

## **SUBTITLE I                      DOWNTOWN (D) ZONES**

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

### 100 **INTRODUCTION**

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 this 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 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 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 or 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-uses and streetscapes on portions of M Street, S.E., South Capitol Street, and properties now devoted to federal offices

in Southwest, 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 Development in downtown is governed by:

- (a) The zone-specific regulations in I chapters 4 and 5;
- (b) The geographic location-specific regulations in I chapter 6 that are organized by types of designated street frontages.

### 101.2 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 4 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 I §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) Chapters 10-14 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.

### 101.3 Figure 1 illustrates the general boundaries of the Downtown Zones (Chapters 4 and 5) and the Designated Street segments (Chapter 6).

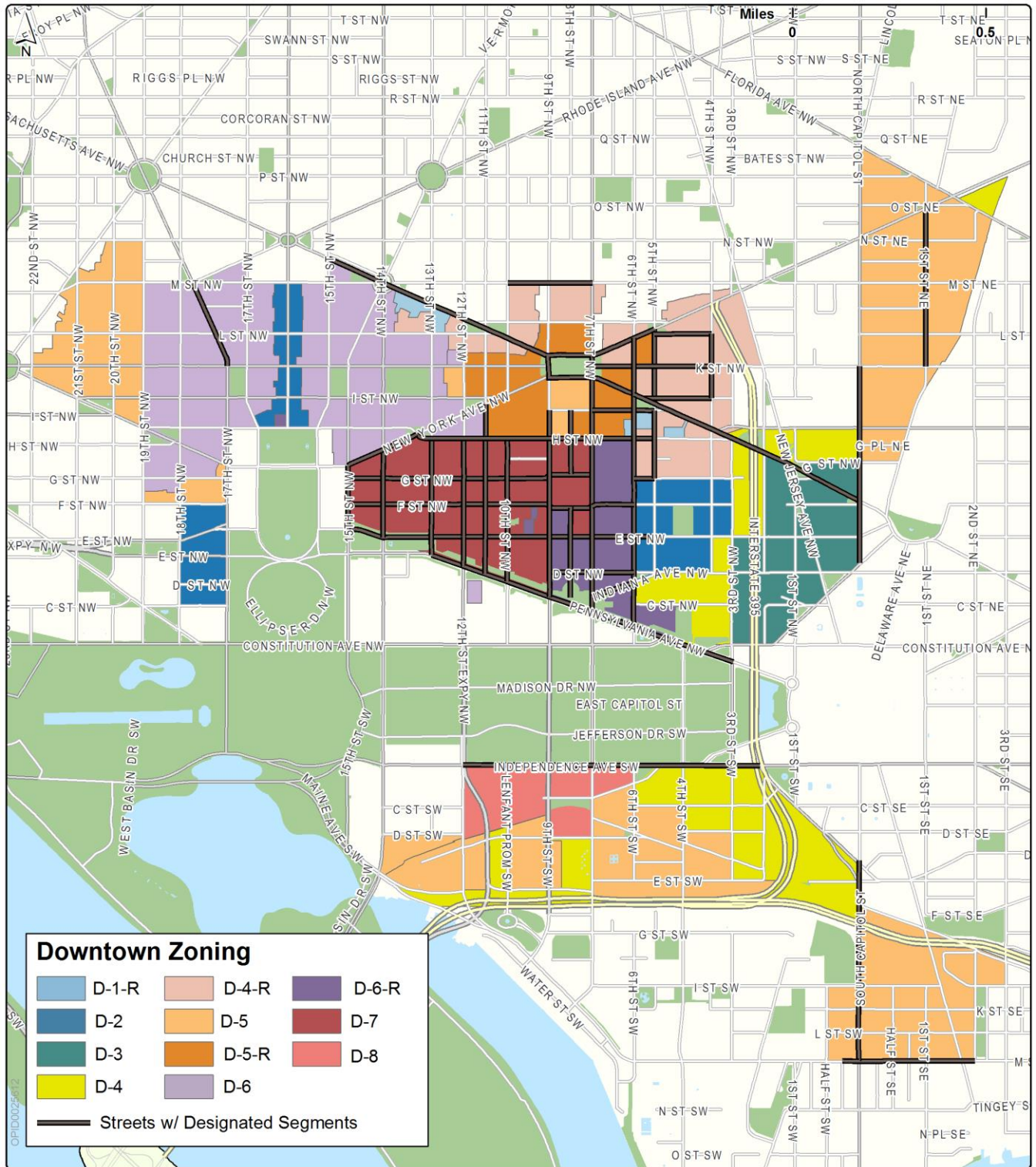


**Figure 1. Illustrations of Downtown Zone Boundaries and Designated Street Segments with Special Dimensional or Use Regulations**

102            **GENERAL PROVISIONS**

- 102.1          Residential uses are permitted in all downtown zones, but only zones followed “R” have a residential requirement.
- 102.2          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.
- 102.3          FAR in downtown zones is also subject to regulations in Subtitle D, Chapter 8.
- 102.4          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.
- 102.5          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 %) 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..
- 102.6          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.

## Chapter 2 **GENERAL ZONE-BASED DIMENSIONAL RULES AND CONDITIONS**

### 200 **INTRODUCTION**

200.1 This chapter provides rules of measurement and conditions that are common to development for all downtown zones, unless otherwise indicated where such rules or conditions are needed in addition to those contained in Subtitle C. Not all zones have such additional rules or conditions. In some geographical areas, development is also regulation by the locational sub-area regulations in Chapter 6

### 201 **DENSITY RULES**

201.1 A property in each downtown zone with an “R” suffix must provide a minimum amount of residential Floor Area Ratio (FAR) either on the effected property’s site, or on a site linked to it through the purchase of Density Credits as provided for by Chapters 8 and 9.

201.2 In all zones other than the D-1-R, which has a base and maximum FAR for residential uses, a property may achieve a base FAR for non-residential uses, and may achieve additional FAR not to exceed the zone’s maximum FAR total specified in Chapter 3:

- (a) By providing additional floor area devoted to residential use that is not used to meet the zone’s minimum residential floor area requirements specified in Chapter 4, and that does not exceed the zone’s FAR total specified in Chapter 4;
- (b) By providing additional floor area that is not used to meet a geographic sub-area’s minimum use-type requirements, and that does not exceed the zone’s FAR total specified in Chapter 4.
- (c) Through the use of Credits as provided for by Chapters 8 and 9, with the following exceptions:
  - (1) Properties in the D-1-R or D-2 zones;
  - (2) In the D-3 through D-5 zones, historic landmarks or contributing buildings to historic districts, subject to limitations of I §§ 900.9 and 900.10;
- (d) Through the dedication of historic street rights of way in portions of the D-8 zone, as detailed in §410.

### 202 **F FLOOR AREA RATIO MEASUREMENT RULES**

202.1 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.

202.2 FAR in downtown zones is also subject to regulations in Subtitle D, Chapter 8.

203 **FLOOR AREA RATIO DEVELOPMENT CONDITIONS**

203.1 If, within its site, a historic landmark, or contributing building in a historic district, has an existing FAR of 6.0 or less, it:

- (a) Shall be is limited to an on-site FAR of 6.0,
- (b) Shall be exempt from the minimum residential requirements of its lot's zone,
- (c) May generate density credits under the provisions of Chapter 8, and
- (d) If part of a multi-lot development, may average the permitted 6.0 FAR with the permitted FARs of other lots that are part of the development, including lots not subject to the 6.0 FAR maximum, so as to achieve a composite FAR for the entire development;

203.2 If a historic landmark, or contributing building in a historic district, has an existing FAR of: more 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.

203.3 Additional FAR conditions particular to the following zones are located in the subsections governing those zones: D-4-R, D-5-R, D-6, D-6-R and D-8.

204 **HEIGHT MEASUREMENT RULES**

204.1 Height is measured in accordance with Subtitle B § 404, with the following exception:

- (a) A building or structure within the boundaries of the Pennsylvania Avenue sub-area defined in § 608 that has frontage on Pennsylvania Avenue, N.W. shall determine its measuring point as governed by § 608.

205 **HEIGHT CONDITIONS**

205.1 In the D-1-R through D-5-R 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.

205.2 In the D-6 through D-8 zones, a building or structure on the portion of a site occupied by a historic landmark or a contributing building with a historic district may be constructed to the maximum height permitted for the zone, as detailed in Chapter 4.

205.3 The height of a building or structure on portions of the following designated streets is subject to upper-story height setbacks, as prescribed in Chapter 6:

- (a) Pennsylvania Avenue (§ 608);
- (b) Massachusetts Avenue (§ 610);
- (c) Mount Vernon Triangle Principal Intersection area (§ 612);
- (d) The 900 block of M Street, N.W. in the Blagden Alley Residential Transition area (§612);
- (e) South Capitol Street (§ 616);
- (f) Independence Avenue, S.W. (§618).

205.4 No part of a D-zone building for which a building permit application is filed 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, or that abuts or is across an alley from an MU zone lot west of the centerline of 20<sup>th</sup> Street, NW, 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, at the by-right height permitted for the R-zone lot.

## 206 **LOT OCCUPANCY RULES**

206.1 There are no direct lot occupancy restrictions within the Downtown zones, but lot occupancy may be otherwise limited by yard, court, or setback requirements, or other provisions of the Zoning Regulations

## 207 **FRONT BUILD-TO MEASUREMENT RULES**

207.1 The build-to line shall be the property line along the streets(s) to which a building or structure is adjacent, with the following exceptions:

- (a) The build-to line shall be the setback-line defined in Chapter 6 for portions of the following designated streets:
  - (1) Pennsylvania Avenue (§ 608);
  - (2) South Capitol Street (§ 616);
  - (3) Independence Avenue, S.W. (§618).

## 208 **FRONT BUILD-TO DEVELOPMENT CONDITIONS**

208.1 Unless noted below, a property in a D zone is not subject to build-to requirements.

208.2 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-R, D-5-R and D-6-R zones;
- (b) Building walls facing Category 1 Street segments as listed in I Chapter 6;
- (c) Building walls facing avenues named after the official name of a State, Commonwealth or District in the United States of America.

208.3 Relief from the requirements of I §208.2 may be granted by special exception subject to the requirements of Y, Chapter 8 and the following criteria:

- (a) The integrity of the blockface's build-to line shall not be eroded when the property is viewed from either end of the blockface.
- (b) No gate or wall shall demarcate the distinction between the public right of way and the private property
- (c) 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.

## 209 **FRONT SETBACK MEASUREMMENT RULES**

209.1 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 for the following streets

- (1) Pennsylvania Avenue, N.W. (§ 608);
- (2) South Capitol Street (§ 616);
- (3) Independence Avenue, S.W. (§618).

## 210 **REAR SETBACK MEASUREMENT RULES**

210.1 If a zone is subject to this subsection, the required rear setback for a principal structure shall be measured as follows, with the exception of a closed courtyard provided in lieu of a rear setback as specified in I § 210.3:

- (a) 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, for this subsection, the term "center line of an alley abutting a rear lot line", shall have the same meaning as the term "rear lot line".
- (b) 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 a 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.

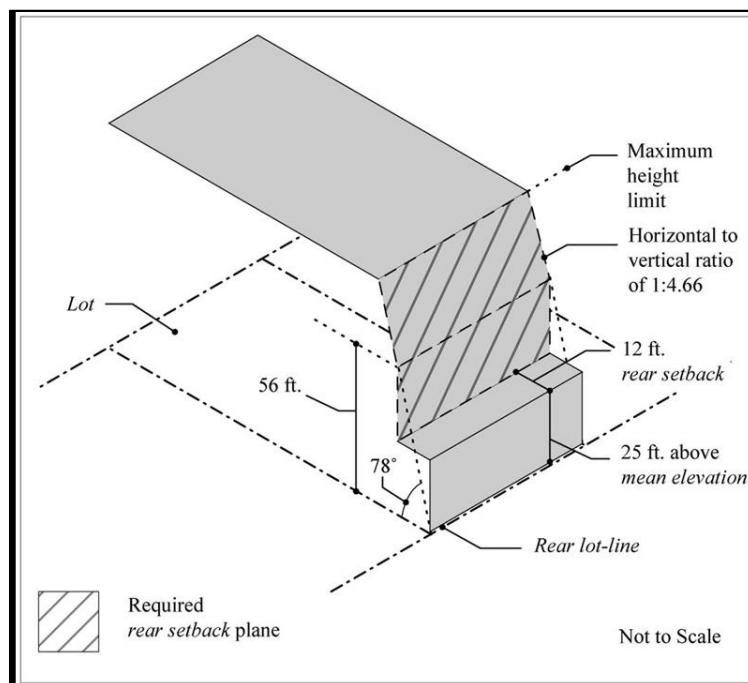


**Figure 2. Rear Setback Requirement**

- 210.2 For a through-lot, corner lot and all other lots, a lot line abutting a street is not a rear lot line, even if a lot has more than one street-abutting lot line, and a rear yard is not required.
- 210.3 In the case of a corner lot in any zone other than the D-1-R zone, a courtyard complying with the width requirements for a closed courtyard as specified in I §214 and B Chapter 12 may be provided in lieu of a rear yard. For the purposes of this section, the required courtyard in lieu of a rear yard need not be provided below a horizontal plane twenty-five (25) feet above the mean elevation of the rear lot line.

211

## REAR SETBACK DEVELOPMENT CONDITIONS

211.1

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 Y, Chapter 8:

- (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 a facing building than the minimum prescribed in I §211.1(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.

211.2

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

212

## DOWNTOWN ZONE SIDE SETBACK RULES

212.1

No side setback is required for a principal structure in a downtown zone;; however, if a side setback is provided on any portion of the principal building it shall be at least four (4) feet.

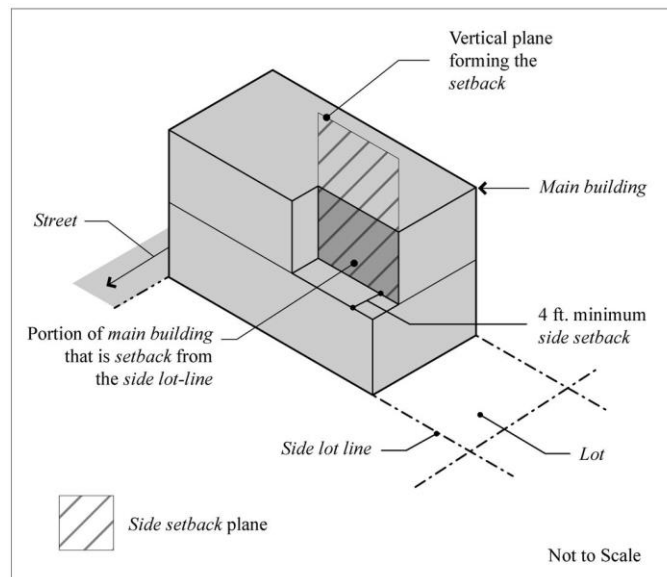


Figure 3. Side Setback Requirement if Setback Provided: Isometric View

213            **SIDE SETBACK DEVELOPMENT CONDITIONS**

213.1            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 Y, Chapter 8, 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.

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

214            **COURTYARD REQUIREMENTS**

214.1            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 (12 ft.) min. | Twice the square of the required width of courtyard dimension; Two hundred fifty square feet (250 sf) minimum    |

215            **OTHER GENERAL DIMENSIONAL REGULATIONS, PERMISSIONS AND CONDITIONS.**

215.1            The accessory vehicular and bicycle parking regulations, general parking regulations and loading regulations in I Chapter 10 supplement those in Subtitle C, Chapters 7, 8 and 9.

215.2            Development regulations particular to accessory buildings in D zones are located in Chapter 11, and supplement those in Subtitle B, Chapter 14.

215.3            Development regulations particular to Planned Unit Developments in D zones are located in Chapter 12 and supplement those in Subtitle Z.

215.4            Development regulations particular to alley lots in D zones are located in Chapter 13, and supplement those in other Subtitles.

## Chapter 3 **GENERAL ZONE-BASED USE REQUIREMENTS AND CONDITIONS**

### 300 **INTRODUCTION**

- 300.1 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.
- 300.2 This chapter provides general regulations concerning uses permitted in Downtown where such rules or conditions are needed in addition to those contained in other Subtitles.
- 300.3 Uses are regulated by zone and, in specified instances, by geographic location:
- (a) 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.
  - (b) Use Categories by Geographic Location: - Chapter 6 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 within a sub-area.
- 300.4 Where there are conflicts between this Chapter and the zone-based rules or geographic sub-area based rules in other chapters of this subtitle, the zone-based and sub-area based rules govern.

### 301 **USE PERMISSIONS BY ZONE**

301.1 Table 2 provides an overview of general use permissions, by zone:

|                                               | <b>Zones</b>                    | <b>Permission</b>                                                                             |
|-----------------------------------------------|---------------------------------|-----------------------------------------------------------------------------------------------|
| Agriculture                                   | All zones                       | By-right without conditions                                                                   |
| Animal Sales, Care and Boarding               | All zones                       | Special Exception (§ 303.1)                                                                   |
| Antennas                                      | All zones                       | By-right without conditions                                                                   |
| Arts Design and Creation<br>(listed in § 305) | All zones                       | By-right without conditions in all zones<br>Locational conditions (§607)                      |
| Basic Utilities                               | All zones                       | By-right without conditions                                                                   |
| Chancery                                      | All zones                       | By-right without conditions                                                                   |
| Community-Based Institutional                 | All zones                       | By-right without conditions                                                                   |
| Daytime Care                                  | All zones                       | By-right without conditions                                                                   |
| Education                                     | All zones                       | By-right without conditions                                                                   |
| Emergency Shelter                             | All zones                       | By-right without conditions                                                                   |
| Firearm Sales                                 | D-1-R<br>All Other Zones        | Prohibited<br>Conditional § 302.1                                                             |
| Food and Alcohol Services                     | D-1-R<br>D-2<br>All Other Zones | Special Exception (§ 303.2 (a))<br>Special Exception (§ 303.2)<br>By-Right without conditions |

|                                          | <b>Zones</b>             | <b>Permission</b>                            |
|------------------------------------------|--------------------------|----------------------------------------------|
| Government, Local                        | All zones                | By-right without conditions                  |
| Health Care                              | All zones                | By-right without conditions                  |
| Institutional                            | All zones                | By-right without conditions                  |
| Lodging                                  | D-1-R<br>All Other Zones | Not Permitted<br>By-Right without conditions |
| Motor Vehicle-related                    | All Zones                | Conditional (I §302.2)                       |
| Office                                   | D-1-R                    | Not Permitted                                |
| Office                                   | All other Zones          | By-Right without conditions                  |
| Parks and Recreation                     | All zones                | By-right without conditions                  |
| Production, Distribution, and Repair     | D-3                      | Conditional §302.4(a)                        |
| Production, Distribution, and Repair     | All other zones          | Conditional (§302.4 (b))                     |
| Residential                              | All Zones                | By Right, subject to conditions in § 304     |
| Retail                                   | D-1-R                    | Conditional (§ 302.3(a))                     |
| Retail                                   | D-2                      | Special Exception (§ 303.6)                  |
| Retail                                   | All Other Zones          | By right without conditions                  |
| Services (General)                       | D-1-R                    | Conditional (§302.5(a))                      |
| Services (General)                       | D-2                      | Special Exception (§§ 302.6, 303.7)          |
| Services (General)                       | All Other Zones          | By-Right without conditions                  |
| Service (Financial)                      | All Zones                | Conditional (§ 302.6 (a))                    |
| Sexually oriented Business               | D-1-R                    | Not Permitted                                |
| Sexually oriented Business               | All Other Zones          | Special Exception (§ 303.8)                  |
| Transportation Infrastructure            | All zones                | By-right without conditions                  |
| Waste-related Services                   | All Zones                | Not Permitted                                |
| <b>Table 2. Uses Permissions by Zone</b> |                          |                                              |

302 **GENERAL CONDITIONS FOR USES PERMITTED BY-RIGHT WITH CONDITIONS**

302.1 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-R zone shall be considered as a residential zone.

302.2 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 I § 303.5 if they do not meet the conditions above.

302.3 Retail uses are permitted by-right in all zones other than D-2, but, in the D-1- R zone, shall be permitted only if the uses are located on or below the ground floor of the building.

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

- (a) A PDR use in the D-3 zone, 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.
  - (3) The excavation of rock for commercial purposes or the operation of a rock quarry is not permitted.

302.5 Service (General) uses are permitted by right in all zones with the following exceptions:

- (a) The D-1-R zone, in which zone they shall be permitted if located entirely on or below the ground floor of the building;
- (b) The D-2 zone, in which they may be permitted by special exception subject to § 303.7

302.6 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.

### 303 **GENERAL CONDITIONS FOR USES PERMITTED BY SPECIAL EXCEPTION**

303.1 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 Y - Chapter 9:

- (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.

303.2 Food and alcohol services shall be permitted in the D-1-R zone if approved by the Board of Zoning Adjustment under Y, Chapter 9, subject to the following additional provisions:

- (a) For the purpose of regulating food and alcohol services, the D-1 zone shall be considered as a residential zone
- (b) If permitted to be located on a property in the zone, the uses shall be located on or below the ground floor of the building.

303.3 Food and alcohol services shall be permitted in the D-2 zone if approved by the Board of Zoning Adjustment under Y, Chapter 89, subject to the following additional provision:

- (a) If permitted to be located on a property in the zone, the uses shall be located on or below the ground floor of the building.

303.4 Large Scale Government uses may be approved by the Board of Zoning Adjustment, subject to the general special exception criteria of Y Chapter 8.

303.5 Motor Vehicle Related uses not otherwise permitted by-right subject to the conditions noted in §302.2 may be permitted in any zone if approved by the Board of Zoning Adjustment under the special exception criteria of Y Chapter 8, subject to the following addition provision:

- (a) The use shall not include auto body or fender repair.

303.6 Retail uses may be permitted in the D-2 zone if approved by the Board of Zoning Adjustment under Y, Chapter 9, subject to the additional provision that the uses shall be located on or below the ground floor of the building.

303.7 Services (general) shall be permitted in the D-2 if approved by the Board of Zoning Adjustment under Y, Chapter 9, subject to the additional provision that the uses shall be located on or below the ground floor of the building.

303.8 Sexually oriented 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 Y Chapter 8:

- (a) For the purpose of regulating sexually oriented business uses, the D-1 zone shall be considered as a residential zone

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

#### 304 **GENERAL RESIDENTIAL USE REQUIREMENTS**

304.1 The minimum residential FAR requirements of this section shall not apply to:

- (a) Historic landmarks;
- (b) Properties exempted by I §§ 203.1 and 203.2;
- (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.

304.2 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.

304.3 Each lot in the following zones is subject to the minimum residential use requirements, permissions, and conditions specified for that zone in Chapter 4:

- (a) Each lot in the D-1-R 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.
- (b) Each lot in the D-4-R 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 §302.6.

