     |                                                |                                         |                                                 |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------|------------------------------------------------|-----------------------------------------|-------------------------------------------------|
| <i>Italicized references apply only to structures located in the zone on designated street segments in the Massachusetts Avenue sub-area described and illustrated in Chapter 6.</i> |                                                     |                                                |                                         |                                                 |
| <b>A</b>                                                                                                                                                                             | <b>B</b>                                            | <b>C</b>                                       | <b>D</b>                                | <b>E</b>                                        |
| <b>REGULATORY TOPIC</b>                                                                                                                                                              | <b>STANDARD OR PERMISSION SPECIFIC TO THIS ZONE</b> | <b>MEASUREMENT RULES SPECIFIC TO THIS ZONE</b> | <b>CONDITIONS SPECIFIC TO THIS ZONE</b> | <b>PERTINENT REGULATIONS IN OTHER SUBTITLES</b> |
| <b>2. Use Standards, Permissions and Credits</b>                                                                                                                                     |                                                     |                                                |                                         |                                                 |
| <b>Uses Permissions - by Zone</b>                                                                                                                                                    | § 402.2(c) and Column D                             | -----                                          | § 403<br>§ 404                          | -----                                           |
| <b>Use Requirements - by Zone</b>                                                                                                                                                    | Not applicable                                      | -----                                          | -----                                   | -----                                           |
| <b>Use Requirements – on Designated Street Segments</b>                                                                                                                              | § 601.10                                            | -----                                          | § 1202                                  | -----                                           |
| <b>Use Requirements for IZ</b>                                                                                                                                                       | Not applicable                                      | -----                                          | -----                                   | -----                                           |
| <b>Density Credits</b>                                                                                                                                                               | See Column D                                        | -----                                          | Chapter 9                               | -----                                           |
| <b>3. Design Standards and Design Review Regulations</b>                                                                                                                             |                                                     |                                                |                                         |                                                 |
| <b>Design Requirements - by Zone</b>                                                                                                                                                 | Not required. If provided, see column D,            | -----                                          | § 500.3                                 | -----                                           |
| <b>Design Requirements - by Designated Street Segments</b>                                                                                                                           | § 610.4                                             | -----                                          | § 1202                                  | -----                                           |
| <b>Design Review Requirements</b>                                                                                                                                                    | Not applicable                                      | -----                                          | -----                                   | -----                                           |

## 206 THE D-4-B-1 ZONE

(C-3-C /non-TDR, only within expanded Downtown; HR/C-3-C/non-TDR)

206.1 The D-4-B-1 zone:

- (a) Promotes high-density development of commercial and mixed uses;
- (b) Does not have a minimum parking requirement, but if parking is provided it is subject to Chapter 11, and to the dimensional and access standards in Subtitle C's Parking Chapter;
- (c) Is subject to Subtitle C – Chapter 23, Inclusionary Zoning;
- (d) Is eligible to generate and receive Density Credits, subject to - Chapters 8 and 9;

- (e) Includes designated street segments with special requirements, as referenced in italics in the zone table, in the Massachusetts Avenue sub-area; and
- (f) Shall be developed in accordance with the regulations in the following *table*:

| <b>D-4-B-1 Zone Table</b>                                                                                                                                             |                                                     |                                                |                                            |                                                 |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------|------------------------------------------------|--------------------------------------------|-------------------------------------------------|
| <i>Italicized references apply only to structures located in the zone on designated street segments in the Massachusetts Avenue sub-areas described in Chapter 6.</i> |                                                     |                                                |                                            |                                                 |
| <b>A</b>                                                                                                                                                              | <b>B</b>                                            | <b>C</b>                                       | <b>D</b>                                   | <b>E</b>                                        |
| <b>REGULATORY TOPIC</b>                                                                                                                                               | <b>STANDARD OR PERMISSION SPECIFIC TO THIS ZONE</b> | <b>MEASUREMENT RULES SPECIFIC TO THIS ZONE</b> | <b>CONDITIONS SPECIFIC TO THIS ZONE</b>    | <b>PERTINENT REGULATIONS IN OTHER SUBTITLES</b> |
| <b>1. Development Standards</b>                                                                                                                                       |                                                     |                                                |                                            |                                                 |
| <b>Land area, width and subdivision</b>                                                                                                                               | None. See Column E                                  | -----                                          | -----                                      | Subtitle C - Chapter 5                          |
| <b>Alley Lots</b>                                                                                                                                                     | Chapter 14                                          | -----                                          | -----                                      | -----                                           |
| <b>Height Maximum without IZ or Density Credits</b>                                                                                                                   | 90 ft.                                              | -----                                          | § 306.1<br>§ 306.3(a)<br>§ 610.4           | Subtitle C - Chapter 6                          |
| <b>Height Maximum with IZ or with Density Credits</b>                                                                                                                 | 100 ft., unless limited to less by Height Act       | -----                                          | § 306.1<br>§ 610.4<br>Chapter 9            | Subtitle C - Chapters 6, 23                     |
| <b>FAR – Residential Minimum</b>                                                                                                                                      | None                                                | -----                                          | -----                                      | Subtitle C - Chapter 10                         |
| <b>FAR - Non-Residential Maximum without Density Credits</b>                                                                                                          | 6.5                                                 | § 307.1                                        | § 308.1<br>§ 308.3                         | Subtitle C - Chapter 10                         |
| <b>FAR – Residential Maximum without IZ or Density Credits</b>                                                                                                        | 6.5                                                 | § 307.1                                        | § 308.1<br>§ 308.3                         | Subtitle C - Chapter 10                         |
| <b>FAR - Residential Maximum with IZ</b>                                                                                                                              | 7.8                                                 | § 307.1                                        | § 308.1<br>§ 308.3                         | Subtitle C - Chapters 10, 23                    |
| <b>Maximum FAR:</b><br>a) If all FAR is residential;<br>b) If all FAR exceeding the non-residential maximum is residential;<br>or<br>c) If using Density Credits      | 7.8                                                 | § 307.1                                        | § 308.1<br>§ 308.3<br>§ 401<br>- Chapter 9 | Subtitle C - Chapters 10, 23                    |
| <b>Lot Occupancy</b>                                                                                                                                                  | No limit                                            | -----                                          | -----                                      | Not applicable                                  |
| <b>Front Setback</b>                                                                                                                                                  | Not regulated                                       | -----                                          | -----                                      | -----                                           |

### D-4-B-1 Zone Table

*Italicized references apply only to structures located in the zone on designated street segments in the Massachusetts Avenue sub-areas described in Chapter 6.*

| A                                         | B                                                                                                      |                                           | C                                                      | D                                | E                                        |
|-------------------------------------------|--------------------------------------------------------------------------------------------------------|-------------------------------------------|--------------------------------------------------------|----------------------------------|------------------------------------------|
| REGULATORY TOPIC                          | STANDARD OR PERMISSION SPECIFIC TO THIS ZONE                                                           |                                           | MEASUREMENT RULES SPECIFIC TO THIS ZONE                | CONDITIONS SPECIFIC TO THIS ZONE | PERTINENT REGULATIONS IN OTHER SUBTITLES |
| Front Build-to                            | For streets in § 314, 75% within 4 feet of build-to line to a height of 15 ft. Otherwise not regulated |                                           | § 313                                                  | -----                            | -----                                    |
| Side Setback                              | Not required. If provided, see columns C,D,E                                                           |                                           | § 315                                                  | § 316                            | Subtitle C - Chapter 12                  |
| Rear Setback                              | Feet from Rear Lot Line                                                                                |                                           | Rear Lot Line does not abut alley § 317.1(a), (c), (d) | § 317.3<br>§ 318                 | Subtitle C - Chapter 13                  |
|                                           | Vertical Height                                                                                        | Horizontal Setback                        |                                                        |                                  |                                          |
|                                           | ≤25                                                                                                    | 0                                         |                                                        |                                  |                                          |
|                                           | > 25, ≤ 56                                                                                             | 12                                        | Rear Lot Line abuts alley § 317.1(b), (c), (d)         |                                  |                                          |
|                                           | > 56                                                                                                   | 1 to 4.66 horizontal run to vertical rise |                                                        |                                  |                                          |
| Courtyard                                 | Not required. If provided, see Column E                                                                |                                           | -----                                                  | -----                            | Subtitle C - Chapter 14                  |
| Plazas                                    | Not required. If provided, see Column E                                                                |                                           | -----                                                  | -----                            | Subtitle C - Chapter 15                  |
| GAR                                       | 0.2                                                                                                    |                                           | -----                                                  | -----                            | Subtitle C - Chapter 18                  |
| Vehicle Parking                           | Not required. If provided, see Columns D, E                                                            |                                           | -----                                                  | - Chapter 11                     | Subtitle C - Chapter 20                  |
| Bicycle Parking                           | Required. Based on use and square footage. See column E.                                               |                                           | -----                                                  | -----                            | Subtitle C - Chapter 21                  |
| Loading                                   | See Column E                                                                                           |                                           | -----                                                  | -----                            | Subtitle C - Chapter 22                  |
| Accessory Buildings                       | Chapter 12                                                                                             |                                           | § 1201                                                 | § 1202                           | Subtitle C - Chapter 9                   |
| Alley Dwellings                           | Chapter 14                                                                                             |                                           | -----                                                  | -----                            | -----                                    |
| Planned Development                       | See Columns D, E                                                                                       |                                           | -----                                                  | Chapter 13                       | Subtitle X - Chapter 2                   |
| 2. Use Standards, Permissions and Credits |                                                                                                        |                                           |                                                        |                                  |                                          |
| Uses Permissions - by Zone                | § 402.2(c) and Column D                                                                                |                                           | -----                                                  | § 403<br>§ 404                   | -----                                    |
| Use Requirements - by Zone                | None                                                                                                   |                                           | -----                                                  | -----                            | -----                                    |

| <b>D-4-B-1 Zone Table</b>                                                                                                                                             |                                                     |                                                |                                         |                                                 |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------|------------------------------------------------|-----------------------------------------|-------------------------------------------------|
| <i>Italicized references apply only to structures located in the zone on designated street segments in the Massachusetts Avenue sub-areas described in Chapter 6.</i> |                                                     |                                                |                                         |                                                 |
| <b>A</b>                                                                                                                                                              | <b>B</b>                                            | <b>C</b>                                       | <b>D</b>                                | <b>E</b>                                        |
| <b>REGULATORY TOPIC</b>                                                                                                                                               | <b>STANDARD OR PERMISSION SPECIFIC TO THIS ZONE</b> | <b>MEASUREMENT RULES SPECIFIC TO THIS ZONE</b> | <b>CONDITIONS SPECIFIC TO THIS ZONE</b> | <b>PERTINENT REGULATIONS IN OTHER SUBTITLES</b> |
| <b>Use Requirements - on Designated Street Segments</b>                                                                                                               | <i>§ 601.10</i>                                     | -----                                          | <i>§ 601.12</i>                         | -----                                           |
| <b>Use Requirements for IZ</b>                                                                                                                                        | See Column E                                        | -----                                          | -----                                   | Subtitle C – Chapter 23                         |
| <b>Density Credits</b>                                                                                                                                                | See Column D                                        |                                                | - Chapter 9                             | -----                                           |
| <b>3. Design Standards and Design Review Regulations</b>                                                                                                              |                                                     |                                                |                                         |                                                 |
| <b>Design Requirements - by Zone</b>                                                                                                                                  | Chapter 5                                           | -----                                          | <i>§ 500.3</i>                          | -----                                           |
| <b>Design Requirements - by Designated Street Segments</b>                                                                                                            | <i>§ 610.4(a)</i>                                   | -----                                          | <i>§ 601.12</i>                         | -----                                           |
| <b>Design Review Requirements</b>                                                                                                                                     | Not applicable                                      | -----                                          | -----                                   | -----                                           |

## 207 THE D-4-B-2 ZONE

(DD/C-2-C /HPA, DD/C-2-C/MVT/ HPA)

207.1 The D-4-B-2 zone:

- (a) Promotes the development of high density mixed use neighborhoods on the north side of Massachusetts Avenue and Mount Vernon Square between Thomas Circle and New Jersey Avenue, N.W.; the Mount Vernon Triangle neighborhood located between New York, New Jersey and Massachusetts Avenues, N.W.; and the blocks between Massachusetts Avenue, N.W. and Judiciary Square;
- (b) Requires residential development throughout the zone;
- (c) In conjunction with certain sub-area regulations:
  - (1) Requires retail concentrations along certain streets; and
  - (2) Encourages the creation of a focal point at 5<sup>th</sup> and K Streets, N. W. for the Mount Vernon Triangle neighborhood;
- (d) Is not subject to Subtitle C – Chapter 23, Inclusionary Zoning;

- (e) Is eligible to generate and receive Density Credits, subject to - Chapters 8 and 9;
- (f) Includes designated street segments with special requirements, as referenced in italics in the zone table, in the Massachusetts Avenue, Blagden Alley Transition, Mount Vernon Triangle and Mount Vernon Triangle Principal Intersection sub-areas; and
- (g) Shall be developed in accordance with the regulations of the following *zone table*:

| <b>D-4-B-2 Zone Table</b><br><i>(Italicized references apply only to structures located in the zone on designated street segments in the Chinatown, Massachusetts Avenue, Blagden Alley Transition, Mount Vernon Triangle and Mount Vernon Triangle Principle Intersection Area sub-areas described in Chapter 6.)</i> |                                              |                                                     |                                                      |                                          |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------|-----------------------------------------------------|------------------------------------------------------|------------------------------------------|
| A                                                                                                                                                                                                                                                                                                                      | B                                            | C                                                   | D                                                    | E                                        |
| REGULATORY TOPIC                                                                                                                                                                                                                                                                                                       | STANDARD OR PERMISSION SPECIFIC TO THIS ZONE | MEASUREMENT RULES SPECIFIC TO THIS ZONE             | CONDITIONS SPECIFIC TO THIS ZONE                     | PERTINENT REGULATIONS IN OTHER SUBTITLES |
| <b>1. Development Standards</b>                                                                                                                                                                                                                                                                                        |                                              |                                                     |                                                      |                                          |
| Lot area, width, and subdivision                                                                                                                                                                                                                                                                                       | None. See Column E                           | -----                                               | -----                                                | Subtitle C - Chapter 5                   |
| Alley Lot                                                                                                                                                                                                                                                                                                              | Chapter 14                                   | -----                                               | -----                                                | -----                                    |
| Height Maximum without Density Credits                                                                                                                                                                                                                                                                                 | 130 ft., or as limited by Height Act         | -----                                               | § 306.1<br>§ 306.3(a)<br>§ 306.3(c)<br>§ 612.4       | Subtitle C - Chapter 6                   |
| Height Maximum with Density Credits                                                                                                                                                                                                                                                                                    | 130 ft., or as limited by Height Act         | -----                                               | § 306.1<br>– Chapter 9                               | Subtitle C - Chapters 6, 23              |
| FAR – Residential Minimum                                                                                                                                                                                                                                                                                              | 4.5                                          | § 307.1                                             | § 308.1<br>§ 308.3<br>§ 308.5<br>§ 401.4<br>§ 401.11 | Subtitle C - Chapter 10                  |
| FAR - Non-Residential Maximum without Density Credits                                                                                                                                                                                                                                                                  | 3.5                                          | § 307.1                                             | § 308.1<br>§ 308.3<br>§ 609.3                        | Subtitle C - Chapter 10                  |
| <b>Maximum FAR:</b><br>a) If all FAR is residential;<br>b) If all FAR exceeding the non-residential maximum is residential;<br>or<br>c) If using Density Credits                                                                                                                                                       | No limit                                     | § 307.1<br><b>Error! Reference ource not found.</b> | § 308.1<br>§ 308.3<br>Chapter 9                      | Subtitle C -Chapter 10                   |

### D-4-B-2 Zone Table

*(Italicized references apply only to structures located in the zone on designated street segments in the Chinatown, Massachusetts Avenue, Blagden Alley Transition, Mount Vernon Triangle and Mount Vernon Triangle Principle Intersection Area sub-areas described in Chapter 6.)*

| A                                                | B                                                                                                 | C                                         | D                                      | E                                        |
|--------------------------------------------------|---------------------------------------------------------------------------------------------------|-------------------------------------------|----------------------------------------|------------------------------------------|
| REGULATORY TOPIC                                 | STANDARD OR PERMISSION SPECIFIC TO THIS ZONE                                                      | MEASUREMENT RULES SPECIFIC TO THIS ZONE   | CONDITIONS SPECIFIC TO THIS ZONE       | PERTINENT REGULATIONS IN OTHER SUBTITLES |
| <b>Lot Occupancy</b>                             | No limit                                                                                          | -----                                     | -----                                  | Not Applicable                           |
| <b>Front Setback</b>                             | Not regulated, <i>except in Mt. Vernon Triangle Principal Intersection Sub-Area. see Sec. 612</i> | § 311                                     | § 312                                  | Subtitle C - Chapter 11                  |
| <b>Front Build-to</b>                            | 75% within 4 feet of build-to line to a height of 15 ft.                                          | § 313                                     | § 314                                  | Subtitle C - Chapter 11                  |
| <b>Side Setback</b>                              | Not required. If provided, see columns C,D,E                                                      | § 315                                     | § 316                                  | Subtitle C - Chapter 12                  |
| <b>Rear Setback</b>                              | Feet from Rear Lot Line                                                                           |                                           | § 317.3<br>§ 318                       | Subtitle C - Chapter 13                  |
|                                                  | Vertical Height                                                                                   | Horizontal Setback                        |                                        |                                          |
|                                                  | ≤25                                                                                               | 0                                         |                                        |                                          |
|                                                  | > 25, ≤ 56                                                                                        | 12                                        |                                        |                                          |
|                                                  | > 56                                                                                              | 1 to 4.66 horizontal run to vertical rise |                                        |                                          |
| <b>Courtyard</b>                                 | Not required. If provided, see Column E                                                           | -----                                     | -----                                  | Subtitle C - Chapter 14                  |
| <b>Plazas</b>                                    | Not required. If provided, see Column E                                                           | -----                                     | -----                                  | Subtitle C - Chapter 15                  |
| <b>GAR</b>                                       | 0.2                                                                                               | -----                                     | -----                                  | Subtitle C - Chapter 18                  |
| <b>Vehicle Parking</b>                           | Not required. If provided, see columns D, E                                                       | -----                                     | § 603.1(c)(2)<br>§ 611.4<br>Chapter 11 | Subtitle C - Chapter 20                  |
| <b>Bicycle Parking</b>                           | Required. Based on use and square footage. See column E.                                          | -----                                     | -----                                  | Subtitle C - Chapter 21                  |
| <b>Loading</b>                                   | See Columns D, E                                                                                  | -----                                     | § 603.1(c)(2)<br>§ 611.4               | Subtitle C - Chapter 22                  |
| <b>Accessory Buildings</b>                       | Chapter 12                                                                                        | § 1201                                    | § 1202                                 | Subtitle C - Chapter 9                   |
| <b>Alley Dwellings</b>                           | Chapter 14                                                                                        | -----                                     | -----                                  | -----                                    |
| <b>Planned Development</b>                       | See Columns D, E                                                                                  | -----                                     | Chapter 13                             | Subtitle X - Chapter 2                   |
| <b>2. Use Standards, Permissions and Credits</b> |                                                                                                   |                                           |                                        |                                          |
| <b>Uses Permissions - by Zone</b>                | § 402.2(c) and Column D                                                                           | -----                                     | § 403<br>§ 404                         | -----                                    |

### D-4-B-2 Zone Table

*(Italicized references apply only to structures located in the zone on designated street segments in the Chinatown, Massachusetts Avenue, Blagden Alley Transition, Mount Vernon Triangle and Mount Vernon Triangle Principle Intersection Area sub-areas described in Chapter 6.)*

| A                                                        | B                                                      | C                                       | D                                | E                                        |
|----------------------------------------------------------|--------------------------------------------------------|-----------------------------------------|----------------------------------|------------------------------------------|
| REGULATORY TOPIC                                         | STANDARD OR PERMISSION SPECIFIC TO THIS ZONE           | MEASUREMENT RULES SPECIFIC TO THIS ZONE | CONDITIONS SPECIFIC TO THIS ZONE | PERTINENT REGULATIONS IN OTHER SUBTITLES |
| Use Requirements - by Zone                               | § 401                                                  | -----                                   | -----                            | -----                                    |
| Use Requirements - on Designated Street Segments         | §§ 601.10, 602, 604, 609.3, 610.3, 611.3, 612.3, 613.3 | -----                                   | § 601.12                         | -----                                    |
| Use Requirements for IZ                                  | IZ not applicable                                      | -----                                   | -----                            | -----                                    |
| Density Credits                                          | See Column D                                           | -----                                   | - Chapter 9                      | -----                                    |
| <b>3. Design Standards and Design Review Regulations</b> |                                                        |                                         |                                  |                                          |
| Design Requirements - by Zone                            | Chapter 5                                              | -----                                   | § 500.3                          | -----                                    |
| Design Requirements - by Designated Street Segments      | §§ 603, 605, 609.4, 610.4, 611.4, 612.4, 613.4         | -----                                   | § 601.12<br>§ 611.4              | -----                                    |
| Design Review Requirements                               | Not applicable                                         | -----                                   | -----                            | -----                                    |

## 208 THE D-5-B-1 ZONE:

(CG/C-3-C/TDR, C-3-C TDR other than Downtown East, DD/C-3-C/non HPA)

### 208.1 The D-5-B-1 zone:

- (a) Permits high density development, with incentives for residential use within predominately non-residential areas;
- (b) In conjunction with sub-area regulations, requires retail concentrations along certain streets;
- (c) Is not subject to Subtitle C – Chapter 23, Inclusionary Zoning;
- (d) Is eligible to generate and receive Density Credits, subject to - Chapters 8 and 9;
- (e) Includes designated street segments with special requirements, as referenced in italics in the zone table, in the Massachusetts Avenue, NoMA, and M and South Capitol Streets sub-areas; and

- (f) Shall be developed in accordance with the regulations of the following *zone table*:

| <b>D-5-B-1 Zone Table</b>                                                                                                                                                                                    |                                                                                                        |                                                |                                                 |                                                 |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------|------------------------------------------------|-------------------------------------------------|-------------------------------------------------|
| <i>(Italicized references apply only to structures located in the zone on designated street segments in the Massachusetts Avenue, NoMA or M and South Capitol Streets sub-areas described in Chapter 6.)</i> |                                                                                                        |                                                |                                                 |                                                 |
| <b>A</b>                                                                                                                                                                                                     | <b>B</b>                                                                                               | <b>C</b>                                       | <b>D</b>                                        | <b>E</b>                                        |
| <b>REGULATORY TOPIC</b>                                                                                                                                                                                      | <b>STANDARD OR PERMISSION SPECIFIC TO THIS ZONE</b>                                                    | <b>MEASUREMENT RULES SPECIFIC TO THIS ZONE</b> | <b>CONDITIONS SPECIFIC TO THIS ZONE</b>         | <b>PERTINENT REGULATIONS IN OTHER SUBTITLES</b> |
| <b>1. Development Standards</b>                                                                                                                                                                              |                                                                                                        |                                                |                                                 |                                                 |
| <b>Lot area, width, and subdivision</b>                                                                                                                                                                      | None. See                                                                                              | -----                                          | -----                                           | Subtitle C -Chapter 5                           |
| <b>Alley Lot</b>                                                                                                                                                                                             | - Chapter 14                                                                                           | -----                                          | -----                                           | -----                                           |
| <b>Height Maximum without Density Credits</b>                                                                                                                                                                | 130 ft. max., or as limited by Height Act                                                              | -----                                          | § 306.1<br>§ 306.3(b)<br>§ 610.4                | Subtitle C -Chapter 6                           |
| <b>Height Maximum with Density Credits</b>                                                                                                                                                                   | 130 ft. max., or as limited by Height Act                                                              | -----                                          | § 306.1<br>§ 306.3(b)<br>§ 610.4<br>– Chapter 9 | Subtitle C -<br>Chapter 6                       |
| <b>FAR – Residential Minimum</b>                                                                                                                                                                             | None                                                                                                   | -----                                          | -----                                           | Subtitle C -Chapter 10                          |
| <b>FAR - Non-Residential Maximum without Density Credits</b>                                                                                                                                                 | 6.5                                                                                                    | § 307.1                                        | § 308.1<br>§ 308.3                              | Subtitle C -Chapter 10                          |
| <b>Maximum FAR:</b><br>a) If all FAR is residential;<br>b) If all FAR exceeding the non-residential maximum is residential; or<br>c) If using Density Credits                                                | No limit                                                                                               | § 307.1                                        | § 308.1<br>§ 308.3<br>Chapter 9                 | Subtitle C -Chapter 10                          |
| <b>Lot Occupancy</b>                                                                                                                                                                                         | No limit                                                                                               | -----                                          | -----                                           | Not Applicable                                  |
| <b>Front Setback</b>                                                                                                                                                                                         | Regulated only in M and So. Capitol Streets sub-area. See columns C,D,E                                | § 311                                          | § 312                                           | Subtitle C -Chapter 11                          |
| <b>Front Build-to</b>                                                                                                                                                                                        | For streets in § 314, 75% within 4 feet of build-to line to a height of 15 ft. Otherwise not regulated | § 313                                          | § 314                                           | Subtitle C -Chapter 11                          |

### D-5-B-1 Zone Table

*(Italicized references apply only to structures located in the zone on designated street segments in the Massachusetts Avenue, NoMA or M and South Capitol Streets sub-areas described in Chapter 6.)*

| A                                                | B                                                        |                                           | C                                                         | D                                       | E                                        |
|--------------------------------------------------|----------------------------------------------------------|-------------------------------------------|-----------------------------------------------------------|-----------------------------------------|------------------------------------------|
| REGULATORY TOPIC                                 | STANDARD OR PERMISSION SPECIFIC TO THIS ZONE             |                                           | MEASUREMENT RULES SPECIFIC TO THIS ZONE                   | CONDITIONS SPECIFIC TO THIS ZONE        | PERTINENT REGULATIONS IN OTHER SUBTITLES |
| Side Setback                                     | Not required. If provided, see columns C,D,E             |                                           | § 315                                                     | § 316                                   | Subtitle C -Chapter 12                   |
| Rear Setback                                     | Feet from Rear Lot Line                                  |                                           | Rear Lot Line does not abut alley<br>§ 317.1(a), (c), (d) | § 317.3<br>§ 318                        | Subtitle C -Chapter 13                   |
|                                                  | Vertical Height                                          | Horizontal Setback                        |                                                           |                                         |                                          |
|                                                  | ≤25                                                      | 0                                         |                                                           |                                         |                                          |
|                                                  | > 25, ≤ 56                                               | 12                                        |                                                           |                                         |                                          |
|                                                  | > 56                                                     | 1 to 4.66 horizontal run to vertical rise | Rear Lot Line abuts alley<br>§ 317.1(b), (c), (d)         |                                         |                                          |
| Courtyard                                        | Not required. If provided, see Column E                  |                                           | -----                                                     | -----                                   | Subtitle C -Chapter 14                   |
| Plazas                                           | Not required. If provided, see Column E                  |                                           | -----                                                     | Chapters 8 and 9 for NoMA sub-area only | Subtitle C -Chapter 15                   |
| GAR                                              | 0.2                                                      |                                           | -----                                                     | -----                                   | Subtitle C -Chapter 18                   |
| Vehicle Parking                                  | Not required. If provided, see columns D, E              |                                           | -----                                                     | § 603.1(c)(2)<br>Chapter 11             | Subtitle C -Chapter 20                   |
| Bicycle Parking                                  | Required. Based on use and square footage. See column E. |                                           | -----                                                     | -----                                   | Subtitle C -Chapter 21                   |
| Loading                                          | See Columns D, E                                         |                                           | -----                                                     | § 603.1(c)(2)                           | Subtitle C -Chapter 22                   |
| Accessory Buildings                              | Chapter 12                                               |                                           | § 1201                                                    | § 1202                                  | Subtitle C -Chapter 9                    |
| Alley Dwellings                                  | Chapter 14                                               |                                           | -----                                                     | -----                                   | -----                                    |
| Planned Development                              | See Columns D, E                                         |                                           | -----                                                     | Chapter 13                              | Subtitle X - Chapter 2                   |
| 2. Use Standards, Permissions and Credits        |                                                          |                                           |                                                           |                                         |                                          |
| Uses Permissions - by Zone                       | § 402.2(c) and Column D                                  |                                           | -----                                                     | § 403<br>§ 404                          | -----                                    |
| Use Requirements - by Zone                       | Not applicable                                           |                                           | -----                                                     | -----                                   | -----                                    |
| Use Requirements - by Designated Street Segments | §§ 601.10, 602, 610.3, 615.3, 616.3(a)                   |                                           | -----                                                     | § 601.12                                | -----                                    |

| <b>D-5-B-1 Zone Table</b>                                                                                                                                                                                    |                                                                             |                                                |                                         |                                                 |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|------------------------------------------------|-----------------------------------------|-------------------------------------------------|
| <i>(Italicized references apply only to structures located in the zone on designated street segments in the Massachusetts Avenue, NoMA or M and South Capitol Streets sub-areas described in Chapter 6.)</i> |                                                                             |                                                |                                         |                                                 |
| <b>A</b>                                                                                                                                                                                                     | <b>B</b>                                                                    | <b>C</b>                                       | <b>D</b>                                | <b>E</b>                                        |
| <b>REGULATORY TOPIC</b>                                                                                                                                                                                      | <b>STANDARD OR PERMISSION SPECIFIC TO THIS ZONE</b>                         | <b>MEASUREMENT RULES SPECIFIC TO THIS ZONE</b> | <b>CONDITIONS SPECIFIC TO THIS ZONE</b> | <b>PERTINENT REGULATIONS IN OTHER SUBTITLES</b> |
| <b>Use Requirements for IZ</b>                                                                                                                                                                               | IZ not applicable                                                           | -----                                          | -----                                   | -----                                           |
| <b>Density Credits</b>                                                                                                                                                                                       | See column D                                                                | -----                                          | Chapter 9                               | -----                                           |
| <b>3. Design Standards and Design Review Regulations</b>                                                                                                                                                     |                                                                             |                                                |                                         |                                                 |
| <b>Design Requirements - by Zone</b>                                                                                                                                                                         | See Chapter 5                                                               | -----                                          | § 500.3                                 | -----                                           |
| <b>Design Requirements - by Designated Street Segments</b>                                                                                                                                                   | §§ 603, 610.4, 615.4, 616.4                                                 | -----                                          | § 601.12                                | -----                                           |
| <b>Design Review Requirements</b>                                                                                                                                                                            | <i>Applicable on in M and South Capitol Streets Sub-Area. See Chapter 7</i> | -----                                          | -----                                   | -----                                           |

## 209 D-5-B-2 ZONE:

(DD/C-3-C/HPA, DD/C-3-C/MVT/HPA)

### 209.1 The D-5-B-2 zone:

- (a) Permits high density commercial and mixed use development through requirements and incentives for a substantial amount of residential use within a mix of predominately non-residential development;
- (b) Is not subject to Subtitle C – Chapter 23, Inclusionary Zoning;
- (c) Is eligible to generate and receive Density Credits, subject to - Chapters 8 and 9;
- (d) Includes designated street segments with special requirements, as referenced in italics in the zone table, in the Chinatown, Massachusetts Avenue, Mount Vernon Triangle or Mount Vernon Triangle/Principal Intersection sub-areas; and
- (e) Shall be developed in accordance with the regulations in the following *zone table*:

### D-5-B-2 Zone Table

*(Italicized references apply only to structures located in the zone on designated street segments in the Chinatown, Massachusetts Avenue, Mount Vernon Triangle or Mount Vernon Triangle/Principal Intersection Area sub-areas described in Chapter 6.)*

| A                                                                                                                                                             | B                                                                                                  | C                                                                 | D                                                                                         | E                                        |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------|-------------------------------------------------------------------|-------------------------------------------------------------------------------------------|------------------------------------------|
| REGULATORY TOPIC                                                                                                                                              | STANDARD OR PERMISSION SPECIFIC TO THIS ZONE                                                       | MEASUREMENT RULES SPECIFIC TO THIS ZONE                           | CONDITIONS SPECIFIC TO THIS ZONE                                                          | PERTINENT REGULATIONS IN OTHER SUBTITLES |
| <b>1. Development Standards</b>                                                                                                                               |                                                                                                    |                                                                   |                                                                                           |                                          |
| <b>Lot area, width, and subdivision</b>                                                                                                                       | None. See Column E                                                                                 | -----                                                             | -----                                                                                     | Subtitle C -Chapter 5                    |
| <b>Alley Lot</b>                                                                                                                                              | Chapter 14                                                                                         | -----                                                             | -----                                                                                     | -----                                    |
| <b>Height Maximum without Density Credits</b>                                                                                                                 | 130 ft., or as limited by Height Act                                                               | -----                                                             | § 306.1<br>§ 306.3(a)<br>§ 306.3(c)<br>§ 308.4<br>§ 612.4                                 | Subtitle C -Chapter 6                    |
| <b>Height Maximum with Density Credits</b>                                                                                                                    | 130 ft., or as limited by Height Act                                                               | -----                                                             | § 306.1<br>§ 306.3(a)<br>§ 306.3(c)<br>§ 308.4<br>Chapter 9                               | Subtitle C – Chapter 6                   |
| <b>FAR – Residential Minimum</b>                                                                                                                              | 3.5                                                                                                | § 307.1                                                           | § 308.3<br>§ 308.6<br>§ 401                                                               | Subtitle C -Chapter 10                   |
| <b>FAR - Non-Residential Maximum without Density Credits</b>                                                                                                  | 6.0                                                                                                | § 307.1                                                           | § 308.1<br>§ 308.3<br>§ <b>Error!</b><br><b>eference source not found.</b>                | Subtitle C -Chapter 10                   |
| <b>Maximum FAR:</b><br>a) If all FAR is residential;<br>b) If all FAR exceeding the non-residential maximum is residential; or<br>c) If using Density Credits | No limit                                                                                           | § 307.1<br>§ <b>Error! Reference source not found.</b><br>§ 611.5 | § 308.1<br>§ 308.3<br>§ <b>Error!</b><br><b>eference source not found.</b><br>- Chapter 9 | Subtitle C-Chap. 10                      |
| <b>Lot Occupancy</b>                                                                                                                                          | No limit                                                                                           | -----                                                             | -----                                                                                     | Not Applicable                           |
| <b>Front Setback</b>                                                                                                                                          | Not regulated, <i>except in Mt. Vernon Triangle Principal Intersection Sub-Area. See Sec. 612.</i> | -----                                                             | -----                                                                                     | -----                                    |
| <b>Front Build-to</b>                                                                                                                                         | 75% within 4 feet of build-to line to a height of 15 feet                                          | § 313                                                             | § 314<br>§ 612                                                                            | Subtitle C -Chapter 11                   |

### D-5-B-2 Zone Table

*(Italicized references apply only to structures located in the zone on designated street segments in the Chinatown, Massachusetts Avenue, Mount Vernon Triangle or Mount Vernon Triangle/Principal Intersection Area sub-areas described in Chapter 6.)*

| A                                                | B                                                        | C                                                         | D                                          | E                                        |
|--------------------------------------------------|----------------------------------------------------------|-----------------------------------------------------------|--------------------------------------------|------------------------------------------|
| REGULATORY TOPIC                                 | STANDARD OR PERMISSION SPECIFIC TO THIS ZONE             | MEASUREMENT RULES SPECIFIC TO THIS ZONE                   | CONDITIONS SPECIFIC TO THIS ZONE           | PERTINENT REGULATIONS IN OTHER SUBTITLES |
| Side Setback                                     | Not required. If provided, see columns C,D,E             | § 315                                                     | § 316                                      | Subtitle C -Chapter 12                   |
| Rear Setback                                     | Feet from Rear Lot Line                                  | Rear Lot Line does not abut alley<br>§ 317.1(a), (c), (d) | § 317.3<br>§ 318                           | Subtitle C -Chapter 13                   |
|                                                  | Vertical Height                                          |                                                           |                                            |                                          |
|                                                  | ≤25                                                      | 0                                                         |                                            |                                          |
|                                                  | > 25, ≤ 56                                               | 12                                                        |                                            |                                          |
|                                                  | > 56                                                     | 1 to 4.66 horizontal run to vertical rise                 |                                            |                                          |
| Courtyard                                        | Not required. If provided, see other columns             | § 307.2<br>§ 611.5                                        | § 308.4                                    | Subtitle C -Chapter 14                   |
| Plazas                                           | Not required. If provided, see other columns             | -----                                                     | -----                                      | Subtitle C -Chapter 15                   |
| GAR                                              | 0.2                                                      | -----                                                     | -----                                      | Subtitle C -Chapter 18                   |
| Vehicle Parking                                  | Not required. If provided see Columns D, E               | -----                                                     | § 603.1(c)(2)<br>§ 611.4<br>– Chapter 1102 | Subtitle C -Chapter 20                   |
| Bicycle Parking                                  | Required. Based on use and square footage. See column E. | -----                                                     | -----                                      | Subtitle C -Chapter 21                   |
| Loading                                          | See Columns D, E                                         | -----                                                     | § 603.1(c)(2)<br>§ 611.4                   | Subtitle C -Chapter 22                   |
| Accessory Buildings                              | Chapter 12                                               | § 1201                                                    | § 1202                                     | Subtitle C -Chapter 9                    |
| Alley Dwellings                                  | Chapter 14                                               | -----                                                     | -----                                      | -----                                    |
| Planned Development                              | See Columns D, E                                         | -----                                                     | Chapter 13                                 | Subtitle X - Chapter 2                   |
| <b>2. Use Standards, Permissions and Credits</b> |                                                          |                                                           |                                            |                                          |
| Uses Permissions - by Zone                       | § 402.2(c) and Column D                                  | -----                                                     | § 403<br>§ 404                             | -----                                    |
| Use Requirements - by Zone                       | § 401                                                    | -----                                                     | -----                                      | -----                                    |
| Use Requirements - by Designated Street Segments | §§ 601.10, 602, 604, 609.3, 610.3, 611.3, 612.3          | -----                                                     | § 601.12                                   | -----                                    |

| <b>D-5-B-2 Zone Table</b><br><i>(Italicized references apply only to structures located in the zone on designated street segments in the Chinatown, Massachusetts Avenue, Mount Vernon Triangle or Mount Vernon Triangle/Principal Intersection Area sub-areas described in Chapter 6.)</i> |                                                     |                                                |                                         |                                                 |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------|------------------------------------------------|-----------------------------------------|-------------------------------------------------|
| <b>A</b>                                                                                                                                                                                                                                                                                    | <b>B</b>                                            | <b>C</b>                                       | <b>D</b>                                | <b>E</b>                                        |
| <b>REGULATORY TOPIC</b>                                                                                                                                                                                                                                                                     | <b>STANDARD OR PERMISSION SPECIFIC TO THIS ZONE</b> | <b>MEASUREMENT RULES SPECIFIC TO THIS ZONE</b> | <b>CONDITIONS SPECIFIC TO THIS ZONE</b> | <b>PERTINENT REGULATIONS IN OTHER SUBTITLES</b> |
| <b>Use Requirements for IZ</b>                                                                                                                                                                                                                                                              | IZ not applicable                                   | -----                                          | -----                                   | -----                                           |
| <b>Density Credits</b>                                                                                                                                                                                                                                                                      | See Column D                                        | -----                                          | Chapter 9                               | -----                                           |
| <b>3. Design Standards and Design Review Regulations</b>                                                                                                                                                                                                                                    |                                                     |                                                |                                         |                                                 |
| <b>Design Requirements - by Zone</b>                                                                                                                                                                                                                                                        | Chapter 5                                           | -----                                          | § 500.3                                 | -----                                           |
| <b>Design Requirements - by Designated Street Segments</b>                                                                                                                                                                                                                                  | §§ 603, 605, 609.4, 610.4, 611.4, 612.4             | -----                                          | § 601.12                                | -----                                           |
| <b>Design Review Requirements</b>                                                                                                                                                                                                                                                           | Not applicable                                      | -----                                          | -----                                   | -----                                           |

## 210 THE D-6-B-1 ZONE:

(C-4 non HPA only in expanded Downtown, DD/C-4/non-HPA)

### 210.1 The D-6-B-1 zone:

- (a) Permits high density commercial development in the core commercial center of the District of Columbia and the region;
- (b) In conjunction with sub-area regulations promotes concentrations of retail to reinforce the area's historic role as a center of retail commerce;
- (c) Is not subject to Subtitle C – Chapter 23, Inclusionary Zoning;
- (d) Is eligible to generate and receive Density Credits, subject to - Chapters 8 and 9;
- (e) Includes designated street segments with special requirements, as referenced in italics in the zone table, in the Chinatown, Connecticut Avenue, Retail Core or Arts sub-areas; and
- (f) Shall be developed in accordance with the regulations of the following zone table:

| D-6-B-1 Zone Table                                                                                                                                                                                 |                                                                                                        |                    |                                                           |                                              |                                          |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------|--------------------|-----------------------------------------------------------|----------------------------------------------|------------------------------------------|
| (Italicized references apply only to structures located in the zone and on designated street segments in the Chinatown, Connecticut Avenue, Retail Core or Arts sub-areas described in Chapter 6.) |                                                                                                        |                    |                                                           |                                              |                                          |
| A                                                                                                                                                                                                  | B                                                                                                      |                    | C                                                         | D                                            | E                                        |
| REGULATORY TOPIC                                                                                                                                                                                   | STANDARD OR PERMISSION SPECIFIC TO THIS ZONE                                                           |                    | MEASUREMENT RULES SPECIFIC TO THIS ZONE                   | CONDITIONS SPECIFIC TO THIS ZONE             | PERTINENT REGULATIONS IN OTHER SUBTITLES |
| 1. Development Standards                                                                                                                                                                           |                                                                                                        |                    |                                                           |                                              |                                          |
| Lot area, width, and subdivision                                                                                                                                                                   | Not regulated. See Column E                                                                            |                    | -----                                                     | -----                                        | Subtitle C -Chapter 5                    |
| Alley Lot                                                                                                                                                                                          | Chapter 14                                                                                             |                    | -----                                                     | -----                                        | -----                                    |
| Height Maximum without IZ, or without Density Credits                                                                                                                                              | 130 ft. max., or as limited by Height Act                                                              |                    | -----                                                     | § 306.1<br>§306.3(a)                         | Subtitle C -Chapter 6                    |
| Height Maximum with IZ, or with Density Credits                                                                                                                                                    | 130 ft. max, with IZ, or as limited by Height Act                                                      |                    | -----                                                     | § 306.1<br>§306.3(a)                         | Subtitle C -Chapter 6                    |
| FAR – Residential Minimum                                                                                                                                                                          | None                                                                                                   |                    | -----                                                     | -----                                        | -----                                    |
| FAR - Non-Residential Maximum without Density Credits                                                                                                                                              | 8.5 /10.0 (§ 308.2)                                                                                    |                    | § 307.1                                                   | § 308.1<br>§ 308.2<br>§ 308.3                | Subtitle C –Chapter 10                   |
| Maximum FAR:<br>a) If all FAR is residential;<br>b) If all FAR exceeding the non-residential maximum is residential; or<br>c) If using Density Credits                                             | 8.5 /10.0 (§ 308.2)                                                                                    |                    | § 307.1                                                   | § 308.1<br>§ 308.2<br>§ 308.3<br>- Chapter 9 | Subtitle C-Chap. 10                      |
| Lot Occupancy                                                                                                                                                                                      | No limit                                                                                               |                    | -----                                                     | -----                                        | -----                                    |
| Front Setback                                                                                                                                                                                      | Not Regulated                                                                                          |                    | -----                                                     | -----                                        | -----                                    |
| Front Build-to                                                                                                                                                                                     | For streets in § 314, 75% within 4 feet of build-to line to a height of 15 ft. Otherwise not regulated |                    | § 313                                                     | § 314                                        | Subtitle C -Chapter 11                   |
| Side Setback                                                                                                                                                                                       | Not required. If provided, see columns C,D,E                                                           |                    | § 315                                                     | § 316                                        | Subtitle C -Chapter 12                   |
| Rear Setback                                                                                                                                                                                       | Feet from Rear Lot Line                                                                                |                    | Rear Lot Line does not abut alley<br>§ 317.1(a), (c), (d) | § 317.3<br>§ 318                             | Subtitle C - Chapter 13                  |
|                                                                                                                                                                                                    | Vertical Height                                                                                        | Horizontal Setback |                                                           |                                              |                                          |
|                                                                                                                                                                                                    | ≤ 25                                                                                                   | 0                  | Rear Lot Line abuts alley<br>§ 317.1(b), (c), (d)         |                                              |                                          |
|                                                                                                                                                                                                    | > 25, ≤ 56                                                                                             | 12                 |                                                           |                                              |                                          |

### D-6-B-1 Zone Table

*(Italicized references apply only to structures located in the zone and on designated street segments in the Chinatown, Connecticut Avenue, Retail Core or Arts sub-areas described in Chapter 6.)*

| A                                                   | B                                                        |                                           | C                                       | D                                | E                                        |
|-----------------------------------------------------|----------------------------------------------------------|-------------------------------------------|-----------------------------------------|----------------------------------|------------------------------------------|
| REGULATORY TOPIC                                    | STANDARD OR PERMISSION SPECIFIC TO THIS ZONE             |                                           | MEASUREMENT RULES SPECIFIC TO THIS ZONE | CONDITIONS SPECIFIC TO THIS ZONE | PERTINENT REGULATIONS IN OTHER SUBTITLES |
|                                                     | > 56                                                     | 1 to 4.66 horizontal run to vertical rise |                                         |                                  |                                          |
| Courtyard                                           | Not required. If provided, see column E                  |                                           | -----                                   | -----                            | Subtitle C -Chapter 14                   |
| Plazas                                              | Not required. If provided, see column E                  |                                           | -----                                   | -----                            | Subtitle C -Chapter 15                   |
| GAR                                                 | 0.2                                                      |                                           | -----                                   | -----                            | Subtitle C -Chapter 18                   |
| Vehicle Parking                                     | Not required. If provided see columns D,E                |                                           | -----                                   | § 603.1(c)(2) – Chapter 11       | Subtitle C -Chapter 20                   |
| Bicycle Parking                                     | Required. Based on use and square footage. See column E. |                                           | -----                                   | -----                            | Subtitle C -Chapter 21                   |
| Loading                                             | . See Columns D                                          |                                           | -----                                   | § 603.1(c)(2)                    | Subtitle C -Chapter 22                   |
| Accessory Buildings                                 | - Chapter 12                                             |                                           | § 1201                                  | § 1202                           | Subtitle C -Chapter 9                    |
| Alley Dwellings                                     | - Chapter 14                                             |                                           | -----                                   | -----                            | -----                                    |
| Planned Development                                 | See Columns D, E                                         |                                           | -----                                   | - Chapter 13                     | Subtitle X - Chapter 2                   |
| 2. Use Standards, Permissions and Credits           |                                                          |                                           |                                         |                                  |                                          |
| Uses Permissions - by Zone                          | § 402.2(c) and Column D                                  |                                           | -----                                   | § 403<br>§ 404                   | -----                                    |
| Use Requirements - by Zone                          | None                                                     |                                           | -----                                   | -----                            | -----                                    |
| Use Requirements - by Designated Street Segments    | §§ 601.10, 602, 604, 606.3, 607.3, 609.3, 609.3, 614.3   |                                           | -----                                   | § 601.12                         | -----                                    |
| Use Requirements for IZ                             | IZ not applicable                                        |                                           | -----                                   | -----                            | -----                                    |
| Density Credits                                     | See Column D                                             |                                           | -----                                   | Chapter 9                        | -----                                    |
| 3. Design Standards and Design Review Regulations   |                                                          |                                           |                                         |                                  |                                          |
| Design Requirements - by Zone                       | Chapter 5                                                |                                           | -----                                   | § 500.3                          | -----                                    |
| Design Requirements - by Designated Street Segments | §§ 603, 605, 606.4, 607.4, 609.4, 610.4, 614.4           |                                           | -----                                   | § 601.12                         | -----                                    |
| Design Review Requirements                          | Not applicable                                           |                                           | -----                                   | -----                            | -----                                    |

## 211 THE D-6-B-2 ZONE:

(DD/C-4/HPA)

### 211.1 The D-6-B-2 zone:

- (a) Permits high density commercial development in the Downtown core, with requirements and incentives for a percentage of residential use within predominately non-residential development;
- (b) In conjunction with sub-area regulations, incentivizes the location of arts uses on 7<sup>th</sup> Street, N.W. between Pennsylvania Avenue and H Street, N.W.; and along 8<sup>th</sup> Street, N.W. between Pennsylvania Avenue, N.W. and F Street N.W.;
- (c) Is not subject to Subtitle C – Chapter 23, Inclusionary Zoning;
- (d) Is eligible to generate and receive Density Credits, subject to - Chapters 8 and 9;
- (e) Includes designated street segments with special requirements, as referenced in *italics* in the zone table, in the Chinatown, Massachusetts Avenue, and Arts sub-areas; and
- (f) Shall be developed in accordance with the regulations of the following *zone table*:

| <b>D-6-B-2 Zone Table</b>                                                                                                                                                                  |                                                     |                                                |                                         |                                                 |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------|------------------------------------------------|-----------------------------------------|-------------------------------------------------|
| <i>(Italicized references apply only to structures located in the zone on designated street segments in the Chinatown, Massachusetts Avenue or Arts sub-areas described in Chapter 6.)</i> |                                                     |                                                |                                         |                                                 |
| <b>A</b>                                                                                                                                                                                   | <b>B</b>                                            | <b>C</b>                                       | <b>D</b>                                | <b>E</b>                                        |
| <b>REGULATORY TOPIC</b>                                                                                                                                                                    | <b>STANDARD OR PERMISSION SPECIFIC TO THIS ZONE</b> | <b>MEASUREMENT RULES SPECIFIC TO THIS ZONE</b> | <b>CONDITIONS SPECIFIC TO THIS ZONE</b> | <b>PERTINENT REGULATIONS IN OTHER SUBTITLES</b> |
| <b>1. Development Standards</b>                                                                                                                                                            |                                                     |                                                |                                         |                                                 |
| <b>Lot area, width, and subdivision</b>                                                                                                                                                    | None. See Column E                                  | -----                                          | -----                                   | Subtitle C - Chapter 5                          |
| <b>Alley Lot</b>                                                                                                                                                                           | Chapter 14                                          | -----                                          | -----                                   | -----                                           |
| <b>Height Maximum without Density Credits</b>                                                                                                                                              | 130 ft. max., or as limited by Height Act           | -----                                          | §306.1                                  | Subtitle C - Chapter 6                          |
| <b>Height Maximum with Density Credits</b>                                                                                                                                                 | 130 ft. max., or as limited by Height Act           | -----                                          | § 306.1<br>- Chapter 9                  | Subtitle C - Chapter 6                          |
| <b>FAR – Residential Minimum</b>                                                                                                                                                           | 2.0                                                 | § 307.1                                        | § 308.3<br>§ 308.5<br>§ 401             | -----                                           |

### D-6-B-2 Zone Table

*(Italicized references apply only to structures located in the zone on designated street segments in the Chinatown, Massachusetts Avenue or Arts sub-areas described in Chapter 6.)*

| A                                                                                                                                                                | B                                                        | C                                                         | D                                            | E                                        |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|-----------------------------------------------------------|----------------------------------------------|------------------------------------------|
| REGULATORY TOPIC                                                                                                                                                 | STANDARD OR PERMISSION SPECIFIC TO THIS ZONE             | MEASUREMENT RULES SPECIFIC TO THIS ZONE                   | CONDITIONS SPECIFIC TO THIS ZONE             | PERTINENT REGULATIONS IN OTHER SUBTITLES |
| <b>FAR - Non-Residential Maximum without Density Credits</b>                                                                                                     | 8.0 / 10.0<br>(§ 308.2)                                  | § 307.1                                                   | § 308.1<br>§ 308.2<br>§ 308.3<br>§ 308.5     | Subtitle C - Chapter 10                  |
| <b>Maximum FAR:</b><br>a) If all FAR is residential;<br>b) If all FAR exceeding the non-residential maximum is residential;<br>or<br>c) If using Density Credits | No limit                                                 | § 307.1                                                   | § 308.1<br>§ 308.2<br>§ 308.3<br>- Chapter 9 | Subtitle C - Chapter 10                  |
| <b>Lot Occupancy</b>                                                                                                                                             | No limit                                                 | -----                                                     | -----                                        | -----                                    |
| <b>Front Setback</b>                                                                                                                                             | If provided, see columns C,D,E                           | § 311                                                     | § 312                                        | Subtitle C - Chapter 11                  |
| <b>Front Build-to</b>                                                                                                                                            | 75% within 4 feet of build-to line to height of 15 ft.   | § 313                                                     | § 314                                        | Subtitle C - Chapter 11                  |
| <b>Side Setback</b>                                                                                                                                              | Not required. If provided, see columns C,D,E             | § 315                                                     | § 316                                        | Subtitle C - Chapter 12                  |
| <b>Rear Setback</b>                                                                                                                                              | Feet from Rear Lot Line                                  |                                                           | § 317.3<br>§ 318                             | Subtitle C – Chapter 13                  |
|                                                                                                                                                                  | Vertical Height                                          | Horizontal Setback                                        |                                              |                                          |
|                                                                                                                                                                  | ≤25                                                      | 0                                                         |                                              |                                          |
|                                                                                                                                                                  | > 25, ≤ 56                                               | 12                                                        |                                              |                                          |
|                                                                                                                                                                  | > 56                                                     | 1 to 4.66 horizontal run to vertical rise                 |                                              |                                          |
|                                                                                                                                                                  |                                                          | Rear Lot Line does not abut alley<br>§ 317.1(a), (c), (d) |                                              |                                          |
|                                                                                                                                                                  |                                                          | Rear Lot Line abuts alley<br>§ 317.1(b), (c), (d)         |                                              |                                          |
| <b>Courtyard</b>                                                                                                                                                 | . Not required. If provided, see column E                | -----                                                     | -----                                        | Subtitle C - Chapter 14                  |
| <b>Plazas</b>                                                                                                                                                    | Not required. If provided, see column E                  | -----                                                     | -----                                        | Subtitle C - Chapter 15                  |
| <b>GAR</b>                                                                                                                                                       | 0.2                                                      | -----                                                     | -----                                        | Subtitle C - Chapter 18                  |
| <b>Vehicle Parking</b>                                                                                                                                           | Not required. If provided, see Columns D, E              | -----                                                     | § 603.1(c)(2) – Chapter 11                   | Subtitle C - Chapter 20                  |
| <b>Bicycle Parking</b>                                                                                                                                           | Required. Based on use and square footage. See column E. | -----                                                     | -----                                        | Subtitle C - Chapter 21                  |
| <b>Loading</b>                                                                                                                                                   | See Column E                                             | -----                                                     | § 603.1(c)(2)                                | Subtitle C - Chapter 22                  |
| <b>Accessory Buildings</b>                                                                                                                                       | Chapter 12                                               | § 1201                                                    | § 1202                                       | Subtitle C - Chapter 9                   |
| <b>Alley Dwellings</b>                                                                                                                                           | Chapter 14                                               | -----                                                     | -----                                        | -----                                    |

| <b>D-6-B-2 Zone Table</b><br>( <i>Italicized references</i> apply only to structures located in the zone on designated street segments in the Chinatown, Massachusetts Avenue or Arts sub-areas described in Chapter 6.) |                                                     |                                                |                                         |                                                 |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------|------------------------------------------------|-----------------------------------------|-------------------------------------------------|
| <b>A</b>                                                                                                                                                                                                                 | <b>B</b>                                            | <b>C</b>                                       | <b>D</b>                                | <b>E</b>                                        |
| <b>REGULATORY TOPIC</b>                                                                                                                                                                                                  | <b>STANDARD OR PERMISSION SPECIFIC TO THIS ZONE</b> | <b>MEASUREMENT RULES SPECIFIC TO THIS ZONE</b> | <b>CONDITIONS SPECIFIC TO THIS ZONE</b> | <b>PERTINENT REGULATIONS IN OTHER SUBTITLES</b> |
| <b>Planned Development</b>                                                                                                                                                                                               | . See Columns D, E                                  | -----                                          | Chapter 13                              | Subtitle X - Chapter 2                          |
| <b>2. Use Standards, Permissions and Credits</b>                                                                                                                                                                         |                                                     |                                                |                                         |                                                 |
| <b>Uses Permissions - by Zone</b>                                                                                                                                                                                        | § 402.2(c) and Column D                             | -----                                          | § 403<br>§ 404                          | -----                                           |
| <b>Use Requirements - by Zone</b>                                                                                                                                                                                        | § 401                                               | -----                                          | -----                                   | -----                                           |
| <b>Use Requirements - by Designated Street Segments</b>                                                                                                                                                                  | §§ 601.10, 602, 604, 6607.37.3, 609.3(a)            | -----                                          | § 601.12                                | -----                                           |
| <b>Use Requirements for IZ</b>                                                                                                                                                                                           | IZ not applicable to zone                           | -----                                          | -----                                   | -----                                           |
| <b>Density Credits</b>                                                                                                                                                                                                   | See Column D                                        | -----                                          | Chapter 9                               | -----                                           |
| <b>3. Design Standards and Design Review Regulations</b>                                                                                                                                                                 |                                                     |                                                |                                         |                                                 |
| <b>Design Requirements - by Zone</b>                                                                                                                                                                                     | Chapter 5                                           | -----                                          | § 500.3                                 | -----                                           |
| <b>Design Requirements - by Designated Street Segments</b>                                                                                                                                                               | §§ 603, 605, 607.4, 609.4                           | -----                                          | § 601.12                                | -----                                           |
| <b>Design Review Requirements</b>                                                                                                                                                                                        | Not applicable                                      | -----                                          | -----                                   | -----                                           |

## 212 THE D-7-B-1 ZONE:

(C-5)

### 212.1 The D-7-B-1 zone:

- (a) Permits the highest density commercial development that is achievable under the Height Act,
- (b) In conjunction with sub-area regulations, reinforces Pennsylvania Avenue's unique role as a physical and symbolic link between the White House and the U.S. Capitol;
- (c) Is not subject to Subtitle C – Chapter 23, Inclusionary Zoning;

- (d) Is eligible to generate and receive Density Credits, subject to - Chapters 8 and 9;
- (e) Includes designated street segments with special requirements, as referenced in italics in the zone table, in the Pennsylvania Avenue, Retail Core and Arts sub areas; and
- (f) Shall be developed in accordance with the regulations of the following development standards table:

| <b>D-7-B-1 Zone Table</b><br><i>(Italicized references apply only to structures located in the zone and on designated street segments in the Pennsylvania Avenue, Retail Core or Arts sub-areas described in Chapter 6.)</i> |                                                     |                                                |                                         |                                                 |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------|------------------------------------------------|-----------------------------------------|-------------------------------------------------|
| <b>A</b>                                                                                                                                                                                                                     | <b>B</b>                                            | <b>C</b>                                       | <b>D</b>                                | <b>E</b>                                        |
| <b>REGULATORY TOPIC</b>                                                                                                                                                                                                      | <b>STANDARD OR PERMISSION SPECIFIC TO THIS ZONE</b> | <b>MEASUREMENT RULES SPECIFIC TO THIS ZONE</b> | <b>CONDITIONS SPECIFIC TO THIS ZONE</b> | <b>PERTINENT REGULATIONS IN OTHER SUBTITLES</b> |
| <b>1. Development Standards</b>                                                                                                                                                                                              |                                                     |                                                |                                         |                                                 |
| <b>Lot area, width, and subdivision</b>                                                                                                                                                                                      | None. See Column E                                  | -----                                          | -----                                   | Subtitle C -Chapter 5                           |
| <b>Alley Lot</b>                                                                                                                                                                                                             | -Chapter 14                                         | -----                                          | -----                                   | -----                                           |
| <b>Height Maximum without Density Credits</b>                                                                                                                                                                                | 160 ft. max., or as limited by Height Act           | -----                                          | § 306.1<br>§ 306.2                      | Subtitle C -Chapter 6                           |
| <b>Height Maximum with Density Credits</b>                                                                                                                                                                                   | 160 ft. max, with IZ, or as limited by Height Act   | -----                                          | § 306.1<br>§ 306.2<br>- Chapter 9       | Subtitle C -Chapter 6                           |
| <b>FAR – Residential Minimum</b>                                                                                                                                                                                             | None                                                | -----                                          | -----                                   | -----                                           |
| <b>FAR - Non-Residential Maximum without Density Credits</b>                                                                                                                                                                 | 10.0                                                | § 307.1                                        | § 308.1<br>§ 308.3                      | Subtitle C –Chapter 10                          |
| <b>Maximum FAR:</b><br>a) If all FAR is residential;<br>b) If all FAR exceeding the non-residential maximum is residential; or<br>c) If using Density Credits                                                                | No Limit                                            | § 307                                          | § 308.1<br>§ 308.3<br>- Chapter 9       | Subtitle C -Chapter 10                          |
| <b>Lot Occupancy</b>                                                                                                                                                                                                         | No limit                                            | -----                                          | -----                                   | -----                                           |
| <b>Front Setback</b>                                                                                                                                                                                                         | Nor required, If provided, see columns D,E,F        | § 311                                          | § 312                                   | Subtitle C -Chapter 11                          |