- (c) Each lot in the D-5-R 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 §302.6.
- (d) Each lot in the D-6-R 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 §304.6. 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 I § 302.6.

304.4 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.

304.5 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.

304.6 The residential requirements of the zones listed in I § 304.3 can be reduced according to the limits listed in that 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 I §§302.3 (b) – (d) 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 I §§ 302.6 (a)-(e) have been met.
- (f) No certificate of occupancy shall be issued for the nonresidential development of a lot subject to I §§ 304.3 (b) – (d) 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.

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

## 305 **ARTS USES**

305.1 Arts uses include:

- (a) Artist Living and Production Uses
  - (1) Artist live-work space;
  - (2) Artist studio;
  - (3) Multi-artist live-work space;
- (b) Arts-Retail Uses – all uses not to exceed 2,500 square feet
  - (1) Art gallery;
  - (2) Art services, including but not limited to set design and restoration of artworks;
  - (3) Art supplies store;
  - (4) Musical instruments store;

- (5) Recordings store;
  - (6) Book store;
  - (7) Picture framing shop, printmaking shop, digital print or scanning lab, or traditional darkroom and photographic supply sales;
- (c) Performing Arts Uses
  - (1) Administrative offices of arts organizations,;
  - (2) Cabaret;
  - (3) Cinema;
  - (4) Dinner theater;
  - (5) Legitimate theater;
  - (6) Performing arts ticket office or booking agency;
  - (7) Theater, assembly hall, auditorium, concert hall, public hall, or other performing arts space, including rehearsal and / or pre-production space;
- (d) Multi-Media Uses
  - (1) Media studio;
- (e) Artisan Production Uses
  - (1) Architectural production;
  - (2) Glass working;
  - (3) Jewelry making;
  - (4) Metalworking;
  - (5) Woodworking, including furniture manufacture;
- (f) Museum Uses
  - (1) Art gallery, greater than 2,500 square feet;
  - (2) Museum;
- (g) Design Uses
  - (1) Architecture;
  - (2) Computer system and software design;
  - (3) Fashion design;
  - (4) Graphic design;
  - (5) Interior architecture and design;
  - (6) Landscape design;
  - (7) Product and industrial design;
- (h) Education and Multi-function Uses
  - (1) Art center;
  - (2) Art incubator;
  - (3) Art or performing arts school, including but not limited to schools of dance, photography, filmmaking, music, writing, painting, sculpting, or printmaking;
- (i) Art Exhibition Areas, subject to the following provisions:
  - (a) Account for no more than five percent of the 0.5 FAR or 0.5 FAER requirement;
  - (b) Be open to the public during normal business hours at least five (5) days per week and fifty (50 weeks) per year;
  - (c) Be curated by an art gallery, professional curator or other qualified professional;

(d) Change exhibitions at least four (4) times per year with the exception that up to twenty percent (20%) of the art works may be a permanent exhibition;

(e) Offer for sale to the public at least two (2) of the exhibitions or a majority of the total art works displayed on an annual basis; and

(j) Library;

305.2

Where arts uses are required, they shall either be built on-site or accounted for off-site through the use of Arts Credits, as provided for in I Chapters 8 and 9.

## Chapter 4 **DOWNTOWN ZONES AND ZONE TABLES**

400

### **DOWNTOWN ZONE TABLES**

400.1

Each zone table has four columns and three groups of rows.

(a) Columns:

- (1) Column A, 'Regulatory Topic', 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;
- (2) Column B, 'Standard or Permission Specific to This Zone', provides zone-specific regulations for a topic area that supplement rules referenced in Column C,
- (3) Column C, "Other Zone-Relevant Subtitle I Regulations references regulations for conditional uses or special exception, and those particular to designated streets within a zone.
- (4) Column D, 'Pertinent Regulations in Other Subtitles ', references applicable rules located in other Subtitles, such as those covering definitions, general rules of dimensional measurement, uses, general uses, types of zoning cases, and procedures.

400.2

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 not addressed in Chapter 2
- (b) Group 2, 'Use Standards, Permissions and Credits,' includes regulations and permissions not addressed in Chapter 3, particularly:
  - (1) The standards, permissions and credits that apply to buildings fronting on designated street segments within a geographic sub-area listed in Chapter 6 and that are in addition to the use standards generally applying to that zone..
- (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;
- (3) Design Review Regulations, in I §§ 701, 702, and I §616 that apply to structures on a limited number of designated street segments.

400.3 If a regulatory topic row or cell contains multiple references then all of the referenced regulations for that topic are applicable to that zone.

400.4 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.

## 400 **THE D-1-R ZONE**

400.1 The **D-1-R** (DD/R-5-E, DD/Chinatown/R-5-E) zone:

- (a) Permits high density housing, with a limited amount of commercial uses permitted on only the ground floor;
- (b) Shall provide, on each lot, the equivalent of at least 2.0 FAR of residential use before any non-residential uses may be permitted on the lot.
- (c) Shall be considered as a residential zone by the Alcoholic Beverage Regulation Administration (ABRA), and for the purposes of firearm sales.
- (d) Does not have a minimum parking requirement, but if parking is provided it is subject to the dimensional and access standards in Subtitle C's Parking Chapter;
- (e) Is not subject to C chapter 10, Inclusionary Zoning;
- (f) Does not generate or receive Credits regulated by Chapters 8 and 9;

- (g) Includes designated street segments with special requirements, as referenced in italics in the zone table, in the Chinatown and Massachusetts Avenue sub-areas, and
- (h) Shall be developed and used in accordance with Chapter 2 and with the regulations in the following table:

| <b>D-1-R Zone Table</b>                                                                                                                                                                                                                                                                                                                                                      |                                                      |                                                   |                                                 |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------|---------------------------------------------------|-------------------------------------------------|
| This table supplements the general dimensional and regulations in Chapters 2 and 3 with requirements, permissions, conditions and references specific to this zone.<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>REGULATORY TOPIC</b>                                                                                                                                                                                                                                                                                                                                                      | <b>STANDARD OR PERMISSION SPECIFIC TO THIS ZONE</b>  | <b>OTHER ZONE-RELEVANT SUBTITLE I REGULATIONS</b> | <b>PERTINENT REGULATIONS IN OTHER SUBTITLES</b> |
| <b>1. Development Standards</b>                                                                                                                                                                                                                                                                                                                                              |                                                      |                                                   |                                                 |
| <b>Height Maximum</b>                                                                                                                                                                                                                                                                                                                                                        | 90 ft.                                               | I §205.1<br><i>I § 610</i>                        | B Chapter 3                                     |
| <b>FAR – Residential Minimum</b>                                                                                                                                                                                                                                                                                                                                             | 2.0                                                  | I §304.3 (a)<br>I §900.4                          | B Chapter 3                                     |
| <b>FAR - Non-Residential Maximum</b>                                                                                                                                                                                                                                                                                                                                         | 0.5, and only if $\geq 2.0$ residential FAR provided | I §203<br>I §900.4                                | B Chapter 3                                     |
| <b>Maximum FAR</b>                                                                                                                                                                                                                                                                                                                                                           | 6.0                                                  | I §203<br>I §900.4                                | B Chapter 3                                     |
| <b>Front Setback</b>                                                                                                                                                                                                                                                                                                                                                         | Not regulated.                                       | -----                                             | -----                                           |
| <b>Front Build-to</b>                                                                                                                                                                                                                                                                                                                                                        | None specific to zone                                | I §208.2 (c)                                      | -----                                           |
| <b>GAR</b>                                                                                                                                                                                                                                                                                                                                                                   | 0.3                                                  | -----                                             | C Chapter 6                                     |
| <b>2. Use Standards, Permissions and Credits</b>                                                                                                                                                                                                                                                                                                                             |                                                      |                                                   |                                                 |
| <b>Uses Permissions - by Zone</b>                                                                                                                                                                                                                                                                                                                                            | I §304<br>I § 400.1 (c)<br>§ 304.3 (a)               | I §§ 203, 301.1                                   | -----                                           |
| <b>Use Requirements - by Zone</b>                                                                                                                                                                                                                                                                                                                                            | I § 400.1 (b)                                        | I §304.3 (a)                                      | -----                                           |
| <b>Use Requirements - on Designated Street Segments</b>                                                                                                                                                                                                                                                                                                                      | <i>See Col. C</i>                                    | <i>I §§ 602, 603, 604, 609, 610</i>               | -----                                           |
| <b>Use Requirements, IZ</b>                                                                                                                                                                                                                                                                                                                                                  | IZ not applicable to zone                            | -----                                             | -----                                           |
| <b>Credits</b>                                                                                                                                                                                                                                                                                                                                                               | Credits not applicable to zone                       | -----                                             | -----                                           |
| <b>3. Design Standards and Design Review</b>                                                                                                                                                                                                                                                                                                                                 |                                                      |                                                   |                                                 |
| <b>Design Requirements - by Zone</b>                                                                                                                                                                                                                                                                                                                                         | <i>See Col. C</i>                                    | <i>I §§ 501-503<br/>I §§ 603, 604</i>             | -----                                           |

| <b>D-1-R Zone Table</b><br>This table supplements the general dimensional and regulations in Chapters 2 and 3 with requirements, permissions, conditions and references specific to this zone.<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>REGULATORY TOPIC</b>                                                                                                                                                                                                                                                                                                                                                                                 | <b>STANDARD OR PERMISSION SPECIFIC TO THIS ZONE</b> | <b>OTHER ZONE-RELEVANT SUBTITLE I REGULATIONS</b> | <b>PERTINENT REGULATIONS IN OTHER SUBTITLES</b> |
| <b>Design Requirements - on Designated Street Segments</b>                                                                                                                                                                                                                                                                                                                                              | <i>See Col. C</i>                                   | <i>I §§ 603, 604, 610</i>                         | -----                                           |
| <b>Design Review Requirements</b>                                                                                                                                                                                                                                                                                                                                                                       | Not applicable to zone                              | -----                                             | -----                                           |

401            **THE D-2 BZONE:**

401.1        The **D-2** (SP-2, HR-SP-2) zone:

- (a)    Is mapped in the vicinity of 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;
- (b)    Places certain restrictions on retail uses;
- (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, Chapter 7, Parking;
- (d)    Is subject to C Chapter 10, Inclusionary Zoning;
- (e)    Does not generate or receive Credits regulated by - Chapters 8 and 9;
- (f)    Does not include any designated street segments; and
- (g)    Shall be developed in accordance with the regulations in the following table:

| <b>D-2 Zone Table</b><br>This table supplements the general dimensional and regulations in Chapters 2 and 3 with requirements, permissions, conditions and references specific to this zone.<br><i>This zone does not include any designated street segments</i> |                                                     |                                         |                                    |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------|-----------------------------------------|------------------------------------|
| <b>A</b>                                                                                                                                                                                                                                                         | <b>B</b>                                            | <b>C</b>                                | <b>D</b>                           |
| <b>REGULATORY TOPIC</b>                                                                                                                                                                                                                                          | <b>STANDARD OR PERMISSION SPECIFIC TO THIS ZONE</b> | <b>CONDITIONS SPECIFIC TO THIS ZONE</b> | <b>OTHER PERTINENT REGULATIONS</b> |
| <b>1. Development Standards</b>                                                                                                                                                                                                                                  |                                                     |                                         |                                    |
| <b>Height Maximum without IZ</b>                                                                                                                                                                                                                                 | 90 ft.                                              | I § 205.1                               | B Chapter 3                        |
| <b>Height Maximum with IZ</b>                                                                                                                                                                                                                                    | 100 ft.                                             | I § 205.1                               | B Chapter 3; C Chapter 10          |
| <b>FAR – Residential Minimum</b>                                                                                                                                                                                                                                 | none                                                | I §900.4                                | B Chapter 3                        |
| <b>FAR - Non-Residential Maximum</b>                                                                                                                                                                                                                             | 3.5                                                 | I §203<br>I §900.4                      | B Chapter 3                        |
| <b>FAR -Maximum without IZ</b>                                                                                                                                                                                                                                   | 6.0                                                 | I §203<br>I §900.4                      | B Chapter 3                        |
| <b>FAR – Maximum with IZ</b>                                                                                                                                                                                                                                     | 7.2                                                 | I §203<br>I §900.4                      | C Chapter 10                       |
| <b>Front Setback</b>                                                                                                                                                                                                                                             | Not regulated.                                      | -----                                   | -----                              |
| <b>Front Build-to</b>                                                                                                                                                                                                                                            | Not specific to zone.                               | -----                                   | -----                              |
| <b>GAR</b>                                                                                                                                                                                                                                                       | 0.3                                                 | -----                                   | C Chapter 6                        |
| <b>2. Use Standards, Permissions and Credits</b>                                                                                                                                                                                                                 |                                                     |                                         |                                    |
| <b>Uses Permissions - by Zone</b>                                                                                                                                                                                                                                | See Col. C                                          | I §§ 203, 301.1                         | I Chapter 3                        |
| <b>Use Requirements - by Zone</b>                                                                                                                                                                                                                                | None                                                | -----                                   | -----                              |
| <b>Use Requirements - on Designated Street Segments</b>                                                                                                                                                                                                          | Not Applicable                                      | -----                                   | -----                              |
| <b>Use Requirements, IZ</b>                                                                                                                                                                                                                                      | C Chapter 10                                        | -----                                   | C Chapter 10                       |
| <b>Credits</b>                                                                                                                                                                                                                                                   | not applicable to zone                              | -----                                   | -----                              |
| <b>3. Design Standards and Design Review</b>                                                                                                                                                                                                                     |                                                     |                                         |                                    |
| <b>Design Requirements - by Zone</b>                                                                                                                                                                                                                             | See Col. C                                          | I §§501-503                             | -----                              |
| <b>Design Requirements - on Designated Street Segments</b>                                                                                                                                                                                                       | Not applicable                                      | -----                                   | -----                              |
| <b>Design Review Requirements</b>                                                                                                                                                                                                                                | Not applicable                                      | -----                                   | -----                              |

**THE D-3 ZONE**

402.1 The D-3 (HR/C3C/TDR, C3C/ Downtown East TDR) 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) Is not subject to C Chapter 10 Inclusionary Zoning;
- (d) Is eligible to generate and receive 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 (§ 610 and the North Capitol Street (§ 617) sub-areas; and
- (f) Shall be developed in accordance with the regulations in the following table:

### D-3 Zone Table

This table supplements the general dimensional and regulations in Chapters 2 and 3 with requirements, permissions, conditions and references specific to this zone.

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

| A                                                                                                                                              | B                                                                                            | C                                              | D                           |
|------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------|------------------------------------------------|-----------------------------|
| REGULATORY TOPIC                                                                                                                               | STANDARD OR PERMISSION SPECIFIC TO THIS ZONE                                                 | CONDITIONS SPECIFIC TO THIS ZONE               | OTHER PERTINENT REGULATIONS |
| <b>1. Development Standards</b>                                                                                                                |                                                                                              |                                                |                             |
| Height Maximum with or without Preferred Uses or Credits                                                                                       | 110 ft.                                                                                      | I §205.1<br><i>I § 610.4</i><br><i>I § 617</i> | B Chapter 3                 |
| FAR – Residential Minimum                                                                                                                      | none                                                                                         | I Chapter 9                                    | B Chapter 3                 |
| FAR - Non-Residential Maximum w/out Credits                                                                                                    | 6.5                                                                                          | I §203<br>I Chapter 9                          | B Chapter 3                 |
| FAR -Maximum if:<br>a) All FAR is residential;<br>b) All FAR exceeding the non-residential max. is residential; or<br>c) Using Density Credits | 9.0                                                                                          | I §203<br>I Chapter 9                          | B Chapter 3                 |
| Front Setback                                                                                                                                  | Not regulated.                                                                               | -----                                          | -----                       |
| Front Build-to                                                                                                                                 | On streets in §208.2, 75% within 4 feet of build-to line to a height of 15 ft. Otherwise N/A | I §208.2                                       | -----                       |
| GAR                                                                                                                                            | 0.3                                                                                          | -----                                          | C Chapter 6                 |
| <b>2. Use Standards, Permissions and Credits</b>                                                                                               |                                                                                              |                                                |                             |
| Uses Permissions - by Zone                                                                                                                     | All uses permitted<br>See Table 2, § 301.1 and Col. C for conditions                         | I § 203<br>I § 301.1                           | -----                       |
| Use Requirements - by Zone                                                                                                                     | None                                                                                         | -----                                          | -----                       |
| Use Requirements - on Designated Street Segments                                                                                               | None                                                                                         | -----                                          | -----                       |
| Credits                                                                                                                                        | See Col. D                                                                                   | -----                                          | I Chapters 8 and 9          |
| <b>3. Design Standards and Design Review</b>                                                                                                   |                                                                                              |                                                |                             |
| Design Requirements - by Zone                                                                                                                  | Not Applicable                                                                               | I Chapter 5                                    | -----                       |
| Design Requirements - on Designated Street Segments                                                                                            | <i>Upper story setbacks</i><br><i>See Col C</i>                                              | <i>I § 610.4,</i><br><i>I § 617.4</i>          | -----                       |
| Design Review Requirements                                                                                                                     | Not applicable                                                                               | -----                                          | -----                       |

**THE D-4 ZONE**

403.1 The D-4 (C-3-C /non-TDR, only within expanded Downtown; HR/C-3-C/non-TDR) 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 C Chapter 10, Inclusionary Zoning;
- (d) Is eligible to generate and receive Credits, subject to I Chapters 8 and 9;
- (e) Includes designated street segments with special requirements, as referenced in italics in the zone table, in the Massachusetts Avenue, Pennsylvania Avenue, M and South Capitol and Independence Avenue sub-areas; and
- (f) Shall be developed in accordance with the regulations in the following table:

### D-4 Zone Table

This table supplements the general dimensional and regulations in Chapters 2 and 3 with requirements, permissions, conditions and references specific to this zone.

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

| A                                                                                                                                              | B                                                                                          | C                                                     | D                           |
|------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------|-------------------------------------------------------|-----------------------------|
| REGULATORY TOPIC                                                                                                                               | STANDARD OR PERMISSION SPECIFIC TO THIS ZONE                                               | CONDITIONS SPECIFIC TO THIS ZONE                      | OTHER PERTINENT REGULATIONS |
| <b>1. Development Standards</b>                                                                                                                |                                                                                            |                                                       |                             |
| Height Maximum with or without IZ, Preferred Uses or Credits                                                                                   | 90 ft.                                                                                     | I § 205.1<br>I § 610<br>I § 616<br>I § 617<br>I § 618 | B Chapter 3                 |
| FAR – Residential Minimum                                                                                                                      | None                                                                                       | I Chapter 9                                           | B Chapter 3                 |
| FAR - Non-Residential Maximum w/out Credits                                                                                                    | 6.5                                                                                        | I § 203<br>I § 304<br>I Chapter 9                     | B Chapter 3                 |
| FAR -Maximum if:<br>a) All FAR is residential;<br>b) All FAR exceeding the non-residential max. is residential; or<br>c) Using Density Credits | 7.8                                                                                        | I § 203<br>I Chapter 9                                | B Chapter 3                 |
| FAR – Maximum with IZ                                                                                                                          | 7.8                                                                                        | I § 203<br>I Chapter 9                                |                             |
| Front Setback                                                                                                                                  | Regulated on some designated street segments                                               | I § 616.4<br>I § 618.4                                | -----                       |
| Front Build-to                                                                                                                                 | On streets in §314, 75% within 4 feet of build-to line to a height of 15 ft. Otherwise N/A | I § 616.4<br>I § 618.4                                | -----                       |
| GAR                                                                                                                                            | 0.2                                                                                        | -----                                                 | C Chapter 6                 |
| <b>2. Use Standards, Permissions and Credits</b>                                                                                               |                                                                                            |                                                       |                             |
| Uses Permissions - by Zone                                                                                                                     | All uses permitted<br>See Col. C for zone and locational conditions                        | I § 203,<br>I § 301.1,<br>I § 608.3(d)                | I Chapter 3                 |
| Use Requirements - by Zone                                                                                                                     | None by zone. See Col. C for locational conditions.                                        | I § 608.3(d)                                          | -----                       |
| Use Requirements - on Designated Street Segments                                                                                               | See Col. C                                                                                 | I § 608.3(d)                                          | -----                       |
| Use Requirements, IZ                                                                                                                           | Yes, See Col. D                                                                            | -----                                                 | C, Chapter 10               |
| Credits                                                                                                                                        | -----                                                                                      | -----                                                 | I Chapters 8 and 9          |
| <b>3. Design Standards and Design Review</b>                                                                                                   |                                                                                            |                                                       |                             |
| Design Requirements - by Zone                                                                                                                  | Not applicable                                                                             | I Chapter 5                                           | -----                       |

|                                                            |                                                                       |                                                                            |       |
|------------------------------------------------------------|-----------------------------------------------------------------------|----------------------------------------------------------------------------|-------|
| <b>Design Requirements - on Designated Street Segments</b> | <i>See Col C</i>                                                      | <i>I §604,<br/>I 608.4 (c),<br/>I § 610.4,<br/>I § 616.4<br/>I § 618.4</i> | ----- |
| <b>Design Review Requirements</b>                          | Not applicable by zone, but applicable by PADC and designated streets | <i>§ 608.4 (c)<br/>I § 616.4 (c)<br/>§ 618.4</i>                           | ----- |

403.1 In the D-4 zone, if a building or other structure with frontage on Pennsylvania Avenue is permitted to be erected to a height greater than 130 feet but not exceeding one hundred sixty feet (160 ft.):

- (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.

#### 404 **THE D-4-R ZONE**

404.1 The D-4-R (DD/C-2-C /HPA, DD/C-2-C/MVT/ HPA) 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) Promotes residential development throughout the zone by requiring, on each lot, the provision of the equivalent of at least 4.5 FAR of residential use, subject to the conditions in § 203. Up to 1.35 FAR of this residential requirement may be met by constructing or financially assisting affordable housing pursuant to the conditions of §203.
- (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 C Chapter 23, Inclusionary Zoning;
- (e) Is eligible to generate and receive 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*.

### D-4-R Zone Table

This table supplements the general dimensional and regulations in Chapters 2 and 3 with requirements, permissions, conditions and references specific to this zone.