### D-7-B-1 Zone Table

*(Italicized references apply only to structures located in the zone and on designated street segments in the Pennsylvania Avenue, Retail Core or Arts sub-areas described in Chapter 6.)*

| A                                         | B                                                                                                      |                                           | C                                                      | D                                | E                                        |
|-------------------------------------------|--------------------------------------------------------------------------------------------------------|-------------------------------------------|--------------------------------------------------------|----------------------------------|------------------------------------------|
| REGULATORY TOPIC                          | STANDARD OR PERMISSION SPECIFIC TO THIS ZONE                                                           |                                           | MEASUREMENT RULES SPECIFIC TO THIS ZONE                | CONDITIONS SPECIFIC TO THIS ZONE | PERTINENT REGULATIONS IN OTHER SUBTITLES |
| Front Build-to                            | For streets in § 314, 75% within 4 feet of build-to line to a height of 15 ft. Otherwise not regulated |                                           | § 313                                                  | § 314                            | Subtitle C -Chapter 11                   |
| Side Setback                              | Nor required. If provided, see columns D,E,F                                                           |                                           | § 315                                                  | § 316                            | Subtitle C -Chapter 12                   |
| Rear Setback                              | Feet from Rear Lot Line                                                                                |                                           | Rear Lot Line does not abut alley § 317.1(a), (c), (d) | § 317.3<br>§ 318                 | Subtitle C – Chapter 13                  |
|                                           | Vertical Height                                                                                        | Horizontal Setback                        | Rear Lot Line abuts alley § 317.1(b), (c), (d)         |                                  |                                          |
|                                           | ≤25                                                                                                    | 0                                         |                                                        |                                  |                                          |
|                                           | > 25, ≤ 56                                                                                             | 12                                        |                                                        |                                  |                                          |
|                                           | > 56                                                                                                   | 1 to 4.66 horizontal run to vertical rise |                                                        |                                  |                                          |
| Courtyard                                 | Not required. If provided see Column E                                                                 |                                           | -----                                                  | -----                            | Subtitle C -Chapter 14                   |
| Plazas                                    | Not required. If provided see column E                                                                 |                                           | -----                                                  | -----                            | Subtitle C -Chapter 15                   |
| GAR                                       | 0.2                                                                                                    |                                           | -----                                                  | -----                            | Subtitle C -Chapter 18                   |
| Vehicle Parking                           | Not required. If provided see columns D,E                                                              |                                           | -----                                                  | § 603.1(c)(2)<br>Chapter 11      | Subtitle C -Chapter 20                   |
| Bicycle Parking                           | Required. Based on use and square footage. See column E.                                               |                                           | -----                                                  | -----                            | Subtitle C -Chapter 21                   |
| Loading                                   | See Column E                                                                                           |                                           | -----                                                  | § 603.1(c)(2)                    | Subtitle C -Chapter 22                   |
| Accessory Buildings                       | Chapter 12                                                                                             |                                           | § 1201                                                 | § 1202                           | Subtitle C -Chapter 9                    |
| Alley Dwellings                           | Chapter 14                                                                                             |                                           | -----                                                  | -----                            | -----                                    |
| Planned Development                       | See Columns D, E                                                                                       |                                           | -----                                                  | Chapter 13                       | Subtitle X - Chapter 2                   |
| 2. Use Standards, Permissions and Credits |                                                                                                        |                                           |                                                        |                                  |                                          |
| Uses Permissions - by Zone                | § 402.2(c) and Column D                                                                                |                                           | -----                                                  | § 403<br>§ 404                   | -----                                    |
| Use Requirements - by Zone                | None                                                                                                   |                                           | -----                                                  | -----                            | -----                                    |

| <b>D-7-B-1 Zone Table</b>                                                                                                                                                                       |                                                     |                                                |                                         |                                                 |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------|------------------------------------------------|-----------------------------------------|-------------------------------------------------|
| <i>(Italicized references apply only to structures located in the zone and on designated street segments in the Pennsylvania Avenue, Retail Core or Arts sub-areas described in Chapter 6.)</i> |                                                     |                                                |                                         |                                                 |
| <b>A</b>                                                                                                                                                                                        | <b>B</b>                                            | <b>C</b>                                       | <b>D</b>                                | <b>E</b>                                        |
| <b>REGULATORY TOPIC</b>                                                                                                                                                                         | <b>STANDARD OR PERMISSION SPECIFIC TO THIS ZONE</b> | <b>MEASUREMENT RULES SPECIFIC TO THIS ZONE</b> | <b>CONDITIONS SPECIFIC TO THIS ZONE</b> | <b>PERTINENT REGULATIONS IN OTHER SUBTITLES</b> |
| <b>Use Requirements - by Designated Street Segments</b>                                                                                                                                         | §§ 601.10, 602, 604, 606.3, 607.3, 608.3            | -----                                          | § 601.12                                | -----                                           |
| <b>Use Requirements for IZ</b>                                                                                                                                                                  | IZ not applicable                                   | -----                                          | -----                                   | -----                                           |
| <b>Density Credits</b>                                                                                                                                                                          | See Column D                                        | -----                                          | Chapter 9                               | -----                                           |
| <b>3. Design Standards and Design Review Regulations</b>                                                                                                                                        |                                                     |                                                |                                         |                                                 |
| <b>Design Requirements - by Zone</b>                                                                                                                                                            | Chapter 5                                           | -----                                          | § 500.3                                 | -----                                           |
| <b>Design Requirements - by Designated Street Segments</b>                                                                                                                                      | §§ 603, 605, 606.4, 607.4, 608.4                    | -----                                          | § 306.2<br>§ 601.12                     | -----                                           |
| <b>Design Review Requirements</b>                                                                                                                                                               | Not applicable                                      | -----                                          | -----                                   | -----                                           |

## **CHAPTER 3 ZONE-BASED MEASUREMENT RULES AND DEVELOPMENT CONDITIONS**

### **300 INTRODUCTION**

- 300.1 This chapter provides zone-based rules of measurement and conditions on development for downtown zones where such rules or conditions are needed in addition to those contained in Subtitle C. Not all zones have such additional rules or conditions.
- 300.2 In addition to the zone-based rules and conditions in this chapter, Chapter 6 provides geographic-based rules of measurement or conditions on development that apply to a designated street segment within a subarea of downtown. Such conditions may apply to several zones within the subarea. .

### **301 LOT AREA MEASUREMENT RULES**

- 301.1 Reserved. Reservation of a section does not imply that such conditions are being, or will be, developed

### **302 LOT AREA DEVELOPMENT CONDITIONS**

- 302.1 Reserved. Reservation of a section does not imply that such conditions are being, or will be, developed

### **303 LOT WIDTH MEASUREMENT RULES**

- 303.1 Reserved. Reservation of a section does not imply that regulations are being, or will be, developed.

### **304 LOT WIDTH DEVELOPMENT CONDITIONS**

- 304.1 Reserved. Reservation of a section does not imply that regulations are being, or will be, developed.

### **305 HEIGHT AND UPPER STORY SETBACK MEASUREMENT RULES**

- 305.1 Reserved. Reservation of a section does not imply that regulations are being, or will be, developed.

### **306 HEIGHT AND UPPER STORY SETBACK DEVELOPMENT CONDITIONS**

- 306.1 In the D-1-A-2 through D-5-B-2 zones a building or structure on the portion of a site occupied by a historic landmark or a contributing building within a historic district shall be limited to 90 feet in height. In the D-6-B-1 through D-7-B-1 zones a building or structure on the site of a historic landmark or within a historic district may be constructed to the maximum height allowed under the Height Act.

- 306.2 In the D-7-B-1 zone, a building or other structure with frontage on Pennsylvania Avenue may be erected to a height not exceeding one hundred sixty feet (160 ft.); provided:
- (a) The height of the building or structure shall be measured from the Pennsylvania Avenue curb at the middle of the front of the building or other structure to the highest point of the roof or parapet exclusive of any structure on the roof; and
  - (b) That portion of the building or other structure that exceeds one hundred thirty-five feet (135 ft.) in height shall be set back a minimum of fifty feet (50 ft.) from the building line along Pennsylvania Avenue.
- 306.3 Chapter 6 contains design-related conditions on height and upper story setbacks for segments of the following designated streets in geographic subareas of downtown:
- (a) Massachusetts Avenue and Mount Vernon Square;
  - (b) South Capitol Street at the northeast corner of South Capitol Street and M Street, S.E.; and
  - (c) The intersection of 5<sup>th</sup> and K Streets, N.W. in the Mount Vernon Triangle sub-area.
- 306.4 No part of a D-zone building that applies for a building permit after [the effective date of these regulations] or an existing building that applies for a building permit for a vertical expansion after [the effective date of these regulations] and that abuts, or is across an alley from, an 'R' zone lot, shall project above a plane at a forty-five degree (45°) angle from a line that is:
- (a) Directly above the zone boundary line between the D-zone lot and the R-zone lot; or
  - (b) Above such boundary line by the distance of the matter-of-right height permitted for the R-zone lot.

### **307 FLOOR AREA RATIO MEASUREMENT RULES**

- 307.1 In all Downtown zones, non-residential floor area shall be the total gross floor area of the building not dedicated to uses in one of the following categories:
- (a) Residential;
  - (b) Community-based Institutional Facility; or
  - (c) Emergency Shelter.

### **308 FLOOR AREA RATIO DEVELOPMENT CONDITIONS**

- 308.1 In the D-3 through D-7 zones the Floor Area Ratio of a building may exceed the applicable zone table's non-residential floor area maximum, if any:
- (a) Provided the additional floor area is devoted to residential use that is not used to meet the minimum residential floor area requirements of Chapter 2, and that does not exceed the zone's FAR total specified in Chapter 2 ; or
  - (b) Through the use of Credits, as governed by of this Subtitle, with the exception of historic landmarks and contributing buildings which, in the D-3 through D-5 zones, are subject to limitations of §§ 900.9 and 900.10.
- 308.2 In the D-6-B-1 or D-6-B-2 zone, a building or structure taller than one hundred ten feet (110 ft.) may have a floor area ratio not exceeding ten (10.0).
- 308.3 If a historic landmark, contributing building in a historic district, or a building that received its first certificate of occupancy before 1936 has an existing FAR of:
- (a) 6.0 or less, it shall be is limited to an on-site FAR of 6.0 and shall be exempt from the minimum residential requirements of its lot's zone, but may generate density credits under the provisions of Chapter 8;
  - (b) Greater than 6.0, it shall not increase its existing FAR, but shall be permitted to occupy all of the existing floors of the building for uses permitted within the zone and may generate density credits under the provisions of Chapter 8;
- 308.4 Within the D-6-B-2 zone, any lot in Square 455 shall be exempt from minimum residential requirements as long as it is occupied by an arena with a valid certificate of occupancy.
- 308.5 Within the D-4-B-2 and D-5-B-2 zones, any lot in Square 370 shall be exempt from minimum residential requirements as long as it has a valid construction permit or certificate of occupancy for a hotel.
- 308.6 Within the D-4-B-2 zone, any lot in Square 485 shall be exempt from minimum residential requirements.

### **309 LOT OCCUPANCY MEASUREMENT RULES**

- 309.1 Reserved. Reservation of a section does not imply that regulations are being, or will be, developed.

### **310 LOT OCCUPANCY MEASUREMENT DEVELOPMENT CONDITIONS**

- 310.1 Reserved. Reservation of a section does not imply that regulations are being, or will be, developed.

**311 FRONT SETBACK MEASUREMENT RULES**

- 311.1 A front setback shall be measured from a property line adjacent to a public street on which the building has frontage, unless the setback measuring line is otherwise specified in § 312.
- 311.2 Chapter 6 contains additional front setback measurement rules on segments of the following designated streets in geographic subareas of downtown:
- (a) South Capitol Street and M Street, S.E. in the M and South Capitol Streets sub-area.

**312 FRONT SETBACK DEVELOPMENT CONDITIONS**

- 312.1 Chapter 6 contains additional front setback conditions on segments of the following designated streets in geographic subareas of downtown:
- (a) The eastern side of South Capitol Street and the northern side of M Street, S.E. that are within the M and South Capitol Streets sub-area.

**313 FRONT BUILD-TO MEASUREMENT RULES**

- 313.1 The build-to line shall be the property line along the streets(s) to which a building or structure is adjacent, unless a setback line is required pursuant to § 312, in which case the build-to line shall be the setback line.

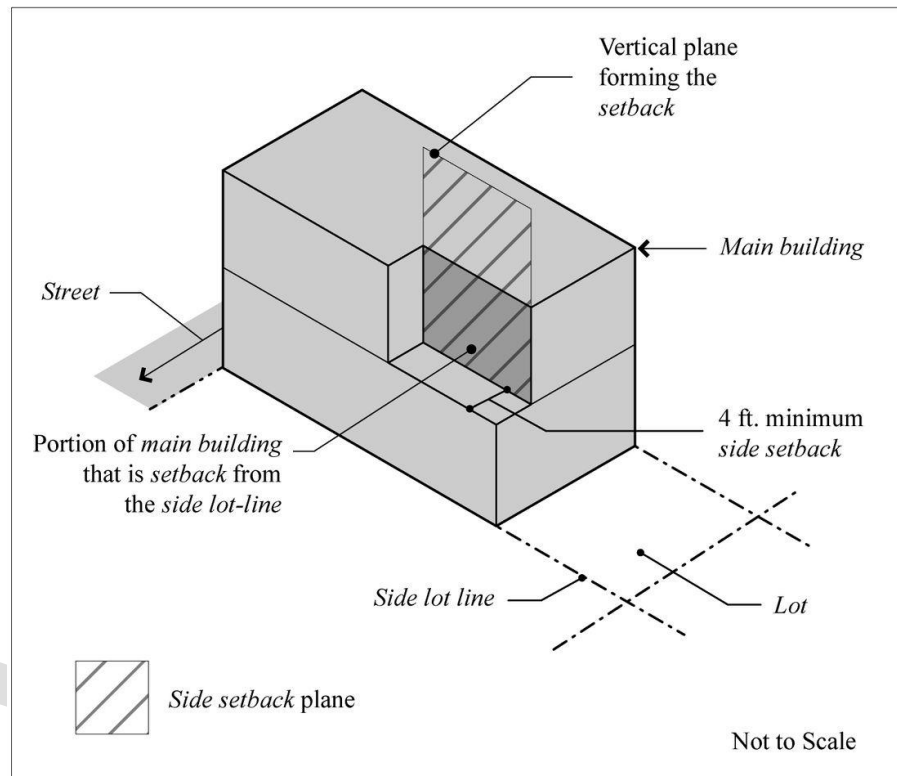
**314 FRONT BUILD-TO DEVELOPMENT CONDITIONS**

- 314.1 For the following zones and street faces at least 75% of a building wall shall be constructed within four feet or less of the front build-to line, to a height of fifteen feet (15 ft.) above the higher of the building's measuring point or the level of the curb from which the building is drawing its height:
- (a) The D-4-B-2, D-5-B-2 and D-6-B-2 zones;
  - (b) Building walls facing the primary street segments listed in §§ 600 – 603;
  - (c) Building walls facing avenues named after the official name of a State, Commonwealth or District in the United States of America.
- 314.2 Relief from the requirements of § 314.1 may be granted as a special exception subject to the requirements of Subtitle Y, Chapter 8 and the following criteria:
- (1) The integrity of the blockface's build-to line shall not be eroded when the property is viewed from either end of the blockface.
  - (2) No gate or wall shall demarcate the distinction between the public right of way and the private property

- (3) The area in excess of 25% that is removed from the lot line shall contribute to the property's GAR and shall be open to the public during daylight hours.

### 315 SIDE SETBACK MEASUREMENT RULES

- 315.1 If a zone is subject to this subsection, no side setback is required for the main building; however, any side setback provided on any portion of the main building shall be at least four (4) feet.



**Figure 2. Side Setback Requirement if Setback Provided: Isometric View**

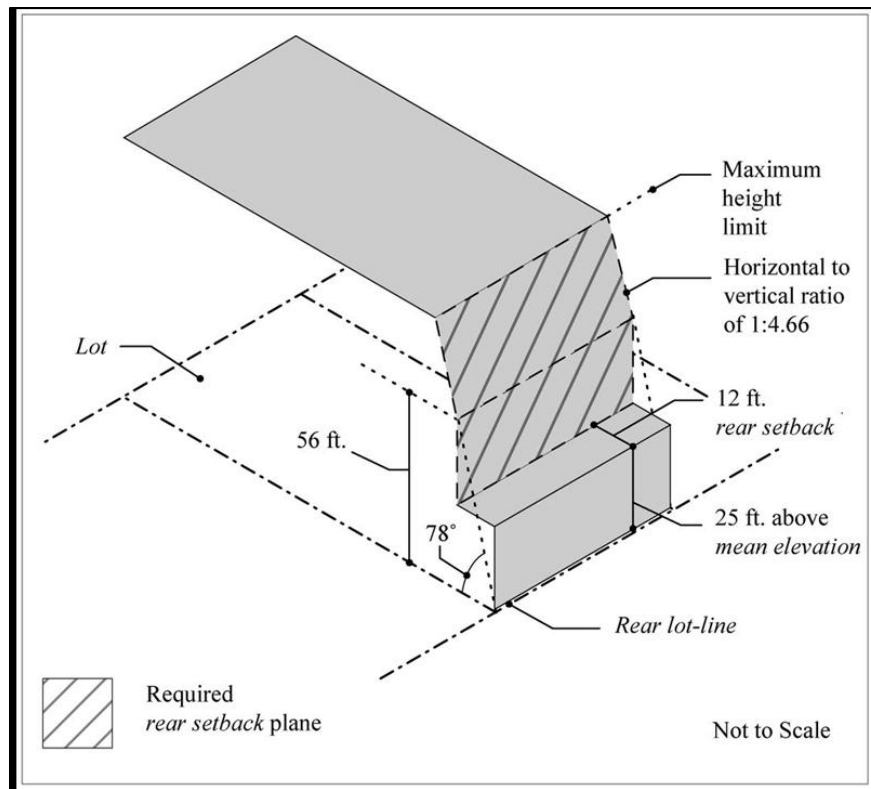
### 316 SIDE SETBACK DEVELOPMENT CONDITIONS

- 316.1 If an addition is proposed that cannot comply with the side setback regulations, the Board of Zoning Adjustment may grant, through Special Exception, a reduction in the minimum requirements. In addition to complying with the general Special Exception criteria of Subtitle Y, Chapter 9, the Board shall find that the addition, together with the existing building, as viewed from the street, alley, or other public way, does not visually intrude in a substantial manner upon the character, scale and pattern of houses along the same side of the street as the blockface.
- 316.2 The side setback regulations shall not apply to historic landmarks or contributing buildings within historic districts.

## **317 REAR SETBACK MEASUREMENT RULES**

317.1 If a zone is subject to this subsection, the required rear setback shall be measured as follows, with the exception of a closed courtyard provided in lieu of a rear setback as specified in § 317.3:

- (a) If the lot does not abut an alley, the rear setback shall be measured from the rear lot line, as that lot line has been determined by the designation of the building's front.
- (b) If the lot abuts an alley, the rear setback may be measured from the center line of an alley abutting a rear-lot line, rather than from the rear lot-line, in which case the term "center line of an alley abutting a rear lot line", when used in § 317.11 (c) shall have the same meaning as the term "rear lot line".
- (c) The required rear setback shall be determined as follows:
  - (1) There shall be no rear setback requirement for the first 25 feet of height between the mean elevation of the rear lot line and vertical plane within the lot that is twelve feet (12 ft.) from the rear lot line;
  - (2) Between a height above the rear lot line of greater than 25 feet and less than or equal to 56 feet, the rear setback shall be no less than twelve feet (12 ft.) from the rear lot line.
  - (3) At a height great than 56 feet above the mean elevation of rear lot line, the rear setback shall be no less than the limits set by an angular plane parallel to and set back one horizontal foot into the lot for every four and sixty-six tenths feet of the plane's vertical rise (a horizontal to vertical ratio of 1:4.66, or 78 degrees), up to the maximum height permitted in the zone.



**Figure 3. Rear Setback Requirement**

- 317.2 A lot line abutting a street is not a rear lot line, even if a lot has more than one street-abutting lot line.
- 317.3 In the case of a corner lot in any zone other than the D-1-A-2 zone, a courtyard complying with the width requirements for a closed courtyard as specified in Subtitle C Chapter 14 may be provided in lieu of a rear yard. For the purposes of this section, the required courtyard shall be provided above a horizontal plan twenty-five (25) feet above the mean elevation of the rear lot line.

### **318 REAR SETBACK DEVELOPMENT CONDITIONS**

- 318.1 The Board of Zoning Adjustment may waive the *rear setback* requirements, subject to the following conditions in addition to the general special exception criteria of Subtitle Y, Chapter 9:
- (a) No window to a residence use shall be located within forty feet (40 ft.) of another facing building;
  - (b) No window to an office use shall be located within thirty feet (30 ft.) of another facing office window, nor eighteen feet (18 ft.) in front of a facing blank wall;

- (c) The BZA may require a greater distance between windows in facing building than the minimum prescribed in § 318.1(a) or (b) if necessary to provide adequate light and privacy to habitable rooms as determined by the angle of sight lines and the distance of penetration of sight lines into such habitable rooms; and
- (d) The building shall provide for adequate off-street service functions, including parking and loading areas and access points.

318.2 The side setback regulations shall not apply to historic landmarks or contributing buildings within historic districts.

### **319 GREEN AREA RATIO (GAR) MEASUREMENT RULES**

319.1 This section is reserved for rules of measurement of green area ratio, other than those in Subtitle C, Chapter 17 that are applicable only to certain Downtown zones. Reservation of a section does not imply that such rules are being, or will be, developed.

### **320 GAR DEVELOPMENT CONDITIONS**

320.1 This section is reserved for conditions on green area ratio, other than those in Subtitle C, Chapter 17 that are applicable to certain Downtown zones. Reservation of a section does not imply such conditions are being, or will be, developed.

### **321 UNIT DENSITY MEASUREMENT RULES**

321.1 This section is reserved for rules of measurement for dwelling unit density applicable to certain Downtown zones. Reservation of a section does not imply that such rules are being, or will be, developed.

### **322 UNIT DENSITY MEASUREMENT DEVELOPMENT CONDITIONS**

322.1 This section is reserved for conditions on dwelling unit density applicable to certain Downtown zones. Reservation of a section does not imply that such conditions are being, or will be, developed.

### **323 COURTYARD**

323.1 Where a courtyard is provided, it shall have the following minimum dimensions:

|                                            | <b>Open Courtyard Width:</b>                                                                          | <b>Closed Courtyard Width</b>                                                                         | <b>Closed Courtyard Area:</b>                                                                                    |
|--------------------------------------------|-------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------|
| <b>Residential, more than three units:</b> | Four inches per foot (4 in./ft.) of height of courtyard;<br>Ten feet (10 ft.) minimum.                | Four inches per foot (4 in./ft.) of height of courtyard;<br>Fifteen feet (15 ft.) minimum.            | Twice the square of the required width of courtyard dimension; Three hundred fifty square feet (350 sf) minimum. |
| <b>Non-Residential and Lodging:</b>        | Two and one-half inches per foot (2 1/2 in./ft.) of height of courtyard;<br>Six feet (6 ft.) minimum. | Two and one-half inches per foot (2 1/2 in./ft.) of height of courtyard;<br>Twelve feet (15 ft.) min. | Twice the square of the required width of courtyard dimension; Two hundred fifty square feet (250 sf) minimum    |

## **CHAPTER 4 ZONE-BASED USE REQUIREMENTS AND PERMISSIONS**

### **400 INTRODUCTION TO USE CATEGORIES**

- 400.1 This chapter contains zone-specific information about the regulation of use categories, including permissions, conditions, and exceptions specific to downtown zones.
- 400.2 The purpose of regulating use categories in downtown zones is to allow for an appropriate mix of residential, office, lodging, retail, service, entertainment, cultural, and other uses.
- 400.3 The employment of use categories enables:
- (a) Use distinctions to be made within a zone while maintaining the same set of physical restrictions and permissions within the zone; or
  - (b) The application of the same mix of uses to different zones with different physical characteristics.
- 400.4 Use categories are regulated by three sections of the zoning regulations:
- (a) General Guidance: Subtitle C contains general guidance about the regulation of use categories, definitions of use categories, how use categories are determined, and rules for how use categories should be codified within Land Use Subtitles.
  - (b) Use Categories by Zone: - Chapter 4 of this subtitle contains use category permissions, conditions, and exceptions specific to Downtown zones, regardless of a zone's geographic location.
  - (c) Use Categories by Geographic Location: - Chapter 5 of this subtitle references use category permissions, conditions, and exceptions specific to a property's geographic location, as indicated by its adjacency to a specific segment of a designated street.

### **401 RESIDENTIAL USE REQUIREMENTS**

- 401.1 While residential uses are permitted in all downtown zones, two mechanisms are employed to help concentrate residential uses into neighborhood clusters in order to increase their viability:
- (a) The FAR restrictions on non-residential uses in some zones, as contained in the zone tables in - Chapter 2;
  - (b) The establishment of credit trade areas in Chapters 8 and 9, that limit the geographic distance from which the housing requirements for one property may be transferred to, and realized on, another property.

- 401.2 Residential use requirements are concentrated within the zone tables Chapter 2 and the regulations governing the credit transfer system in Chapters 8 and 9.
- 401.3 A zone has a residential requirement if the zone title's fourth digit is "2". The residential requirement shall be provided either on-site or satisfied through the use of Density Credits pursuant to Chapter 9.
- 401.4 The minimum residential FAR requirements of this section shall not apply to:
- (a) Historic landmarks;
  - (b) Properties exempted by § 308.3;
  - (c) Buildings where the primary use is religious worship;
  - (d) A hostel that existed on Square 342, Lot 810 as of April 7, 2006 that remains in hostel use and which may be expanded or rebuilt to a maximum FAR of 9.5.
  - (e) The renovation of a non-residential building that has a height of six (6) floors or less at and above grade, and that has been in existence since January 17, 1991; or
  - (f) The building is vacant, has less FAR than the minimum residential requirements of the zone, is brought up to building code, and is covenanted to continue in residential use for twenty years or longer.
- 401.5 Housing required by this section shall not diminish the matter-of-right non-residential FAR allowed in a zone; but the non-residential space may not receive a certificate of occupancy until the Zoning Administrator determines that the requirements of this section have been met.
- 401.6 Each lot in the D-1-A-2 zone shall provide the equivalent of at least 2.0 FAR of residential use before any non-residential uses may be permitted on the lot.
- 401.7 Each lot in the D-4-B-2 zone shall provide the equivalent of at least 4.5 FAR of residential use. Up to 1.35 FAR of this residential requirement may be met by constructing or financially assisting affordable housing pursuant to the conditions of §401.13.
- 401.8 Each lot in the D-5-B-2 zone shall provide the equivalent of at least 3.5 FAR of residential use. Up to 1.05 FAR of this residential requirement may be met by constructing or financially assisting affordable housing pursuant to the conditions of §401.13.
- 401.9 Each lot in the D-6-B-2 zone shall provide the equivalent of at least 2.0 FAR of residential use. Up to 0.8 FAR of this residential requirement may be met by constructing or financially assisting affordable housing pursuant to the conditions of §401.13.

- 401.10 A lot with a valid certificate of occupancy for a place of worship as of the effective date of these regulations, shall not be subject to the use requirements of §§ 401.6 – 401.9.
- 401.11 A *child development center* or a *child development home* shall be considered a residential use in a building with at least 2.0 FAR of residential use, not inclusive of the child development center or home, provided the center will be open and operating during normal business hours at least five (5) days each week and fifty (50) weeks each calendar year, excluding public holidays.
- 401.12 If a building on a lot that requires residential use is in residential use as of the effective date of these regulations and the residential gross floor area of a building is less than the amount of residential use required for the lot by this section, there shall be no additional residential requirement for that lot as long as the existing building remains in residential use.
- 401.13 The residential requirements of § 401.7 through § 401.9 can be reduced according to the limits listed in those sections, provided:
- (a) The affordable housing is targeted to Low-income Households;
  - (b) The affordable dwelling units are constructed directly by the owner of a lot subject to § 401.7 through § 401.9 or through a joint venture with either a nonprofit housing sponsor or a for-profit builder-developer;
  - (c) The total project cost of the affordable units, including acquisition, construction, and long-term subsidy, shall be not less than  $C = GFA (AV/LA)/FAR \times 90\%$ , where:
    - (1) C = The contribution;
    - (2) GFA = The amount of additional commercial space that is built on-site, measured in square feet;
    - (3) AV = The assessed value of the land and improvements on the July 1st preceding the date on which the application for a building permit is filed;
    - (4) LA = The number of square feet of land included in the property;
    - (5) FAR = The commercial FAR used by the tax assessor to determine the assessed value; and
    - (6) 90% = The proportion of assessed commercial value that has been determined to be appropriate for this contribution.
  - (d) If the affordable dwelling units are provided by rehabilitation, the building(s) shall have been previously in nonresidential use, or vacant for a minimum of

three years, or if occupied, shall be a tenant-sponsored purchase of the building where the tenants meet the definition of Low-income Households.

- (e) The Director of the Department of Housing and Community Development or the administrator of the D.C. Housing Production Trust Fund shall certify to the Zoning Administrator that:
  - (1) Suitable legal and financial arrangements have been made to assure that the housing qualifies and will be continued as affordable dwelling units for not less than forty (40) years;
  - (2) The funds fill a gap identified in sources and uses documentation submitted to the Director as part of any application for financing;
  - (3) The expenditure of funds per dwelling unit and the use of the funds in combination with other financial leverage is an effective means of assisting in the production of affordable housing; and
  - (4) Conditions of this § 401.13 (a)-(e) have been met.
- (f) No certificate of occupancy shall be issued for the nonresidential development of a lot subject to § 401.7 through § 401.9 until a certificate of occupancy has been issued for the affordable dwelling units, unless the affordable dwelling units are to be constructed on property owned by the District of Columbia.

401.14 Chapters 8 and 9 of this subtitle contain the regulations for the Credit system that applies to residential uses.

## **402 USE PERMISSIONS**

402.1 Types of uses permitted on a downtown site may differ from zone to zone and the range of permission levels for these uses may also differ among zones. § 402.1 shows the range or levels of permissions, restrictions and prohibitions that may be applied to a use category. To simplify the listing of the permission level a use category has in a zone, the Use Categories Permissions Table in § 402.2 consolidates different arrangements of use categories into standardized groupings that can be applied to different downtown zones. The standard use categories are listed in the left column of the table and, in the middle and right columns, the uses categories are grouped into an “A” set and a “B” set of permissions and restrictions. Following each Downtown zone label’s second digit, which categories a zone by its level of development intensity, the “A” or “B” third digit enables zones of the same intensities to have use groups distinguished by different use group letters. The converse is true, with differences in the second digit enabling zones with the same types of use category groupings to be distinguished by their different levels of development intensity.

402.2 Use categories are regulated and presented in the Use Categories Permission Table as follows:

- (a) Each cell contains a letter representing whether the use category is:
- (1) Permitted (P)
  - (2) Conditionally Permitted (C)
  - (3) Permitted by Special Exception (S)
  - (4) Permitted as an Accessory Use (A);
  - (5) Not Permitted (N); or
  - (6) Required (R).
- (b) A cell may also contain a reference to conditions or criteria related to the permission.
- (c) The table below identifies use permissions applicable to D zones:

| <b>TABLE OF USE PERMISSIONS APPLICABLE TO D ZONES</b> |                                |                                                   |
|-------------------------------------------------------|--------------------------------|---------------------------------------------------|
| <b>USE CATEGORIES</b>                                 | <b>Use Code A</b>              | <b>Use Code B</b>                                 |
| <i>Agriculture</i>                                    | P                              | P                                                 |
| <i>Animal Sales, Care, and Boarding</i>               | C (§ 403.5)<br>S (§ 404.5)     | C (§ 403.5)<br>S (§ 404.5)                        |
| <i>Antennas</i>                                       | P                              | P                                                 |
| <i>Arts Design and Creation</i>                       | P                              | P                                                 |
| <i>Basic Utilities</i>                                | P                              | P                                                 |
| <i>Chancery</i>                                       | P                              | P                                                 |
| <i>Community-based Institutional Facility</i>         | P                              | P                                                 |
| <i>Daytime Care</i>                                   | P                              | P                                                 |
| <i>Education</i>                                      | P                              | P                                                 |
| <i>Emergency Shelter</i>                              | P                              | P                                                 |
| <i>Entertainment, Assembly, and Performing Arts</i>   | N                              | P                                                 |
| <i>Firearm Sales</i>                                  | C (§ 403.1)                    | C (§ 403.1)                                       |
| <i>Food and Alcohol Services</i>                      | C for D-1-A-2 zone<br>(§403.6] | P, other than D-2-B-1;<br>C for D-2-B-1 (§ 404.1) |
| <i>Government, Large Scale</i>                        | N                              | S (§ 405.2)                                       |
| <i>Government, Local</i>                              | P                              | P                                                 |
| <i>Health Care</i>                                    | P                              | P                                                 |
| <i>Institutional</i>                                  | P                              | P                                                 |
| <i>Lodging</i>                                        | N                              | P                                                 |

|                                             |             |              |
|---------------------------------------------|-------------|--------------|
| <i>Marine</i>                               | N           | N            |
| <i>Motor Vehicle-related</i>                | N           | C (§ 403.2)  |
| <i>Office</i>                               | N           | P            |
| <i>Parking</i>                              | C (§ 404)   | C (§ 404)    |
| <i>Parks and Recreation</i>                 | P           | P            |
| <i>Production, Distribution, and Repair</i> | C (§ 403.3) | C (§403.3)   |
| <i>Residential</i>                          | P           | P            |
| <i>Retail</i>                               | P           | S (§ 405.12) |
| <i>Service (General)</i>                    | P           | P            |
| <i>Service (Financial)</i>                  | C           | C            |
| <i>Sexually-based Business</i>              | N           | S (§ 405.4)  |
| <i>Transportation Infrastructure</i>        | P           | P            |
| <i>Waste-related Services</i>               | N           | N            |

#### **403 USES PERMITTED BY CONDITION**

403.1 Firearm Sales uses are permitted as a matter of right provided the use conforms to the following condition:

- (a) No portion of the establishment shall be located within three hundred feet (300 ft.) of a Residential zone, Education use, Institutional use, or Parks and Open Space use.
- (b) For purposes of Firearm Sales uses, the D-1-A-2 zone shall be considered as a residential zone.

403.2 Motor Vehicle Related uses:

- (a) Are permitted as a matter of right provided the use conforms to the following list of conditions:
  - (1) The use shall not include fuel sales; and
  - (2) The use shall not include vehicle repair or service, except as incidental and subordinate to other permitted use categories.
- (b) May be permitted by special exception pursuant to § 404.3 if they do not meet the conditions above.

403.3 Production, Distribution and Repair uses are permitted as a matter of right provided the use conforms to the following conditions:

- (a) In the D-3-B-1 zone, a commercial or industrial use that has a valid certificate of occupancy on the [effective date these regulations] shall be deemed a conforming use, but shall not be entitled to expand.

- (b) In all other zones:
  - (1) All aspects of the use shall be conducted within a fully enclosed building or structure; and
  - (2) The use, including any storage, shall occupy no more than ten thousand (10,000) square feet.
- 403.4 Service (Financial) uses are permitted by-right if compliant with the following condition:
  - (a) No more than 25% of the ground level floor area shall be devoted to banks, loan offices, or other financial institutions, travel agencies, or ticket offices.
- 403.5 Animal Sales, Care and Boarding uses are permitted by-right if compliant with the following conditions:
  - (a) The use is limited to an establishment used by a licensed veterinarian for the practice of veterinary medicine and not as an animal boarding establishment; and
  - (b) The use may also include the incidental boarding of animals as necessary for convalescence, pet grooming, and the sale of pet supplies, but not as an independent line of business.
- 403.6 For the purpose of regulating Food and Alcohol Services uses, the D-1-A-2 zone shall be considered as a residential zone.
- 404 USES PERMITTED BY SPECIAL EXCEPTION**
- 404.1 In the D-2-B-1- zone, retail, services (general), eating and drinking establishment uses shall be permitted if approved by the Board of Zoning Adjustment under Subtitle C, Chapter 9, subject to the following provision:
  - (a) The uses shall be located on or below the ground floor of the building.
- 404.2 Large Scale Government uses may be approved by the Board of Zoning Adjustment, subject to the general special exception criteria of Subtitle C - Chapter 9.
- 404.3 Motor Vehicle Related uses may be approved by the Board of Zoning Adjustment if, in addition to the general special exception criteria of Subtitle C - Chapter 9, the use does not include auto body or fender repair.
- 404.4 Sexually-based Business uses may be approved by the Board of Zoning Adjustment subject to the following conditions in addition to the general special exception criteria of Subtitle C - Chapter 9:

- (a) The use shall not be located within six hundred feet (600 ft.) of a Residential district or Educational use;
- (b) The use shall not be located within three hundred feet (300 ft.) of another Sexually-based Business use;
- (c) There shall be no display of goods or services visible from the exterior of the premises; and
- (d) The use shall not have an adverse impact on educational, institutional, or government uses in the area.

404.5 Animal Sales, Care and Boarding uses may be approved by the Board of Zoning Adjustment subject to the following conditions in addition to the general special exception criteria of Subtitle Y - Chapter 8:

- (a) Animal uses, such as animal boarding, pet grooming establishments, pet shops, veterinary boarding hospitals and animal shelters, shall be subject to the following:
  - (1) Shall not be located on a lot that abuts a residential zone; and
  - (2) Shall be located and designed to create no objectionable condition to adjacent properties resulting from animal noise, odor or waste.
- (b) Any use that is a commercial establishment for the overnight boarding and/or recurring daily care of animals for a fee, or other establishment that permits the boarding of ten or more animals for reasons other than convalescence, shall be subject to the following additional criteria:
  - (1) The use shall take place entirely within an enclosed and soundproofed building in such a way so as to produce no noise or odor objectionable to nearby properties. The windows and doors of the premises shall be kept closed.
  - (2) All animal waste shall be placed in closed waste disposal containers and shall utilize a qualified waste disposal company to collect and dispose of all animal waste at least weekly. Odors shall be controlled by an air filtration system (for example, High-Efficiency Particulate Air/"HEPA" filters) or an equivalently effective odor control system.
  - (3) External yards or other external facilities for the keeping of animals shall not be permitted.
  - (4) The Board may impose additional requirements pertaining to the location of buildings or other structures; entrances or exits; buffers, barriers and fencing; soundproofing; odor control; waste storage and waste removal (including frequency); the species and/or number and/or breeds of animals; or other

requirements, as the Board deems necessary to protect adjacent or nearby property.

- (c) Any use that trims or cleans domestic pets for a fee shall be subject to the following additional criteria:
  - (1) All animal waste shall be placed in closed waste disposal containers and shall utilize a qualified waste disposal company to collect and dispose of all animal waste at least weekly. Odors shall be controlled by means of an air filtration system (for example, High-Efficiency Particulate Air/“HEPA” filters) or an equivalently effective odor control system.
  - (2) External yards for the keeping of animals shall not be permitted.
  - (3) The sale of pet supplies is permitted as an accessory use.
  - (4) The Board may impose additional requirements as it deems necessary to protect nearby properties.
- (d) Any use that boards animals as an independent line of business in association with a veterinary hospital for reasons other than convalescence shall be subject to the following additional criteria:
  - (1) The use may board any animal permitted to be lawfully sold in the District of Columbia, pursuant to D.C. Official Code § 8-1808(h) (1), except domesticated dogs.
  - (2) No more than fifty percent (50%) of the gross floor area of the veterinary boarding hospital may be devoted to the boarding of animals.
  - (3) Pet grooming, the sale of pet supplies and incidental boarding of animals as necessary for convalescence, are permitted as accessory uses.
  - (4) External yards or other external facilities for the keeping of animals shall not be permitted.
  - (5) The Board may impose additional requirements as it deems necessary to protect nearby properties.
- (e) Any business engaged in the sale of dogs, cats, birds, tropical fish, and/or other domesticated pets, as permitted by the D.C. Official Code § 8-1808(h)(1), including related supplies and equipment, shall be subject to the following additional criteria:
  - (1) External yards or other external facilities for the keeping of animals shall not be permitted;

- (2) The Board may impose additional requirements as it deems necessary to protect nearby properties.
- (f) Any business that houses and feeds stray or abandoned animals without a fee and is operated by a non-profit organization or governmental agency shall be subject to the following additional criteria:
  - (1) The use shall utilize industry standard sound-absorbing materials, such as acoustical floor and ceiling panels, acoustical concrete and masonry and acoustical landscaping.
  - (2) All animal waste shall be placed in closed waste disposal containers and shall utilize a qualified waste disposal company to collect and dispose of all animal waste at least weekly. Odors shall be controlled by means of an air filtration system (for example, High-Efficiency Particulate Air/“HEPA” filters) or an equivalently effective odor control system.
  - (3) External yards or other external facilities for the keeping of animals shall not be permitted unless the entire yard is located a minimum of two hundred feet (200 ft.) from an existing residential use or Residential Zone.
  - (4) The Board may impose additional requirements as it deems necessary to protect nearby properties.

## CHAPTER 5 ZONE-BASED DESIGN REQUIREMENTS AND PERMISSIONS

- 500.1 The requirements and permissions §§ 500.2 – 500.5 apply to all downtown zones. The requirements and permissions in § 500.6 apply to only the D-3-B-1 through D-7-B-1 zones.
- 500.2 No vehicular drive-through is permitted on a lot. This regulation is intended to reduce conflicts between motor vehicles and pedestrians, and to maintain a consistent pattern of building façades.
- 500.3 A vehicular entrance to a garage or loading area shall be permitted on the face of a building adjacent to a public street only if:
- (a) At least one of the following three conditions is met:
    - (1) There is not an improved and accessible alley or alley system that is consistently at least fifteen feet (15 ft.) wide connecting a public street and the building lot's rear or side property line;
    - (2) The entrance is required by the District Department of Transportation (DDOT);
    - (3) The building is subject to a less restrictive regulation in § 611.13 governing certain streets in the Mount Vernon Triangle Sub-Area; or
  - (b) The entrance is approved by Board of Zoning Adjustment as a special exception subject to the following criteria:
    - (1) There is no practical alternative means of serving the parking, loading, or drop-off needs of the building to be served by the proposed driveway, such as signage approved by the District Department of Transportation (DDOT), that would direct vehicles to an alternative entrance point within the same Square;
    - (2) The vehicular entrance will not impede the flow of pedestrian traffic on designated primary street frontage; and
    - (3) The driveway that would access the proposed parking or loading entrance or exit is not inconsistent with the DDOT landscape plans for the public rights of way on the designated street frontage, to the extent that such plans exist at the time of the special exception application.
- 500.4 This subsection is intended to reduce potential conflicts between motor vehicles and pedestrians.
- 500.5 Security grilles over windows or doors shall have at least seventy (70) percent transparency. This is intended to reduce the aesthetic impact on the *street* and, for retail streets, to ensure clear sight lines for pedestrians into the *ground story*.

500.6 An open arcade in the D-3-B-1 through D-7-B-1 zones shall extend the length of the entire block frontage, or shall connect with an open arcade in an abutting building in such fashion as to provide a continuous walkway.

DRAFT

## **CHAPTER 6 LOCATION-BASED REGULATIONS FOR DOWNTOWN SUB-AREAS**

### **600 INTRODUCTION AND ORGANIZATION**

600.1 Chapter 6 contains zoning regulations intended to assist in achieving goals established by the Comprehensive Plan and by small area plans for specific geographic locations, hereafter referred to as sub-areas, within downtown.

600.2 Sections 601-605:

- (1) Identify the sub-areas, and the section of this chapter that provides details about the sub-area and the regulations governing buildings adjacent to certain street segments within the sub-area.
- (2) Describe and list the objectives of a designated street segment system that identifies and classifies segments of street right of way boundaries as the framework for organizing use and design regulations for adjacent buildings. Use and/or design permissions, requirements or conditions along these segments may differ from those of the zone through which the designated street passes.

600.3 Sections 606–616:

- (a) Provide the location and objectives of each sub-area, its designated street boundaries and classifications, and the design and use regulations for buildings adjacent to the designated street segments. There are tables for each sub-area:
  - (1) The first table summarizes sub-area objectives consistent with the Comprehensive Plan and lists and illustrates the property squares, designated street segments and zone districts.
  - (2) The second table provides details on the designated street segments' beginning and end points, which side of the designated street is governed by the sub-area regulations, and references regulations that apply to adjacent buildings or structures

### **601 OVERVIEW OF SUB-AREAS AND DESIGNATED STREET SYSTEM**

601.1 The sub-areas, and the sections of this chapter addressing the sub-areas, are:

- (a) Downtown Retail Core, § 606;
- (b) Downtown Arts, § 607;
- (c) Pennsylvania Avenue, § 608;
- (d) Chinatown, § 609;
- (e) Massachusetts Avenue Corridor and Mt. Vernon Square, § 610;

- (f) Mount Vernon Triangle (MVT), § 611;
  - (g) Mount Vernon Triangle Principal Intersection Area (MVT/PIA), § 612;
  - (h) Blagden Alley Residential Transition Area, § 613;
  - (i) Lower Connecticut Avenue Corridor, § 614;
  - (j) North of Massachusetts Avenue (NoMA), § 614;
  - (k) M and South Capitol Streets, S.E., § 616.
- 601.2 Required uses within the sub-areas may include one or more of the following use categories (as defined in Subtitle C – Chapter 3):
- (a) Retail;
  - (b) Entertainment, Assembly, and Performing Arts;
  - (c) Food and Alcohol Services;
  - (d) Arts Design and Creation;
  - (e) Services.
- 601.3 Designated street Segment System: For specific locations within the sub-areas, the general use and design regulations for downtown are supplemented by additional use or design permissions, restrictions or requirements. These are applied to sites based on their adjacency to a side or sides of certain designated segments of street rights-of-way.
- 601.4 The following map gives a large-scale overview of all of the portions of downtown streets that contain a designated street segment on one or both side of the street's right of way.

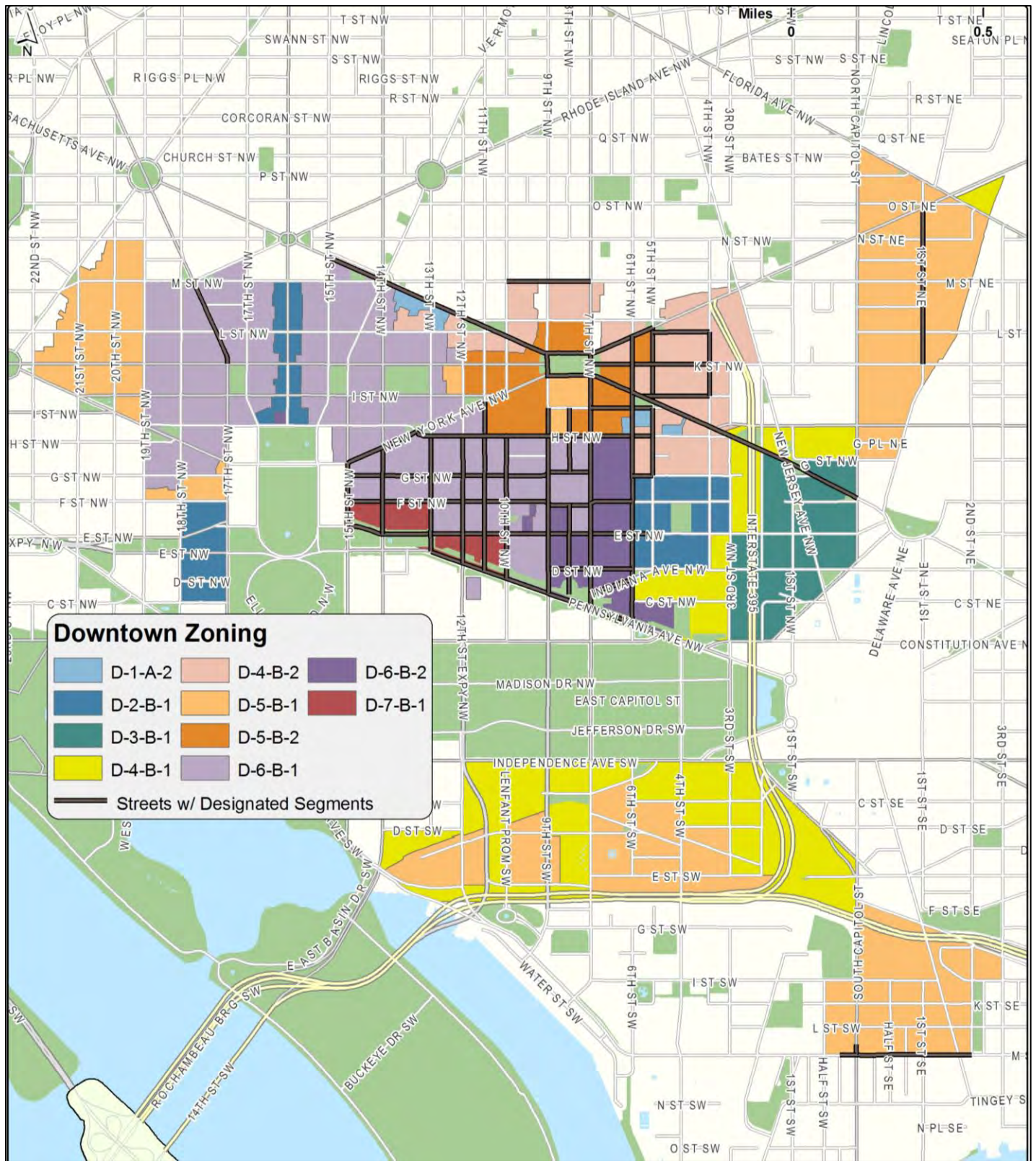
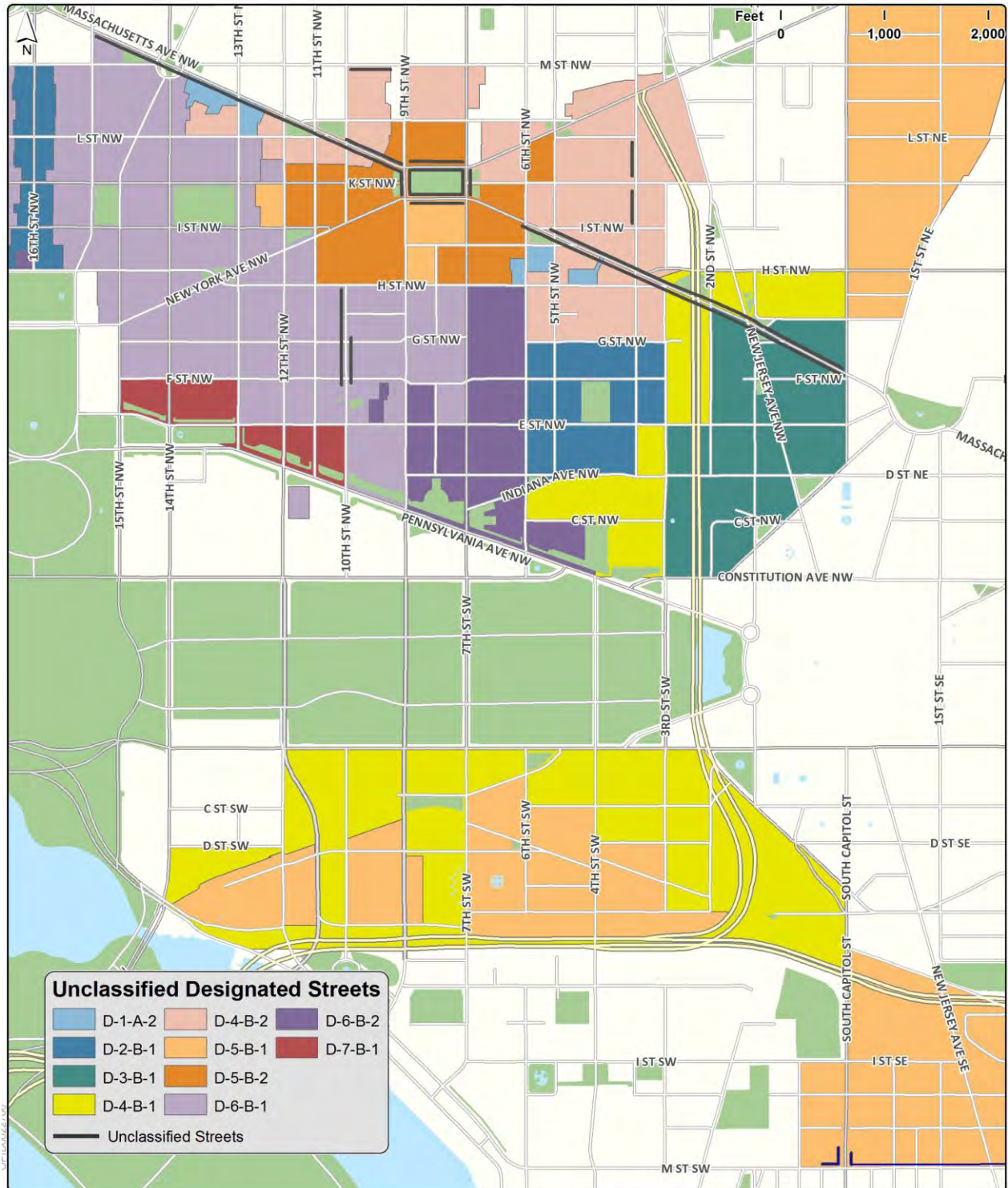


Figure 4. All Streets in Downtown Zones with Designated Street Segments

- 601.5 The objectives of designating street segments, requirements and permissions are to:
- (a) Strengthen retail uses through the establishment of a hierarchy of primary and secondary retail streets;
  - (b) Enhance pedestrian environments;
  - (c) Foster the building of open spaces and neighborhood centers;
  - (d) Establish principal intersections as focal points for neighborhoods;
  - (e) Establish massing transitions between areas with different uses or scales; and
  - (f) Create upper story setbacks to protect important vistas highlighted in the Comprehensive Plan.
- 601.6 Within sub-areas, street segments may be categorized as primary designated street segments or secondary designated street segments, or as unclassified designated street segments. The classification of designated street segments is guided by the importance given to the streets, the adjacent uses, or the area's design requirements established by the Comprehensive Plan, Small Area Plans or prior versions of this Title.
- 601.7 One or both sides of a street right of way may receive designation and the type of designation may vary between the sides of a street in the same block, as is shown in smaller scale maps in this chapter. Street segments with the same classification generally have similar use and design requirements or permissions, but may also be modified by sub-area requirements.
- 601.8 Primary street segments, which are illustrated in § 602.1, are generally the principal streets that the Comprehensive Plan or Small Area Plans highlight for arts, retail or entertainment uses. Buildings fronting on the primary street segments may be subject to more targeted use or design controls than those fronting on secondary street segments. A building with frontage on a primary street segment shall be subject to the general use and design requirements of §§ 602 and 602.3 unless a requirement is modified by a use or design regulation in this Chapter that governs the subarea in which the street segment is located. Sub-area regulations begin in § 606.
- 601.9 A building with frontage on a secondary street segment, illustrated in § 604.1, shall be subject to the general use and design requirements of §§ 604 and 605 unless a requirement is modified by a use or design regulation in this Chapter that governs the subarea in which the street segment is located. Sub-area regulations begin in § 606.
- 601.10 A building with frontage on an unclassified designated street frontage, illustrated in Figure 5, shall be subject to the use requirements for the zone in which

it is located, and to the more restrictive of the design requirements, if any, for the zone, or for the sub-area in which it is located. Restrictions on unclassified streets generally relate only to height in relation to setbacks and are detailed within the regulations for individual sub-areas. Sub-area regulations begin in § 606.



**Figure 5. Unclassified Designated Street Segments**

- 601.11 If a lot faces more than one designated street segment, each frontage is governed by the corresponding regulations for that designated street segment.
- 601.12 For a structure with frontage on a Primary, Secondary or Unclassified Designated Street Segment listed in this Chapter, an applicant for a building permit or a certificate of occupancy involving ten thousand square feet (10,000 sf) or more shall provide a copy of the application, or those portions of the application affected by the D zone provisions to the Director of the D.C. Office of Planning at the time of filing with the Zoning Administrator. The Director shall, within ten (10) business days of the filing, provide the Zoning Administrator with a memorandum setting forth the Director's interpretation of the application's compliance with the regulations of the relevant D zones.

**602 BUILDINGS ON PRIMARY STREET SEGMENTS: GENERAL USE REQUIREMENTS**

- 602.1 Figure 6 illustrates the primary designated street segments and §§ 606 – 616 give details for each segment within specific sub-areas, including a segment's starting point, end point, applicable side of street right-of-way, adjacent squares, and zoning adjacent to the segment.

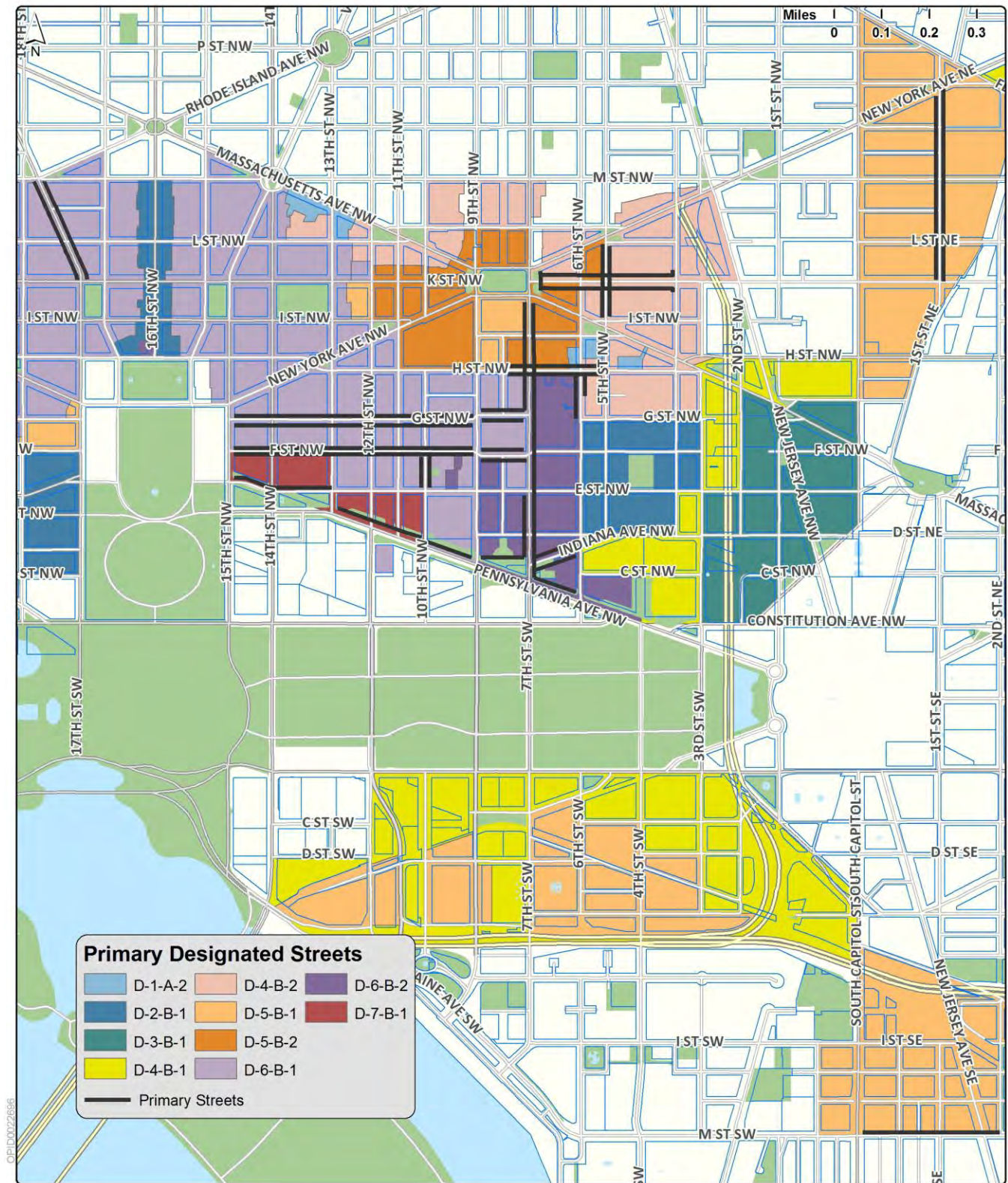


Figure 6. Map of Primary Designated Street Segments

- 602.2 The following use requirements shall apply to a building or structure on a lot with frontage on a primary designated street segment unless otherwise modified within this Section or by the use requirements for a primary designated street segment in a particular sub-area. A building or structure shall:
- (a) Devote not less than 0.5 FAR of the ground floor gross floor area to one or more of the use categories in § 601.2;
  - (b) Devote no more than 20 percent of the ground floor gross floor area retail requirement to Services (Financial), fast food establishment, travel or ticket offices;
  - (c) Devote 100 percent of the building's street frontage along the primary designated street segment to required uses identified in § 601.2, except for space required for fire control or devoted to building entrances for pedestrians, or for vehicular parking and loading entrances that are:
    - i. Permitted by § 610.4 (Massachusetts Avenue and Mount Vernon Square Sub-Area);
    - ii. Required by the District Department of Transportation (DDOT), or
    - iii. Permitted by the Board of Zoning Adjustment as a special exception evaluated according to § 603.3.
- 602.3 The requirements of § 602.2 shall not apply to buildings devoted entirely to residential uses, theaters, or places of worship.
- 602.4 The gross floor area of a cellar devoted to Arts uses required on primary streets or secondary streets by § 607.8 shall count toward the minimum requirement without affecting the permitted maximum bulk of the building.
- 602.5 The net leasable area occupied by the uses required on primary streets or secondary streets, or uses generating Density Credits pursuant to Chapter 8, shall be no less than eighty percent (80%) of the gross floor area allocated to these uses.