*((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                           |
|----------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------|-----------------------------|
| REGULATORY TOPIC                                                                                                                                         | STANDARD OR PERMISSION SPECIFIC TO THIS ZONE                                                                    | CONDITIONS SPECIFIC TO THIS ZONE                          | OTHER PERTINENT REGULATIONS |
| <b>1. Development Standards</b>                                                                                                                          |                                                                                                                 |                                                           |                             |
| <b>Height Maximum with or without Preferred Uses or Credits</b>                                                                                          | 110 ft. if R.O.W determining height is < 110 ft. wide;<br>130 ft. if R.O.W determining height is ≥ 110 ft. wide | I §205.1<br>I §610<br>I § 612.4<br>I § 613<br>I Chapter 9 | B Chapter 3                 |
| <b>FAR – Residential Minimum</b>                                                                                                                         | 4.5                                                                                                             | I § 304.1<br>I § 304.3 (b)                                | B Chapter 3                 |
| <b>FAR - Non-Residential Maximum w/out Credits</b>                                                                                                       | 3.5                                                                                                             | I §§203,<br>I Chapter 9                                   | B Chapter 3                 |
| <b>FAR -Maximum if:<br/>a) All FAR is residential;<br/>b) All FAR exceeding the non-residential max. is residential; or<br/>c) Using Density Credits</b> | As achievable by permitted height and bulk                                                                      | I §203,<br>I Chapter 9                                    | B Chapter 3                 |
| <b>FAR – Maximum with IZ</b>                                                                                                                             | IZ not applicable to zone                                                                                       | -----                                                     | -----                       |
| <b>Front Setback</b>                                                                                                                                     | Not regulated, <i>(except in Mt. Vernon Triangle Principal Intersection Sub-Area (See § 612)).</i>              | <i>See § 61 if in Mount Vernon Triangle PIA</i>           | -----                       |
| <b>Front Build-to</b>                                                                                                                                    | 75% within 4 feet of build-to line, to a height of 15 ft.                                                       | I §208                                                    | -----                       |
| <b>GAR</b>                                                                                                                                               | 0.2                                                                                                             | -----                                                     | C Chapter 6                 |
| <b>2. Use Standards, Permissions and Credits</b>                                                                                                         |                                                                                                                 |                                                           |                             |
| <b>Uses Permissions - by Zone</b>                                                                                                                        | See I §301.1                                                                                                    | I § 203.1<br>I § 301.1                                    | I Chapter 3                 |
| <b>Use Requirements - by Zone</b>                                                                                                                        | None                                                                                                            | -----                                                     | -----                       |
| <b>Use Requirements - on Designated Street Segments</b>                                                                                                  | See Col C                                                                                                       | <i>I §§601.10, 609.3, 610.3, 611.3, 612.3</i>             | -----                       |
| <b>Credits</b>                                                                                                                                           | See Col C                                                                                                       | I Chapters 8 and 9                                        |                             |
| <b>3. Design Standards and Design Review</b>                                                                                                             |                                                                                                                 |                                                           |                             |
| <b>Design Requirements - by Zone</b>                                                                                                                     | Not Applicable                                                                                                  | I Chapter 5                                               |                             |
| <b>Design Requirements - on Designated Street Segments</b>                                                                                               | <i>§I §603, 609.4, 610.4, 611.4, 612.4, 613.4</i>                                                               | <i>I §§601.12, 603, 609.4, 610.4, 611.4, 612.4, 613.4</i> | -----                       |
| <b>Design Review Requirements</b>                                                                                                                        | Not applicable                                                                                                  | -----                                                     | -----                       |

404.2

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.

404.3 Any lot in Square 485 shall be exempt from minimum residential requirements.

405 **THE D-5 ZONE:**

405.1 The D-5 (CG/C-3-C/TDR, C-3-C TDR other than Downtown East, DD/C-3-C/non HPA) zone:

- (a) Permits high density development, with incentives for residential use within predominantly non-residential areas;
- (b) In conjunction with sub-area regulations, requires retail concentrations along certain streets;
- (c) Is not subject to C chapter 10, 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, North Capitol, and M and South Capitol Streets sub-areas;
- (f) Has accessory parking requirements for areas west of the centerline of 20th Street N.W, where, for those areas and for other areas where parking is provided but not required, are regulated by Subtitle B, Chapter 7.
- (g) Is subject to the upper store height setback requirements in I §205.4 and
- (h) Shall be developed in accordance with the regulations of the following zone table:

| <b>D-5 Zone Table</b><br>This table supplements the general dimensional and regulations in Chapters 2 and 3 with requirements, permissions, conditions and references specific to this zone.<br><i>(Italicized references apply only to structures located in the zone on designated street segments in the NoMA, North Capitol, or M and South Capitol Streets sub-areas described in Chapter 6.)</i> |                                                                                                                 |                                                                                |                             |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------|-----------------------------|
| A                                                                                                                                                                                                                                                                                                                                                                                                      | B                                                                                                               | C                                                                              | D                           |
| REGULATORY TOPIC                                                                                                                                                                                                                                                                                                                                                                                       | STANDARD OR PERMISSION SPECIFIC TO THIS ZONE                                                                    | CONDITIONS SPECIFIC TO THIS ZONE                                               | OTHER PERTINENT REGULATIONS |
| <b>1. Development Standards</b>                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                 |                                                                                |                             |
| Height Maximum with or without Preferred Uses or Credits                                                                                                                                                                                                                                                                                                                                               | 110 ft. if R.O.W determining height is < 110 ft. wide;<br>130 ft. if R.O.W determining height is ≥ 110 ft. wide | I §§, 205.1, 205.4<br><i>I § 610.4</i><br><i>I § 616.4</i><br><i>I § 617.4</i> | B Chapter 3                 |
| FAR – Residential Minimum                                                                                                                                                                                                                                                                                                                                                                              | none                                                                                                            | -----                                                                          | B Chapter 3                 |
| FAR - Non-Residential Maximum w/out Preferred Uses or Credits                                                                                                                                                                                                                                                                                                                                          | 6.5                                                                                                             | I §203,<br>I §304<br>I Chapter 9                                               | B Chapter 3                 |
| FAR -Maximum if:<br>a) All FAR is residential;<br>b) All FAR exceeding the non-residential max. is residential; or<br>c) Using Density Credits                                                                                                                                                                                                                                                         | As achievable by permitted height and bulk                                                                      | I Chapter 9                                                                    | B Chapter 3                 |
| Front Setback                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                 | <i>I § 616</i>                                                                 | -----                       |
| Front Build-to                                                                                                                                                                                                                                                                                                                                                                                         | For streets in I §314, 75% within 4 feet of build-to line to a height of 15 ft. Otherwise not regulated         | I §208                                                                         | -----                       |
| GAR                                                                                                                                                                                                                                                                                                                                                                                                    | 0.2                                                                                                             | -----                                                                          | C Chapter 6                 |
| <b>2. Use Standards, Permissions and Credits</b>                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                 |                                                                                |                             |
| Uses Permissions - by Zone                                                                                                                                                                                                                                                                                                                                                                             | All uses permitted. See Col. C for zone conditions                                                              | I § 301.1                                                                      | -----                       |
| Use Requirements - by Zone                                                                                                                                                                                                                                                                                                                                                                             | None                                                                                                            | -----                                                                          | -----                       |
| Use Requirements - on Designated Street Segments                                                                                                                                                                                                                                                                                                                                                       | Not Applicable                                                                                                  | -----                                                                          | -----                       |
| Use Requirements, IZ                                                                                                                                                                                                                                                                                                                                                                                   | C Chapter 10                                                                                                    | -----                                                                          | C Chapter 10                |
| Density Credits                                                                                                                                                                                                                                                                                                                                                                                        | See Col C                                                                                                       | I Chapters 8 and 9                                                             | -----                       |
| <b>3. Design Standards and Design Review</b>                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                 |                                                                                |                             |
| Design Requirements - by Zone                                                                                                                                                                                                                                                                                                                                                                          | I Chapter 5                                                                                                     | -----                                                                          | -----                       |
| Design Requirements - on Designated Street Segments                                                                                                                                                                                                                                                                                                                                                    | <i>I See Col. C</i>                                                                                             | <i>I § 616.4</i><br><i>I § 617.4</i>                                           | -----                       |
| Design Review Requirements                                                                                                                                                                                                                                                                                                                                                                             | <i>Applicable in M and South Capitol Streets Sub-Area.</i>                                                      | <i>See I Chapter 7</i>                                                         | -----                       |

406

**D-5-R ZONE:**

406.1

The D-5-R (DD/C-3-C/HPA, DD/C-3-C/MVT/HPA) 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 predominantly non-residential development;
- (b) Promotes residential development throughout the zone by requiring, on each lot, the provision of the equivalent of at least 3.5 FAR of residential use, subject to the conditions in § 203.1 Up to 1.05 FAR of this residential requirement may be met by constructing or financially assisting affordable housing pursuant to the conditions of §203.
- (c) Is not subject to C chapter 10, 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, Mount Vernon Triangle or Mount Vernon Triangle/Principal Intersection sub-areas; and
- (f) Shall be developed in accordance with the regulations in the following zone table:

| <b>D-5-R Zone Table</b><br>This table supplements the general dimensional and regulations in Chapters 2 and 3 with requirements, permissions, conditions and references specific to this zone.<br><i>(Italicized references apply only to structures located in the zone on designated street segments in the Chinatown, Massachusetts Ave., Mt. Vernon Triangle or Mt. 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>REGULATORY TOPIC</b>                                                                                                                                                                                                                                                                                                                                                                                                                                    | <b>STANDARD OR PERMISSION SPECIFIC TO THIS ZONE</b>                                                             | <b>CONDITIONS SPECIFIC TO THIS ZONE</b>                | <b>OTHER PERTINENT REGULATIONS</b> |
| <b>1. Development Standards</b>                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                 |                                                        |                                    |
| <b>Height Maximum with or without Preferred Uses or Credits</b>                                                                                                                                                                                                                                                                                                                                                                                            | 110 ft. if R.O.W determining height is < 110 ft. wide;<br>130 ft. if R.O.W determining height is ≥ 110 ft. wide | I §§ 205.1, 205.4<br><i>I §610.4</i><br>I Chapter 9    | B Chapter 3                        |
| <b>FAR – Residential Minimum</b>                                                                                                                                                                                                                                                                                                                                                                                                                           | 3.5                                                                                                             | I §§ 203.1 (b), 304.1, 304.3 (c), 406.2<br>I Chapter 9 | B Chapter 3                        |
| <b>FAR - Non-Residential Maximum w/out Preferred Uses or Credits</b>                                                                                                                                                                                                                                                                                                                                                                                       | 6.0                                                                                                             | I §203,<br><i>I §304.3 (c)</i><br>I Chapter 9          | B Chapter 3                        |
| <b>FAR -Maximum if:</b><br>a) All FAR is residential;<br>b) All FAR exceeding the non-residential max. is residential; or<br>c) Using Density Credits                                                                                                                                                                                                                                                                                                      | As achievable by permitted height and bulk                                                                      | I §203,<br>I Chapter 9                                 | B Chapter 3                        |

|                                                            |                                                                                      |                                                   |             |
|------------------------------------------------------------|--------------------------------------------------------------------------------------|---------------------------------------------------|-------------|
| <b>Front Setback</b>                                       | Not regulated, <i>except in Mt. Vernon Triangle Principal Intersection Sub-Area.</i> | See Sec. 612 if in MVT PIA                        | -----       |
| <b>Front Build-to</b>                                      | 75% within 4 feet of build-to line to a height of 15 ft.                             | I § 208                                           | -----       |
| <b>GAR</b>                                                 | 0.2                                                                                  | -----                                             | C Chapter 6 |
| <b>2. Use Standards, Permissions and Credits</b>           |                                                                                      |                                                   |             |
| <b>Uses Permissions - by Zone</b>                          | All uses permitted.                                                                  | I§ 301.1, §203. 1 (b)                             | -----       |
| <b>Use Requirements - by Zone</b>                          | None                                                                                 | -----                                             | -----       |
| <b>Use Requirements - on Designated Street Segments</b>    | <i>See Col. C</i>                                                                    | §§ 601.10, 602, 604, 609.3, 610.3, 611.3, 612.3   | -----       |
| <b>Use Requirements, IZ</b>                                | Not applicable                                                                       | -----                                             | C Chapter10 |
| <b>Credits</b>                                             | See Col C                                                                            | I Chapters 8 and 9                                | -----       |
| <b>3. Design Standards and Design Review</b>               |                                                                                      |                                                   |             |
| <b>Design Requirements - by Zone</b>                       | -----                                                                                | I Chapter 5                                       | -----       |
| <b>Design Requirements - on Designated Street Segments</b> | <i>See Col. C</i>                                                                    | <i>I §601.12, 605, 609.4, 610.4, 611.4, 612.4</i> | -----       |
| <b>Design Review Requirements</b>                          | -----                                                                                | -----                                             | -----       |

406.2 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.

407 **THE D-6 ZONE:**

407.1 The D-6 (C-4 non HPA only in expanded Downtown) zone:

- (a) Permits high density commercial and residential development ;
- (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 subject to C Chapter 10, 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 Connecticut Avenue and the Massachusetts Avenue sub-areas; and
- (f) Shall be developed in accordance with the regulations of the following zone table:

### D-6 Zone Table

This table supplements the general dimensional and regulations in Chapters 2 and 3 with requirements, permissions, conditions and references specific to this zone.

*(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                           |
|-------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------|-----------------------------|
| REGULATORY TOPIC                                                                                                                                      | STANDARD OR PERMISSION SPECIFIC TO THIS ZONE                                                                    | CONDITIONS SPECIFIC TO THIS ZONE                                                 | OTHER PERTINENT REGULATIONS |
| <b>1. Development Standards</b>                                                                                                                       |                                                                                                                 |                                                                                  |                             |
| <b>Height Maximum with or without Preferred Uses or Credits</b>                                                                                       | 110 ft. if R.O.W determining height is < 110 ft. wide;<br>130 ft. if R.O.W determining height is ≥ 110 ft. wide | I § 205.2<br>I § 306.1<br><i>I § 306.3(b)</i><br><i>I § 610.4</i><br>– Chapter 9 | B Chapter 3                 |
| <b>FAR – Residential Minimum</b>                                                                                                                      | none                                                                                                            | I § 401<br>I § 900.4                                                             | B Chapter 3                 |
| <b>FAR - Non-Residential Maximum w/out Preferred Uses or Credits</b>                                                                                  | 8.5 /10.0                                                                                                       | I 203<br>I § 900.4                                                               | B Chapter 3                 |
| <b>FAR -Maximum if:</b><br>a) All FAR is residential;<br>b) All FAR exceeding the non-residential max. is residential; or<br>c) Using Density Credits | As achievable by permitted height and bulk                                                                      | I §§203, 304<br>I § 900.4                                                        | B Chapter 3                 |
| <b>Front Setback</b>                                                                                                                                  | <i>See Col. C</i>                                                                                               | <i>I § 608</i>                                                                   | -----                       |
| <b>Front Build-to</b>                                                                                                                                 | For streets in I § 314, 75% within 4 feet of build-to line to a height of 15 ft.                                | I § 314                                                                          | -----                       |
| <b>GAR</b>                                                                                                                                            | 0.2                                                                                                             | -----                                                                            | C Chapter 6                 |
| <b>2. Use Standards, Permissions and Credits</b>                                                                                                      |                                                                                                                 |                                                                                  |                             |
| <b>Uses Permissions - by Zone</b>                                                                                                                     | See I § 301.1                                                                                                   | I §§203,                                                                         | -----                       |
| <b>Use Requirements - by Zone</b>                                                                                                                     | None                                                                                                            | -----                                                                            | -----                       |
| <b>Use Requirements - on Designated Street Segments</b>                                                                                               | <i>See Col. C</i>                                                                                               | <i>§§ 601, 602, 604,, 614.3</i>                                                  | -----                       |
| <b>Use Requirements, IZ</b>                                                                                                                           | Yes, See Col D.                                                                                                 | -----                                                                            | C Chapter 10                |
| <b>Density Credits</b>                                                                                                                                | See Col. C                                                                                                      | I Chapters 8 and 9                                                               | -----                       |
| <b>3. Design Standards and Design Review</b>                                                                                                          |                                                                                                                 |                                                                                  |                             |
| <b>Design Requirements - by Zone</b>                                                                                                                  | Chapter 5                                                                                                       | I § 500.3                                                                        | -----                       |
| <b>Design Requirements - on Designated Street Segments</b>                                                                                            | <i>See Col. C</i>                                                                                               | <i>§§ 601, 602, 604,, 614.3</i>                                                  | -----                       |
| <b>Design Review Requirements</b>                                                                                                                     | Not applicable                                                                                                  | -----                                                                            | -----                       |

407.2      A building or structure taller than one hundred ten feet (110 ft.) may have a floor area ratio not exceeding ten (10.0).

**THE D-6-R ZONE:**

The D-6-R (*DD/C-4/HPA*) zone:

- (a) Permits high density commercial development in the Downtown core, with requirements and incentives for a percentage of residential use within predominantly non-residential development;
- (b) Promotes residential development throughout the zone by requiring, on each lot, the provision of the equivalent of at least 2.0 FAR of residential use, subject to the conditions in § 203. Up to 0.8 FAR of this residential requirement may be met by constructing or financially assisting affordable housing pursuant to the conditions of §203.
- (c) 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.;
- (d) Is not subject to C Chapter 10, 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, and Arts sub-areas; and
- (g) Shall be developed in accordance with the regulations of the following zone table:

| <b>D-6-R Zone Table</b><br>This table supplements the general dimensional and regulations in Chapters 2 and 3 with requirements, permissions, conditions and references specific to this zone.<br><i>(Italicized references apply only to structures located in the zone and 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>REGULATORY TOPIC</b>                                                                                                                                                                                                                                                                                                                                                                          | <b>STANDARD OR PERMISSION SPECIFIC TO THIS ZONE</b>                                                             | <b>CONDITIONS SPECIFIC TO THIS ZONE</b>                        | <b>OTHER PERTINENT REGULATIONS</b> |
| <b>1. Development Standards</b>                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                 |                                                                |                                    |
| <b>Height Maximum with or without Preferred Uses or Credits</b>                                                                                                                                                                                                                                                                                                                                  | 110 ft. if R.O.W determining height is < 110 ft. wide;<br>130 ft. if R.O.W determining height is ≥ 110 ft. wide | I §306.1<br>I §306.3(b)<br>204.1<br>I §610.4<br>– I, Chapter 9 | B Chapter 3                        |
| <b>FAR – Residential Minimum</b>                                                                                                                                                                                                                                                                                                                                                                 | 2.0                                                                                                             | I §408.1<br>I §900.4                                           | B Chapter 3                        |
| <b>FAR - Non-Residential Maximum w/out Preferred Uses or Credits</b>                                                                                                                                                                                                                                                                                                                             | 8.5 /10.0 (I §308.2)                                                                                            | I §308.2<br>I §900.4<br>411.11                                 | B Chapter 3                        |
| <b>FAR -Maximum if:</b><br>a) All FAR is residential;<br>b) All FAR exceeding the non-residential max. is residential; or<br>c) Using Density Credits                                                                                                                                                                                                                                            | As achievable by permitted height and bulk                                                                      | I I §§203, 304<br>I §900.4<br>- Chapter 9                      | B Chapter 3                        |
| <b>Front Setback</b>                                                                                                                                                                                                                                                                                                                                                                             | Required only on Pennsylvania Avenue Frontage                                                                   | I § 608                                                        | _____                              |
| <b>Front Build-to</b>                                                                                                                                                                                                                                                                                                                                                                            | For streets in I §314, 75% within 4 feet of build-to line to a height of 15 ft.                                 | I §314                                                         | _____                              |
| <b>GAR</b>                                                                                                                                                                                                                                                                                                                                                                                       | 0.2                                                                                                             | _____                                                          | C Chapter 6                        |
| <b>2. Use Standards, Permissions and Credits</b>                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                 |                                                                |                                    |
| <b>Uses Permissions - by Zone</b>                                                                                                                                                                                                                                                                                                                                                                | See I § 301.1                                                                                                   | _____                                                          | _____                              |
| <b>Use Requirements - by Zone</b>                                                                                                                                                                                                                                                                                                                                                                | None                                                                                                            | _____                                                          | _____                              |
| <b>Use Requirements - on Designated Street Segments</b>                                                                                                                                                                                                                                                                                                                                          | See Col C                                                                                                       | §§ 601.10, 602, 604, 607.3, 609.3(a)                           | _____                              |
| <b>Density Credits</b>                                                                                                                                                                                                                                                                                                                                                                           | See Col. C                                                                                                      | I Chapters 8 and 9                                             | _____                              |
| <b>3. Design Standards and Design Review</b>                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                 |                                                                |                                    |
| <b>Design Requirements - by Zone</b>                                                                                                                                                                                                                                                                                                                                                             | Chapter 5                                                                                                       | I §500.3                                                       | _____                              |
| <b>Design Requirements - on Designated Street Segments</b>                                                                                                                                                                                                                                                                                                                                       |                                                                                                                 | I §§601.12, 607.4, 608, 609.4                                  | _____                              |
| <b>Design Review Requirements</b>                                                                                                                                                                                                                                                                                                                                                                | Not applicable unless building has frontage on Pennsylvania Avenue, N.W.                                        | I § 608                                                        | _____                              |

408.1 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.