### **603 BUILDINGS ON PRIMARY STREET SEGMENTS: GENERAL DESIGN REQUIREMENTS**

- 603.1 The following design requirements shall apply to the portion of a building or structure with frontage on a primary designated street segment unless otherwise modified by the design requirements of this section or the requirements for a designated street segment in a sub-area:
- (a) Ground Floor Minimum Height Requirements: The ground floor shall have a minimum clear height of fourteen (14) feet for a continuous depth of at least

thirty-six (36) feet from the building line on the primary designated street segment;

- (b) Streetwall Design Requirements: The ground story shall devote at least fifty percent (50%) of the surface area to display windows or pedestrian entrances having clear low-emissivity glass, and ensure that the view through the display windows and pedestrian entrances is not blocked for at least ten feet (10 ft.) in from the building face.
- (c) Entrances:
  - (1) Ground floor pedestrian entrances, or areas where a future ground floor entrance could be installed without structural changes, shall be located no more than an average distance of 40 feet apart on the façade facing the primary street. In no case shall there be fewer than one door;
  - (2) No vehicular garage or loading entrance or exit shall be permitted in the portions of facades adjacent to a primary designated street, unless it is:
    - i. On a primary designated street segment listed in § 611.2 (Mount Vernon Triangle Sub-Area), for which vehicular garage or loading entrances and exits are governed by § 611.4;
    - ii. Required by the DDOT; or
    - iii. Permitted by the Board of Zoning Adjustment as a special exception evaluated by the criteria in § 603.3.

603.2 With the exception of § 603.1 (c) (2), the regulations in § 603.1 do not apply to buildings devoted entirely to residential uses, or to theaters, historically designated buildings, or places of worship.

603.3 Exceptions from the prohibitions and limitations of § 603.1(c)(2) shall be permitted if granted by the Board of Zoning Adjustment as a special exception, provided the applicant demonstrates that:

- (1) There is no practical alternative means of serving the parking, loading, or drop-off needs of the building to be served by the proposed driveway, such as signage approved by DDOT, that would direct vehicles to an alternative entrance point within the same Square;
- (2) The vehicular entrance will not impede the flow of pedestrian traffic on designated primary street frontage; and
- (3) The driveway that would access the proposed parking or loading entrance or exit is not inconsistent with the DDOT landscape plans for the public rights of way on the designated street frontage, to the extent that such plans exist at the time of the special exception application.

603.4 Exceptions from the prohibitions and limitations of § 603.1(a) shall be permitted for structures existing prior to [the effective date of these regulations] if granted by the Board of Zoning Adjustment as a special exception, provided the applicant demonstrates that the slab-to-slab height of the existing structure's first or second floor would have to be altered in order to meet the requirement.

#### 604 BUILDINGS ON SECONDARY STREET SEGMENTS: GENERAL USE REQUIREMENTS

604.1 A secondary designated street segment may be on one or both sides of the designated street. Figure 7 illustrates the secondary designated street segments and §§ 606 – 616 give details for each segment within specific sub-areas, including a segment's starting point, end point, applicable side of street, adjacent squares, and zoning.

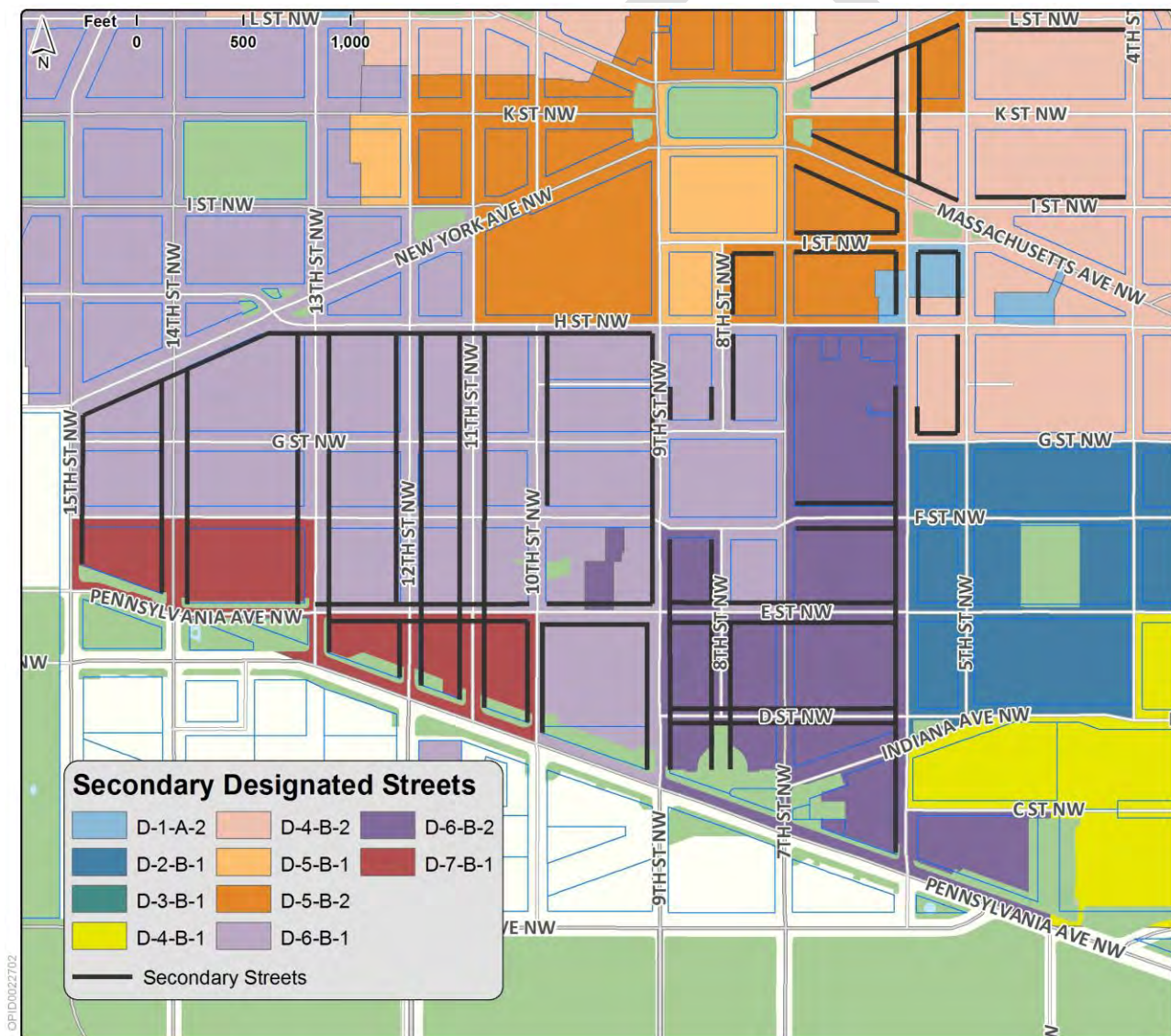


Figure7. Map of Secondary Designated Street Segments

604.2 The following use requirements shall apply to a building or structure on a lot with frontage on a secondary designated street segment unless otherwise modified by the provisions of this section or by the use requirements for a primary or secondary designated street segment in a particular sub-area. A building or structure shall:

- (a) Devote not less than 0.5 FAR of the ground floor gross floor area to onsite required uses identified in § 601.2; and
- (b) Devote 100 percent of the building's street frontage along the secondary designated street segment to required uses, except for space devoted to building entrances or required for fire control.

604.3 The requirements of § 604.2 shall not apply to buildings devoted entirely to residential uses, or to theaters, historic landmarks, or places of worship.

## **605 BUILDINGS ON SECONDARY STREETS: GENERAL DESIGN REQUIREMENTS**

605.1 The following design requirements shall apply to a building or structure on a lot with frontage on a designated secondary street segment unless otherwise modified by the provisions of this section or the design requirements for a designated street segment in a particular sub-area.

- (a) **Streetwall Design Requirements:** The ground story shall devote at least fifty percent (50%) of the surface area of to display windows or pedestrian entrances having clear low-emissivity glass, and ensure that the view through the display windows and pedestrian entrances is not blocked for at least ten feet (10 ft.) from the building line.
- (b) **Entrances:**
  - (1) Ground floor pedestrian entrances, or areas where a future ground floor entrance could be installed without structural changes, shall be located no more than an average distance of 40 feet apart on the façade facing the secondary street. In no case shall there be less than one door.
  - (2) Vehicular garage or loading entrance or exits in the portions of facades adjacent to a secondary designated street shall comply with applicable regulations, if any, within the sub-areas within which they are located, with the following exceptions:
    - i. Adjustments required by DDOT; or
    - ii. If permitted by the Board of Zoning Adjustment as a special exception evaluated by the criteria in § 603.3.

605.2 The regulations in § 605.1 shall not apply to buildings devoted entirely to residential uses, or to theaters, historic landmarks, contributing buildings to historic districts, or places of worship.

## 606 DOWNTOWN RETAIL CORE SUB-AREA

### 606.1 Overview

| Objectives to Be Achieved by Additional Use or Design Regulations                                                                                                                                                                                                                                                                                                                                                      | Boundaries, Property Squares and Streets                                                                                                                                                                                                                                                                                                                                                                         |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Create the highest concentrations of retail, arts and street-activating uses within the D zones. To achieve continuous provision of these uses, employ design standards that ensure buildings reinforce and activate pedestrian areas through continuous street frontages, generous display windows, frequent pedestrian entrances and designated street-facing entrances for parking and loading only when necessary. | <ul style="list-style-type: none"> <li><u>General Location:</u> 9<sup>th</sup> to 15<sup>th</sup> Streets, N.W. between E and H Streets.</li> <li><u>Squares:</u> 223- 225, 252-254, 288-290, 319-321, 345-347, and 375-377, as outlined in map that follows.</li> <li><u>Designated Street Segments:</u> generally indicated with black lines on map and detailed in the § 606.2 table that follows.</li> </ul> |



**Figure 8. Illustration of Retail Core Sub-Area's Designated Street Segments**

[In addition to the Retail Core permissions and restrictions, buildings in Squares 254, 290, 321, 347, 377 are also subject to Arts sub-area use requirements (See § 606.3 (c)), and buildings fronting on Pennsylvania Avenue in Square 254 are permitted additional height. (See § 606.4 (c)).]

606.2 Designated Street Segments in the Retail Core Sub-Area:

| Street                                    | Side of Street | Relevant Zones      | Boundary 1 (northern or eastern) | Boundary 2 (southern or western) | Additional Classifications |
|-------------------------------------------|----------------|---------------------|----------------------------------|----------------------------------|----------------------------|
| 9th St. NW                                | west           | D-6-B-1             | H St. NW                         | E St. NW                         | Secondary                  |
| 10th St. NW                               | both           | D-6-B-1             | H St. NW                         | F St. NW                         | Secondary                  |
| 10th St. NW                               | both           | D-6-B-1             | F St. NW                         | E St. NW                         | Primary                    |
| 11th St. NW                               | both           | D-6-B-1             | H St. NW                         | E St. NW                         | Secondary                  |
| 12th St. NW                               | both           | D-6-B-1             | H St. NW                         | E St. NW                         | Secondary                  |
| 13th St. NW                               | both           | D-6-B-1,<br>D-7-B-1 | H St. NW                         | E St. NW                         | Secondary                  |
| 14th St. NW                               | both           | D-6-B-1,<br>D-7-B-1 | New York Ave. NW                 | E St. / Pennsylvania Ave. NW     | Secondary                  |
| 15th St. NW                               | east           | D-6-B-1,<br>D-7-B-1 | New York Ave. NW                 | Pennsylvania Ave. NW             | Secondary                  |
| Pennsylvania Ave. NW (including E Street) | north          | D-7-B-1             | 13th St. NW                      | 15th St. NW                      | Primary                    |
| E St. NW                                  | north          | D-6-B-1,<br>D-6-B-2 | 9th St. NW                       | 13th St. NW                      | Secondary                  |
| F St. NW                                  | both           | D-6-B-1,<br>D-7-B-1 | 9th St. NW                       | 15th St. NW                      | Primary                    |
| G St. NW                                  | both           | D-6-B-1             | 9th St. NW                       | 15th St. NW                      | Primary                    |
| H St. NW                                  | south          | D-6-B-1             | 9th St. NW                       | New York Ave. NW                 | Secondary                  |
| New York Ave. NW                          | south          | D-6-B-1             | 13th St. NW                      | 15th St. NW                      | Secondary                  |

606.3 Sub-Area Use Regulations

- (a) Buildings with frontage on primary street segments in this subarea are subject to the use regulations of § 602.2 and § 601.2.
- (b) Buildings with frontage on secondary street segments in this subarea are subject to the use regulations of § 604.2 and § 601.2.
- (c) If a building has frontage on one of the following streets, 50% of the use requirements in §§ 606.4 (a) and (b) shall be met by the provision of Arts Uses, as defined in § 607.3(a) :

- (1) The north side of E Street, N.W. between 10<sup>th</sup> and 13<sup>th</sup> Streets, N.W.;
- (2) The north side of Pennsylvania Avenue, N.W. (including E Street, N.W.) between 13<sup>th</sup> and 14<sup>th</sup> Streets, N.W.;
- (3) The south side of F Street, N.W. between 10<sup>th</sup> and 14<sup>th</sup> Streets, N.W.;
- (4) The north and south side of G Street, N.W. between 9<sup>th</sup> and 10<sup>th</sup> Streets, N.W.;
- (5) The west side of 9<sup>th</sup> Street, N.W. between E and F Streets, N.W.
- (6) The east and west sides of 11<sup>th</sup>, 12<sup>th</sup>, and 13<sup>th</sup> Street, N.W. between E and F Streets, N.W.
- (7) The east side of 14<sup>th</sup> Street, N.W. between E and F Streets, N.W.

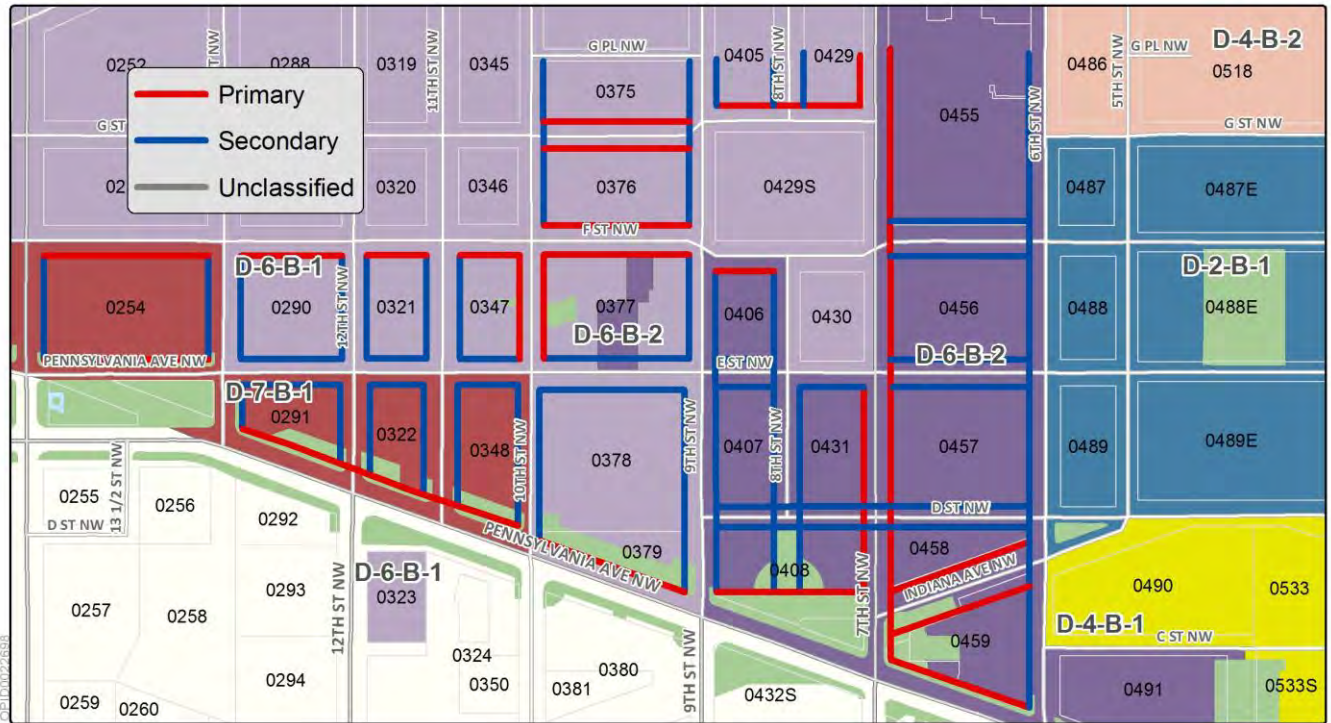
#### 606.4 Sub-Area Design Regulations

- (a) Buildings with frontage on primary street segments in this subarea are subject to the design regulations in § 603.
- (b) Buildings with frontage on secondary street segments in this subarea are subject to the design regulations of § 605.
- (c) Buildings with frontage on Pennsylvania Avenue, N.W. are subject to the height regulations of § 306.2.

### 607 DOWNTOWN ARTS SUB-AREA

#### 607.1 Overview

| Objectives to Be Achieved by Additional Use / Design Regulations                                                                                                                                                                                                                                                                                                                                                  | Boundaries, Property Squares and Streets                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Create strong arts-entertainment corridors with a focus on a spine of theaters, movie theaters, restaurants, nightclubs, and arts-related retail uses along E Street from 6th to 14th Street, N.W.; and a pedestrian-oriented concentration of museums, art galleries, other performing or visual arts uses, and festive retail-entertainment uses along 7th Street from Pennsylvania Avenue to north of G Street | <ul style="list-style-type: none"> <li>• <u>General Location</u>: 6<sup>th</sup> to 14<sup>th</sup> Streets N.W between Pennsylvania Avenue and G Place.</li> <li>• <u>Squares</u>: 254, 290, 291, 321, 322, 347, 348, 375, 376, 377, 406, 407, 408, 431, 456, 457, 458, 459, as well as 405, 429 and 455 south of line extending eastward from G Place, as outlined in the map that follows.</li> <li>• <u>Designated Street Segments</u>: generally indicated with black lines on map and detailed in the § 607.2 table that follows.</li> </ul> |



**Figure 9. Illustration of Downtown Arts Sub-Area's Designated Street Segments**

[In addition to the Arts Sub-Area permissions and restrictions, buildings in Squares 254, 290, 321, 347, 377 are also subject to certain Retail Core sub-area use requirements (See § 607.3 (f)), and buildings fronting on Pennsylvania Avenue in Square 254, 291, 322, 348 are permitted additional height. [See § 607.4 (c)].

#### 607.2 Designated Street Segments in the Downtown Arts Sub-Area:

| Street     | Side of Street | Relevant Zones   | Boundary 1 (northern or eastern)        | Boundary 2 (southern or western) | Classification |
|------------|----------------|------------------|-----------------------------------------|----------------------------------|----------------|
| 6th St. NW | west           | D-6-B-2          | A line extending eastward from G Pl. NW | Pennsylvania Ave. NW             | Secondary      |
| 7th St. NW | both           | D-6-B-1, D-6-B-2 | A line extending eastward from G Pl. NW | G St. NW                         | Primary        |
| 7th St. NW | east           | D-6-B-2          | G Pl. NW                                | F St. NW                         | Primary        |
| 7th St. NW | both           | D-6-B-1, D-6-B-2 | F St. NW                                | Pennsylvania Ave. NW             | Primary        |
| 8th St. NW | both           | D-6-B-1          | A line extending eastward from G Pl. NW | G St. NW                         | Secondary      |
| 8th St. NW | west           | D-6-B-2          | F St. NW                                | E St. NW                         | Secondary      |
| 8th St. NW | both           | D-6-B-2          | E St. NW                                | Pennsylvania Ave. NW             | Secondary      |
| 9th St. NW | both           | D-6-B-1          | A line extending eastward from G Pl. NW | G St. NW                         | Secondary      |

| <b>Street</b>                                    | <b>Side of Street</b> | <b>Relevant Zones</b>         | <b>Boundary 1 (northern or eastern)</b> | <b>Boundary 2 (southern or western)</b> | <b>Classification</b> |
|--------------------------------------------------|-----------------------|-------------------------------|-----------------------------------------|-----------------------------------------|-----------------------|
| <b>9th St NW</b>                                 | west                  | D-6-B-1                       | G St. NW                                | F St. NW                                | Secondary             |
| <b>9th St NW</b>                                 | both                  | D-6-B-2<br>D-6-B-2            | F St. NW                                | Pennsylvania Ave. NW                    | Secondary             |
| <b>10th St. NW</b>                               | both                  | D-6-B-1                       | F St. NW                                | E St. NW                                | Primary               |
| <b>10th St. NW</b>                               | both                  | D-6-B-1<br>D-7-B-1            | E St. NW                                | Pennsylvania Ave. NW                    | Secondary             |
| <b>11th St. NW</b>                               | both                  | D-6-B-1<br>D-7-B-1            | F St. NW                                | Pennsylvania Ave. NW                    | Secondary             |
| <b>12th St. NW</b>                               | both                  | D-6-B-1<br>D-7-B-1            | F St. NW                                | Pennsylvania Ave. NW                    | Secondary             |
| <b>13th St. NW</b>                               | both                  | D-6-B-1<br>D-7-B-1            | F St. NW                                | Pennsylvania Ave. NW                    | Secondary             |
| <b>14<sup>th</sup> St. NW</b>                    | east                  | D-7-B-1                       | F St. NW                                | E St. NW                                | Secondary             |
| <b>Pennsylvania Ave. NW (including E St. NW)</b> | north                 | D-6-B-1<br>D-6-B-2<br>D-7-B-1 | 6th St. NW                              | 14th St. NW                             | Primary               |
| <b>Indiana Ave. NW</b>                           | both                  | D-6-B-2                       | 6th St. NW                              | 7th St. NW                              | Primary               |
| <b>D St. NW</b>                                  | both                  | D-6-B-2                       | 6th St. NW                              | 9th St. NW                              | Secondary             |
| <b>E St. NW</b>                                  | both                  | D-6-B-2                       | 6th St. NW                              | 13th St. NW                             | Secondary             |
| <b>F St. NW</b>                                  | both                  | D-6-B-2                       | 6th St. NW                              | 7th St. NW                              | Secondary             |
| <b>F St. NW</b>                                  | south                 | D-6-B-2                       | 8th St. NW                              | 9th St. NW                              | Primary               |
| <b>F St. NW</b>                                  | both                  | D-6-B-2                       | 9th St. NW                              | 10th St. NW                             | Primary               |
| <b>F St. NW</b>                                  | south                 | D-7-B-1                       | 10th St. NW                             | 14th St. NW                             | Primary               |
| <b>G St. NW</b>                                  | north                 | D-6-B-1                       | 7th St. NW                              | 9th St. NW                              | Primary               |
| <b>G St. NW</b>                                  | both                  | D-6-B-2                       | 9th St. NW                              | 10th St. NW                             | Primary               |

### 607.3 Sub-Area Use Regulations

- (a) For the purposes of this Subtitle, Arts Uses shall comprise:
  - (1) Arts Center, Arts Exhibition Area, Art Incubator, Artist Live-Work Space, Artist Studio, and uses listed in Subtitle C § 2504.3.
  - (2) Entertainment, Assembly and Performing Arts uses, as defined in Subtitle B § 201.15
- (b) A building or structure on a lot with frontage on a street classified as a Primary Designated Street Segment in the Arts Sub-Area shall provide the following, either on-site or by securing Arts Credits pursuant to Chapters 8 and 9:

- (1) At least 1.0 FAR or FAER of the uses listed in § 607.3 (a); and
- (2) Of this amount at least 0.25 FAR or FAER shall be uses listed in § 607.3 (a) (1).
- (c) The following actions count, cumulatively, towards meeting the use and FAR or FAER requirements of § 607.3 (b) (1), but shall not count towards meeting the requirements of § 607.3(b) (2):
  - (1) Providing either on site or by obtaining Arts Credits pursuant to – Chapters 8 and 9, between 0.5 and 1.0 FAR or FAER of the uses listed in § 607.3 (a),;
  - (2) Providing, either on-site or by obtaining Residential Credits pursuant to § 803, at least 1.5 more residential FAR than is required by this Chapter and devoting at least 0.25 FAR or FAER equivalent to the uses listed in § 607.3 (a); and
  - (3) Providing an arts exhibition area that:
    - i. Comprises at least 20% of the FAR required by § 607.3(b);
    - ii. Is open to the public at least five days a week for fifty (50) weeks per year;
    - iii. Accommodates permanent art installations in no more than twenty percent (20%) of the space required by § 607.3(a); and
    - iv. Changes the installation of the art at least four (4) times a year in the eighty percent (80%) of the space not-permitted permanent installations, and has each of the different installations professionally curated.
- (d) The gross floor area of a cellar devoted to the uses required by this section shall count towards the minimum requirement without affecting the permitted maximum bulk of the building.
- (e) Buildings with frontage on Secondary Designated street Segments in this subarea are subject to the use regulations of § 604.2.
- (f) The requirements of this section shall not apply to historic landmarks or buildings where the primary use is religious worship.
- (g) If a building has frontage on one of the following streets, up to, but not including, 50% of the uses required by § 607.3(a) shall be met by the Retail Core uses required by §§ 606.3(a) or (b).
  - (1) The north side of E Street, N.W. between 10<sup>th</sup> and 13<sup>th</sup> Streets, N.W.;

- (2) The north side of Pennsylvania Avenue, N.W. (including E Street, N.W.) between 13<sup>th</sup> and 14<sup>th</sup> Streets, N.W.;
- (3) The south side of F Street, N.W. between 10<sup>th</sup> and 14<sup>th</sup> Streets, N.W.;
- (4) The north and south side of G Street, N.W. between 9<sup>th</sup> and 10<sup>th</sup> Streets, N.W.;
- (5) The west side of 9<sup>th</sup> Street, N.W. between E and F Streets, N.W.
- (6) The east and west sides of 11<sup>th</sup>, 12<sup>th</sup>, and 13<sup>th</sup> Street, N.W. between E and F Streets, N.W.
- (7) The east side of 14<sup>th</sup> Street, N.W. between E and F Streets, N.W.
- (h) A building with no more than six (6) above-grade floors on a lot not exceeding 5000 square feet shall provide at least 0.75 FAR or FAER of the uses listed in § 607.3(a) or §§ 606.3(a) or (b).

#### 607.4 Sub-Area Design Regulations

- (a) Buildings with frontage on primary street segments in this sub-area are subject to the design regulations in § 603.
- (b) Buildings with frontage on secondary street segments in this sub-area are subject to the use regulations of § 605.
- (c) Buildings with frontage on Pennsylvania Avenue, N.W. are subject to the height regulations of § 306.2.

### 608 PENNSYLVANIA AVENUE SUB-AREA

#### 608.1 Overview

| Objectives to Be Achieved by Additional Use / Design Regulations                                                                                                                                  | Boundaries, Property Squares and Streets                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Maintain Pennsylvania Avenue as a mixed use monumental street with additional height to emphasize its role in physically linking the executive and legislative branches of the federal government | <ul style="list-style-type: none"> <li>• <u>General Location</u>: The north side of Pennsylvania Avenue, N.W. between 9<sup>th</sup> Street and 15<sup>th</sup> Street, including the east side of 13<sup>th</sup> Street between Pennsylvania Avenue, N.W. and E. Street, N.W.</li> <li>• <u>Squares</u>: 225, 254, 291, 222, and 348 as outlined in the map that follows.</li> <li>• <u>Designated Street Segments</u>: generally indicated with black lines on map and detailed in the § 608.2 table that follows</li> </ul> |



**Figure 10. Illustration of Pennsylvania Avenue Sub-Area's Designated Street Segments**

**608.2 Designated Streets in the Pennsylvania Avenue Sub-Area:**

| Street                                   | Side of Street | Relevant Zones | Boundary 1 (northern or eastern) | Boundary 2 (southern or western) | Classification |
|------------------------------------------|----------------|----------------|----------------------------------|----------------------------------|----------------|
| <b>13th St. NW</b>                       | East           | D-7-B-1        | E St. NW                         | Pennsylvania Ave. NW             | Primary        |
| <b>Pennsylvania Ave. NW (north side)</b> | north          | D-7-B-1        | 9th St. NW                       | 15th St. NW                      | Primary        |

**608.3 Sub-Area Use Regulations**

- (a) Buildings with frontage on primary designated street segments in this sub-area are subject to the use regulations of § 602.2;
- (b) Buildings with frontage on secondary designated street segments in this sub-area are subject to the use regulations of § 604.2.
- (c) Buildings in Squares 254, 291, 322, 347 and 378 are subject to the use regulations of the Arts Sub-Area

**608.4 Sub-Area Design Regulations**

- (a) Buildings with frontage on primary street segments in this sub-area are subject to the design regulations in § 602.3.

- (b) Buildings with frontage on secondary street segments in this sub-area are subject to the use regulations of § 605.
- (c) Buildings with frontage on Pennsylvania Avenue, N.W. are subject to the height regulations of § 306.2.

## 609 CHINATOWN

### 609.1 Overview

| Objectives to Be Achieved by Additional Use / Design Regulations                                                                                                                                                                                                                                                       | Boundaries, Property Squares and Streets                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Protect and enhance downtown's only ethnic cultural area by maintaining and expanding the existing concentration of retail uses emphasizing Chinese or Asian cultural and community facilities, as well as merchandise and related wholesale operations serving residents, visitors, tourists, and business travelers. | <ul style="list-style-type: none"> <li><u>General Location</u>: 5<sup>th</sup> to 8<sup>th</sup> Street, N.W. from Massachusetts Avenue to G Street.</li> <li><u>Squares</u>: 425 and 428 as well as 429 and 454 north of a line extending eastward from the extension of G Pl. N.W., as outlined in the map that follows.</li> <li><u>Designated Street Segments</u>: generally indicated with black lines on map and detailed in the § 609.2 table that follows.</li> </ul> |

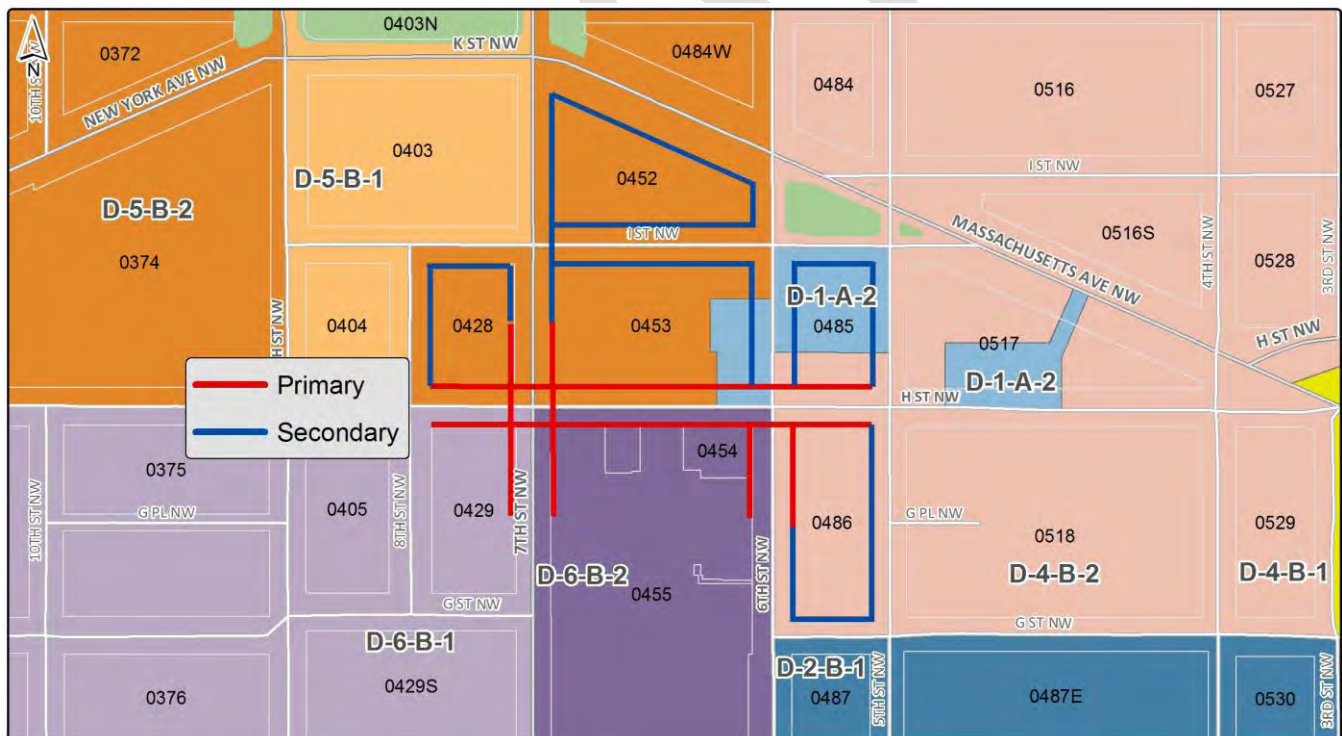


Figure 11. Illustration of Chinatown Sub-Area's Designated Street Segments

609.2 Designated Street Segments in the Chinatown Sub-Area:

| Street                       | Side of Street | Relevant Zones                              | Boundary 1 (northern or eastern)                         | Boundary 2 (southern or western)                       | Classification             |
|------------------------------|----------------|---------------------------------------------|----------------------------------------------------------|--------------------------------------------------------|----------------------------|
| <b>5th St. NW</b>            | west           | D-1-A-2,<br>D-4-B-2                         | St. NW                                                   | G St. NW                                               | Secondary                  |
| <b>6th St. NW</b>            | both           | D-1-A-2,<br>D-4-B-2,<br>D-5-B-2             | Massachusetts Ave. NW                                    | H St. NW                                               | Secondary                  |
| <b>6th St. NW</b>            | both           | D-4-B-2,<br>D-6-B-2                         | H St. NW                                                 | A line extending eastward from G Pl. NW                | Primary                    |
| <b>6th St. NW</b>            | east           | D-4-B-2                                     | A line extending eastward from G Place NW                | G St. NW                                               | Secondary                  |
| <b>7th St. NW</b>            | east           | D-5-B-2                                     | Massachusetts Ave. NW                                    | St. NW                                                 | Secondary                  |
| <b>7th St. NW</b>            | both           | D-6-B-2,<br>D-6-B-1                         | St. NW                                                   | A line 176 feet north of the centerline of H Street NW | Secondary                  |
| <b>7th St. NW</b>            | both           | D-5-B-1,<br>D-6-B-A,<br>D-6-B-2             | A line 176 feet north of the centerline of H Street N.W. | A line extending east from G Pl. NW                    | Primary                    |
| <b>8th St. NW</b>            | east           | D-5-B-2,<br>D-6-B-1,<br>D-6-B-2             | St. NW                                                   | G St. NW                                               | Secondary                  |
| <b>G St. NW</b>              | north          | D-4-B-1                                     | 5th St NW                                                | 6th St. NW                                             | Secondary                  |
| <b>H St. NW</b>              | both           | D-1-A-2,<br>D-4-B-1,<br>D-5-B-2,<br>D-6-B-2 | 5th St. NW                                               | 8th St. NW                                             | Primary                    |
| <b>St. NW</b>                | north          | D-5-B-2                                     | 6th St. NW                                               | 7th St. NW                                             | Secondary                  |
| <b>St. NW</b>                | south          | D-1-A-2,<br>D-5-B-2                         | 5th St. NW                                               | 8th St. NW                                             | Secondary                  |
| <b>Massachusetts Ave. NW</b> | south          | D-5-B-2                                     | 6th St. NW                                               | 7th St. NW                                             | Secondary ,<br>and § 610.4 |

609.3 Sub-Area Use Requirements

- (a) A building or structure on a lot with frontage on a street classified as a Primary Street segment shall:
  - (1) Devote not less than 1.0 FAR of the ground floor gross floor area to uses identified in § 601.2 or to wholesaling accessory to those uses;

- (2) Devote no more than 25 percent of the ground floor gross floor area retail requirement to Services (Financial); and
  - (3) Devote 100 percent of the building's street frontage along the Primary Street to required uses, except for space devoted to building entrances or required for fire control; except that
  - (4) The requirements of this sub-section shall not apply to buildings devoted entirely to residential uses, theaters, historic landmarks, or places of worship.
- (b) A building or structure on a lot with frontage only on a street classified as a Secondary Retail Street shall:
- (1) Devote not less than 0.5 FAR of the ground floor gross floor area to on-site required uses identified in § 601.2;
  - (2) Devote 100 percent of the building's street frontage along the Secondary Retail Street to required uses, except for space devoted to building entrances or required for fire control; and
- (c) The requirements of this sub-section shall not apply to buildings devoted entirely to residential uses, theaters, historic landmarks, or places of worship.

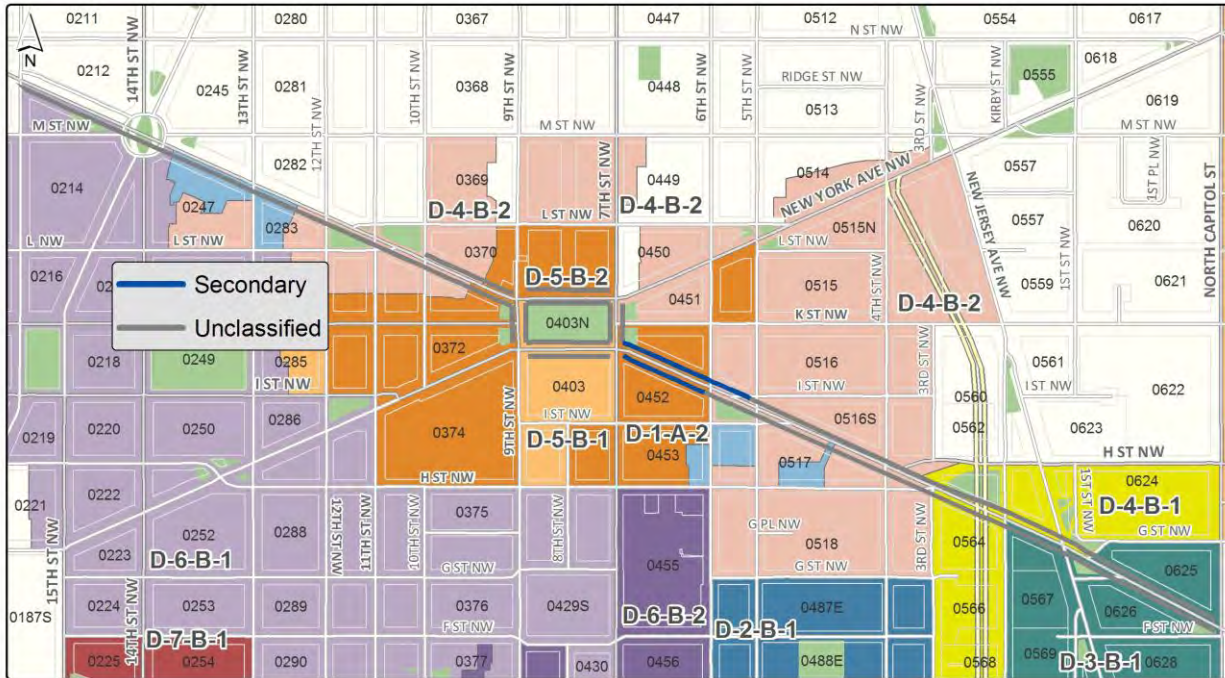
#### 609.4 Sub-Area Design Regulations

- (a) Design regulations for primary streets are contained in § 603.
- (b) Design regulations for secondary streets are contained in § 605.

### 610 MASSACHUSETTS AVENUE CORRIDOR AND MT VERNON SQUARE

#### 610.1 General Overview

| Objectives to Be Achieved by Additional Use / Design Regulations                                                                                                                                                                                        | Boundaries, Property Squares and Streets                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Encourage a boulevard and park-like openness for the Massachusetts Avenue corridor linking the Capitol to the embassy district through upper story step-backs that increase the amount of light available to pedestrians and to public space plantings. | <ul style="list-style-type: none"> <li>• <u>General Location</u>: Massachusetts Avenue from North Capitol Street to 15<sup>th</sup> Street, N.W. including Mount Vernon Place, K Street, 7<sup>th</sup> and 9<sup>th</sup> Streets N.W. surrounding Mount Vernon Square.</li> <li>• <u>Squares</u>: 212-214, 245-247, 282, 283, 315, 342, 370-372, 402, 403, 426, 451, 452, 484W, 484, 516S, 517, 528, 529, 562S, 563-565, and 624-626, as outlined in the map that follows.</li> <li>• <u>Designated Street Segments</u>: generally indicated with green lines on map and detailed in the § 610.1 table that follows.</li> </ul> |



**Figure 12. Massachusetts Avenue Sub-Area's Designated Street Segments**

610.2 Designated Street Segments in the Massachusetts Avenue/ Mt. Vernon Square Sub-Area:

| Street                 | Side of Street | Relevant Zones                              | Boundary 1<br>(northern or eastern)          | Boundary 2<br>(southern or western) | Classification |
|------------------------|----------------|---------------------------------------------|----------------------------------------------|-------------------------------------|----------------|
| 7th St. NW             | both           | D-4-B-2,<br>D-5-B-2                         | Mt. Vernon Pl. /<br>New York Ave.<br>NW      | K St. /<br>Massachusetts<br>Ave. NW | Unclassified   |
| 9th St. NW             | both           | D-4-B-2,<br>D-5-B-2                         | Mt. Vernon Pl. /<br>Massachusetts<br>Ave. NW | K St. / New York<br>Ave. NW         | Unclassified   |
| Massachusetts Ave. NW  | both           | D-1-A-2,<br>D-3-B-1,<br>D-4-B-1,<br>D-4-B-2 | North Capitol St.<br>NW                      | 5th St. NW                          | Unclassified   |
| Massachusetts Ave. NW  | south          | D-4-B-2                                     | 5th St. NW                                   | 6th St. NW                          | Unclassified   |
| Massachusetts Ave. NW  | north          | D-4-B-2                                     | 4th St. NW                                   | 6th St. NW                          | Secondary      |
| Massachusetts Ave. NW  | both           | D-5-B-1                                     | 6th St. NW                                   | 7th St. NW                          | Secondary      |
| K St. NW               | both           | D-5-B-1                                     | 7th St. NW                                   | 9th St. NW                          | Unclassified   |
| Mt. Vernon Place       | both           | D-5-B-2                                     | 7th St. NW                                   | 9th St. NW                          | Unclassified   |
| Massachusetts Ave. NW  | both           | D-4-B-2,<br>D-5-B-2                         | 9th St. NW                                   | 10th St. NW                         | Unclassified   |
| Massachusetts Ave., NW | south          | D-1-A-2,<br>D-4-B-2                         | 10 <sup>th</sup> St. NW                      | 15 <sup>th</sup> St NW              | Unclassified   |

610.3 Sub-Area Use Regulations

- (a) A building with frontage on the south side of Massachusetts Avenue, N.W., between 6<sup>th</sup> Street and 7<sup>th</sup> Street shall be subject to the use requirements of § 609.3 (b).

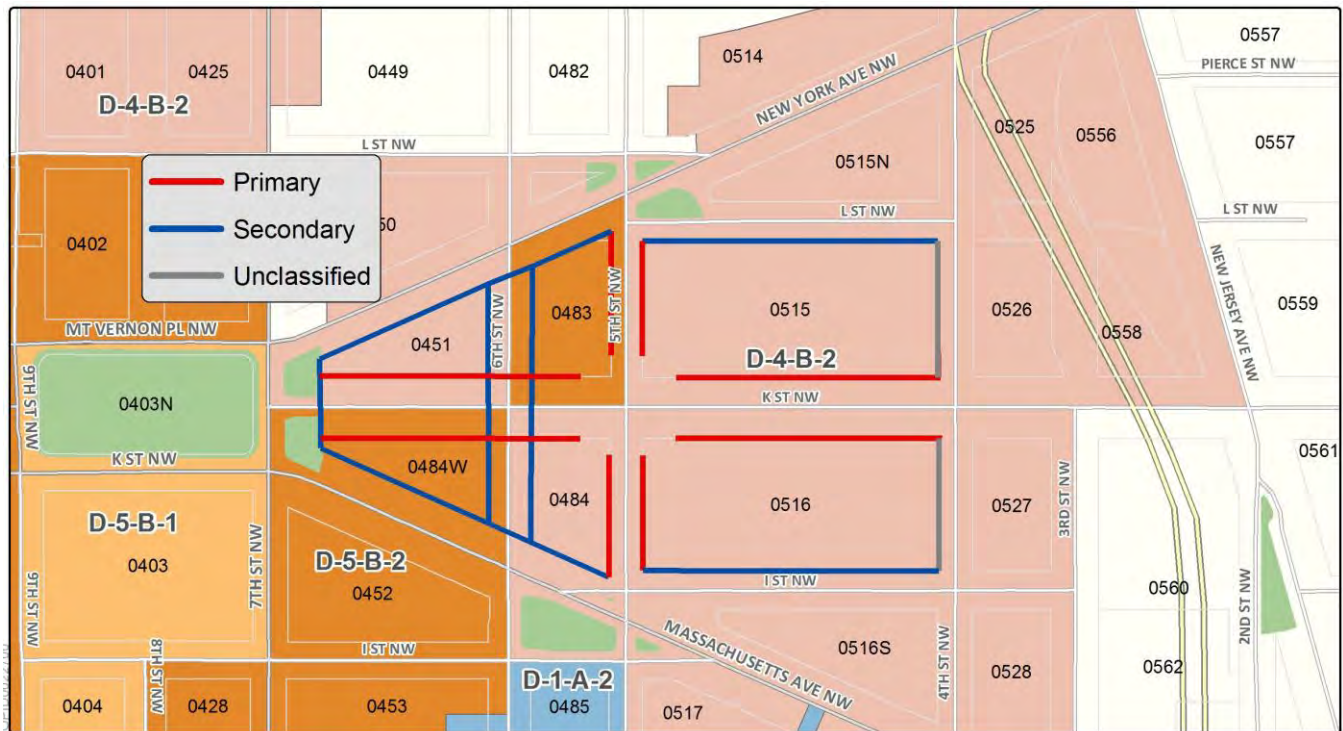
610.4 Sub-Area Design Regulations

- (a) No part of a building with frontage on Mount Vernon Square or on Massachusetts Avenue between North Capitol Street and 15<sup>th</sup> Street N.W. shall project above a plane drawn at a forty-five degree (45°) angle from a line located one hundred ten feet (110 ft.) above the property line abutting Massachusetts Avenue or Mount Vernon Square.

**611 MOUNT VERNON TRIANGLE (MVT) NOT INCLUDING MVT PRINCIPAL INTERSECTION AREA (PIA)**

611.1 General Overview

| Objectives to Be Achieved by Additional Use / Design Regulations                                                                                                                                                                                                                                                                      | Boundaries, Property Squares and Streets                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Promote the development of ground floor level retail, service, food and beverage and entertainment uses that serve the immediate and nearby neighborhoods, as well as the Convention Center and downtown, in street frontages that will be active, pedestrian-friendly places, particularly along K and 5 <sup>th</sup> Streets, N.W. | <ul style="list-style-type: none"><li>• <u>General Area</u>: 4<sup>th</sup> to 7<sup>th</sup> Street N.W. from L Street and New York Avenue to Street and Massachusetts Avenue, but not including the intersection of 5<sup>th</sup> and Streets, N.W. (See § 612).</li><li>• <u>Squares</u>: 451, 484W, 483, 484, 515, and 516, as outlined in the map that follows.</li><li>• <u>Designated Street Segments</u>: generally indicated with black lines on map and detailed in the § 611.2 table that follows.</li></ul> |



**Figure 13. Illustration of Mt. Vernon Triangle's Designated Street Segments**

611.2 Designated Street Segments in the Mt. Vernon Triangle Sub-Area:

| Street     | Side of Street | Relevant Zones   | Boundary 1 (northern or eastern)                   | Boundary 2 (southern or western)                   | Classification                                                                                |
|------------|----------------|------------------|----------------------------------------------------|----------------------------------------------------|-----------------------------------------------------------------------------------------------|
| 4th St. NW | west           | D-4-B-2          | L St. NW                                           | 36 feet north of K St. NW                          | Unclassified with vehicle entry restrictions per § 611.4(f)                                   |
| 4th St. NW | west           | D-4-B-2          | 36 feet north of K St. NW                          | 36 feet south of K St. NW                          | Primary Street with vehicle entry restrictions per § 611.4(f)                                 |
| 4th St. NW | west           | D-4-B-2          | 36 feet south of K St. NW                          | St. NW                                             | Unclassified with vehicle entry restrictions per § 611.4(f)                                   |
| 5th St. NW | both           | D-4-B-2, D-5-B-2 | New York Ave. NW                                   | 72 ft. north of lot line on north side of K St. NW | Primary Street, with portions subject to vehicle entry restrictions per §§ 611.4(d), (e), (f) |
| 5th St. NW | both           | D-4-B-2, D-5-B-2 | 72 ft. north of lot line on north side of K St. NW | 72 ft. south of lot line on south side of K St. NW | Mount Vernon Triangle Primary Intersection Area - §§ 612                                      |
| 5th St. NW | both           | D-4-B-2          | 72 ft. south of lot line on south side of K St. NW | Massachusetts Ave. NW                              | Primary Street, with portions subject to vehicle entry restrictions per §§ 611.4(d), (e), (f) |
| 6th St. NW | both           | D-4-B-2, D-5-B-2 | New York Ave. NW                                   | Massachusetts Ave. NW                              | Secondary Street with vehicle entry restrictions per § 611.4(f)                               |

| Street                       | Side of Street | Relevant Zones   | Boundary 1 (northern or eastern)                               | Boundary 2 (southern or western)                               | Classification                                                                                                     |
|------------------------------|----------------|------------------|----------------------------------------------------------------|----------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------|
| <b>7th St NW</b>             | east           | D-4-B-2, D-5-B-2 | New York Ave. NW                                               | Massachusetts Ave. NW                                          | Primary Street with vehicle entry restrictions per § 611.4(f) Massachusetts Avenue / Mt. Vernon Square per § 610.4 |
| <b>Massachusetts Ave. NW</b> | north          | D-5-B-2          | 5 <sup>th</sup> St. NW                                         | 7 <sup>th</sup> St. NW                                         | Secondary Street with vehicle entry restrictions per § 611.4(f)                                                    |
| <b>St. NW</b>                | north          | D-4-B-2          | 4 <sup>th</sup> St. NW                                         | 5 <sup>th</sup> St. NW                                         | Secondary Street with vehicle entry restrictions per § 611.4(f)                                                    |
| <b>K St. NW</b>              | both           | D-4-B-2, D-5-B-2 | 4 <sup>th</sup> St. NW                                         | 72 ft. east of lot line on east side of 5 <sup>th</sup> St. NW | Primary Street with vehicle entry restrictions per §§ 611.4(c), (d), (f)                                           |
| <b>K St. NW</b>              | both           | D-4, D-5         | 72 ft. west of lot line on west side of 5 <sup>th</sup> St. NW | 7 <sup>th</sup> St. NW                                         | Primary Street with vehicle entry restrictions per § 611.4(c), (f)                                                 |
| <b>L St. NW</b>              | South          | D-4-B-2          | 4 <sup>rd</sup> St. NW                                         | 5 <sup>th</sup> St. NW                                         | Secondary Street with vehicle entry restrictions per § 611.4(f)                                                    |
| <b>New York Ave. NW</b>      | south          | D-4-B-2, D-5-B-2 | 5 <sup>th</sup> St. NW                                         | 7 <sup>th</sup> St. NW                                         | Secondary Street with vehicle entry restrictions per § 611.4(f)                                                    |

### 611.3 Sub-Area Use Regulations

- (a) Use regulations for primary streets are contained in § 602.2.
- (b) Use regulations for secondary streets are contained in § 604.2

### 611.4 Sub-Area Design Regulations

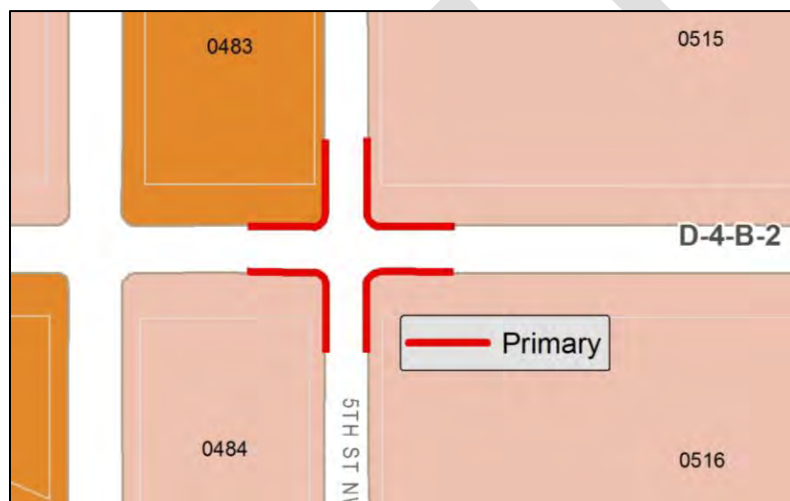
- (a) Design regulations for primary streets are contained in § 603.
- (b) Design regulations for secondary streets are contained in § 605.
- (c) There shall be no vehicular garage or loading entrance or exits constructed on the portions of facades adjacent to the north or south side of K Street between 5<sup>th</sup> Street and 7<sup>th</sup> Street.
- (d) There shall be no more than one vehicular garage or loading entrance or exit constructed on the following street segments, unless otherwise required DDOT:
  - (1) The north side of K Street between 4<sup>th</sup> Street and 5<sup>th</sup> Street;
  - (2) The south side of K Street between 4<sup>th</sup> Street and an alley [existing on the effective date of this section] located approximately three hundred and seventy-five (375) feet west of 4<sup>th</sup> Street;

- (3) The east side of 5<sup>th</sup> Street between Street and L Street, other than the area defined in § 612.
- (e) There shall be no more than two vehicular garage or loading entrances or exits constructed on the portions of facades adjacent to the following streets, unless otherwise required by the District Department of Transportation (DDOT):
  - (1) The west side of 5<sup>th</sup> Street between Street and L Street, other than the area defined in § 612.
- (f) For designated street segments in the Mount Vernon Triangle that are not governed by §§ 611.4(c)-611.4(e) no more than one driveway may be constructed within the length of an individual building, unless the building extends the entire length of the block, in which case the following shall apply:
  - (1) No more than two driveways may be constructed per side of a Square; and
  - (2) Each driveway shall be separated by no less than sixty (60) feet, unless lesser distances between curb cuts are required by the District Department of Transportation (DDOT).
- (g) Exceptions from the requirements of this Section shall be permitted only if granted by the Board of Zoning Adjustment under Subtitle Y - Chapter 9 (Special Exceptions), provided that the applicant demonstrates that:
  - (1) There is no practical alternative means of serving the parking, loading, or drop-off needs of the building to be served by the proposed driveway, such as signage approved by the District Department of Transportation (DDOT), that would direct vehicles to an alternative entrance point within the same Square;
  - (2) The driveway will not impede the flow of pedestrian traffic on the street frontages listed in primary street segments; and
  - (3) The proposed driveway is not inconsistent with the DDOT landscape plans for the public rights of way on the designated street frontage, as such plans exist at the time of the special exception application.

## 612 MOUNT VERNON TRIANGLE PRINCIPLE INTERSECTION

### 612.1 General Overview

| Objectives to Be Achieved by Additional Use / Design Regulations                                                                            | Boundaries, Property Squares and Streets                                                                                                                                                                                                                                                                                                                                                                             |
|---------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Require uses and building design that provide a focus for food and beverage, entertainment and accessory uses in the Mount Vernon Triangle. | <ul style="list-style-type: none"> <li>General Area: The area within 72 feet of the point where property lines adjacent to K Street and 5<sup>th</sup> Street intersection.</li> <li><u>Squares</u>: 483, 484, 515, and 516, as outlined in the map that follows.</li> <li><u>Designated Street Segments</u>: generally indicated with black lines on map and detailed in the § 612.2 table that follows.</li> </ul> |



**Figure 14. Illustration of Mt. Vernon Triangle Principal Intersection Sub-Area's Designated Street Segments**

### 612.2 Designated Street Segments in the Mt. Vernon Triangle Principal Intersection Sub-Area:

- Principal Intersection Area in the Mount Vernon Triangle (MVT-PIA) comprises the area of a square with 72 feet on a side where two sides are contiguous with and inside of the property lines on each of the four corners of the intersection of K Street, N.W. and 5<sup>th</sup> Street, N.W. as indicated in the diagram that follows.
- Definitions: For design purposes, each of the four corners within the Principal Intersection Area (PIA) has four (4) thirty-six-foot by thirty-six-foot (36 ft. by 36 ft.) modules:

|               |            |           |                                                       |              |   |               |
|---------------|------------|-----------|-------------------------------------------------------|--------------|---|---------------|
| Square 483    | Square 483 |           | 5th<br>Street, NW                                     | Square 515   |   | Square<br>515 |
|               | D          | B         |                                                       | B            | D |               |
|               | C          | A<br>(NW) |                                                       | A<br>(NE)    | C |               |
| K Street, NW  |            |           | Intersection<br>of 5 <sup>th</sup> & K<br>Streets, NW | K Street, NW |   |               |
| Square<br>484 | C          | (SW)<br>A | 5th<br>Street, NW                                     | (SE)<br>A    | C | Square<br>516 |
|               | D          | B         |                                                       | B            | D |               |
|               | Square 484 |           |                                                       | Square 516   |   |               |

**Figure 15. Illustration of MVT Principal Intersection Area Corners and Modules A - D**

- (1) In the table, "K Street" defines the east and west directions; "5th Street" defines the north and south directions. The northwest corner is Square 483; the northeast corner is Square 515; the southwest corner is Square 484; the southeast corner is Square 516.
- (2) At each corner there are four modules labeled A, B, C and D. Each block in the chart labeled A, B, C, or D represents a thirty-six-foot by thirty-six-foot (36 ft. by 36 ft.) area within the respective seventy-two-foot by seventy-two-foot (72 ft. by 72 ft.).
- (3) The "A" modules are the thirty-six-foot by thirty-six-foot (36 ft. by 36 ft.) modules nearest to the intersections. The "B" modules are the thirty-six-foot by thirty-six-foot (36 ft. by 36 ft.) modules fronting on 5th Street that are between thirty-six (36) feet and seventy-two (72) feet north and south of K Street. The

"C" modules are the thirty-six-foot by thirty-six-foot (36 ft. by 36 ft.) modules fronting on K Street that are between thirty-six (36) feet and seventy-two (72) feet east and west of 5th Street. The "D" modules are the thirty-six-foot by thirty-six-foot (36 ft. by 36 ft.) interior modules that have frontage on neither K Street nor 5th Street.

#### 612.3 Sub-Area Use Regulations

- (a) For the portion of a building or structure with frontage on a Principal Intersection Area designated street segment in the Mount Vernon Triangle, one-hundred percent (100%) of the building's ground floor and mezzanine shall be dedicated to uses permitted on primary streets, provided that at least 50% of the floor area of each permitted use and at least 40% of the permitted principal uses(s) linear frontage shall be devoted to one or more of the following uses:
  - (1) Bookstore including restaurant;
  - (2) Cabaret;
  - (3) Drinking place, including bar, nightclub or cocktail lounge and restaurant.