- 408.2 In the D-6-R zone, if a building or other structure with frontage on Pennsylvania Avenue is permitted to be erected to a height greater than 130 feet but not exceeding one hundred sixty feet (160 ft.):
- (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.
- 408.3 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
- 408.4 A building or structure taller than one hundred ten feet (110 ft.) may have a floor area ratio not exceeding ten (10.0).
- 409 **THE D-7 ZONE:**
- 409.1 The D-7 ( *DD/C-4/non-HPA, DD/C-5*) 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) In conjunction with sub-area regulations promotes concentrations of retail to reinforce the area's historic role as a center of retail commerce
  - (d) Is not subject to 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 Chinatown, Pennsylvania Avenue, Retail Core and Arts sub areas;
  - (g) Shall be developed in accordance with the regulations of the following development standards table:

### D-7 Zone Table

This table supplements the general dimensional and regulations in Chapters 2 and 3 with requirements, permissions, conditions and references specific to this zone.  
(*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                           |
|----------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------|-----------------------------|
| REGULATORY TOPIC                                                                                                                                         | STANDARD OR PERMISSION SPECIFIC TO THIS ZONE                                                                                                                                                                                                                                                                                                                                                                           | CONDITIONS SPECIFIC TO THIS ZONE                                                                    | OTHER PERTINENT REGULATIONS |
| <b>1. Development Standards</b>                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                     |                             |
| <b>Height Maximum with or without Preferred Uses or Credits</b>                                                                                          | 110 ft. if R.O.W determining height is < 110 ft. wide;<br><br>With the exception of a building with frontage on Pennsylvania Avenue between 10 <sup>th</sup> Street, N.W. and 15 <sup>th</sup> St., N.W., 130 ft. if R.O.W determining height is ≥ 110 ft. wide<br><br>160 ft. max., or as limited by Height Act if building has frontage on Pennsylvania Avenue between 10 <sup>th</sup> and 15 <sup>th</sup> Streets | I §306.1<br>I §306.2..<br>409.1<br>PADC<br>Chapter 9<br><br><br><br><br><br><br><br><br><br>I 409.1 | PADC Plan<br>B Chapter 3    |
| <b>FAR – Residential Minimum</b>                                                                                                                         | none                                                                                                                                                                                                                                                                                                                                                                                                                   | I §401<br>I §900.4                                                                                  | B Chapter 3                 |
| <b>FAR - Non-Residential Maximum w/out Preferred Uses or Credits</b>                                                                                     | 8.5 /10.0 (I §308.2)                                                                                                                                                                                                                                                                                                                                                                                                   | I<br>I §900.4                                                                                       | B Chapter 3                 |
| <b>FAR -Maximum if:<br/>a) All FAR is residential;<br/>b) All FAR exceeding the non-residential max. is residential; or<br/>c) Using Density Credits</b> | As achievable by permitted height and bulk                                                                                                                                                                                                                                                                                                                                                                             | I §308.3<br>I §900.4<br>I §308.2<br>- Chapter 9                                                     | B Chapter 3                 |
| <b>Front Setback</b>                                                                                                                                     | Not regulated, except for properties with frontage on Pennsylvania Avenue                                                                                                                                                                                                                                                                                                                                              | See Sec. 608                                                                                        | -----                       |
| <b>Front Build-to</b>                                                                                                                                    | For streets in I §314, 75% within 4 feet of build-to line to a height of 15 ft.                                                                                                                                                                                                                                                                                                                                        | I § 314                                                                                             | -----                       |
| <b>GAR</b>                                                                                                                                               | 0.2                                                                                                                                                                                                                                                                                                                                                                                                                    | -----                                                                                               | C Chapter 6                 |
| <b>2. Use Standards, Permissions and Credits</b>                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                     |                             |
| <b>Uses Permissions - by Zone</b>                                                                                                                        | See I § 301.1                                                                                                                                                                                                                                                                                                                                                                                                          | I§§2                                                                                                | -----                       |
| <b>Use Requirements - by Zone</b>                                                                                                                        | None                                                                                                                                                                                                                                                                                                                                                                                                                   | -----                                                                                               | -----                       |
| <b>Use Requirements - on Designated Street Segments</b>                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                        | §§ 601.10, 602, 604, 606.3, 607.3, 609.3, 614.3                                                     | -----                       |
| <b>Density Credits</b>                                                                                                                                   | See Col. C                                                                                                                                                                                                                                                                                                                                                                                                             | I Chapters 8, 9                                                                                     | -----                       |

| <b>3. Design Standards and Design Review</b>               |                                               |                                       |           |
|------------------------------------------------------------|-----------------------------------------------|---------------------------------------|-----------|
| <b>Design Requirements - by Zone</b>                       | Chapter 5                                     | I §500.3                              | -----     |
| <b>Design Requirements - on Designated Street Segments</b> | <i>See Col. C</i>                             | <i>I §601.12, 606.4, 607.4, 608.4</i> | -----     |
| <b>Design Review Requirements</b>                          | Not Applicable, unless within PADC boundaries | I Chapter 5                           | PADC Plan |

409.1 In the D-7 zone, a building or other structure with frontage on Pennsylvania Avenue between 10<sup>th</sup> Street, N.W. and 15<sup>th</sup> Street, N.W. 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.

#### 410 **THE D-8 ZONE:**

*(C-3-C, non TDR, generally bounded by 4<sup>th</sup> and 12<sup>th</sup> Streets, SW and Independence Avenue and Maryland Avenue, SW; and including Squares 410 and 434)*

410.1 The D-8 zone:

- (a) Permits, with conditions, high density development;
- (b) Fosters the transition of a federally-owned area into a mixed use area of commercial, residential, cultural, arts, retail and service uses with both public and private ownership;
- (c) Promotes greater pedestrian and vehicular connectivity with an emphasis on re-establishing connections that have been compromised by previous street closings, vacations, obstructing construction, or changes in jurisdiction;
- (d) Is not subject to C – Chapter 23, Inclusionary Zoning;
- (e) Permits properties to generate and receive Density Credits as provided for in Chapters 8 and 9, subject to the Credits-access provisions in I §213.2;
- (f) Applies to properties in the following Squares: 325, 325, 351, 352, 383, 384, 385, 409, 410, 433, 434, and 482.

410.2 Shall be developed in accordance with the regulations of following zone table:

### D-8 Zone Table

This table supplements the general dimensional and regulations in Chapters 2 and 3 with requirements, permissions, conditions and references specific to this zone.

*(Italicized references apply only to structures located in the zone, on the south side of Independence Avenue, S.W.)*

| A                                                                                                                                                     | B                                                                                                               | C                                  | D                           |
|-------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------|------------------------------------|-----------------------------|
| REGULATORY TOPIC                                                                                                                                      | STANDARD OR PERMISSION SPECIFIC TO THIS ZONE                                                                    | CONDITIONS SPECIFIC TO THIS ZONE   | OTHER PERTINENT REGULATIONS |
| <b>1. Development Standards</b>                                                                                                                       |                                                                                                                 |                                    |                             |
| <b>Height Maximum with or without Preferred Uses or Credits</b>                                                                                       | 110 ft. if R.O.W determining height is < 110 ft. wide;<br>130 ft. if R.O.W determining height is ≥ 110 ft. wide |                                    | B Chapter 3                 |
| <b>FAR – Residential Minimum</b>                                                                                                                      | none                                                                                                            |                                    | B Chapter 3                 |
| <b>FAR - Non-Residential Maximum w/out Preferred Uses or Credits</b>                                                                                  | 6.5                                                                                                             | I § 410.3<br>410.6                 | B Chapter 3                 |
| <b>FAR -Maximum if:</b><br>a) All FAR is residential;<br>b) All FAR exceeding the non-residential max. is residential; or<br>c) Using Density Credits | As achievable by permitted height and bulk                                                                      | I § 410.3                          | B Chapter 3                 |
| <b>Front Setback</b>                                                                                                                                  | Not regulated, <i>except on Independence Ave</i>                                                                | <i>I § 618</i>                     | -----                       |
| <b>Front Build-to</b>                                                                                                                                 | For streets in I § 314, 75% within 4 feet of build-to line to a height of 15 ft. Otherwise not regulated        | I § 314                            | -----                       |
| <b>Upper Story Setback</b>                                                                                                                            | See Col.C                                                                                                       | <i>I § 618</i>                     | -----                       |
| <b>GAR</b>                                                                                                                                            | 0.2                                                                                                             | -----                              | C Chapter 6                 |
| <b>2. Use Standards, Permissions and Credits</b>                                                                                                      |                                                                                                                 |                                    |                             |
| <b>Uses Permissions - by Zone</b>                                                                                                                     | See I §Error! Reference source not found.                                                                       | I §§203, 403, 404                  | -----                       |
| <b>Use Requirements - by Zone</b>                                                                                                                     | None                                                                                                            | -----                              | -----                       |
| <b>Use Requirements - on Designated Street Segments</b>                                                                                               | As permitted by zone                                                                                            |                                    | -----                       |
| <b>Density Credits</b>                                                                                                                                | not applicable to zone                                                                                          | -----                              | -----                       |
| <b>3. Design Standards and Design Review</b>                                                                                                          |                                                                                                                 |                                    |                             |
| <b>Design Requirements - by Zone</b>                                                                                                                  | Chapter 5                                                                                                       | I §500.3                           | -----                       |
| <b>Design Requirements - on Designated Street Segments</b>                                                                                            | <i>See Col. C</i>                                                                                               | <i>I §601.12</i><br><i>I § 618</i> | -----                       |
| <b>Design Review Requirements</b>                                                                                                                     | Yes, See Col. C                                                                                                 | I § 410.6-<br>I Chapter 7          | -                           |

- 410.3 No structure, building or building addition may be constructed within any part of a street right of way:
- (a) That has not been closed by an act of the Council of the District of Columbia or its predecessor bodies; or
  - (b) That was included in the 1791 L'Enfant Plan for the City of Washington, was a public right of way on February 10, 1901, was closed by the Council of the District of Columbia or its predecessor bodies, and that has been incorporated into the District of Columbia's official highway plan prior to the filing of a building permit for a structure, building or building addition.
- 410.4 The street segments in § 411.3 (b) may include, but are not limited to:
- (a) Maryland Avenue between 9<sup>th</sup> and 1<sup>th</sup> Streets, S.W.;
  - (b) C Street between 9<sup>th</sup> and 12<sup>th</sup> Streets, S.W.
  - (c) D Street between the L'Enfant Promenade / 10<sup>th</sup> Street S.W. and 12<sup>th</sup> Street S.W.;
  - (d) 12<sup>th</sup> Street, 11<sup>th</sup> Street and the L'Enfant Promenade / 10<sup>th</sup> Street. S.W. and the centerline of the former right of way of Maryland Avenue, S.W.
- 410.5 Calculations of the potential maximum gross square of development on a site shall not include the area of the full or partial right of way or width of:
- (a) An existing street right of way; or
  - (b) A street right of way that has not been officially closed but in which a structure has been built;
- 410.6 With the exception of a property that is both owned and occupied primarily by the United States government for government purposes, a property in the D-8 zone containing land described in § 411.3 or land within a right-of-way that remains officially open but is occupied by a building or structure, may access non-residential density greater than 6.5 FAR, or accept or generate Credits under the provisions of Chapters 8 or 9, only if:
- (a) The Zoning Commission has given approval as a Special Exception, subject to the following criteria:
    - (1) A buildings or buildings to be constructed or substantially renovated on the property:
    - (2) Contain(s) only residential uses or cultural uses listed in I §§ 305.1 (c) (5), 305.1 (c) (7) or 305.1 (f) (2), or combination thereof, above the building's ground floor; or

- (b) The property has received Density Credits under the terms of Chapter 9 that would enable access to gross square footage exceeding 6.5 FAR for uses that are neither residential nor cultural;
- (c) The land has been determined by the Director of the District Department of Transportation to be not essential to the District's future vehicular or pedestrian network;
- (d) The Zoning Administrator, in written consultation with the Director of the Office of Planning and the Director of the District Department of Transportation, has certified that the land:
  - (1) Has been dedicated to the District of Columbia, or has an agreement with the District of Columbia to dedicate the former right of way as a private street with permanent public access;
  - (2) Has an agreement with the District of Columbia to remove all physical impediments to public use by vehicles or pedestrians and to remain open to the sky;
  - (3) Is part of a District-approved plan to re-establish street connectivity; and
  - (4) Has been reserved for public use whether by public dedication or perpetual easement; or,
  - (5) An acceptable, enforceable agreement has been made for achieving the conditions specified in I §213.1 (a) in a location other than a former street right of way; AND
- (e) The Zoning Commission has determined that exclusion of the property from permanent public access, or inclusion of the property in a private development site is integral and beneficial to the provision of transportation infrastructure or improvements within or immediately adjacent to the boundaries of the D-8 zone, with such infrastructure or improvements including, but not being not limited to: dedication and/or construction of a public street; maintenance of a street median in the zone; provision of a public easement for a pedestrian walkway within the zone that would not otherwise be required; or mass transit improvements within the zone, including but not limited to the accommodation and/or construction of a connection to a mass transit station; and
- (f) A buildings or buildings to be constructed or substantially renovated on the property are in compliance with I Chapter 2

410.7

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 provisions of §§ 702.3 – 702.5, and, for locations not subject to review by the

Commission of Fine Arts, shall be referred to the National Capital Planning Commission for review and comment..

- 410.8 When granting approval under §§ 213.6 and 213.7, the Commission shall not reduce access to bonus density for a project that has demonstrated compliance with all applicable regulations in §§ 213.4 and 213.5
- 410.9 The Commission may hear and decide any additional requests for special exception or variance relief needed for the subject property. Such requests shall be advertised, heard, and decided together with the application for Zoning Commission review and approval.
- 410.10 At the time of filing an application with the Zoning Commission, the applicant shall pay the filing fees to 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.
- 410.11 If, within its site, a historic landmark or a contributing building in a historic district 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 on-site 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;
    - (1) 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.
- 410.12 For a building or structure in the D-8 zone for which a Special Exception is sought, in addition to demonstrating that the proposed use, building, or structure meets the Special Exception standards set forth in Y Chapter 8, an applicant requesting approval under this section shall demonstrate that the proposed building or structure, including the siting, architectural design, site plan, landscaping, sidewalk treatment, and operation, will:
- (a) Help achieve the objectives of the Maryland Avenue Small Area Plan approved June 26, 2012, and its related plans, or subsequently adopted plans for the Squares listed in § 411. The objectives include:
    - (1) Building height, mass and siting shall respect or re-establish vistas to the U.S. Capitol, the Washington Monument, and the Smithsonian Institution's original building

- (2) Greater connectivity shall be achieved for pedestrians and vehicles both within the area and to adjacent area and shall be based on historic street rights of way;
- (3) Minimize conflicts between vehicles and pedestrians;
- (4) Minimize unarticulated blank walls adjacent to public spaces through facade articulation;
- (5) Provide for retail spaces with 14 foot-high clear ground floors on major streets
- (6) Minimize impact on the environment, as demonstrated through the provision of an evaluation of the proposal against GAR requirements and LEED Gold certification standards.

410.13 All proposed 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 provisions in Chapter 7 of this subtitle.

## Chapter 5 **ZONE-BASED DESIGN REQUIREMENTS AND PERMISSIONS**

### 500 **APPLICABILITY**

500.1 The requirements and permissions I §§ 501.1 – 503 apply to all downtown zones. The requirements and permissions in I §504 apply to only the D-3 through D--8- zones.

### 501 **DRIVE- THROUGH**

501.1 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.

### 502 **VEHICULAR ENTRANCES**

502.1 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 I §611.13 governing certain streets in the Mount Vernon Triangle Sub-Area; or
- (b) The entrance is approved by Board of Zoning Adjustment by special exception according to Subtitle Y, Chapter 8, 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 Category 1 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.

503            **SECURITY GRILLES**

503.1           Security grilles over windows or doors shall have at least seventy (70) percent transparency in order to reduce the aesthetic impact on the street and, for retail streets, to ensure clear sight lines for pedestrians into the ground story.

504            **OPEN ARCADE**

504.1           If an open arcade is provided in the D-3 through D-8 zones, it 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.

## Chapter 6 **LOCATION-BASED REGULATIONS FOR DOWNTOWN SUB-AREAS AND DESIGNATED STREET SEGMENTS**

### 600 **INTRODUCTION**

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 601-604:

- (a) 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 605–618:

- (a) Identify each sub-area, its location and objectives, its designated street boundaries and classifications, and the design and use regulations for buildings adjacent to the designated street segments within the sub-area. .
- (b) Include 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 DESIGNATED STREET SYSTEM**

601.1 The general use and design regulations for downtown are supplemented by additional use or design permissions, restrictions or requirements. These vary by the geographic sub-area locations described in Section 606 through 618. The sub-area use and design regulations are applied to sites based on their adjacency to a side or sides of certain designated segments of street rights-of -way.

601.2 The objectives of designating street segments, requirements and permissions are to:

- (a) Strengthen retail, arts and other preferred uses through the establishment of a hierarchy of primary (Category 1) and secondary (Category 2) designated 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 through the designation of Category 3 street segments to protect important vistas highlighted in the Comprehensive Plan.

- 601.3 Within sub-areas the classification of designated street segments is guided by the importance given to the streets, the adjacent uses, or the area's design requirements by the Comprehensive Plan, Small Area Plans or prior versions of this Title.
- 601.4 Street segments with the same classification generally have similar use and design requirements or permissions, but may also be modified by sub-area requirements. Category 1 designated street segments (Fig. 4) generally have the most intensive use and design requirements. Category 2 designated street segments (Fig. 5) have similar use regulations as Category 1 segments, but often with less FAR required for certain uses, and are not as restrictive on ground floor heights and designated street-facing vehicular entrances/exits. Category 3 designated street segments (Fig. 6) are generally regulated on for upper story setbacks.
- 601.5 only to upper-story height setbacks and are detailed within the regulations for individual sub-areas. Sub-area regulations begin in I §606.
- 601.6 If a lot faces more than one designated street segment, each frontage is governed by the corresponding regulations for that designated street segment.
- 601.7 For a structure with frontage on a Category 1, Category 2 or Category 3 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.



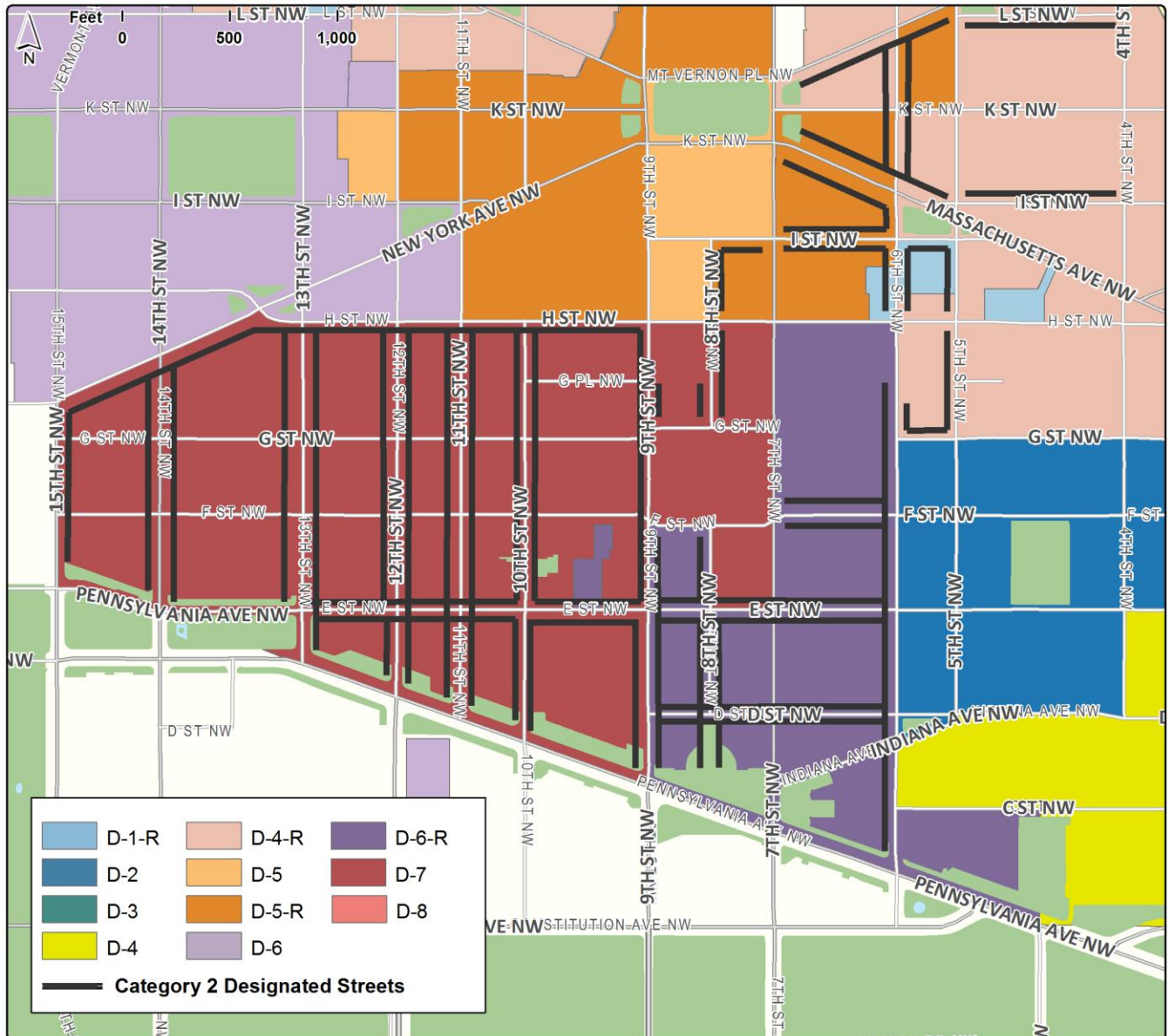


**Figure 5. Category 2 Designated Street Segments**

- 602.1 The use requirements of §§ 602.2 and 602.3 shall apply to a building or structure on a lot with frontage on a Category 1 or a Category 2 designated street segment unless otherwise modified within this Section or by the use requirements for a designated street segment in a particular sub-area.
- 602.2 Required uses within the sub-areas may include one or more of the following use categories:
- (a) Retail;

- (b) Entertainment, Assembly, and Performing Arts;
- (c) Food and Alcohol Services;
- (d) Arts Design and Creation;
- (e) Services.

- 602.3 A building or structure with frontage on a Category 1 or a Category 2 designated street segment shall, unless otherwise modified within this Section or by the use requirements for a designated street segment in a particular sub-area:
- (a) Devote not less than 0.5 FAR of the ground floor gross floor area to one or more of the use categories in I §602.2;
  - (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 Category 1 designated street segment to required uses identified in I §602.2, 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 I §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 by special exception evaluated according to I §603.3.
- 602.4 The requirements of I § 602.3 shall not apply to buildings devoted entirely to residential uses, theaters, or places of worship.
- 602.5 The net leasable area occupied by the uses required on Category 1 or Category 2 designated street segments, or uses generating Credits pursuant to Chapter 8, shall be no less than eighty percent (80%) of the gross floor area allocated to these uses.
- 602.6 Within the NoMA Sub-Area described in I § 615, the requirements of I § 602.3 shall not apply to the portion of a building more than one-hundred fifty (150) feet west of the property line adjacent to the west side of First Street, N.E.
- 602.7 The gross floor area of a cellar devoted to Arts uses required by I §607.8 for buildings with frontage on Category 1 or Category 2 designated street segments shall count toward the minimum requirement without affecting the permitted maximum bulk of the building.

603

**GENERAL DESIGN REQUIREMENTS FOR BUILDINGS ON CATEGORY 1  
AND CATEGORY 2 DESIGNATED STREET SEGMENTS**

603.1

With the exception of buildings devoted entirely to residential uses, or to theaters, historically designated buildings, or places of worship, the following design requirements shall apply to the portion of a building or structure with frontage on a Category 1 or Category 2 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 a Category 1, but not a Category 2, designated street segment;
- (b) Streetwall Design Requirements: The ground story shall devote at least fifty percent (50%) of the surface area facing a Category 1 or Category 2 designated street segment 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) Ground Floor 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 designated Category 1 or Category 2 street segment. In no case shall there be fewer than one door;

603.2

No vehicular garage or loading entrance or exit shall be permitted in the portions of facades adjacent to a Category 1 designated street, unless it is:

- i. On a Category 1 designated street segment listed in I §611.2 (Mount Vernon Triangle Sub-Area), for which vehicular garage or loading entrances and exits are governed by I §611.4;
- ii. Required by the DDOT; or
- iii. Permitted by the Board of Zoning Adjustment by special exception evaluated by the criteria in I § 603.3.

603.3

Exceptions from the prohibitions and limitations of I § 603.2 shall be permitted if granted by the Board of Zoning Adjustment by 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 Category 1 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 § 603.2 does not apply to building frontages on Category 2 or 3 designated streets.

603.5 Exceptions from the prohibitions and limitations of I §603.1(a) shall be permitted for structures existing prior to the effective date of these regulations if the Zoning Administrator determines that the slab-to-slab height of the existing structure's first or second floor would have to be structurally altered in order to meet the requirement.