#### 612.4 Sub-Area Design Regulations

- (a) Minimum Ground Floor Height Requirements

| Module | Minimum clear floor-to-ceiling height        |
|--------|----------------------------------------------|
| A      | 22 Feet                                      |
| B & C  | 22 Feet for at least 50% of its ground floor |
| D      | 14 Feet                                      |

- (b) Streetwall Design Requirements

- (1) Each building shall devote not less than sixty-five percent (65%) of the surface area of the streetwall(s) at the ground level, to a height of at least twenty-two (22) feet, to display windows with clear and/or low-emissivity glass, except for decorative or architectural accent and entrances to commercial uses or to the building.
- (2) Each building shall devote not less than sixty-five percent (65%) of the surface area of the streetwall between eighteen (18) feet and twenty-two (22) feet above grade to clear and/or low-emissivity glass.

- (c) Ground Floor Entrance Requirements:

- (1) There shall be no direct entrances to lobbies serving residential or office uses.
- (2) There shall be no vehicular garage or loading entrances or exits in portions of facades within the PIA, unless otherwise required DDOT.

- (d) Roof Terrace Permissions: Roof terraces, whether open to the sky or covered with awnings or canopies, that are atop the portions of a building within the "A," "B," or "C" modules, as defined in § 612.2, shall not be included in the maximum floor area ratio calculations.

## 613 BLAGDEN ALLEY RESIDENTIAL TRANSITION AREA

### 613.1 General Overview

| Objectives to Be Achieved by Additional Use / Design Regulations                                                                                                               | Boundaries, Property Squares and Streets                                                                                                                                                                                                                                                                     |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Ensure a height transition between the medium density, primarily commercial, public and lodging uses south of M Street and the more residential uses on the north of M Street. | <ul style="list-style-type: none"> <li>General Area: The south side M Street N.W. from 9th to 10<sup>th</sup> Streets, N.W.</li> <li><u>Squares</u>: 369.</li> <li><u>Designated Street Segments</u>: generally indicated with black lines on map and detailed in the § 613.2 table that follows.</li> </ul> |

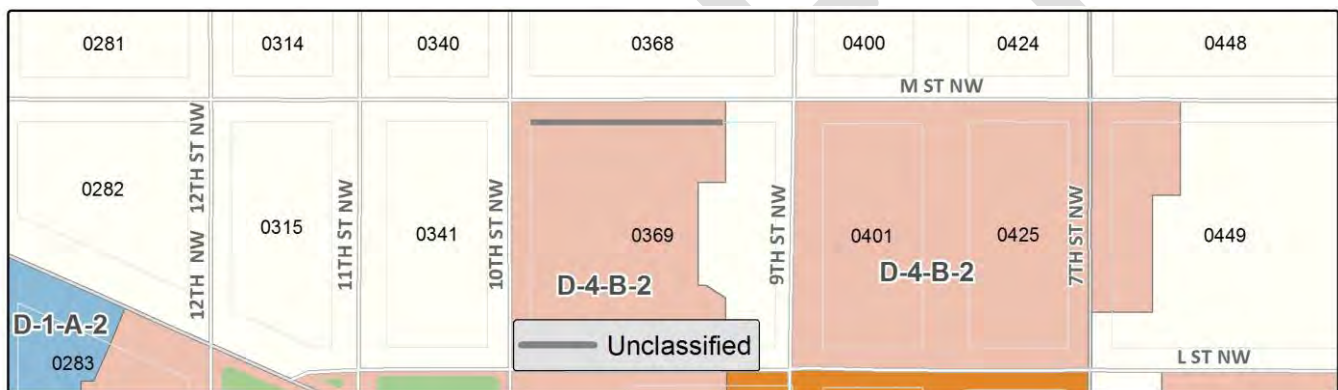


Figure 16. Illustration of Blagden Alley Sub-Area's Designated Street Segment (M St., NW)

### 613.2 Designated Street Segments in the Blagden Alley Sub-Area

| Street   | Side of Street | Relevant Zones | Boundary 1 (northern or eastern) | Boundary 2 (southern or western) | Classification |
|----------|----------------|----------------|----------------------------------|----------------------------------|----------------|
| M St. NW | south          | D-4-B-2        | 9th St. NW                       | 10th St. NW                      | Unclassified   |

### 613.3 Sub-Area Use Regulations

- (a) There are no use regulations specific to the sub-area.

### 613.4 Sub-Area Design Regulations

- (a) A building constructed on a lot fronting on M Street between 9th Street and 10th Street shall be limited to a maximum height of sixty feet (60 ft.) to a depth of forty feet (40 ft.) from the lot line on M Street.

## 614 LOWER CONNECTICUT AVENUE CORRIDOR

### 614.1 General Overview

| Objectives to Be Achieved by Additional Use / Design Regulations                                                                                              | Boundaries, Property Squares and Streets                                                                                                                                                                                                                                                                            |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Support the continued concentration of active, high-quality ground floor retail uses along the Connecticut Avenue corridor between K Street and Dupont Circle | <ul style="list-style-type: none"> <li>General Area: Connecticut Avenue from K to M Street, N.W.</li> <li>Squares: 161-164, as outlined in the map that follows.</li> <li><u>Designated Street Segments</u>: generally indicated with black lines on map and detailed in the § 614.2 table that follows.</li> </ul> |



Figure 17. Illustration of Connecticut Avenue Sub-Area's Designated Street Segments

### 614.2 Designated Street Segments in the Connecticut Avenue Sub-Area:

| Street              | Side of Street | Relevant Zones | Boundary 1 (northern or eastern) | Boundary 2 (southern or western) | Classification |
|---------------------|----------------|----------------|----------------------------------|----------------------------------|----------------|
| Connecticut Ave. NW | both           | D-6-B-1        | M St. NW                         | K St. NW                         | Primary        |

#### Sub-Area Use Regulations

- (a) Use regulations for primary streets are contained in § 602.2.

### 614.3 Sub-Area Design Regulations

- (a) Design regulations for primary streets are contained in § 603.

## 615 NOMA SUB-AREA

### 615.1 General Overview

| Objectives to Be Achieved by Additional Use / Design Regulations                                                                                                                                                                                             | Boundaries, Property Squares and Streets                                                                                                                                                                                                                                                                                                                             |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Further the transition of the former light industrial area into a high-density commercial and residential neighborhood with a concentration of ground floor level retail, service, food and beverage, and entertainment uses on 1 <sup>st</sup> Street, N.E. | <ul style="list-style-type: none"> <li><u>General Area</u>: 1<sup>st</sup> Street, N.E. from K Street to New York Avenue, N.E.</li> <li><u>Squares</u>: 671-674 and 710-713, as outlined in the map that follows.</li> <li><u>Designated Street Segments</u>: generally indicated with black lines on map and detailed in the § 615.2 table that follows.</li> </ul> |



Figure 18. Illustration of NoMa Sub-Area's Designated Street Segments (1st St. NE)

### 615.2 Designated Street Segments in the NoMa Sub-Area

| Street    | Side of Street | If In This Zone | Boundary 1 (northern or eastern) | Boundary 2 (southern or western) | Classification |
|-----------|----------------|-----------------|----------------------------------|----------------------------------|----------------|
| 1st St. N | both           | D-5-B-1         | New York Ave. NE                 | K St. NE                         | Primary        |

### 615.3 Sub-Area Use Regulations

- (a) Use regulations for primary streets are contained in § 602.2.

### 615.4 Sub-Area Design Regulations

- (a) Design regulations for primary streets are contained in § 603.

## 616 M AND SOUTH CAPITOL STREETS, S.E. SUB-AREA

### 616.1 General Overview

| Objectives to Be Achieved by Additional Use / Design Regulations                                                                                                                               | Boundaries, Property Squares and Streets                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Enable the transition of an area that mixed industrial, residential and institutional uses into a high-density primarily commercial and retail area north of the Capitol Gateway neighborhood. | <ul style="list-style-type: none"> <li><u>General Area</u>: North side of M Street between 2<sup>nd</sup> Street, SE and a point 205 feet west of the centerline of South Capitol Street, S.W. and the northeast and northwest corners of the intersection of M Street S.E. and S.W. and South Capitol Street.</li> <li><u>Squares</u>: 649, 698, 699, 742 and 743N, as outlined in the map that follows.</li> <li><u>Designated Street Segments</u>: generally indicated with thicker lines on map and detailed in the § 616.2 table that follows.</li> </ul> |



Figure 19. Illustration of M and South Capitol Streets, S.E. Sub-Area's Designated Street Segments

### 616.2 Designated Street Segments in the M and South Capitol Streets, S.E. Sub-Area:

| Street                   | Side of Street | Relevant Zones | Boundary 1 (northern or eastern)            | Boundary 2 (southern or western)                        | Classification                |
|--------------------------|----------------|----------------|---------------------------------------------|---------------------------------------------------------|-------------------------------|
| <b>South Capitol St.</b> | west           | D-5-B-1        | 200 feet north of centerline of M St. SW    | M St. SW                                                | Unclassified, Design Review   |
| <b>South Capitol St.</b> | east           | D-5-B-1        | 150 feet north of property line at M St. SE | M St. SW                                                | Unclassified; Design Review   |
| <b>M St. SE</b>          | north          | D-5-B-1        | 2nd St. SE                                  | South Capitol St. SE                                    | Primary Street, Design Review |
| <b>M St. SW</b>          | north          | D-5-B-1        | South Capitol St. SW                        | 200 feet west of the centerline of South Capitol St. SW | Unclassified; Design Review   |

### 616.3 Use Regulations Within the M and South Capitol Streets Sub-area

- (a) Use regulations for primary streets are contained in § 602.2.

616.4 Design Regulations Within the M and South Capitol Streets Sub-area defined in § 616.2.

- (a) The following provisions apply to the M Street, S.E. frontage of buildings:
  - (1) The streetwall of each new building shall be set back for its entire height and frontage along M Street, S.E. not less than fifteen (15) feet, as measured from the face of the adjacent curb.
- (b) The following provisions apply to the South Capitol Street frontage of buildings:
  - (1) The streetwall on the eastern side of South Capitol Street shall be set back for its entire height and frontage not less than 15 feet, from the building line;
  - (2) Any portion that exceeds 110 feet in height shall provide an additional one-to-one (1:1) step-back from the building line along South Capitol Street;
  - (3) No private driveway may be constructed or used from South Capitol Street to any parking or loading berth areas in or adjacent to a building or structure;
  - (4) A minimum of 75% of the street-wall on the east side of South Capitol Street shall be constructed on the setback line; and
  - (5) A minimum of 60% of the street-wall on the west side of South Capitol Street shall be constructed to the property line.
- (c) All proposed uses, buildings, and structures, or any proposed exterior renovation to any existing buildings or structures that would result in an alteration of the exterior designs facing the street segments noted in § 616.2 shall be subject to review and approval by the Zoning Commission in accordance with the provisions in Chapter 7 of this subtitle.

## **CHAPTER 7 DESIGN REVIEW**

### **700 INTRODUCTION TO DESIGN REVIEW REGULATIONS**

- 700.1 The purpose of this chapter is to identify the Downtown zones that require developments to undergo design review, and the triggers for the requirement.

### **701 DESIGN REVIEW REQUIREMENTS**

- 701.1 If a zone or geographic location is subject to this subsection, construction of a new building or expansion of an existing building to greater than nine (9) FAR on a right of way less than one hundred ten feet (110 ft.) wide, or to greater than ten (10) FAR on a street one hundred ten or more feet (110 ft.) wide, requires design review under the provisions of this chapter.

### **702 ZONING COMMISSION REVIEW OF BUILDINGS, STRUCTURES, AND USES**

- 702.1 The provisions of Chapter 7 apply to a building or structure that is within the M and South Capitol Streets, S.E. sub-area
- 702.2 With respect to those properties described in § 702.1, all proposed uses, buildings, and structures, or any proposed exterior renovation to any existing buildings or structures that would result in an alteration of the exterior design, shall be subject to review and approval by the Zoning Commission in accordance with the following provisions.
- 702.3 In addition to proving that the proposed use, building, or structure meets the Special Exception standards set forth in Subtitle Y Chapter 8, an applicant requesting approval under this section shall prove that the proposed building or structure, including the sitting, architectural design, site plan, landscaping, sidewalk treatment, and operation, will:
- (a) Help achieve the objectives of the M and South Capitol Streets, S.E. sub-area defined in § 616.1, with the identified preferred uses specifically being residential, hotel or inn, cultural, entertainment, retail, or service uses;
  - (b) Be in context with the surrounding neighborhood and street patterns;
  - (c) Minimize conflict between vehicles and pedestrians;
  - (d) Minimize unarticulated blank walls adjacent to public spaces through facade articulation; and
  - (e) Minimize impact on the environment, as demonstrated through the provision of an evaluation of the proposal against LEED certification standards.

- 702.4 With respect to a building or structure that has frontage on South Capitol Street S.E.:
- (a) The building or structure shall incorporate massing, materials, and buildings and streetscape landscaping to further the design and development of properties in a manner that is sensitive to the establishment of South Capitol Street as a monumental civic boulevard;
  - (b) The building or structure shall incorporate massing, location of access to parking and loading, and location of service areas to recognize the proximate residential neighborhood use and context, as applicable; and
  - (c) The application shall include a view analysis that assesses openness of views and vistas around, including views toward the Capitol Dome, other federal monumental buildings, the Ballpark, and the waterfront.
- 702.5 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.
- 702.6 At the time of filing an application with the Zoning Commission, the applicant shall pay the filing fees by the Office of Zoning, plus such fees as apply to any additional zoning relief requested. The provisions 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 Zoning Commission, which shall decide the appeal as a preliminary matter to hearing the application.

## **CHAPTER 8 GENERATION AND CERTIFICATION OF CREDITS**

### **800 INTRODUCTION TO THE D CREDIT SYSTEM**

- 800.1 Within Downtown, market forces or other conditions may favor the development of one type of use over another in an area at any given time. To help ensure the provision of the range of uses essential a successful Downtown, this subtitle provides for a Credit system to incentivize the development of a mix of uses in Downtown as a whole and within certain sub-areas.
- 800.2 The Credits facilitate the growth of the uses or facilities listed in § 801.1 (a) – (d) within specific geographic trade areas, the boundaries of which are illustrated in Figure 20, § 900.8. The Credit system provides flexibility in the development of an individual lot by enabling additional density on that lot provided the Credit-generating uses are provided on that lot or elsewhere within the same credit trading area. Additional density may also be achieved through the sale of credits, the purchase of credits generated by the same uses elsewhere within the same trading area, or the use of credits authorized by §§ 801.1 (e) and (f).
- 800.3 This chapter and Chapter 9, Use of Credits, provide regulations for the employment of the Credit system.

### **801 ACTIONS THAT GENERATE CREDITS**

- 801.1 In the D-3-B-1 through D-7-B-1 zones, Credits shall be generated within a trade area by the following:
- (a) Residential Uses: A building permit is issued for a new building or conversion of an existing non-residential use, in the D-3 through D-7 zones that will develop either new residential gross floor area where none is required, or new residential gross floor area that exceeds the requirements of §§ 401.6 through 401.9;
  - (b) Arts Uses: A building permit is issued for Arts-related space that exceeds the minimum on-site requirements of § 607;
  - (c) Public Open Spaces or Plaza: A building permit is issued in accordance with an approved plan for the provision of public open space/plaza, pursuant to § 804.
  - (d) Historic Structures: A building permit is issued to fully rehabilitate, pursuant to § 808, a historic landmark, a contributing building to an historic or a building that received its first Certificate of Occupancy prior to 1936;
  - (e) Conversion of Unused Transferable Development Rights (TDRs): A certificate of conversion to Credits is issued, pursuant to § 807, for TDRs generated pursuant to Chapter 17 of the Zoning Regulations effective prior to [effective date of this section] but never transferred from the property that generated them, or transferred but never used on a property as part of an issued building permit;

- (f) Conversion of Unassigned Combined Lot Development gross floor area (CLD's): A certificate of conversion to Credits is issued for CLD authority:
- i. Generated pursuant to §1708.1 of the Zoning Regulations effective prior to [effective date of this section] but for which the residential gross floor area constructed was never allocated through a covenant to a non-residential receiving site; and
  - ii. Generated pursuant to § 1602 of the Zoning Regulations effective prior to [effective date of this section] for properties adjacent to the designated street segments in this Title's § 616, the M and South Capitol Streets Sub-Area, but for which the residential gross floor area constructed was never allocated through a covenant to a non-residential receiving site.
- (g) Other Preferred Uses pursuant to § 809.1(a):
- (1) Child Development Center or Child Development Home: A certificate of occupancy is issued for a child development center or child development home after [the effective date of these regulations];
  - (2) Local Small and Disadvantaged Business Enterprises: A specific location in the Retail or Arts use is certified by the Mayor of the District of Columbia to have a covenant requiring the building owner to lease the space only to businesses owned by a certified LSDBE.

801.2 Pursuant to §§ 802 – 808.6, Credits shall be generated and measured in whole square feet in the following ratios, and used in whole square feet in the following areas:

| Type               | Description and Regulation                                     | Generating Action                             | Credit(s) of Square Feet Generated | Regulation  | Restrictions on Use (§§ 900.5 – 900.7)               |
|--------------------|----------------------------------------------------------------|-----------------------------------------------|------------------------------------|-------------|------------------------------------------------------|
| <b>Residential</b> | Market Rate                                                    | For each SF exceeding residential requirement | 1 credit                           | § 802.5     | In same Credit Trade Area as generated, for same use |
| <b>Residential</b> | Set aside of Low-Income IZ units                               | For each SF exceeding residential requirement | 2 credits                          | § 802.5 (a) | In same Credit Trade Area as generated, for same use |
| <b>Residential</b> | Set aside of Moderate Income IZ units where IZ is not required | For each SF exceeding residential requirement | 2 credits                          | § 802.5 (b) | In same Credit Trade Area as generated, for same use |

| Type                                                   | Description and Regulation                                                                                             | Generating Action                                                                                                        | Credit(s) of Square Feet Generated | Regulation  | Restrictions on Use (§§ 900.5 – 900.7)               |
|--------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------|------------------------------------|-------------|------------------------------------------------------|
| <b>Residential</b>                                     | Historic - Non-residential converted to residential in historic landmark or contributing building to historic district | For each SF exceeding residential requirement                                                                            | 2 credits                          | § 802.5 (c) | In same Credit Trade Area as generated, for same use |
| <b>Arts Uses in Arts Sub-Area (§ 607)</b>              | Arts Uses defined in § 607.3                                                                                           | For each SF of dedicated arts use space exceeding arts requirement                                                       | 1 credit                           | § 803.4     | In same Credit Trade Area as generated, for same use |
| <b>Arts Uses in Historically Designated Properties</b> |                                                                                                                        | For each SF of dedicated arts use space in historic property                                                             | 2 credits                          | § 803.5 (a) | In same Credit Trade Area as generated, for same use |
| <b>Arts in Arts Sub-Area (§ 607)</b>                   | LSDBE or Non-Profit Arts, Design and Creation Use Spaces in Arts Sub-Area                                              | For each SF of dedicated arts use space owned or covenanted to be operated by an LSDBE or a non-profit arts organization | 2 credits                          | § 803.5 (b) | In same Credit Trade Area as generated, for same use |
| <b>Arts in Arts Sub-Area (§ 607)</b>                   | Extra-height Arts, Spaces                                                                                              | For each SF of dedicated arts use FAR or FAER with a ceiling taller than 14 ft.                                          | 2                                  | § 803.5 (c) | In same Credit Trade Area as generated, for same use |
| <b>Arts in Arts Sub-Area (§ 607)</b>                   | In excess of 40,000 GSF on a single record lot on 7 <sup>th</sup> Street                                               | 1 – 40,000 GSF generates at § 803.4 or § 803.4 (a) – (c) or (e) rate; over 40,000 GSF generates @ 2:1                    | 2                                  | § 803.5(d)  | In same Credit Trade Area as generated, for same use |
| <b>Arts in Arts Sub-Area (§ 607)</b>                   | Focused Arts uses defined in § 607.3 (a) (1)                                                                           | For each SF of dedicated arts use space exceeding arts requirement                                                       | 2 credits                          | § 607.5 €   | In same Credit Trade Area as generated, for same use |

| Type                         | Description and Regulation                                                                                                                   | Generating Action                                                                                               | Credit(s) of Square Feet Generated                               | Regulation | Restrictions on Use (§§ 900.5 – 900.7)                       |
|------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------|------------|--------------------------------------------------------------|
| <b>Open Spaces or Plazas</b> | Within NoMA Sub-Area, § 615                                                                                                                  | For each GSF of open space or plaza                                                                             | 5(GSF) x (lesser of Zone FAR max. without IZ, or 10)             | § 804      | In any Credit Trade Areas, for any § 801 uses                |
| <b>Historic Preservation</b> | Project on lot of Historic landmark, lot of contributing building to historic district, or lot with building with a first C of O before 1936 | For each SF of zoning-permitted GFA left undeveloped after a full building restoration approved by HPRB         | 1 Credit, up to the lesser of 4 FAR or the limits in § 808.3 (g) | § 808.3(h) | In same Credit Trade Area as generated, for same use         |
| <b>Unused TDRs</b>           | -----                                                                                                                                        | For each SF converted within 3 years of this section's effective date                                           | 1 Credit                                                         | § 807      | Any Credit Trade Areas, but not for residential requirements |
| <b>Unassigned CLDs</b>       | -----                                                                                                                                        | For each SF converted within 3 years of this section's effective date                                           | 1 Credit                                                         | § 807      | Any Credit Trade Areas                                       |
| <b>Other Preferred Uses</b>  | <i>Child Development Center or Child Development Home</i>                                                                                    | For each SF exceeding a residential requirement; and for each SF where a residential requirement does not exist | 2 Credits                                                        | §809       | In same Credit Trade Area as generated, for same use         |

| Type                        | Description and Regulation                                           | Generating Action                                                                                                    | Credit(s) of Square Feet Generated | Regulation | Restrictions on Use<br>(§§ 900.5 – 900.7)            |
|-----------------------------|----------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------|------------------------------------|------------|------------------------------------------------------|
| <b>Other Preferred Uses</b> | <i>Local, Small or Disadvantaged Business Enterprise Retail Uses</i> | For each SF of retail uses in the Downtown Retail Core sub-Area (§ 606) covenanted to be owned or leased by an LSDBE | 1 Credit                           | §810       | In same Credit Trade Area as generated, for same use |

## **802 GENERATION OF CREDITS BY RESIDENTIAL DEVELOPMENT**

- 802.1 The purchase and use of Credits permits the construction of non-residential uses in excess of the non-residential FAR limit found in the zone tables of § Chapter 2.
- 802.2 Non-residential use on a property may exceed the zone's non-residential FAR limit for that property by an amount equal to the square feet of Credits generated by residential uses that are purchased and used, up to the maximum total FAR limit, with IZ, listed in the *zone table* for the property's zone unless otherwise specified.
- 802.3 The generation of Credits shall be approved by the Zoning Administrator and recorded in the land records of the District of Columbia, consistent with § 804
- 802.4 The maximum residential gross floor area of a project that is eligible to generate Credits is the lesser of:
- (a) The total gross floor area of new residential use developed on the lot; or
  - (b) The total gross floor area of new residential use developed on the lot minus the minimum residential FAR use requirements of §§ 401.7, 401.8 or 401.9.
- 802.5 One Credit shall be generated for each square foot of eligible residential GFA constructed, with the following exceptions:
- (a) For projects subject to Subtitle C Chapter 22 Inclusionary Zoning, two Credits shall be generated for each square foot of eligible *Gross Floor Area (GFA)* reserved for low-income households in excess of the amount of GFA required to be set aside by IZ;
  - (b) For projects not subject to Subtitle C Chapter 22 Inclusionary Zoning, two Credits shall be generated for each square foot of eligible GFA reserved for moderate-income households.

- (c) For historic landmarks or contributing buildings in historic districts, two Credits shall be generated for each square foot of non-residential use converted to residential use.

### **803 GENERATION OF CREDITS BY ARTS USES**

803.1 The purchase and use of Credits permits the construction of non-residential uses above the non-residential FAR limit found in the *zone tables* of § Chapter 2.

- (a) Non-residential use on a property may exceed the zone's non-residential FAR limit for that property by an amount equal to the square feet of Credits generated by *Arts* uses, as listed in § 607.3, that are:
  - (1) Located within the Arts Sub-Area defined in §607; and
  - (2) Purchased and used, up to the maximum total FAR limit, with IZ, listed in the zone table for the property, unless otherwise specified.

803.2 The generation of Credits shall be approved by the Zoning Administrator, who shall issue a Credit Certificate based upon a finding of compliance with this Chapter.

803.3 The maximum residential gross floor area of a project that is eligible to generate Credits for *Arts* uses is the lesser of:

- (a) The total gross floor area of new *Arts* use developed on the lot; or
- (b) The total gross floor area of new *Arts* use developed on the lot minus the minimum *Arts* FAR use requirements of § 607.

803.4 One Credit shall be generated for each square foot of eligible GFA permanently covenanted *Arts* uses listed in § 607.3.

803.5 Two Credits, not in addition to those generated by § 803.4, shall be generated for:

- (a) For each square foot of non-residential use in a historically designated property converted to *Arts* uses listed in § 607.3;
- (b) For each square foot of eligible GFA permanently covenanted to be used for *Arts* uses listed in § 607.3 and covenanted to be owned or leased by a certified Local, Small, or Disadvantaged Business Enterprise, or by a non-profit user;
- (c) For each square foot of eligible GFA or *gross floor area equivalent* with a *clear height* of greater than fourteen(14) feet covenanted to be reserved *Arts* uses listed in § 607.3;
- (d) For each square foot of eligible GFA permanently covenanted to be used for *Arts* uses listed in § 607.3 (a);

- (e) For each square foot of eligible permanently covenanted GFA of Arts uses listed in § 607.3 that are in excess of 40,000 GSF, and located on a single record lot in the Arts Sub-Area.

#### **804 GENERATION OF CREDITS FOR PUBLIC OPEN SPACES/ PLAZAS**

- 804.1 This purpose of this section is to incentivize the provision of high quality public open spaces/plaza in the D zones through the use of Credits:
- 804.2 Generation of Credits for the provision of open space (Open Space Credits) is permitted in the following eligible trade areas:
  - (a) NoMa/Union Station
- 804.3 To generate Credits pursuant to this section the dedicated open space/plaza shall have the following minimum requirements:
  - (a) A contiguous area of not less than 5,000 square feet with no vehicular access and a minimum width of 100 feet;
  - (b) A Minimum GAR of 0.7;
  - (c) Open for general public access between the hours of seven AM to ten PM;
  - (d) No more than 20% of the total dedicated square feet may be devoted to retail kiosk structures, which shall be limited to no more than one story;
  - (e) Private functions shall be limited to no more than ten hours within a 30 day period;
  - (f) A physical design and park or open space management plan reviewed by the Office of Planning; The total square feet of Credits that can be generated by the dedication of public open space shall equal the gross square footage of the dedicated space multiplied by the maximum permitted FAR, without IZ, of the zone as listed in the *zone tables* of § Chapter 23, up to a maximum of 10.0 FAR where no FAR limit is expressed, multiplied by a factor of five.
  - (g) For permits pursuant to § 801.1(b) five Credits shall be generated for each square foot of Public Open Space/Plaza pursuant to § 804.
  - (h) Recordation of a public space access easement that documents the requirements for § **Error! Reference source not found.** (a) through (h) in perpetuity;
- 804.4 Credits generated by this section may be used in any Credit trade area.
- 804.5 The increase in permitted commercial FAR equal to the Credits purchased is granted in perpetuity to the sites purchasing Credits pursuant to this section. .

804.6 No more than 8,750,000 square feet of Credits may be generated *in toto* under § **Error! Reference source not found.** .

**805 REGULATIONS COMMON TO THE CERTIFICATION OF CREDITS GENERATED BY RESIDENTIAL, ARTS, OR PUBLIC OPEN SPACE/ PLAZA USES**

805.1 Approval of Credit generation pursuant to §§ 802, 803 or 8034 shall become effective after an instrument, legally sufficient to effect such a generation, has been filed with and certified by the Zoning Administrator, after review by the Office of Planning and the Office of the Attorney General, and recorded in the land records of the District of Columbia.

805.2 The instrument shall, at a minimum, contain the following information:

- (a) Name and contact information for the person or entity that will own the generated credits;
- (b) Name and contact information for, and signature of, the person or entity owning the project that generated the Credits, if different than in §802.4(a);
- (c) Legal description and street address of the lot or lots;
- (d) Surveyed area of the lot or lots;
- (e) Floor area calculations for the entire building or buildings and for each use;
- (f) Zoning requirement on the lot including total FAR limits and FAR limits for non-residential uses;
- (g) Trade area designation and map for the lot or lots;
- (h) Calculation of Credits generated based on §§ 802, 803 or 8034;
- (i) A certification by the project architect that construction of the use is at least fifty percent (50%) complete; or for Credits generated by residential or Arts uses, a Certificate of Occupancy for the use generating Credits.
- (j) Signatures of the owners of the generating lots;
- (k) Any additional information that § 806 requires for the certification of credits generated by residential or arts uses.

805.3 Unless otherwise relieved by the provisions of § 806.1 the instrument shall burden the generating lot, and present and future owners, with providing, in perpetuity, the square footage of uses that generated the credits.

805.4 Upon the instrument's recordation in the land records of the District of Columbia, the Zoning Administrator shall issue a Certificate of Credits to the person or entity that owns the generated credits.

**806 REGULATIONS PERTINENT ONLY TO RESIDENTIAL OR ARTS USES FOR THE CERTIFICATION OF CREDITS**

806.1 A lot that has generated Credits by residential or arts uses may change the type and/or square footage of use that generated those credits through the purchase of Credits consistent with Chapter 9.

806.2 The requirements of § 805.2 (i) may be waived and credit instrument approved provided that any use and/or transfer of the credits pursuant to § 900 follow the requirements of § 900.13 and:

- (a) The credit instrument includes following:
  - (1) The owner acknowledges it has voluntarily established or consented to the establishment of an escrow account
  - (2) The attached escrow agreement requires the release of the escrow funds and any accrued interest thereon as a fee to be paid to the D.C. Housing Production Trust Fund, or other entity as directed by the Zoning Commission, under the circumstances stated in § 806.5 (b); and
  - (3) Such a release neither negates the present or future owners' obligations under the covenant and this chapter to reserve, design, construct, cause to be occupied, and maintain in perpetuity an area on the receiving lot equal to the gross floor area of required preferred uses received nor constitutes such an extraordinary or exceptional circumstance or condition as to justify the grant of a variance from the strict application of the requirements of this chapter
- (b) An escrow account funded in accordance with § 806.3 is established with a financial institution, including a title insurance company, that is recognized to be in good standing by the District of Columbia or other jurisdiction in which it conducts business;
- (c) The following are attached to the credit instrument recorded and filed in accordance with §§ 805.1 and 806.2:
  - (1) A certification by the financial institution of the amount of funds received;
  - (2) An acknowledgment by the financial institution that the funds will be disbursed only in accordance with the mandatory escrow terms in § 806.4; and
  - (3) A copy of the agreement governing the escrow account.

806.3 The escrowed funds shall be equal to the amount computed according to either the formula  $E = GFA (AV / LA) / NRFAR \times 50\%$ , or the formula  $E = GFA \times \$30$ , whichever is less. Where:

- (a) E = The amount deposited into escrow;
- (b) GFA = The gross floor area in square feet of additional nonresidential uses that will be achieved on the lot using the Credits above that which the lot would have been permitted as a matter of right;
- (c) AV = The total assessed value as is indicated on the records of the Office of Tax and Revenue of the lot using the credits as of thirty (30) days prior to the escrow funding date,;
- (d) LA = The number of square feet of land included in the lot using the credits;
- (e) NRFAR = The permitted nonresidential FAR before the transfer; and
- (f) 50% = The proportion of commercial value that has been determined to be appropriate for the escrow.

806.4 The escrow account agreement shall include terms providing that:

- (a) Upon certification by the project architect to both the financial institution holding the funds and the Zoning Administrator that construction of all the residential uses required for the credits are at least 50% complete on the receiving lot, the funds held in the escrow account shall be disbursed in accordance with the applicable terms of the escrow agreement.
- (b) If the above certification is not made within five (5) years after the filing date of the credit, or such further period of time as may have been permitted by the Zoning Commission pursuant to § 806.6, escrowed funds and any accrued interest shall be paid as fee to the District of Columbia Housing Production Trust Fund and designated for the financing of housing in the same Trade Area as the generating lot. The escrow agent shall advise the Zoning Commission if the funds cannot be released in accordance with this provision and, in that event, shall release the funds as the Commission may thereafter direct, consistent with the purposes of this chapter.

806.5 The owner of the receiving lot may request the Zoning Commission to allow an additional period, up to a maximum of three (3) years, to make the certification set forth in § 806.5 (a). The request shall identify why the certification could not be made within the five-year (5-year) period provided and be accompanied by a timetable for construction and occupancy of the residential uses required for the credit. The Commission may grant the request upon a showing that the owner has proceeded with due diligence and in good faith in constructing the required residential uses.

**807        GENERATION AND CERTIFICATION OF CREDITS FOR TDR OR CLD  
CONVERSION**

807.1       Pursuant to §§ 801.1(e) and 801.1(f), certified but unallocated TDRs and CLDs shall convert to Credits at a rate of 1:1.

807.2       Approval of Credit generated pursuant to § 801.1(e) may be requested by the person or entity that owns rights to generated or received TDRs by submitting the following to the Zoning Administrator:

- (a)       For properties that generated TDRs, the recorded transferable development rights covenant and all certificates of transfer made under the covenant: or
- (b)       If no covenant was recorded:
  - (1)       A Certificate of Occupancy for the residential use that generated the transferable development rights, or a certification by the project architect that construction of the use is fifty percent (50%) complete;
  - (2)       Lot, zone, and building calculations showing the square feet of transferable development rights generated; and
  - (3)       If the TDRs are claimed to have been generated under § 1706.3 (c) of the [1958 Zoning Regulations], proof that the residential development qualifies as affordable dwelling units as defined in § 1799.1 of the [1958 Zoning Regulations];
- (c)       For properties that received TDRs, the recorded Certificates of Transfer that transferred TDRs to the property.
- (d)       A summary of the generation and transfer of TDRs owned by the person or entity, current to the date of the request for conversion of TDRs to Credits.

807.3       After review of the information required by § 807.12 by the Office of Planning, and certification by the Zoning Administrator, the Zoning Administrator shall issue a certification of the conversion of TDRs to Credits to the person or entity owning the rights to generated or received converted TDRs. This certificate shall be filed with the land records of the District of Columbia.

807.4       Approval of Credit generated pursuant to §801.1(f) may be requested by the owner(s) of the eligible residential development(s) by submitting to the Zoning Administrator:

- (a)       A Certificate of Occupancy for residential use eligible under [the 1958 Zoning Regulations] to transfer residential density through combined lot development;
- (b)       Lot, zone, and building calculations showing the square feet of eligible residential use; and

- (c) All recorded combined lot covenants
  - (d) A summary of the allocation of uses among the combined lots current to the date of the request for conversion of CLDs to credits.
- 807.5 After review of the information required by § 807.4 by the Office of Planning, and certification by the Zoning Administrator, the Zoning Administrator shall issue certifications of the conversion of combined lot development authority to Credits to the persons or entities that are signatories to the related Combined Lot covenants. These certificates shall also be filed with the land records of the District of Columbia.
- 807.6 Generation of Credits through §§ 801.1(e) and 801.1(f) shall occur no later than three years after [THE EFFECTIVE DATE OF THIS SECTION]. After that date, the provisions of §§ 801.1(e) and 801.1(f) shall no longer be available and the rights of previously built preferred uses to generate Credits will expire.
- 808 GENERATION AND CERTIFICATION OF CREDITS FOR HISTORIC PRESERVATION**
- 808.1 The purpose of this section is to:
- (a) Preserve the unique character and fabric of historic landmarks and historic districts in the D zones;
  - (b) Encourage the retention and enhancement of historic buildings, together with compatible alterations and compatible new construction;
  - (c) Establish appropriate allowances for building bulk on lots with historic buildings so as to encourage preservation of whole buildings and ensure a suitable scale of new construction in historic districts, especially in projects combining new development with preservation;
  - (d) Provide appropriate economic incentives to encourage preservation and adaptation of historic buildings for current use, and the restoration of historic landmarks.
  - (e) Promote compatible new construction by allowing flexibility in rear yard and courtyard requirements, in keeping with objectives for the preservation and enhancement of historic buildings and districts; and
  - (f) Encourage occupancy of historic buildings by small businesses and active uses such as arts, cultural, entertainment, retail, and housing, in keeping with the potential of historic buildings to make multiple contributions to the character of downtown.
- 808.2 This section applies to lots containing historic landmarks, lots located within historic districts listed in the D.C. Inventory of Historic Sites, and to lots

containing a non-historic building that received its first Certificate of Occupancy prior to 1936.

- 808.3 In addition to generating Credits pursuant to other sections of this Chapter, a project may generate additional credits from undeveloped gross floor area, up to an additional 4.0 FAR, provided:
- (a) It is on the lot of a historic landmark, a lot with a contributing building to historic district, or a lot with a building that received its first Certificate of Occupancy prior to 1936;
  - (b) The property is not in government or embassy ownership;
  - (c) The historic structure is fully rehabilitated pursuant to the Historic Protection Act and this chapter;
  - (d) A non-historic building that received its first Certificate of Occupancy prior to 1936 is fully rehabilitated according to plans approved by the Review Board pursuant to Section 4(c)(4) of the Historic Protection Act (DC Official Code § 6-1103(c)(4));
  - (e) The State Historic Preservation Officer has certified in writing to the Zoning Administrator that rehabilitation has been completed pursuant to the approved plans;
  - (f) The property owner has executed a covenant that runs with the land permanently reducing the permitted FAR to the lot's FAR after rehabilitation, including any additions approved pursuant to the Historic Protection Act;
  - (g) The historic building has not been fully rehabilitated pursuant to plans approved in accordance with the Historic Protection Act within a ten-year (10-year) period before [the effective date of this chapter].
  - (h) The combined FAR of buildings on the lot and Credits generated by this subsection do not exceed 6.0 FAR in the D-1 and D-2 zones, 6.5 FAR in the D-3, D-4, and D-5 zones; and, in the D-6 and D-7 zones, do not exceed 8.5 FAR for properties fronting on streets less than 110 feet wide, or 10.0 FAR for properties fronting on streets 110 feet wide or more.
- 808.4 In addition to generating Credits pursuant to § 801.1(c) of this subtitle, a project that removes any incompatible intrusion into a street right-of-way of the L'Enfant Plan of Washington, as determined by the Historic Preservation Review Board, may generate additional Credits by an amount equal to the gross floor area of the removed intrusion, provided the right-of-way is returned to public jurisdiction, or the property owner executes a covenant that runs with the land permanently foregoing construction above grade within the historic right-of-way.

- 808.5 Approval of Credits generated pursuant to § 802.5(c) may be requested at any point after the rehabilitation is fifty percent (50%) complete. The credit generation shall become effective after an instrument, legally sufficient to effect such a generation, has been filed with and certified by the Zoning Administrator, after review by the Office of Planning, the Review Board and the Office of the Attorney General, and recorded in the land records of the District of Columbia.
- 808.6 The instrument shall, at a minimum, contain the following information:
- (a) Name and contact information for the person or entity that will own the generated credits;
  - (b) Name and contact information for, and signature of, the person or entity owning the project that generated the Credit, if different than in § 808.6 (a);
  - (c) Legal description and street address of the lot or lots;
  - (d) Surveyed area of the lot or lots;
  - (e) Floor area calculations for the entire building or buildings and for each use;
  - (f) Zoning requirement on the lot including total FAR limits, FAR limits for non-residential uses and FAR limits for historic structures;
  - (g) Trade area designation and map for the lot or lots;
  - (h) Calculation of credits generated based on § 802.5(c); and
  - (i) Plans approved by the Review Board pursuant to Section 4(c) (4) of the Historic Protection Act (DC Official Code § 6-1103(c) (4)).
  - (j) Copy of the executed covenant required by § 808.3(f)
- 808.7 Notwithstanding the requirements of §§ 808.5 and 808.6, the Zoning Administrator may issue a Credit Certificate for up to twenty-five percent (25%) of the Credits for sale prior to the issuance of a certificate of occupancy provided:
- (a) The information required by § 808.6 (a) through (j) has been submitted; and
  - (b) The proof of control as required by § 900.16(b) shall include a requirement that the monetary proceeds of the sale of credits shall be utilized by the owner of the generating lot exclusively for the cost of design and rehabilitation of the historic building
  - (c) If the financial proceeds of the transfer exceed the total cost of design and construction on the sending lot, the instrument of transfer shall provide that full funding of design and construction shall be reserved, together with a draw

schedule and timetable for the construction work, prior to any other use of the funds in excess of that required for design and construction; and

- (d) The Director of the D.C. Office of Planning has certified to the Zoning Administrator that the allocation of funds and draw schedule provided pursuant to § 808.7 (c) are sufficient to allow the completion of the project.

## **809 GENERATION AND CERTIFICATION OF CREDITS FOR CHILD DEVELOPMENT CENTERS AND CHILD DEVELOPMENT HOMES**

- 809.1 The purpose of this section is to incentivize the provision of uses that foster the creation and maintenance of a Downtown that is supportive of children and families. The purchase and use of these Credits permits the construction of non-residential uses in excess of the non-residential FAR limit found in the zone tables of § Chapter 2.
- 809.2 The generation of Credits shall be approved by the Zoning Administrator and recorded in the land records of the District of Columbia, consistent with § 809.3
- 809.3 In addition to generating Credits pursuant to other sections of this Chapter one Credit shall be generated for each square foot of GFA permanently set-aside for an eligible child development center or child development home, provided: .
  - (a) The property is not in government or embassy ownership;
  - (b) The Director of the Department of Human Services has certified in writing to the Zoning Administrator that the facility meets standards for a child development center or child development home;
  - (c) The property owner has executed a covenant that runs permanently with the land, stating that a child development center or child development home of at least the certified gross square footage will be permanently maintained on the generating site.

## **810 GENERATION AND CERTIFICATION OF CREDITS FOR LOCAL, SMALL AND DISADVANTAGED BUSINESS ENTERPRISES**

- 810.1 The purpose of this section is to incentivize the provision of businesses in the downtown that are owned by individuals or groups that the District has certified as local, small or disadvantaged business enterprises. The purchase and use of these Credits permits the construction of non-residential uses in excess of the non-residential FAR limit found in the zone tables of § Chapter 2.
- 810.2 The generation of Credits shall be approved by the Zoning Administrator and recorded in the land records of the District of Columbia, consistent with § 810.3.

- 810.3 In addition to generating Credits pursuant to other sections of this Chapter, with the exception of LSDBE Credits generated under § 803, one Credit shall be generated for each square foot of GFA permanently set aside for certified local, small or disadvantaged business enterprises, provided: .
- (a) The property is not in government or embassy ownership;
  - (b) The Director of the Department of Small and Local Business Development has certified in writing to the Zoning Administrator that the business occupying the space has been certified as a local, small or disadvantaged business enterprise;
  - (c) The property owner has executed a covenant that runs permanently with the land, stating that a local, small or disadvantaged business enterprise of at least the certified gross square footage will be permanently maintained on the generating site.

## CHAPTER 9 USE OF CREDITS

### 900 GENERAL REQUIREMENTS AND RESTRICTIONS

- 900.1 In the D-3 through D-7 zones, the construction of non-residential square footage that exceeds the maximum non-residential square footage otherwise permitted may be achieved only through the acquisition of Credits generated pursuant to Chapter 8.
- 900.2 The additional non-residential square footage shall be the equivalent of the square footage of the Credits that have been acquired and that are to be used.
- 900.3 Neither the non-residential square footage nor the total square footage of the building for which the Credits are to be used shall exceed the maximum total by-right FAR listed in the tables in Chapter 2 for zone in which the building is to be located.
- 900.4 Credits may not be used in D-1 and D-2 zones.
- 900.5 Credits generated pursuant to §§ 801.1 (a), (b), and (d), may be used only in the same Trade Area in which they were generated
- 900.6 Credits generated pursuant to §§ 801.1 (c), (e) and (f) may be used anywhere in a D zone.
- 900.7 The maximum residential FAR generated by Credits that may be accepted on a given lot is:

| <b>Zone District of the Lot Receiving Residential FAR</b> | <b>Maximum Allowable FAR Generated by Credits That May be Accepted on A Lot</b> |
|-----------------------------------------------------------|---------------------------------------------------------------------------------|
| D-3-B-1                                                   | <b>Non-Residential Maximum without Density Credits</b>                          |
| D-4-B-1                                                   | <b>Non-Residential Maximum without Density Credits</b>                          |
| D-4-B-2                                                   | 3.5                                                                             |
| D-5-B-1                                                   | <b>Non-Residential Maximum without Density Credits</b>                          |
| D-5-B-2                                                   | 6.0                                                                             |
| D-6-B-1                                                   | <b>Non-Residential Maximum without Density Credits</b>                          |
| D-6-B-2                                                   | 8.0                                                                             |
| D-7-B-1                                                   | <b>Non-Residential Maximum without Density Credits</b>                          |

- 900.8 Trade Areas in the downtown zones are identified in Figure 20:

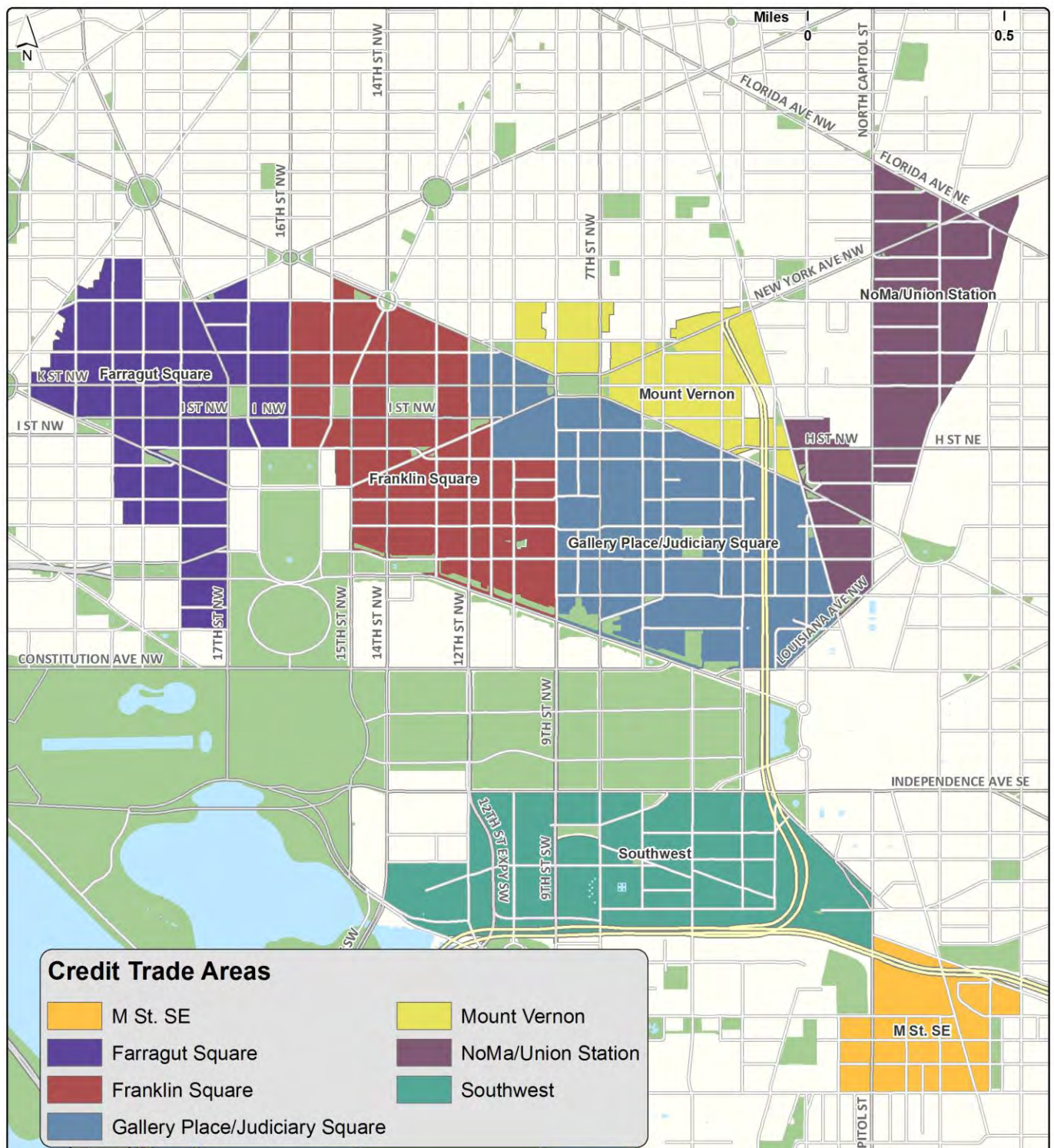


Figure 20. Credit Trade Areas

900.9 Use of credits generated by exceeding the arts requirements of § 607 is limited to 0.5 FAR above the permitted non-residential use.

- 900.10 Historic landmarks may not use credits to exceed the FAR limits of § 308.3.
- 900.11 Historic landmarks or contributing buildings to historic districts may achieve the non-residential and total FARs of the zone districts in which they are located, subject to the limitations of § 308.3, but may not use Credits to achieve an FAR of greater than 6.0 FAR.
- 900.12 Ownership of Credits issued under the provisions of Chapter 8 may be transferred, at any time to any entity or individual for use, retransfer, or investment and may be initiated by the person or entity owning the Credits, or by the person or entity to whom the Credit transfer is proposed after approval of a request for transfer by the Zoning Administrator, subsequent to review by the Director of the Office of Planning and the Office of the Attorney General.
- 900.13 Transfer may be initiated by the submission to the Zoning Administrator of a request for transfer of Credits and issuance of a new Credit Certificate to the proposed new owner of the Credits. A request for transfer and issuance of a Credit Certificate to the new owner and a revised Credit Certificate to the owner of the previously generated Credits shall include:
- (a) The existing Credit Certificate(s);
  - (b) The Recorder of Deeds instrument recording the Credits;
  - (c) An instrument providing:
    - (1) The name and contact information for, and signature of, the person or entity owning the Credits to be transferred;
    - (2) The number of Credits owned by that person or entity, detailed by the properties and uses that generated those credits;
    - (3) The number and generation of the Credits proposed for transfer;
    - (4) The number and source of Credits that would remain in possession of the transferring party after the proposed Credit transfer;
    - (5) The name and contact information for, and signature of, the person or entity that will own the generated credits after transfer;
    - (6) The number of Credits presently owned by that person or entity, detailed by the properties and uses that generated those credits;
    - (7) The number and source of Credits that would be in possession of the receiving party after the proposed Credit transfer detailed by the properties and uses that generated those credits;

- 900.14 Use or transfer of credits generated where the requirements § 805.2 (i) have been waived may not be initiated until an instrument, legally sufficient to effect such a transfer, is filed with the Zoning Administrator and recorded in the land records of the District of Columbia. The instrument of transfer shall include the amendments to the covenant and establishment of the escrow as required by §§ 806.2 through 806.4.
- 900.15 After review by the Office of Planning, and by the Office of the Attorney General for legal sufficiency, the Zoning Administrator shall issue a revised Credit Certificate for any generating properties affected by the transfer. The revised Certificates shall be recorded in the land records of the District of Columbia.
- 900.16 A person or entity owning Credits, whether generated or transferred, may request the use or re-transfer of the Credits to permit non-residential development greater than what is permitted as a matter-of-right by submitting the following information to the Zoning Administrator:
- (a) The Credit Certificate;
  - (b) Proof of control over the Credits by the person or entity proposing to use the Credits;
  - (c) Description of the origin and transfer history of the Credits being used;
  - (d) The certification by the Zoning Administrator, after review by the Office of Planning, of the generation of the Credits that are to be used;
  - (e) The trade area associated with the Credits, unless generated under §§ 801.1(c), (e) and (f); and
  - (f) The following information on the property using the Credits:
    - (1) Legal description and plat of the lot;
    - (2) Tabulation of zoning requirements for the lot; and
    - (3) Tabulation of proposed FAR, GFA, and other building development standards.
- 900.17 Credits generated pursuant to §§ 804.5 through 804.8, once transferred, may not be re-transferred as permitted by § 900.16.
- 900.18 After review by the Office of Planning, and by the Office of the Attorney General for legal sufficiency, the Zoning Administrator shall issue a revised Credit Certificate for any properties, persons or entities affected by the use or re-transfer of the Credits. The revised Certificates shall be recorded in the land records of the District of Columbia. The lot(s) purchasing credits pursuant to § 801.1(c) may not receive a Certificate of Occupancy for the non-residential uses until:

- (a) The Certificate of Occupancy has been issued for the historic rehabilitation; and
  - (b) The State Historic Preservation Officer has provided written documentation certifying to the Zoning Administrator that the requirements of § 808 have been met.
- 900.19 All Credits used to achieve non-residential density, with the exception of Credits generated pursuant to § 804, expire upon completion of a new non-residential use. Expired credits retain no further rights or value. Credits not used may be transferred and used elsewhere according to the provisions of this Chapter.
- 900.20 Credits generated pursuant to § 801.1(e) may not be used to reduce the residential requirements of § 401.
- 900.21 Credits generated pursuant to §§ 809 or 810 may be used to increase the non-residential maximum FAR on site by 0.5.

## **CHAPTER 10 NON-TRADITIONAL DOWNTOWN USES**

### **1000 INTRODUCTION**

- 1000.1 This Chapter is reserved for the regulations for special uses and for design requirements not covered by any other section of this sub-title, should such uses or design requirements be developed in the future. Reservation of a section does not imply that regulations are being, or will be, developed.

DRAFT

## **CHAPTER 11 PARKING REGULATIONS**

### **1100 INTRODUCTION TO DOWNTOWN PARKING REGULATIONS CHAPTER**

- 1100.1 This chapter provides conditions and requirements related to parking spaces, including location and access.
- 1100.2 General automobile parking regulations are located in Subtitle C, Chapter 19.

### **1101 PARKING STANDARDS**

- 1101.1 There are no minimum vehicular parking requirements for uses in Downtown zones.
- 1101.2 Bicycle parking standards for downtown are based on the type of use within a facility and can be found in Subtitle C, Chapter 20.

### **1102 CONDITIONS FOR PARKING**

- 1102.1 Any external parking spaces shall be screened from:
- (a) Any adjacent street or sidewalk, except that there may be a gap in screening no more than twenty (20) feet wide to allow a driveway; and
  - (b) Any residentially zoned lot that shares a lot line boundary with the lot containing the parking spaces.
- 1102.2 The screening shall be either:
- (1) A wall or fence at least forty-two (42) inches high;
  - (2) Evergreen hedges or evergreen growing trees that are thickly planted and maintained, and that are at least forty-two (42) inches in height when planted.
- 1102.3 Residential uses on lots with a maximum of three dwelling units may locate parking spaces in a side yard without providing the screening requirements of § 1102.1.
- 1102.4 *Car-sharing* spaces may be provided, subject to the maximum parking limits of Subtitle C § 1908.
- 1102.5 A parking lot, parking garage, or parking spaces at or above grade in a building shall be permitted as follows:
- (a) The parking facility shall conform to the requirements in Subtitle C, Chapter 19.

- (b) The parking facility shall be permitted as a matter of right if it provides only short-term parking and all of the parking spaces are leased to merchants or a park-and-shop organization;
- (c) The parking facility shall be permitted as a matter of right if it provides parking only for residents; and
- (d) The parking facility shall require Board of Zoning Adjustment approval as a variance pursuant to Subtitle Y Chapter 9 if it provides all-day, commuter parking.

DRAFT

## CHAPTER 12 DEVELOPMENT REGULATIONS FOR ACCESSORY BUILDINGS

### 1200 INTRODUCTION

- 1200.1 *Accessory buildings* may be permitted within a D zone, subject to the following conditions:
- (a) The accessory building is subordinate to and located on the same *lot* as a *principal building*, and shall be used for purposes which are incidental to the use of the *principal building*;
  - (b) The accessory buildings shall be secondary in size compared to the principal building; and shall comply with all required setbacks for accessory buildings based on the zone in they are located.
- 1200.2 The general chapter regarding accessory buildings, Subtitle C, Chapter9, provides regulations for accessory buildings that apply in addition to the regulations of this chapter.

### 1201 DEVELOPMENT REGULATIONS FOR ACCESSORY BUILDINGS

- 1201.1 Applicable accessory building development regulations, if any, for each *zone* can be determined by consulting the subsection where a *zone* is identified.
- 1201.2 The development regulations, standards, rules of measurement, and conditions identified in the table below shall apply to *accessory buildings* in all D zones:

| REGULATORY TOPIC                                 | STANDARD OR PERMISSION | REFERENCES TO RULES OF MEASUREMENT | REFERENCES TO CONDITIONS |
|--------------------------------------------------|------------------------|------------------------------------|--------------------------|
| Height                                           | 22 ft. max.            | Subtitle C – Chap. 9               | -                        |
| Max. Building Area Footprint Per <i>Building</i> | 900 sq. ft. max.       | -                                  | -                        |

### 1202 SPECIAL EXCEPTION ALLOWANCES FOR ACCESSORY BUILDINGS

- 1202.1 Relief from the development standards of this chapter may be granted by special exception, pursuant to Subtitle Y Chapter 8.

## **CHAPTER 13            PLANNED UNIT DEVELOPMENTS**

- 1300.1     A Planned Unit Development (PUD) in the D Zones shall be subject to the following provisions in addition to those of Subtitle X, Chapter 2:
- (a)     The PUD shall be granted only for projects that are superior in achieving the purposes of this chapter and, particularly, the adopted objectives and policies of the Central Washington Area Element of the Comprehensive Plan;
  - (b)     The PUD process shall not be used to reduce requirements in this Subtitle for preferred uses such as retail, service, entertainment, arts, and residential uses;
  - (c)     An applicant for a PUD within the D-3-B-1 through D-7-B-1 zones seeking non-residential FAR greater than the non-residential FAR permitted in Chapter 2 shall demonstrate to the Zoning Commission that Density Credits pursuant to Chapter 9 have been acquired to the maximum extent feasible prior to the PUD application.

## CHAPTER 14 ALLEY LOTS

### 1400 GENERAL PROVISIONS

- 1400.1 All alley lots must be recorded in the records of the Office of the Surveyor, District of Columbia, as a record lot.
- 1400.2 An alley lot that is only recorded in the records of the D.C. Office of Tax and Revenue as an assessment and taxation lot (tax lot) may be recorded by the Surveyor, District of Columbia as a record lot if the tax lot was created on or before May 12, 1958.
- 1400.3 New alley lots may be created as provided in C § 403.

### 1401 DEVELOPMENT REGULATIONS FOR BUILDINGS ON ALLEY LOTS

- 1401.1 The bulk of buildings on alley lots in a D zone shall be controlled through the specified development standards of this chapter.
- 1401.2 The following development standards shall apply to buildings on alley lots in D zones:

| Height Maximum | Number of Stories Maximum | Lot Occupancy Maximum | GAR                            | Rear Setback                                           | Side Setback | Alley Centerline                                                       |
|----------------|---------------------------|-----------------------|--------------------------------|--------------------------------------------------------|--------------|------------------------------------------------------------------------|
| 30 ft.         | 3 stories                 | 100%                  | As required by applicable zone | 5 ft. from any lot line of all abutting non-alley lots |              | 7.5 ft. from the centerline of all alleys to which the alley lot abuts |

### 1402 ALLEY LOT USES PERMITTED BY RIGHT (D)

- 1402.1 Only uses that are permitted by right or permitted by condition in the applicable zone are allowed, subject to the satisfaction of all related conditions, and as further limited in I § 100.2.
- 1402.2 Residential use is permitted, subject to the following conditions:
- (a) A building may not be constructed or converted for a single or multiple dwelling units unless there is a minimum of four hundred and fifty square feet (450 sq. ft.) of lot area per unit; and
  - (b) The alley lot abuts an improved alley twenty-four feet (24 ft.) or more in width and has access to a street through an alley or alleys not less than twenty-four feet (24 ft.) in width.

### 1403 ALLEY LOT USE GROUPS PERMITTED BY SPECIAL EXCEPTION (D)

1403.1 The following use shall be permitted as a special exception if approved by the Board of Zoning Adjustment under Y Chapter 8 and subject to the conditions of each section.

1403.2 Residential uses shall be approved subject to the following conditions:

- (a) The Board of Zoning Adjustment may grant special exception relief from I §§ 100.2(a)&(b) subject to the following conditions:
  - (1) The Board determines there is no adverse impact to the adjoining properties and that adequate public utilities and safety can be provided for the residents of the proposed dwelling and adjoining properties.
  - (2) The Board shall consider relevant agency comments concerning:
    - 1. Public safety relating to fire concerns;
    - 2. Water and sewer services;
    - 3. Waste management; and
    - 4. Traffic and parking.