#### 604 **BUILDINGS ON CATEGORY 3 DESIGNATED STREETS: GENERAL USE AND DESIGN REQUIREMENTS**

604.1 Figure 6 illustrates the Category 3 designated street segments and I §§ 606 – 616 give details for each Category 3 designated segment within a specific sub-area.

604.2 Buildings with frontage on Category 3 designated street segments have setback requirements for heights greater than 110 feet. These regulations and any additional design regulations are detailed within the individual sub-area sections of this chapter.

604.3 There are no use regulations specific to frontage on a Category 3 designated street.



605            **GEOGRAPHIC SUB-AREAS IN DOWNTOWN**

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

- (a)      Downtown Retail Core, I §606;
- (b)      Downtown Arts, I §607;
- (c)      Pennsylvania Avenue, I §608;
- (d)      Chinatown, I §609;
- (e)      Massachusetts Avenue Corridor and Mt. Vernon Square, I §610;
- (f)      Mount Vernon Triangle (MVT), I §611;
- (g)      Mount Vernon Triangle Principal Intersection Area (MVT/PIA), I §612;
- (h)      Blagden Alley Residential Transition Area, I §613;
- (i)      Lower Connecticut Avenue Corridor, I §614;
- (j)      North of Massachusetts Avenue (NoMA), I § 615;
- (k)      South Capitol and M Streets, I §616.
- (l)      North Capitol Street, I § 617
- (m)      Independence Avenue, S.W. I § 618

606            **DOWNTOWN RETAIL CORE SUB-AREA**

606.1           Overview

| <b>Objectives to Be Achieved by Additional Use or Design Regulations</b>                                                                                                                                                                                                                                                                                                                                               | <b>Boundaries, Property Squares and Streets</b>                                                                                                                                                                                                                                                                                                                                                                     |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 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 I §606.2 table that follows.</li></ul> |

**Figure 7. Retail Core Sub-Area's Designated Street Segments**

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 |
|--------------------------------------------------|----------------|--------------------------|----------------------------------|----------------------------------|----------------------------|
| <b>9th St. NW</b>                                | west           | D-7                      | H St. NW                         | E St. NW                         | Category 2                 |
| <b>10th St. NW</b>                               | both           | D-7                      | H St. NW                         | F St. NW                         | Category 2                 |
| <b>10th St. NW</b>                               | both           | D-7                      | F St. NW                         | E St. NW                         | Category 1                 |
| <b>11th St. NW</b>                               | both           | D-7                      | H St. NW                         | E St. NW                         | Category 2                 |
| <b>12th St. NW</b>                               | both           | D-7                      | H St. NW                         | E St. NW                         | Category 2                 |
| <b>13th St. NW</b>                               | both           | D-7                      | H St. NW                         | E St. NW                         | Category 2                 |
| <b>14th St. NW</b>                               | both           | D-7                      | New York Ave. NW                 | E St. / Pennsylvania Ave. NW     | Category 2                 |
| <b>15th St. NW</b>                               | east           | D-7                      | New York Ave. NW                 | Pennsylvania Ave. NW             | Category 2                 |
| <b>Pennsylvania Ave. NW (including E Street)</b> | north          | D-7                      | 13th St. NW                      | 15th St. NW                      | Category 1                 |
| <b>E St. NW</b>                                  | north          | D-7 (most), D-6-R (part) | 9th St. NW                       | 10th St. NW                      | Category 2                 |
| <b>E St. NW</b>                                  | both           | D-7                      | 10th St. NW                      | 13th St. NW                      | Category 2                 |
| <b>F St. NW</b>                                  | both           | D-7                      | 9th St. NW                       | 15th St. NW                      | Category 1                 |
| <b>G St. NW</b>                                  | both           | D-7                      | 9th St. NW                       | 15th St. NW                      | Category 1                 |
| <b>H St. NW</b>                                  | south          | D-7                      | 9th St. NW                       | New York Ave. NW                 | Category 2                 |
| <b>New York Ave. NW</b>                          | south          | D-7                      | 13th St. NW                      | 15th St. NW                      | Category 2                 |

606.3 Sub-Area Use Regulations

- (a) Buildings with frontage on designated segments are subject to the general use regulations in §§ 602.2 (a) and 602.3 – 602.5 and 603 , unless otherwise noted in this section or Subtitle.

- (b) If a building has frontage on one of the following streets, 50% of the use requirements shall be met by the provision of Arts Uses, as defined in I § 303 or ; Entertainment, Assembly and Performing Arts uses, as defined in Subtitle 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.
- (c) Buildings with frontage on Pennsylvania Avenue, N.W. are subject to the height regulations of I §608.4 (b) and (c).
- (d) Buildings within Squares 225 and 254, are also subject to the Pennsylvania Avenue Development Corporation (PADC) Plan of 1974, as amended.

#### 606.4 Sub-Area Design Regulations

- (a) A building with frontage on a Category 1 or Category 2 designated street segment shall be subject to the design regulations of I § 603.

#### 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 I §607.2 table that follows.</li> </ul> |

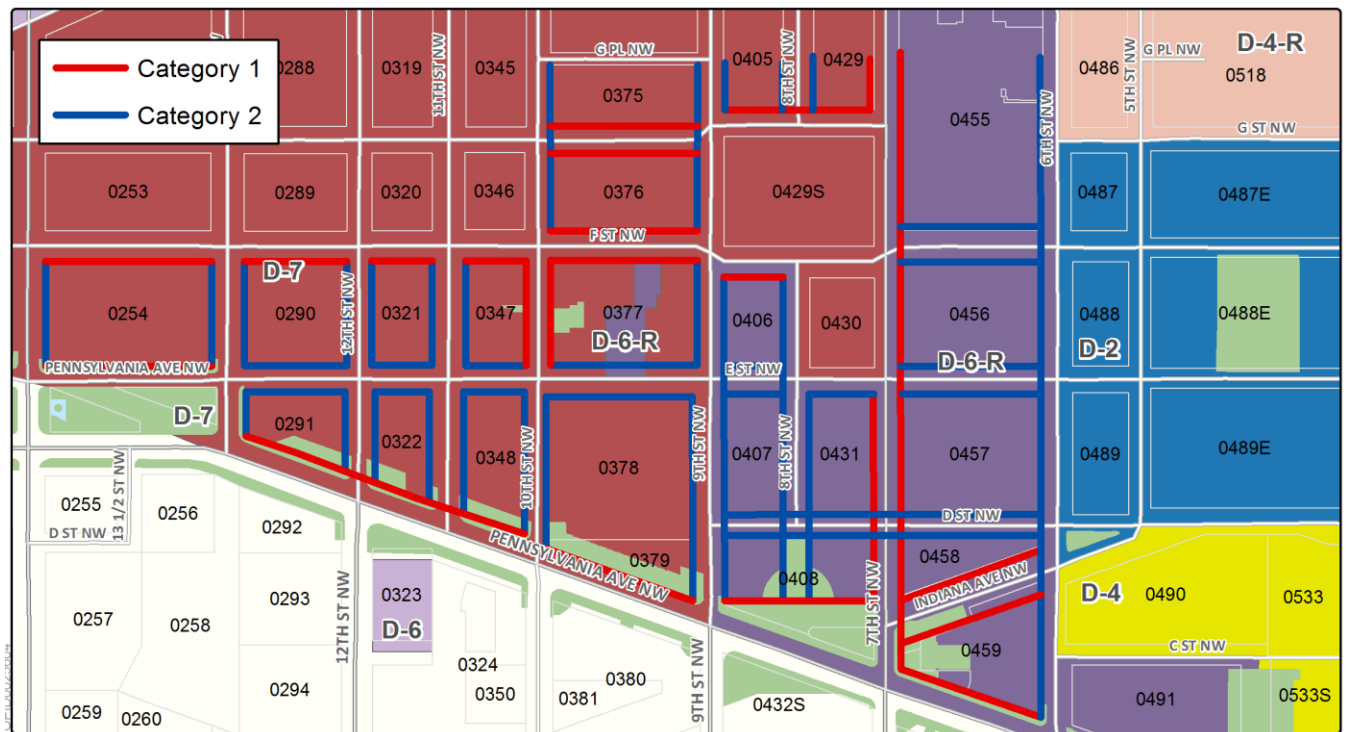


**Figure 8. Illustration of Downtown Arts Sub-Area's Designated Street Segments**

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-R          | A line extending eastward from G Pl. NW | Pennsylvania Ave. NW             | Category 2     |
| 7th St. NW | both           | D-6-R          | E St. NW                                | Pennsylvania Ave. NW             | Category 1     |
| 7th St. NW | east           | D-6-R          | G Pl. NW                                | E St. NW                         | Category 1     |
| 7th St. NW | west           | D-7            | G Pl. NW                                | G St. NW                         | Category 1     |
| 8th St. NW | both           | D-7            | A line extending eastward from G Pl. NW | G St. NW                         | Category 2     |
| 8th St. NW | west           | D-6-R          | F St. NW                                | E St. NW                         | Category 2     |
| 8th St. NW | both           | D-6-R          | E St. NW                                | Pennsylvania Ave. NW             | Category 2     |
| 9th St. NW | both           | D-7            | A line extending eastward from G Pl. NW | G St. NW                         | Category 2     |
| 9th St NW  | west           | D-7            | G St. NW                                | F St. NW                         | Category 2     |

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

| Street          | Side of Street | Relevant Zones | Boundary 1 (northern or eastern) | Boundary 2 (southern or western) | Classification |
|-----------------|----------------|----------------|----------------------------------|----------------------------------|----------------|
| <b>F St. NW</b> | south          | D-7            | 10th St. NW                      | 14th St. NW                      | Category 1     |
| <b>G St. NW</b> | north          | D-7            | 7th St. NW                       | 9th St. NW                       | Category 1     |
| <b>G St. NW</b> | both           | D-7            | 9th St. NW                       | 10th St. NW                      | Category 1     |

### 607.3 Sub-Area Use Regulations

- (a) For the purposes of this sub-area, Arts Uses shall comprise:
  - (1) The Arts uses listed in I § 303; or
  - (2) Entertainment, Assembly and Performing Arts uses, as defined in Subtitle B.
- (b) A building or structure on a lot with frontage on a street classified as a Category 1 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 I § 607.3 (a); and
  - (2) Of this amount at least 0.25 FAR or FAER shall be uses listed in I § 303.
- (c) The following actions count, cumulatively, towards meeting the use and FAR or FAER requirements of I § 607.3 (b) (1), but shall not count towards meeting the requirements of I § 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 I § 607.3 (b) ;
  - (2) Providing, either on-site or by obtaining Residential Credits pursuant to I § 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 I § 607.3 (b); and
  - (3) Providing an arts exhibition area that:
    - Comprises at least 20% of the FAR required by I § 607.3(b) (1);
    - Is open to the public at least five days a week for fifty (50) weeks per year;
    - Accommodates permanent art installations in no more than twenty percent (20%) of the space required by I § 607.3(c); and

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 Category 2 Designated street Segments in this subarea are subject to the use regulations of I I 607.3 (a).
- (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 I § 607.3(a) shall be met by the Retail Core uses required by I §§ 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 I § 607.3(a) or I §§ 606.3(a) or (b).
- (i) Buildings with frontage on Pennsylvania Avenue, N.W. are subject to the height regulations of I §608.4 (b) and (c).
- (j) Buildings in Square 254, 290, 321, 347, 375, 376 and 377 are also subject to the use regulations of the Retail Sub-Area (§ 606)
- (k) Buildings within Squares 254, 291, 322, 348, 378, 379, 406, 407, 408, 431, 457, 458, and 459 are also subject to the Pennsylvania Avenue Development Corporation (PADC) Plan of 1974, as amended.

607.4 Sub-Area Design Regulations

- (a) A building with frontage on a Category 1 or Category 2 designated street segment shall be subject to the design regulations of I § 603.

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. and other Squares within the boundaries of the Pennsylvania Avenue Development Corporation (PADC) Plan (1974, as amended)</li><li>• <u>Squares</u>: 225, 254, 291, 322, 348, 378, 379, 406, 407, 408, 430, 431, 432S, 457, 458, 459, 460, 491, and 533S 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 I §608.2 table that follows</li></ul> |

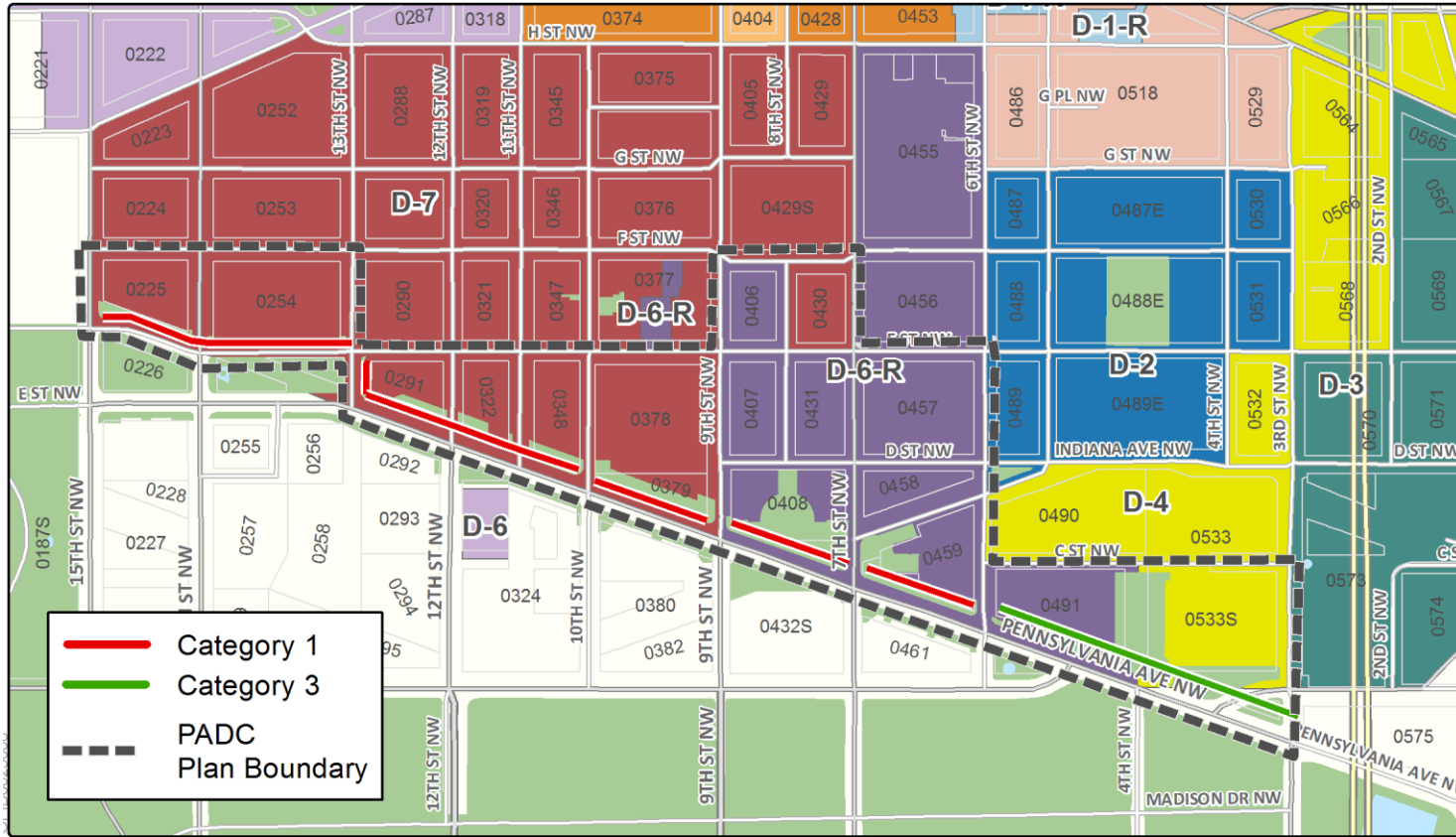


**Figure 9. Illustration of Pennsylvania Avenue Sub-Area**

608.2 Designated Streets Within Pennsylvania Avenue Sub-Area Boundaries:

| Street                  | Side of Street | Relevant Zones | Boundary 1 (northern or eastern) | Boundary 2 (southern or western) | Classification and Sub-Areas in addition to PA Ave. |
|-------------------------|----------------|----------------|----------------------------------|----------------------------------|-----------------------------------------------------|
| 3 <sup>rd</sup> St., NW | west           | D-4            | C St., NW                        | Pennsylvania Ave., NW            | n/a                                                 |
| 6 <sup>th</sup> St., NW | east           | D-6-R          | C St., NW                        | Pennsylvania Ave., NW            | n/a                                                 |
| 6 <sup>th</sup> St., NW | west           | D-6-R          | E St., NW                        | Pennsylvania Ave., NW            | Category 2<br>Also Arts                             |
| 7 <sup>th</sup> St., NW | west           | D-7            | F St., NW                        | E St., NW                        | Category 1                                          |
| 7 <sup>th</sup> St., NW | both           | D-6-R          | E St., NW                        | Pennsylvania Ave., NW            | Category 1                                          |
| 8 <sup>th</sup> St., NW | west           | D-6-R          | F St. NW                         | E St. NW                         | Category 2<br>Also Arts                             |

| <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 and Sub-Areas in addition to PA Ave.</b> |
|-------------------------------|-----------------------|-----------------------|-----------------------------------------|-----------------------------------------|------------------------------------------------------------|
| <b>8th St., NW</b>            | east                  | D-7                   | F St. NW                                | E St. NW                                | Not Designated                                             |
| <b>8th St. NW</b>             | both                  | D-6-R                 | E St. NW                                | Pennsylvania Ave. NW                    | Category 2<br>Also Arts                                    |
| <b>9th St., NW</b>            | east                  | D-6-R                 | F St. NW                                | Pennsylvania Ave. NW                    | Category 2<br>Also Arts                                    |
| <b>9th St., NW</b>            | east                  | D-6-R                 | F St. NW                                | E St., NW                               | Category 2<br>Also Arts                                    |
| <b>9<sup>th</sup> St., NW</b> | east                  | D-6-R                 | E St., NW                               | Pennsylvania Ave., NW                   | Category 2<br>Also Arts                                    |
| <b>9<sup>th</sup> St., NW</b> | west                  | D-7                   | E St., NW                               | Pennsylvania Ave., NW                   | Category 2<br>Also Arts                                    |
| <b>10th St. NW</b>            | both                  | D-7                   | E St. NW                                | Pennsylvania Ave. NW                    | Category 2<br>Also Arts                                    |
| <b>11th St. NW</b>            | both                  | D-7                   | E St. NW                                | Pennsylvania Ave. NW                    | Category 2<br>Also Arts                                    |
| <b>12th St. NW</b>            | both                  | D-7                   | E St. NW                                | Pennsylvania Ave. NW                    | Category 2<br>Also Arts                                    |
| <b>13th St. NW</b>            | both                  | D-7                   | E St. NW                                | Pennsylvania Ave. NW                    | Category 2<br>Also Arts                                    |
| <b>13th St. NW</b>            | west                  | D-7                   | E St. NW                                | F St. NW                                | Category 2<br>Also Arts,<br>Retail                         |
| <b>14th St. NW</b>            | east                  | D-7                   | F St. NW                                | Pennsylvania Ave. NW                    | Category 2<br>Also Arts &<br>Retail                        |
| <b>14th St. NW</b>            | west                  | D-7                   | F St. NW                                | Pennsylvania Ave. NW                    | Category 2<br>Also Retail                                  |
| <b>15<sup>th</sup> St. NW</b> | east                  | D-7                   | F Street.                               | Pennsylvania Ave. NW                    | Category 2<br>Also Retail                                  |
| <b>E St. NW</b>               | south                 | D-6-R                 | 6th St. NW                              | 7th St. NW                              | Category 2<br>Also Arts                                    |
| <b>E St. NW</b>               | south                 | D-6-R                 | 7th St. NW                              | 8th St. NW                              | Category 2<br>Also Arts                                    |
| <b>E St. NW</b>               | north                 | D-6-R                 | 7th St. NW                              | 8th St. NW                              | Not Designated                                             |
| <b>E St. NW</b>               | both                  | D-6-R                 | 8th St. NW                              | 9th St. NW                              | Category 2<br>Also Arts                                    |
| <b>E St. NW</b>               | south                 | D-7                   | 9th St. NW                              | 13th St. NW                             | Category 2<br>Also Arts                                    |

| <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 and Sub-Areas in addition to PA Ave.</b> |
|--------------------------------------------------|-----------------------|-----------------------|-----------------------------------------|-----------------------------------------|------------------------------------------------------------|
| <b>F St. NW</b>                                  | south                 | D-7                   | 7th St. NW                              | 8th St. NW                              | Not Designated                                             |
| <b>F St. NW</b>                                  | south                 | D-6-R                 | 8th St. NW                              | 9th St. NW                              | Category 1<br>Also Arts                                    |
| <b>F St. NW</b>                                  | south                 | D-7                   | 13th St. NW                             | 14th St. NW                             | Category 1<br>Also Arts &<br>Retail                        |
| <b>F St. NW</b>                                  | south                 | D-7                   | 14th St. NW                             | 15th St. NW                             | Category 1<br>Also Retail                                  |
| <b>D St. NW</b>                                  | both                  | D-6-R                 | 6th St. NW                              | 9th St. NW                              | Category 2,<br>Also Arts                                   |
| <b>C St., NW</b>                                 | both                  | D-4                   | 3rd St., NW                             | 4 <sup>th</sup> St., NW                 | Not Designated                                             |
| <b>C St., NW</b>                                 | north                 | D-4                   | 3rd St., NW                             | 4 <sup>th</sup> St., NW                 | Not Designated                                             |
| <b>C St., NW</b>                                 | south                 | D-7                   | 4 <sup>th</sup> St., NW                 | 5 <sup>th</sup> St., NW                 | Not Designated                                             |
| <b>Indiana Ave. NW</b>                           | both                  | D-6-R                 | 6th St. NW                              | 7th St. NW                              | Category 1                                                 |
| <b>Pennsylvania Ave., NW</b>                     | north                 | D-4                   | 3 <sup>rd</sup> St. NW                  | 5 <sup>th</sup> St., NW                 | Category 3                                                 |
| <b>Pennsylvania Ave., NW</b>                     | north                 | D-6-R                 | 5 <sup>th</sup> St., NW                 | 6 <sup>th</sup> St., NW                 | Category 1                                                 |
| <b>Pennsylvania Ave., NW</b>                     | north                 | D-6-R                 | 6 <sup>th</sup> St., NW                 | 9 <sup>th</sup> St., NW                 | Category 1                                                 |
| <b>Pennsylvania Ave., NW</b>                     | north                 | D-7                   | 9 <sup>th</sup> St., NW                 | 10 <sup>th</sup> St., NW                | Category 1<br>Also Arts                                    |
| <b>Pennsylvania Ave., NW</b>                     | north                 | D-7                   | 10 <sup>th</sup> St., NW                | 13 <sup>th</sup> St., NW                | Category 1<br>Also Arts                                    |
| <b>Pennsylvania Ave. NW (including E St. NW)</b> | north                 | D-7                   | 13th St. NW                             | 14th St. NW                             | Category 1<br>Also Arts,<br>Retail                         |
| <b>Pennsylvania Ave. NW (including E St. NW)</b> | north                 | D-7                   | 14th St. NW                             | 15th St. NW                             | Category 1<br>Also Arts                                    |

### 608.3 Sub-Area Use Regulations

- (a) Buildings with frontage on Category 1 or Category 2 designated street segments in this sub-area are subject to the use regulations of I § 602;
- (b) Buildings in Squares 254, 291, 322, 347 and 378 are subject to the use regulations of the Arts Sub-Area (§607)'
- (c) Buildings in Squares 225 and 254, are subject to the use regulations of the Retail Sub-Area (§ 606);

- (d) Buildings within the entire sub-area are subject to the Pennsylvania Avenue Development Corporation (PADC) Plan of 1974, as amended.

608.4 Sub-Area Design Regulations

- (a) Buildings with frontage on Category 1 or Category 2 designated street segments in this sub-area are subject to the design regulations in I § 603.
- (b) If a building or other structure with frontage on Pennsylvania Avenue is permitted by to be erected to a height greater than 130 feet but not exceeding one hundred sixty feet (160 ft.):
- (1) 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
  - (2) 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.
- (c) Buildings within the entire sub-area are subject to the Pennsylvania Avenue Development Corporation (PADC) Plan of 1974, as amended.

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 I §609.2 table that follows.</li> </ul> |

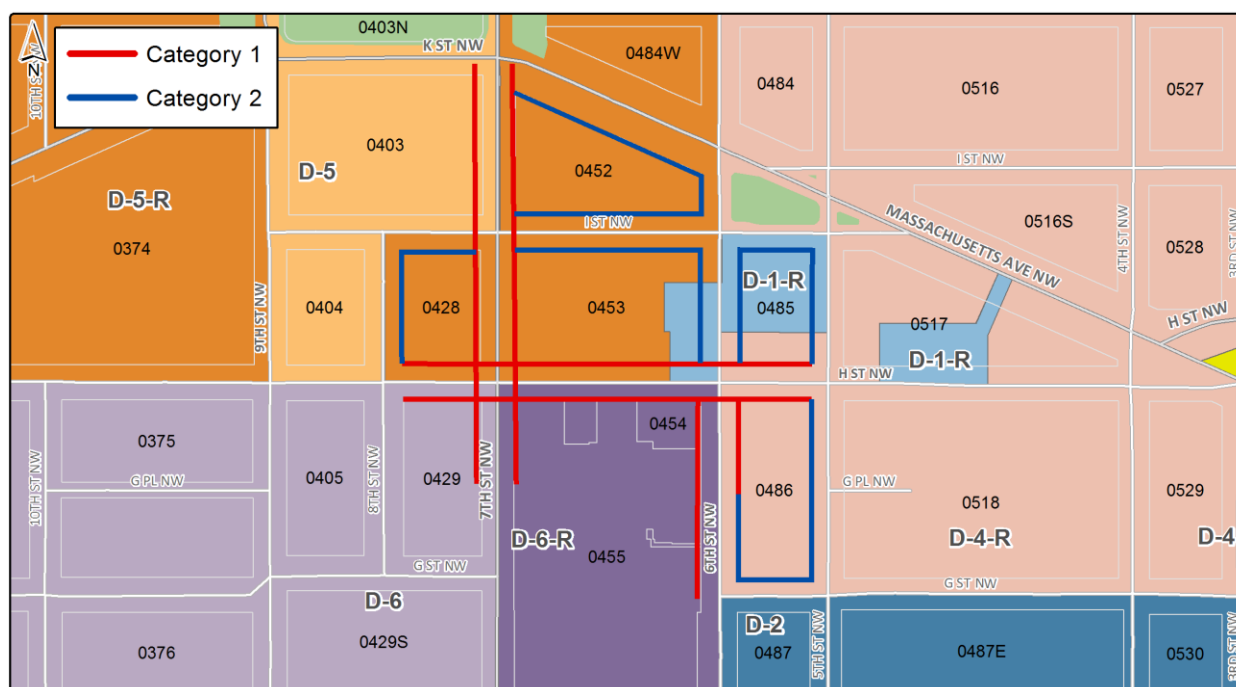


**Figure 10. Illustration of Chinatown Sub-Area's Designated Street Segments**

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 |
|------------|----------------|---------------------------|----------------------------------------------------------|--------------------------------------------------|----------------|
| 5th St. NW | west           | D-2-R,<br>D-4-R           | St. NW                                                   | G St. NW                                         | Category 2     |
| 6th St. NW | both           | D-2-R,<br>D-4-R,<br>D-5-R | Massachusetts Ave. NW                                    | H St. NW                                         | Category 2     |
| 6th St. NW | both           | D-4-R,<br>D-6-R           | H St. NW                                                 | A line extending eastward from G Pl. NW          | Category 1     |
| 6th St. NW | east           | D-4-R                     | A line extending eastward from G Place NW                | G St. NW                                         | Category 2     |
| 7th St. NW | east           | D-5-R                     | Massachusetts Ave. NW                                    | St. NW                                           | Category 2     |
| 7th St. NW | both           | D-6-R,<br>D-7             | St. NW                                                   | A line 176 feet north of the H St. NW centerline | Category 2     |
| 7th St. NW | both           | D-5,<br>D-7,<br>D-6-R     | A line 176 feet north of the centerline of H Street N.W. | A line extending east from G Pl. NW              | Category 1     |
| 8th St. NW | east           | D-5-R,<br>D-7,<br>D-6-R   | St. NW                                                   | G St. NW                                         | Category 2     |
| G St. NW   | north          | D-4                       | 5th St NW                                                | 6th St. NW                                       | Category 2     |

| Street                       | Side of Street | Relevant Zones                    | Boundary 1 (northern or eastern) | Boundary 2 (southern or western) | Classification               |
|------------------------------|----------------|-----------------------------------|----------------------------------|----------------------------------|------------------------------|
| <b>H St. NW</b>              | both           | D-2-R,<br>D-4,<br>D-5-R,<br>D-6-R | 5th St. NW                       | 8th St. NW                       | Category 1                   |
| <b>St. NW</b>                | north          | D-5-R                             | 6th St. NW                       | 7th St. NW                       | Category 2                   |
| <b>St. NW</b>                | south          | D-2-R,<br>D-5-R                   | 5th St. NW                       | 8th St. NW                       | Category 2                   |
| <b>Massachusetts Ave. NW</b> | south          | D-5-R                             | 6th St. NW                       | 7th St. NW                       | Category 2 ,<br>and I §610.4 |

### 609.3 Sub-Area Use Requirements

- (a) A building or structure on a lot with frontage on a street classified as a Category 1 Street segment shall:
  - (1) Devote not less than 1.0 FAR of the ground floor gross floor area to uses identified in I § 602.2 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 Category 1 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 Category 2 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 I § 602.2;
  - (2) Devote 100 percent of the building's street frontage along the Category 2 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 Category 1 and Category 2 designated street segments are contained in I § 603.

- (b) Design regulations for Category 3 designated street segments are contained in I § 604.

## 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 I §610.1 table that follows.</li> </ul> |

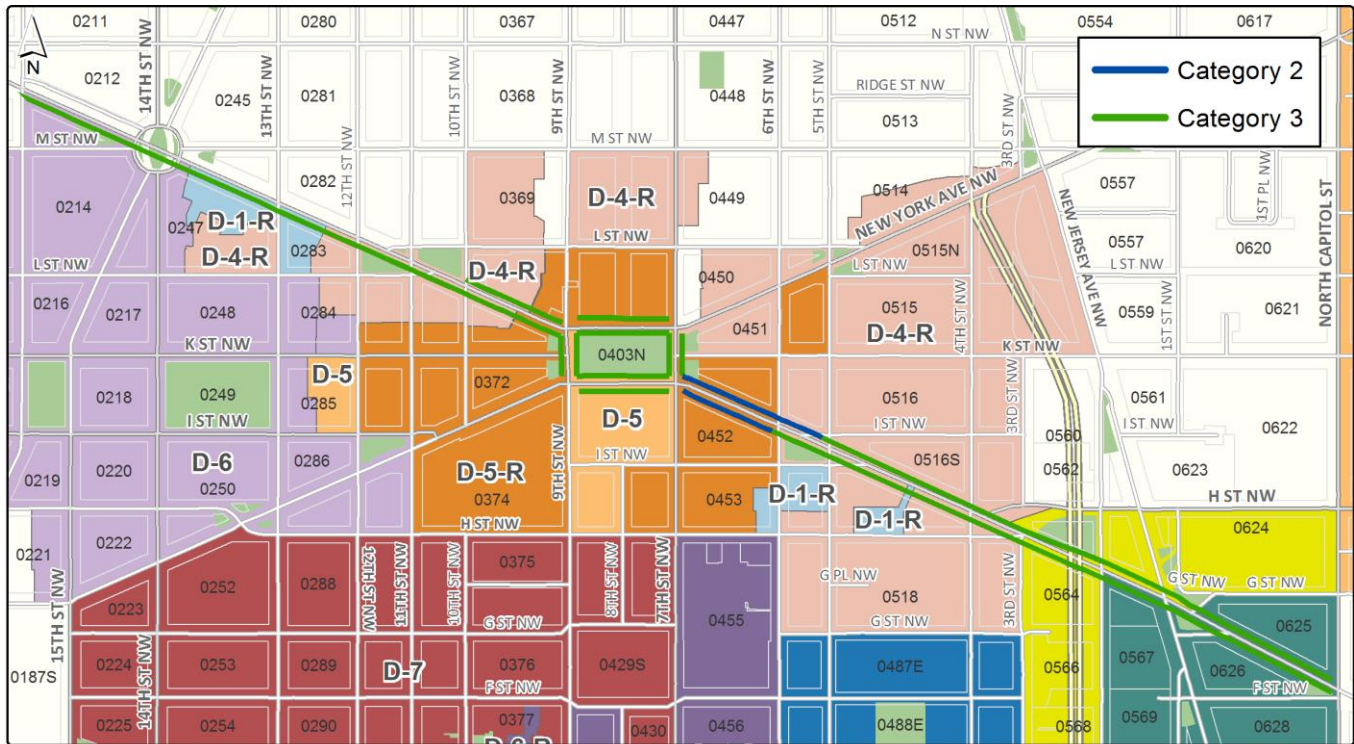


Figure 11. Massachusetts Avenue Sub-Area's Designated Street Segments

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

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

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 I § 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 I §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 I §611.2 table that follows.</li> </ul> |

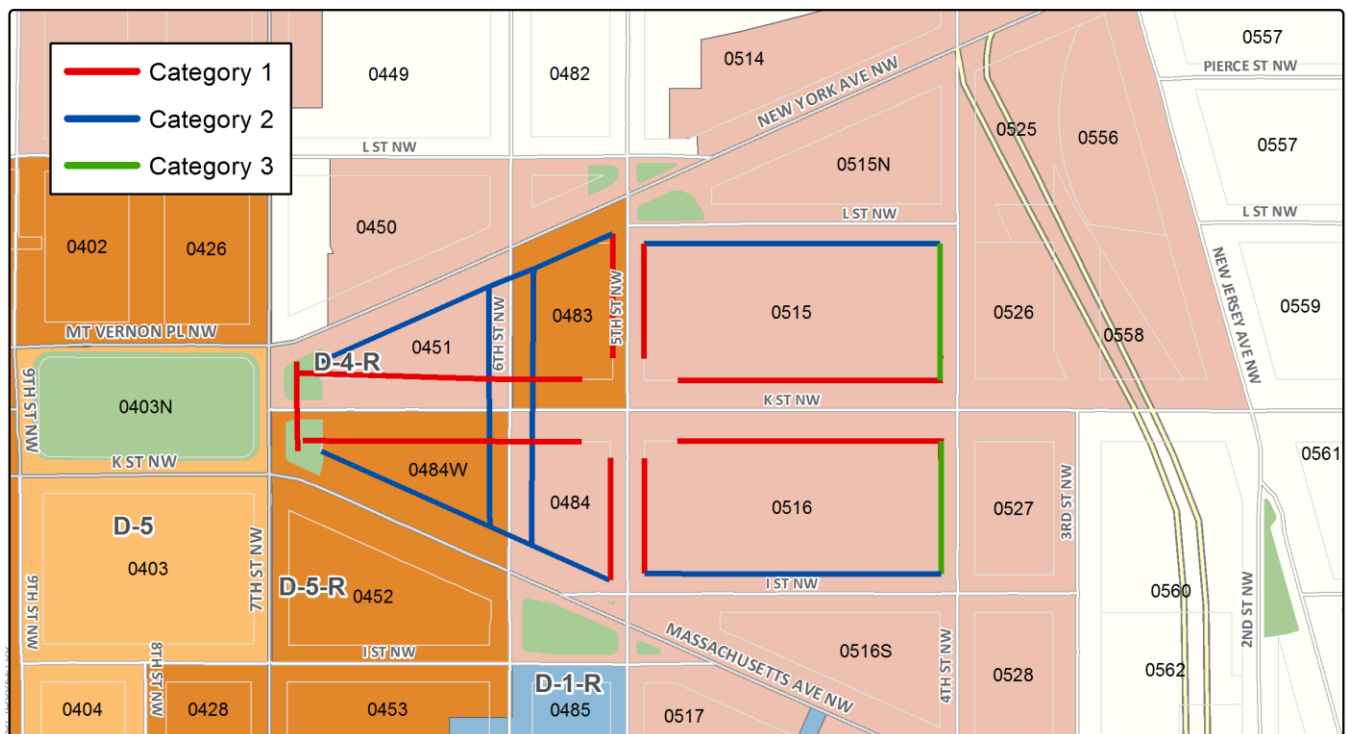


**Figure 12. Illustration of Mt. Vernon Triangle's Designated Street Segments**

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-R          | L St. NW                                                       | 36 feet north of K St. NW                                      | Category 3 with vehicle entry restrictions per I § 611.4(f)                                                                  |
| 4th St. NW            | west           | D-4-R          | 36 feet north of K St. NW                                      | 36 feet south of K St. NW                                      | Category 1 Street with vehicle entry restrictions per I § 611.4(f)                                                           |
| 4th St. NW            | west           | D-4-R          | 36 feet south of K St. NW                                      | St. NW                                                         | Category 3 with vehicle entry restrictions per I § 611.4(f)                                                                  |
| 5th St. NW            | both           | D-4-R, D-5-R   | New York Ave. NW                                               | 72 ft. north of lot line on north side of K St. NW             | Category 1 Street, with portions subject to vehicle entry restrictions per I §§ 611.4(d), (e), (f)                           |
| 5th St. NW            | both           | D-4-R, D-5-R   | 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 – I §§ 612                                                                   |
| 5th St. NW            | both           | D-4-R          | 72 ft. south of lot line on south side of K St. NW             | Massachusetts Ave. NW                                          | Category 1 Street, with portions subject to vehicle entry restrictions per I §§ 611.4(d), (e), (f)                           |
| 6th St. NW            | both           | D-4-R, D-5-R   | New York Ave. NW                                               | Massachusetts Ave. NW                                          | Category 2 Street with vehicle entry restrictions per I § 611.4(f)                                                           |
| 7th St NW             | east           | D-4-R, D-5-R   | New York Ave. NW                                               | Massachusetts Ave. NW                                          | Category 1 Street with vehicle entry restrictions per I § 611.4(f)<br>Massachusetts Avenue / Mt. Vernon Square per I § 610.4 |
| Massachusetts Ave. NW | north          | D-5-R          | 5 <sup>th</sup> St. NW                                         | 7 <sup>th</sup> St. NW                                         | Category 2 Street with vehicle entry restrictions per § 611.4(f)                                                             |
| St. NW                | north          | D-4-R          | 4 <sup>th</sup> St. NW                                         | 5 <sup>th</sup> St. NW                                         | Category 2 Street with vehicle entry restrictions per I § 611.4(f)                                                           |
| K St. NW              | both           | D-4-R, D-5-R   | 4 <sup>th</sup> St. NW                                         | 72 ft. east of lot line on east side of 5 <sup>th</sup> St. NW | Category 1 Street with vehicle entry restrictions per I §§ 611.4(c), (d), (f)                                                |
| K St. NW              | 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                                         | Category 1 Street with vehicle entry restrictions per I § 611.4(c), (f)                                                      |
| L St. NW              | South          | D-4-R          | 4 <sup>rd</sup> St. NW                                         | 5 <sup>th</sup> St. NW                                         | Category 2 Street with vehicle entry restrictions per § 611.4(f)                                                             |
| New York Ave. NW      | south          | D-4-R, D-5-R   | 5 <sup>th</sup> St. NW                                         | 7 <sup>th</sup> St. NW                                         | Category 2 Street with vehicle entry restrictions per § 611.4(f)                                                             |

611.3 Sub-Area Use Regulations

- (a) Use regulations for buildings with frontage on Category 1 and Category 2 designated streets are contained in I § 602.

611.4 Sub-Area Design Regulations

- (a) With the exception of garage or loading entrances or exits regulated in § 611.4 (b) – (f), design regulations for buildings with frontage on Category 1 and Category 2 designated streets are contained in the I § 603.
- (b) 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.
- (c) 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.
- (d) 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.
- (e) For designated street segments in the Mount Vernon Triangle that are not governed by I §§ 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).
- (f) Exceptions from the requirements of §§ 611.4 (a) – (3) shall be permitted only if granted by the Board of Zoning Adjustment under 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 Category 1 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.
- (g) Design regulations for Category 1 and Category 2 designated street segments are contained In I § 603.
- (h) Design regulations for Category 3 designated street segments are contained in I § 604.

## 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>Squares: 483, 484, 515, and 516, as outlined in the map that follows.</li> <li>Designated Street Segments: generally indicated with black lines on map and detailed in the I § 612.2 table that follows.</li> </ul> |

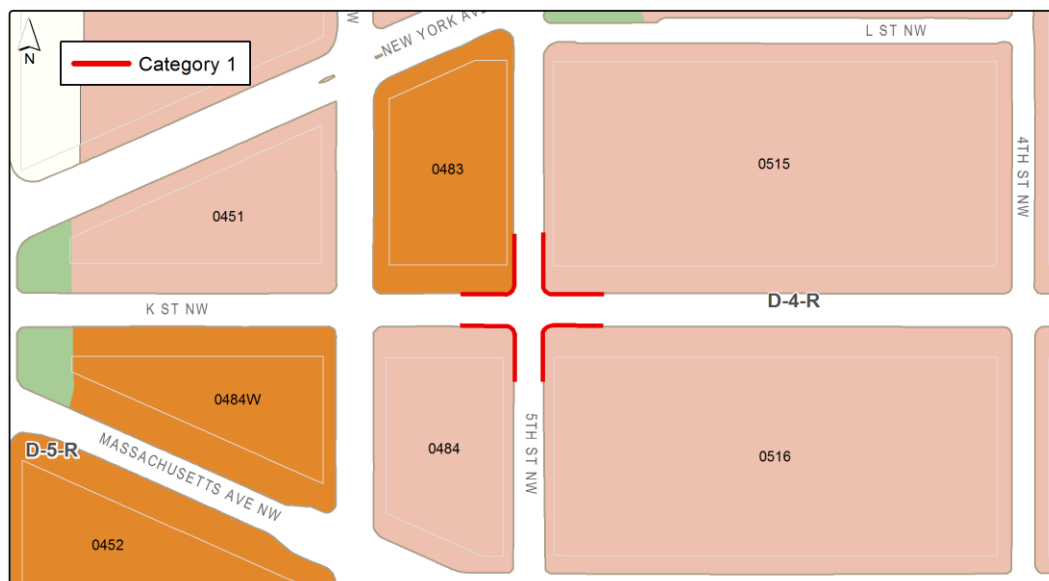


**Figure 13. Illustration of Mt. Vernon Triangle Principal Intersection Sub-Area's Designated Street Segments**

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

- (a) 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.
- (b) 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 14. 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 Category 1 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) Maximum Building Height and Minimum Ground Floor Height Requirements

| Module | Maximum Building Height                                                                                                   | Minimum Clear Floor-to Ceiling Height        |
|--------|---------------------------------------------------------------------------------------------------------------------------|----------------------------------------------|
| A      | Except in Square 515, no higher than 50 feet above grade                                                                  | 22 Feet                                      |
| B & C  | No more than 50% of the portions of a building within each of the B and C modules shall be more than 50 feet above grade. | 22 Feet for at least 50% of its ground floor |
| D      | As permitted by zone                                                                                                      | 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 I § 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 I § 613.2 table that follows.</li> </ul> |

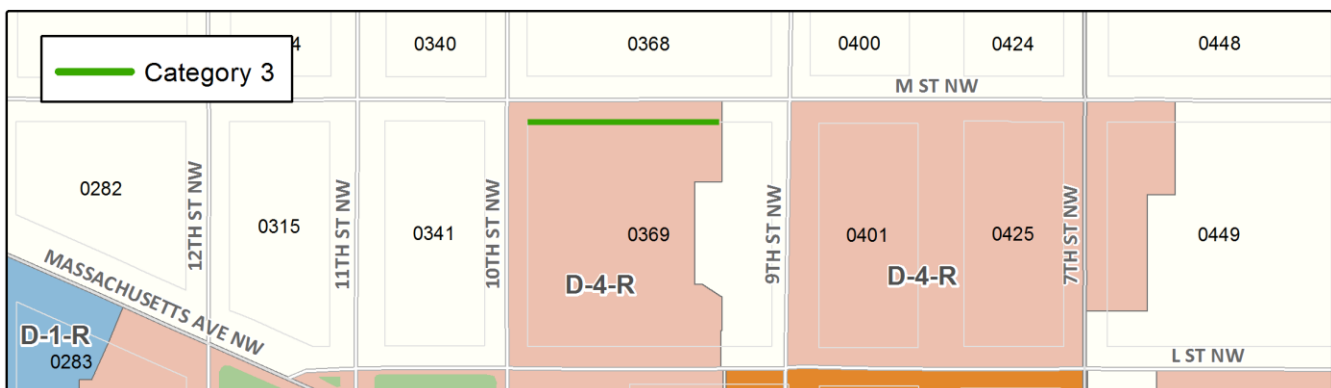


**Figure 15. Illustration of Blagden Alley Sub-Area's Designated Street Segment (M St., NW)**

613.2 Designated Street Segments in the Blagden Alley Sub-Area

| Street   | Side of Street | Relevant Zones | Boundary 1<br>(northern or eastern) | Boundary 2<br>(southern or western) | Classification |
|----------|----------------|----------------|-------------------------------------|-------------------------------------|----------------|
| M St. NW | south          | D-4-R          | 9th St. NW                          | 10th St. NW                         | Category 3     |

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, N.W. and 10th Street, N.W. 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, N.W.

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 I § 614.2 table that follows.</li> </ul> |

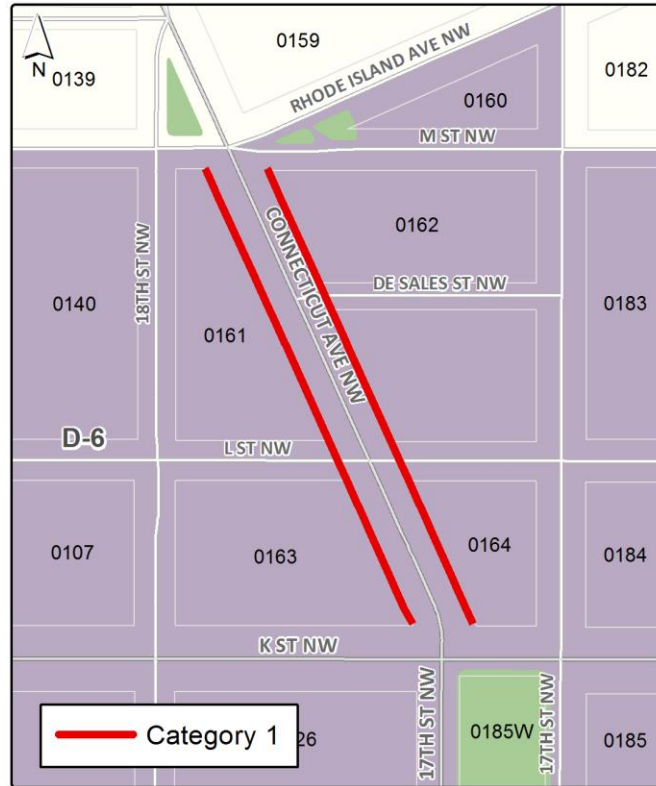


**Figure 16. Illustration of Connecticut Avenue Sub-Area's Designated Street Segments**

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

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

Sub-Area Use Regulations

- (a) Use regulations for Category 1 Streets are contained in I § 602.

614.3 Sub-Area Design Regulations

- (a) Design regulations for Category 1 Streets are contained in I § 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 I § 615.2 table that follows.</li></ul> |

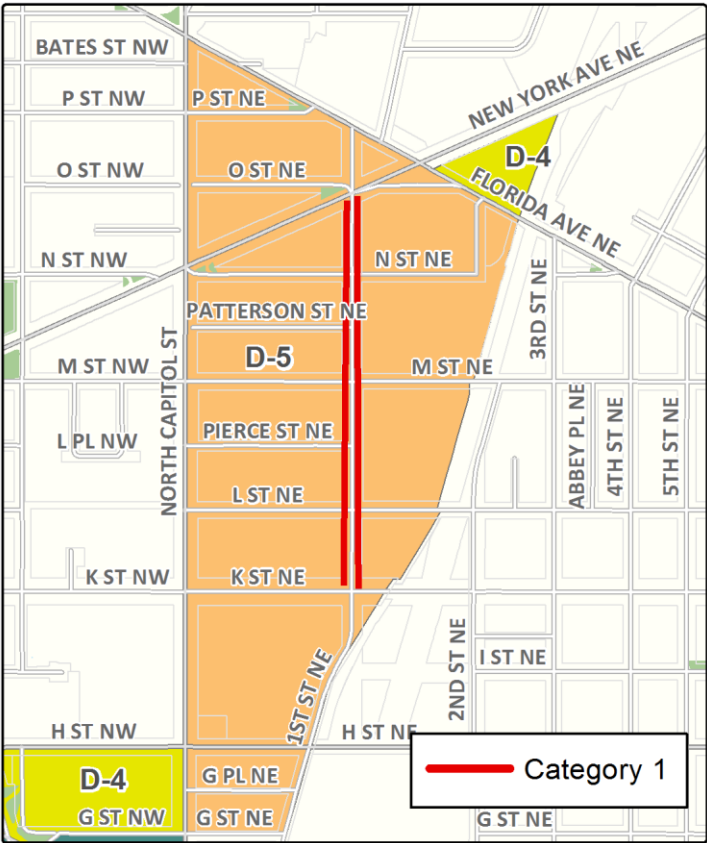


**Figure 17. Illustration of NoMa Sub-Area's Designated Street Segments (1st St. NE)**

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             | New York Ave. NE                 | K St. NE                         | Category 1     |

615.3 Sub-Area Use Regulations

- (a) The Category 1 Street use regulations contained in § 602 shall apply to a depth of 150 feet from the building line on the west side of 1<sup>st</sup> Street, N.E.

615.4 Sub-Area Design Regulations

- (a) Design regulations for Category 1 Streets are contained in § 603.

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

616.1 General Overview

| <b>Objectives to Be Achieved by Additional Use / Design Regulations</b>                                                                                                                                                                                                                 | <b>Boundaries, Property Squares and Streets</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 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 and ensure the preservation of the historically important axial view of the Capitol Dome. | <ul style="list-style-type: none"><li>• <u>General Area</u>: Adjacent to the 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., the western side of South Capitol Street between M and I Streets, S.W. and the eastern side of South Capitol street between M Street and Virginia Avenue, S.W</li><li>• <u>Squares</u>: 646, 648 649, 695, 695W, 697N, 697, 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 I § 616.2 table that follows.</li></ul> |



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

- (a) Use regulations for buildings on Category 1 Streets are contained in I § 602.
- (b) Uses for buildings on Category 3 streets are governed by zone.

616.4 Design Regulations Within the M and South Capitol Streets Sub-area defined in I § 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 and western sides of South Capitol Street shall be set back for its entire height and frontage not less than 15 feet, from the property line adjacent to South Capitol Street, with the following exceptions:
    - a. No setback, west side of South Capitol Street, Square 649 between L and M Streets, S.W.
    - b. A setback of 73.5 feet from the centerline of South Capitol Street on its west side, Square 648 between I and K Streets, S.W.
    - c. A setback of 81 feet from the centerline of south Capitol Street, on its west side, Square 643, between
  - (2) Any portion of a building 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) There shall be no openings in building frontages adjacent to South Capitol Street that provide entrances or exits for vehicular parking or loading;
  - (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 on the setback line.
- (c) All proposed 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 I § 616.2 shall be subject to review

and approval by the Zoning Commission in accordance with the provisions in Chapter 7 of this subtitle.

- (d) A building subject to § 616.4 (c) that has frontage on M Street, S.E. shall also be subject to review of its proposed uses by the Zoning Commission simultaneous with its review under § 616.4 (c).

## 617 NORTH CAPITOL STREET SUB-AREA

### 617.1 General Overview

| Objectives to Be Achieved by Additional Use / Design Regulations                      | Boundaries, Property Squares and Streets                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|---------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Ensure the preservation of the historically important axial view of the Capitol Dome. | <ul style="list-style-type: none"> <li><u>General Area</u>: Adjacent to the east side of North Capitol Street between G Street, N.E. and K Street, N.E. ; and adjacent to the west side of North Capitol Street between D Street, N.W. and H Street, N.W.</li> <li><u>Squares</u>: 624, 625, 626, 628, 630, 675, 676, and 677, 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 I § 617.2 table that follows.</li> </ul> |

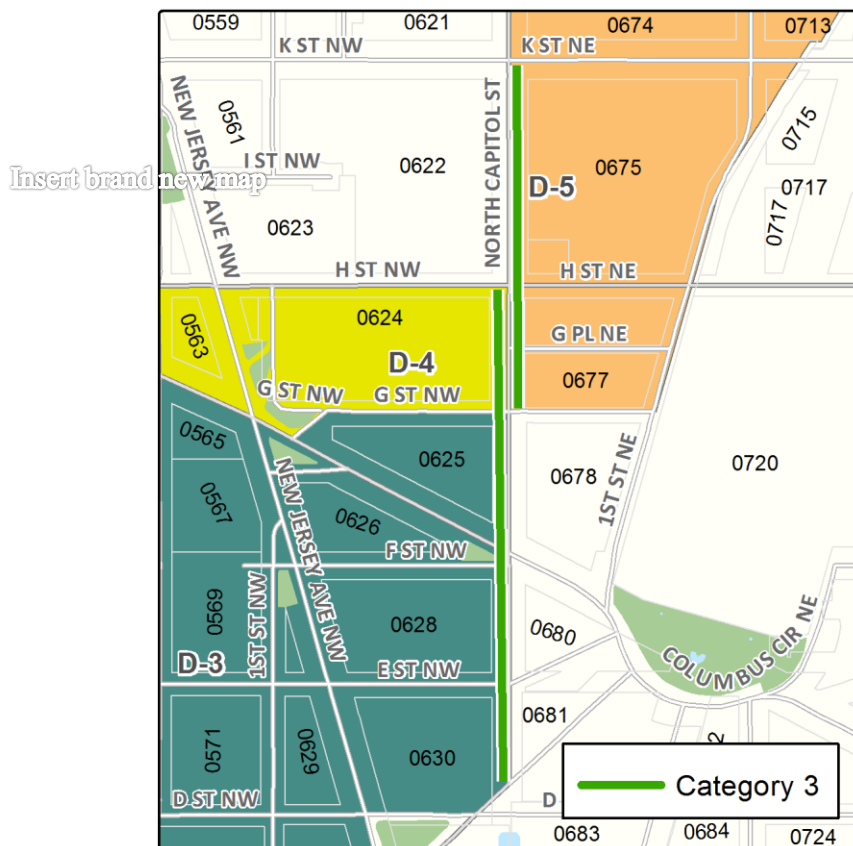


Figure 18. Illustration of North Capitol Street Sub-Area's Designated Street Segments

### 617.2 Designated Street Segments in the North Capitol Street Sub-Area:

| Street            | Side of Street | Relevant Zones | Boundary 1 (northern or eastern) | Boundary 2 (southern or western) | Classification |
|-------------------|----------------|----------------|----------------------------------|----------------------------------|----------------|
| North Capitol St. | west           | D-4            | H Street, NW                     | G Street, NW                     | Category 3     |
| North Capitol St. | west           | D-3            | G Street, NW                     | D Street, NW                     | Category 3     |
| North Capitol St. | east           | D-5            | K Street, NE                     | G Street, NE                     | Category 3     |

617.3 Use Regulations Within the North Capitol Street Sub-area

- (a) Use regulations for Category 3 Streets are those applicable to the zone.

617.4 Design Regulations Within the North Capitol Streets Sub-area.

- (a) Any portion of a building that exceeds 110 feet in height shall provide an additional one-to-one (1:1) step-back from the building line along North Capitol Street.

618 INDEPENDENCE AVENUE SUB-AREA

618.1 General Overview

| Objectives to Be Achieved by Additional Use / Design Regulations | Boundaries, Property Squares and Streets                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Protect the viewshed of the national Mall                        | <ul style="list-style-type: none"> <li><u>General Area</u>: The south side of Independence Avenue, S.W. between Washington Ave. /3<sup>rd</sup> St. and 12<sup>th</sup> Streets, S.W.</li> <li><u>Squares</u>: 325, 351, 351N, 383, 349, 433, 462, 492, 492N, 492S, 534, 577, 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 I § 618.2 table that follows.</li> </ul> |

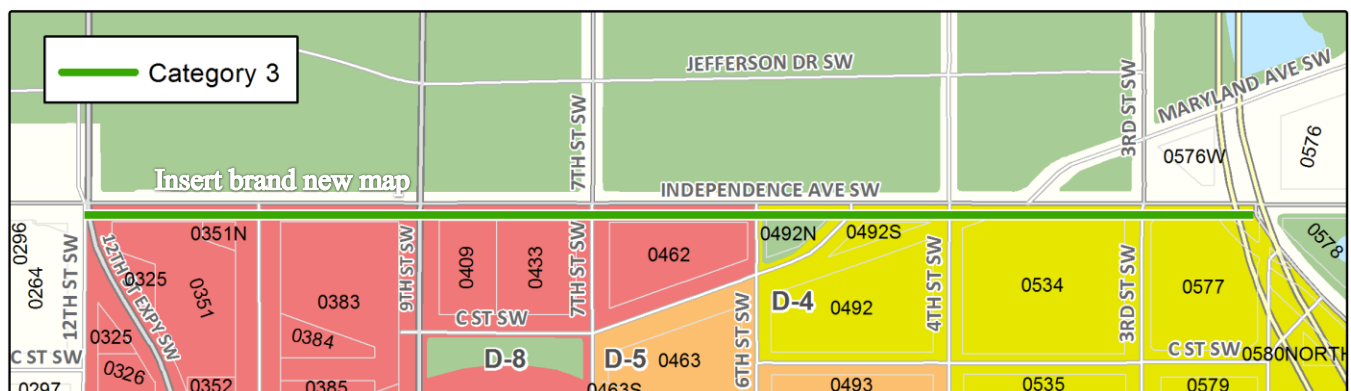


Figure 18. Illustration of Independence Avenue S.W. Sub-Area's Designated Street Segment

618.2 Designated Street Segments in the Independence Avenue Sub-Area:

| Street                         | Side of Street | Relevant Zones | Boundary 1 (northern or eastern)        | Boundary 2 (southern or western) | Classification |
|--------------------------------|----------------|----------------|-----------------------------------------|----------------------------------|----------------|
| <b>Independence Ave. S.W..</b> | south          | D-4            | Washington Ave/3 <sup>rd</sup> St. S.W. | 6 <sup>th</sup> Street, S.W.     | Category 3     |
| <b>Independence Ave. S.W..</b> | south          | D-8            | 6 <sup>th</sup> Street, S.W.            | 12 <sup>th</sup> Street, S.W.    | Category 3     |

618.3 Use Regulations within Independence Avenue Sub-area

- (a) Use regulations are those applicable to the zone.

618.4 Design Regulations within the Independence Avenue Sub-area.

- (a) A building or structure with frontage on Independence Avenue, S.W.:
  - (1) Shall have a building set-back of 88 feet from the centerline of Independence Avenue;
  - (2) Shall set-back, at a one-to-one (1:1) ratio from the face of the building's frontage on Independence Avenue, S.W., the height of any building story more than one-hundred ten (110) feet, as measured from the building line on Independence Avenue
  - (3) Shall set-back, at a 2:1 ratio from each exterior wall of the uppermost building story, any mechanical equipment, stairway, elevator penthouse or housing for such appurtenances located above the level of the building roof and not contained within a story or penthouse.
  - (4) Shall not have the total area of structures listed in § 618.5 (c) exceed one-third of the total roof area upon which it or they are located.
  - (5) Shall have all mechanical equipment placed in one (1) enclosure that shall harmonize with the main structure in architectural character, material and color
  - (6) Shall not include any tower, dome, minaret or other architectural embellishment taller than the main building.
- (b) All proposed 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 I § 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:

- (a) The M and South Capitol Streets, S.E. sub-area;
- (b) The D-8 zone;
- (c) The Independence Avenue sub-area.

702.2 All proposed uses, site plans, buildings, and structures, or any proposed exterior renovation to any existing buildings or structures that would result in an alteration of the exterior design to any property within an area listed in I § 702.1 (a), shall be subject to review and approval by the Zoning Commission in accordance with the following provisions.

- (a) In addition to proving that the proposed use, building, or structure meets the special exception standards set forth in Y Chapter 8, an applicant requesting approval under this section shall prove that the proposed building or structure, including the siting, architectural design, site plan, landscaping, sidewalk treatment, and operation, will:
  - (1) 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;
  - (2) Be in context with the surrounding neighborhood and street patterns;
  - (3) Minimize conflict between vehicles and pedestrians;
  - (4) Minimize unarticulated blank walls adjacent to public spaces through facade articulation; and

- (5) Minimize impact on the environment, as demonstrated through the provision of an evaluation of the proposal against LEED certification standards.
- (b) With respect to a building or structure that has frontage on South Capitol Street S.E.:
  - (1) 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;
  - (2) 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
  - (3) The application shall include a view analysis that assesses openness of views and vistas around, including views toward the Capitol Dome and other federal monumental buildings.

702.3 With respect to those properties described in the D-8 zone, all proposed uses, site plans, 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 provisions of §§ 702.4 and 702.5.

702.4 For a building or structure in the D-8 zone, in addition to demonstrating that the proposed use, building, or structure meets the Special Exception standards set forth in Y Chapter 8, an applicant requesting approval under this section shall demonstrate that the proposed building or structure, including the siting, architectural design, site plan, landscaping, sidewalk treatment, and operation, will:

- (a) Help achieve the objectives of the Maryland Avenue Southwest Plan approved June 26, 2012, and its related or subsequently adopted plans. The objectives include:
  - (1) Building height, mass and siting shall respect or re-establish vistas to the U.S. Capitol, the Washington Monument, and the Smithsonian Institution's original building
  - (2) Greater connectivity shall be achieved for pedestrians and vehicles both within the area and to adjacent area and shall be based on historic street rights of way;
  - (3) Minimize conflicts between vehicles and pedestrians;
  - (4) Minimize unarticulated blank walls adjacent to public spaces through facade articulation;

- (5) Provide for retail spaces with 14 foot-high clear ground floors on major streets
- (6) Minimize impact on the environment, as demonstrated through the provision of an evaluation of the proposal against GAR requirements and LEED Gold certification standards.

702.5 When granting approval under §§ 702.3 and 702.4, the Commission shall not reduce access to bonus density for a project that has demonstrated compliance with all applicable regulations in §§ 702.4 and 410.

702.6 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.

702.7 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 I § 801.1 (a) – (d) within specific geographic trade areas, the boundaries of which are illustrated in Figure 20, I § 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 I §§ 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 through D-8 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 for the zone, as listed in the zone tables in I Chapter 4.
  - (b) Arts Uses: A building permit is issued for Arts-related space that exceeds the minimum on-site requirements of I § 607;
  - (c) Historic Structures: A building permit is issued to fully rehabilitate, pursuant to § 806, a historic landmark or a contributing building to an historic district or a building that received its first Certificate of Occupancy prior to 1936;
  - (d) Conversion of Unused Transferable Development Rights (TDRs): A certificate of conversion to Credits is issued, pursuant to I § 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;
  - (e) 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 I §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 I § 1602 of the Zoning Regulations effective prior to [effective date of this section] for properties adjacent to the designated street segments in this Subtitle but for which the residential gross floor area constructed was never allocated through a covenant to a non-residential receiving site.
- (f) Other Preferred Uses pursuant to I Chapters 8 and 9:
  - (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 I §§ 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<br>(I §§ 900.5 – 900.7)          |
|-------------|----------------------------------------------------------------|-----------------------------------------------|------------------------------------|--------------------------|------------------------------------------------------|
| Residential | Market Rate                                                    | For each SF exceeding residential requirement | 1 credit                           | I § 802.5<br>I § 804     | In same Credit Trade Area as generated, for same use |
| Residential | Set aside of Low-Income IZ units                               | For each SF exceeding residential requirement | 2 credits                          | I § 802.5 (a)<br>I § 804 | In same Credit Trade Area as generated, for same use |
| Residential | Set aside of Moderate Income IZ units where IZ is not required | For each SF exceeding residential requirement | 2 credits                          | I § 802.5 (b)<br>I § 804 | 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>(I §§ 900.5 – 900.7)          |
|-------------------------------------------------|-----------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------|------------------------------------|--------------------------|------------------------------------------------------|
| Residential                                     | Non-residential use converted to residential in historic landmark or contributing building to historic district | For each SF exceeding residential requirement                                                                            | 2 credits                          | I § 802.5 (c)<br>I § 804 | In same Credit Trade Area as generated, for same use |
| Arts Uses in Arts Sub-Area (§ 607)              | Arts Uses defined in §§ 303 and 607.3                                                                           | For each SF of dedicated arts use space exceeding arts requirement                                                       | 1 credit                           | I § 803.4<br>I § 804     | Only within Arts Sub-Area, for same use              |
| Arts Uses in Historically Designated Properties |                                                                                                                 | For each SF of dedicated arts use space in historic property                                                             | 2 credits                          | I § 803.5 (a)<br>I § 804 | In same Credit Trade Area as generated, for same use |
| Arts in Arts Sub-Area (I § 607)                 | 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                          | I § 803.5 (b)<br>I § 804 | Only within Arts Sub-Area, for same use              |
| Arts in Arts Sub-Area (I § 607)                 | Extra-height Arts, Spaces                                                                                       | For each SF of dedicated arts use FAR or FAER with a ceiling clear height greater than 14 ft.                            | 2                                  | I § 803.5 (c)<br>I § 804 | Only within Arts Sub-Area, for same use              |

| Type                           | Description and Regulation                                                                                                                   | Generating Action                                                                                       | Credit(s) of Square Feet Generated                                | Regulation              | Restrictions on Use<br>(I §§ 900.5 – 900.7)                  |
|--------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------|-------------------------|--------------------------------------------------------------|
| Arts in Arts Sub-Area (I §607) | In excess of 40,000 GSF on a single record lot on 7 <sup>th</sup> Street                                                                     | 1 – 40,000 GSF generates at I §803.4 or I §803.4 (a) – (c) or (e) rate; over 40,000 GSF generates @ 2:1 | 2                                                                 | I §803.5(d)<br>I § 804  | Only within Arts Sub-Area, for same use                      |
| Arts in Arts Sub-Area (I §607) | Focused Arts uses defined in I §607.3 (a) (1)                                                                                                | For each SF of dedicated arts use space exceeding arts requirement                                      | 2 credits                                                         | I §803.5 (e)<br>I § 804 | Only within Arts Sub-Area, for same use                      |
| Historic Preservation          | 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 I §806.3 (h) | I §806.3(h)             | In same Credit Trade Area as generated, for same use         |
| Unused TDRs                    | -----                                                                                                                                        | For each SF converted within 3 years of this section's effective date                                   | 1 Credit                                                          | I § 805                 | Any Credit Trade Areas, but not for residential requirements |
| Unassigned CLDs                | -----                                                                                                                                        | For each SF converted within 3 years of this section's effective date                                   | 1 Credit                                                          | I § 805                 | Any Credit Trade Areas                                       |

| Type                 | Description and Regulation                                    | Generating Action                                                                                                     | Credit(s) of Square Feet Generated | Regulation | Restrictions on Use (I §§ 900.5 – 900.7)             |
|----------------------|---------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------|------------------------------------|------------|------------------------------------------------------|
| Other Preferred Uses | Child Development Center or Child Development Home            | For each SF exceeding a residential requirement; and for each SF where a residential requirement does not exist       | 2 Credits                          | I § 807    | In same Credit Trade Area as generated, for same use |
| Other Preferred Uses | Local, Small or Disadvantaged Business Enterprise Retail Uses | For each SF of retail uses in the Downtown Retail Core sub-Area (I §606) covenanted to be owned or leased by an LSDBE | 1 Credit                           | I § 808    | In same Credit Trade Area as generated, for same use |

801.3 Each property is eligible to generate Credits only once, unless:

- (a) The use which originally generated Credits has been in continual operation and is expanded in size
- (b) A new Credit-generating use is added to the property and the use which originally generated Credits remains in continual operation and is not decreased in size; or
- (c) A new, larger credit-generating use replaces the Credit-generating use which originally generated Credits, in which case the net increase in Credits-generating floor area may be used to generate additional Credits

## 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 25.

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 I §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 listed in the zone tables in I Chapter 4.

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 C Chapter 10 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 C Chapter 10 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 I §Chapter 25.

- (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 I § 303, that are:
  - (1) Located within the Arts Sub-Area defined in I § 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 I § 607.
- 803.4 One Credit shall be generated for each square foot of eligible GFA permanently covenanted Arts uses listed in I §305.
- 803.5 Two Credits, not in addition to those generated by I §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 I §607.3;
  - (b) For each square foot of eligible GFA permanently covenanted to be used for Arts uses listed in I §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 I §607.3;
  - (d) For each square foot of eligible GFA permanently covenanted to be used for Arts uses listed in I §607.3 (a); and
  - (e) For each square foot of eligible permanently covenanted GFA of Arts uses listed in I §607.3 that are in excess of 40,000 GSF, and located on a single record lot in the Arts Sub-Area.
- 804 **REGULATIONS COMMON TO THE CERTIFICATION OF CREDITS GENERATED BY RESIDENTIAL AND ARTS USES**
- 804.1 Approval of Credit generation pursuant to I §§ 801.3 or 803 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.
- 804.2 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) A map of the applicable trade area and a map and plat of the lot or lots;
  - (d) Legal description and street address of the lot or lots;
  - (e) Surveyed area of the lot or lots;

- (f) Floor area calculations for the entire building or buildings and for each use;
- (g) Zoning requirement on the lot including total FAR limits and FAR limits for non-residential uses;
- (h) Calculation of Credits generated based on I §§ 801.3 or 803, as applicable;
- (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; and
- (k) Any additional information that I §805 requires for the certification of credits generated by residential or arts uses.

804.3 Unless otherwise relieved by the provisions of I §804.5 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.

804.4 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.

804.5 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.

804.6 The requirements of I §804.2 (i) may be waived and credit instrument approved provided that any use and/or transfer of the credits pursuant to I §900 follows the requirements of I §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 I §804.8 (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 I §804.7 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 I §§ 804.1 and 804.6:
  - (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 I §806.4; and
  - (3) A copy of the agreement governing the escrow account.

804.7 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.

804.8 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 I §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.

804.9 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 I §804.8 (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.

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

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

805.2 Approval of Credit generated pursuant to I §801.1(d) 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 I §1706.3 (c) of the [1958 Zoning Regulations], proof that the residential development qualifies as affordable dwelling units as defined in I §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.

805.3 After review of the information required by I §805.12 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.

805.4 Approval of Credit generated pursuant to I § 801.1(e) 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;
- (c) All recorded combined lot covenants; and
- (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.

805.5 After review by the Office of Planning of the information required by I §805.4, 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.

## 806 **GENERATION AND CERTIFICATION OF CREDITS FOR HISTORIC PRESERVATION**

806.1 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.

806.2 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.

806.3 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 a 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, D-5, and D-8 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.

- 806.4 In addition to generating Credits pursuant to I §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.
- 806.5 Approval of Credits generated pursuant to I §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.
- 806.6 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 I §806.6 (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 I §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 I §806.3(f)
- 806.7 Notwithstanding the requirements of I §§ 806.5 and 806.6, 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 I §806.6 (a) through (j) has been submitted; and

- (b) The proof of control as required by I §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 I §806.7 (c) are sufficient to allow the completion of the project.

807 **GENERATION AND CERTIFICATION OF CREDITS FOR CHILD DEVELOPMENT CENTERS AND CHILD DEVELOPMENT HOMES**

- 807.1 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 .
- 807.2 The generation of Credits shall be approved by the Zoning Administrator and recorded in the land records of the District of Columbia, consistent with I §807.3.
- 807.3 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.

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

- 808.1 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.

808.2 The generation of Credits shall be approved by the Zoning Administrator and recorded in the land records of the District of Columbia, consistent with I §808.3.

808.3 In addition to generating Credits pursuant to other sections of this Chapter, with the exception of LSDBE Credits generated under I §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.

809 **ALTERNATIVE TO GENERATION OF CREDITS FOR BUILDINGS WITHIN  
“NEW COMMUNITIES”**

809.1 As an alternative to purchasing Credits to achieve additional density as permitted in the Credit Trade Areas, a building or structure located in any Downtown zone other than D-1-R or D-2 that is being developed as part of an approved New Community Plan approved by the Council of the District of Columbia, or that qualifies as a low or moderate income subsidized housing development as defined in these regulations, may utilize the following additional by-right density provided the Zoning Administrator determines that the proposed building or structure is not inconsistent with the approved New Community Plan, if applicable, or the Comprehensive Plan:

- (a) Eligible Projects located in any eligible zone other than D-3 may be constructed to a maximum FAR of 10.0 for buildings permitted a height of one hundred thirty feet (130ft.);
- (b) Eligible projects located in the D-3 zone may be constructed to a maximum FAR of 9.0.

810 **ARTS CREDITS -- GENERATION**

810.1 Any property containing more than the required amount of arts uses, as described in the regulations for that zone, is eligible to generate arts credits.

810.2 Each square foot of arts floor area or floor area equivalent constructed above the amount required shall generate one Arts Credit.

- 810.3 Arts credits shall be measured in whole square feet.
- 810.4 Each property containing arts uses is eligible to generate arts credits only once, unless:
- (a) The arts use which originally generated arts credits has been in continual operation and is expanded in size; or
  - (b) A new arts use is added to the property and the arts use which originally generated arts credits has been and remains in continual operation and is not decreased in size; or
  - (c) A new, larger arts use replaces the arts use which originally generated arts credits, in which case the net increase in arts floor area shall be used for the purposes of this section.
- 810.5 Generation of arts credits must be approved by the Zoning Administrator based upon a finding of compliance with this Section.
- 810.6 Approval of arts credit generation may be requested at any point after the new arts use is fifty percent (50%) complete by submitting the following information to the Zoning Administrator:
- (a) Name and contact information for the person or entity that will own the generated arts credits;
  - (b) Name and contact information for the person or entity owning the project that generated the arts credits, if different;
  - (c) Legal description of the lot or lots;
  - (d) Surveyed area of the lot or lots;
  - (e) Floor area or floor area equivalent calculations for the entire building or buildings and for each use;
  - (f) Zoning requirements for the lot including total FAR limits and FAR limits for non-residential uses;
  - (g) A map of the applicable trade area and a map and plat of the lot or lots;
  - (h) Calculation of arts credits generated; and
  - (i) Certificate of Occupancy for the use generating the arts credits, or a certification by the project architect that construction of the use is fifty percent (50%) complete.

811        **ARTS CREDITS -- USE**

- 811.1        The construction of any building without the required arts uses is permitted only through the acquisition of arts credits.
- 811.2        Buildings may be constructed without the required arts uses provided that the square feet of arts credits used is equivalent to the difference between the square feet of arts uses required and provided.
- 811.3        Arts credits may only be used in the same trade area in which they were generated. The following are the identified trade areas for trading arts credits:
- (a)        Downtown;
  - (b)        U Street and 14th Street, NW; and
  - (c)        H Street, NE.
- 811.4        Ownership of arts credits may be transferred at any time to any entity or individual for use, retransfer, or investment without approval of the District.
- 811.5        Use of arts credits must be approved by the Zoning Administrator based upon a finding of compliance with this Section.
- 811.6        A person or entity who owns arts credits may request the use of the arts credits to permit development not meeting arts use requirements by submitting the following information to the Zoning Administrator:
- (a)        Proof of control over the arts credits by the person or entity proposing to use the credits;
  - (b)        Description of the origin and transfer history of the arts credits being used;
  - (c)        The acknowledgment by the Zoning Administrator of the generation of the arts credits that are to be used;
  - (d)        A map of the applicable trade area;
  - (e)        The following information on the property using the arts 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.

- 811.7 Once construction of a new building is complete, any arts credits used to relieve an arts requirement are expired and retain no further rights or value. Arts credits not used may be transferred and used elsewhere according to the provisions of this Chapter.
- 812 **PREFERRED ARTS USES – GENERATION OF BONUS DENSITY**
- 812.1 If a property provides a preferred use, it shall earn bonus density at one square foot of bonus density for each square foot of preferred arts use.
- 812.2 Bonus density shall be measured in whole square feet.
- 812.3 Each property providing a preferred arts use is eligible to generate bonus density only once, except if:
- (a) The preferred arts use which originally generated the bonus density has been in continual operation and is expanded in size;
  - (b) A new preferred arts use is added to the property and the arts use which originally generated the bonus density has been and remains in continual operation and is not decreased in size; or
  - (c) A new, larger preferred arts use replaces the arts use which originally generated the bonus density, in which case the net increase in arts floor area shall be used for the purposes of this section.
- 812.4 Generation of bonus density must be approved by the Zoning Administrator based upon a finding of compliance with this Section.
- 812.5 Approval of bonus density generation may be requested at any point by submitting the following information to the Zoning Administrator:
- (a) Name and contact information for the person or entity that will own the generated bonus density;
  - (b) Name and contact information for the person or entity owning the project that generated the bonus density, if different;
  - (c) Legal description of the lot or lots;
  - (d) Surveyed area of the lot or lots;
  - (e) Floor area or floor area equivalent calculations for the entire building or buildings and for each use;
  - (f) Zoning requirements for the lot including total FAR limits and FAR limits for non-residential uses;
  - (g) A maps of the applicable trade area and a map and plat of the lot or lots; and

(h) Calculation of bonus density generated.

812.6 A covenant shall be submitted with each request to generate bonus density that guarantees that the preferred use used to generate the bonus density shall be in place for the life of the building, subject to the provisions of this section.

- (a) If the original preferred use is discontinued for any reason, it may be replaced only by an identical use, or another use that is a preferred use in that zone.
- (b) If, after six months of discontinuance of the original use, the owner cannot find a preferred use to occupy the space, the property owner may apply for a temporary Certificate of Occupancy to permit the use of the space for any arts use listed in C § 2404.3 for a period of no more than one year.
- (c) During the one year temporary Certificate of Occupancy period described in C § 2405.6 (b), the property owner shall continue their greatest reasonable efforts to lease the space to a preferred arts use. If leasing attempts continue to be unsuccessful, two additional one year temporary Certificates of Occupancy may be issued for any arts use. After the third one year temporary Certificate of Occupancy expires, no additional Certificate of Occupancy shall be issued except for a preferred arts use.
- (d) If the owner of a building leases space to a preferred use, but does not apply to generate bonus density as a result of that use, they shall not be subject to the provisions of this section.

813 **PREFERRED ARTS USES – USE OF BONUS DENSITY**

813.1 Bonus density may be used to:

- (a) Exceed the maximum FAR allowed in the zone by up to 0.5 FAR for any permitted or permissible use, other than those uses with a specific FAR restriction. No lot occupancy or height flexibility shall be granted by this section, and any mandated inclusionary zoning density bonus must be used prior to the use of this arts bonus density; or
- (b) Exceed any proscribed non-residential FAR limit for a property, up to the maximum FAR allowed in the zone.

813.2 Bonus density may only be used in the same trade area in which it was generated. The following are the identified trade areas for trading bonus density:

- (a) Downtown;

813.3 Ownership of bonus density may be transferred at any time to any entity or individual for use, retransfer, or investment without approval of the District.

- 813.4 Use of bonus density must be approved by the Zoning Administrator based upon a finding of compliance with this Section.
- 813.5 A person or entity who owns bonus density may request the use of the bonus density as by submitting the following information to the Zoning Administrator:
- (a) Proof of control over the bonus density by the person or entity proposing to use the bonus density;
  - (b) Description of the origin and transfer history of the bonus density being used;
  - (c) The acknowledgment by the Zoning Administrator of the generation of the bonus density that are to be used;
  - (d) A map of the applicable trade area;
  - (e) The following information on the property using the bonus density:
    - (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.
- 813.6 Once construction of a new building is complete, any bonus density used is expired and retains no further rights or value. Bonus density not used may be transferred and used elsewhere according to the provisions of this Chapter.
- 814 **BONUS DENSITY GENERATED PRIOR TO THE ADOPTION OF THIS TITLE**
- 814.1 Bonus density generated prior to the adoption of this title, if the density was never used on a property, may be used as described in this section.
- 814.2 Bonus density generated prior to the adoption of this title may be used as described in C § 2406. Each square foot of bonus density earned prior to the adoption of this title shall equal one square foot of bonus density under this title.
- 814.3 For each square foot of bonus density generated prior to the adoption of this title, one square foot of arts credit may be generated, and used, within the Downtown Arts sub-area.

## 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 I §§ 801.1 (a) and (d), may be used only in the same Trade Area in which they were generated.
- 900.6 Arts Credits generated pursuant to I §§ 801.1 (b) may be used only in Arts Sub-Area defined in I § 607.
- 900.7 Credits generated pursuant to I §§ 801.1 (c), (e) and (f) may be used anywhere in a D zone.
- 900.8 The maximum residential FAR generated by Credits that may be accepted on a given lot is:

| Zone District of the Lot Receiving Residential FAR | Maximum Allowable FAR Generated by Credits That May be Accepted on A Lot |
|----------------------------------------------------|--------------------------------------------------------------------------|
| D-3                                                | Non-Residential Maximum without Credits                                  |
| D-4                                                | Non-Residential Maximum without Credits                                  |
| D-4-R                                              | 3.5                                                                      |
| D-5                                                | Non-Residential Maximum without Credits                                  |
| D-5-R                                              | 6.0                                                                      |
| D-6                                                | Non-Residential Maximum without Credits                                  |
| D-6-R                                              | 8.0                                                                      |
| D-7                                                | Non-Residential Maximum without Credits                                  |
| D-8                                                | Non-Residential Maximum without Density Credits                          |

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

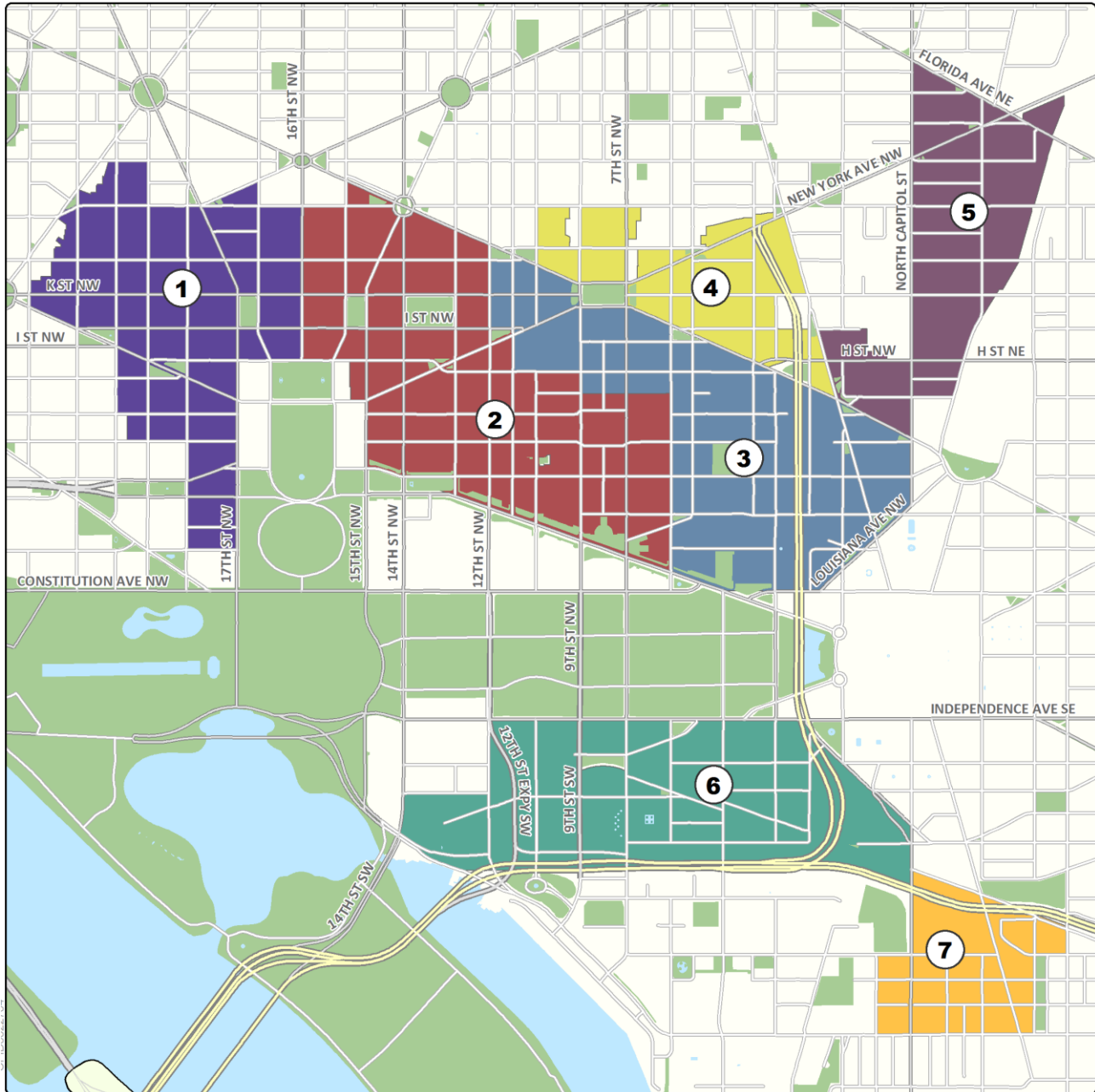


**Figure 20. Credit Trade Areas**

- 900.10 Use of credits generated by exceeding the arts requirements of I §607 is limited to 0.5 FAR above the permitted non-residential use.
- 900.11 Historic landmarks may not use credits to exceed the FAR limits of I §203.
- 900.12 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 I §203, but may not use Credits to achieve an FAR of greater than 6.0 FAR.

- 900.13 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.
- 900.14 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; and
    - (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.
- 900.15 Use or transfer of credits generated where the requirements I §804.2 (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 I §§ 804.6 through 804.8.
- 900.16 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.

900.17 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 I §§ 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.

900.18 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 I §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 I §6 have been met.

900.19 All Credits used to achieve non-residential density, with the exception of Credits generated pursuant to I §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 I §801.1 (b), (c), (d), and (f) may not be used to reduce the residential requirements of I §304.3.
- 900.21 Credits generated pursuant to I §§ 808 or 809 may be used to increase the non-residential maximum FAR on site by 0.5.
- 901 **ALTERNATIVE TO USE OF CREDITS FOR BUILDINGS WITHIN “NEW COMMUNITIES”**
- 901.1 As an alternative to purchasing Density Credits to achieve additional density as permitted in the Credit Trade Areas, a building or structure located in any Downtown zone other than D-1-R or D-2 that is being developed as part of an approved New Community Plan approved by the Council of the District of Columbia, or that qualify as a low or moderate income subsidized housing development as defined in these regulations, may utilize the following additional by-right density provided the Zoning Administrator determines that the proposed building or structure is not inconsistent with the approved New Community Plan, if applicable, or the Comprehensive Plan:
- (a) Eligible Projects located in any eligible zone other than D-3 may be constructed to a maximum FAR of 10.0 for buildings permitted a height of one hundred thirty feet (130ft.); or
  - (b) Eligible projects located in the D-3 zone may be constructed to a maximum FAR of 9.0.

## Chapter 10 **PARKING AND LOADING REGULATIONS**

### 1000 **ACCESSORY PARKING FOR VEHICLES**

- 1000.1 Accessory vehicle parking spaces are not required in Downtown zones, other than areas west of the centerline of 20<sup>th</sup> Street, N.W.
- 1000.2 Vehicular accessory parking required for properties west of the 20<sup>th</sup> Street N.W. centerline, and accessory parking provided but not required is subject to the requirements, permission and conditions of Subtitle C, Chapter 7.

### 1001 **ACCESSORY PARKING FOR BICYCLES**

- 1001.1 Standards for accessory parking for bicycle parking are located in C, Chapter 8.

### 1002 **CONDITIONS FOR NON-ACCESSORY PARKING**

- 1002.1 Any external parking spaces shall be screened, consistent with the standards in Subtitle C, from any adjacent street or sidewalk, and from any residentially zoned lot that shares a lot line boundary with the lot containing the parking spaces.
- 1002.2 Car-sharing spaces may be provided, subject to C, Chapter 7.
- 1002.3 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 C, Chapter 7.
  - (b) The parking facility shall be permitted as a matter of right:
    - (1) If it provides only short-term parking and all of the parking spaces are leased to merchants or a park-and-shop organization;
    - (2) If it provides parking only for residents of the building; and
  - (c) The parking facility shall require Board of Zoning Adjustment approval as a variance pursuant to Y Chapter 8 if it provides all-day, commuter parking.
- 1002.4 A carwash , including interior detailing, is a permitted accessory use within a permitted parking facility.

### 1003 **LOADING**

- 1003.1 Loading is required in all Downtown zones, based on the square footage of uses, and is subject to the requirements, permissions and conditions in Subtitle C, Chapter 9.

## Chapter 11 **DEVELOPMENT REGULATIONS FOR ACCESSORY BUILDINGS**

### 1100 **INTRODUCTION**

- 1100.1 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; and
  - (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.
- 1100.2 The general chapter regarding accessory buildings, C Chapter 8, provides regulations for accessory buildings that apply in addition to the regulations of this chapter.
- 1101 **DEVELOPMENT REGULATIONS FOR ACCESSORY BUILDINGS**
- 1101.1 Applicable accessory building development regulations, if any, for each zone can be determined by consulting the subsection where a zone is identified.
- 1101.2 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.            | C – Chapter 5                      | -                        |
| Max. Building Area<br>Footprint Per <i>Building</i> | 900 sq. ft. max.       | -                                  | -                        |

### 1102 **SPECIAL EXCEPTION ALLOWANCES FOR ACCESSORY BUILDINGS**

- 1102.1 Relief from the development standards of this chapter may be granted by special exception, pursuant to Y Chapter 8.

## Chapter 12 **PLANNED UNIT DEVELOPMENTS**

1200.1

A Planned Unit Development (PUD) in the D Zones shall be subject to the following provisions in addition to those of X Chapter 3:

- (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 through D-8 zones seeking non-residential FAR greater than the non-residential FAR permitted in I Chapter 5 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 13 ALLEY LOTS

### 1300 GENERAL PROVISIONS

- 1300.1 All alley lots must be recorded in the records of the Office of the Surveyor, District of Columbia, as a record lot.
- 1300.2 An alley lot that, at the effective date of these regulations, is recorded in the records of the D.C. Office of Tax and Revenue only 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.
- 1300.3 New alley lots may be created as provided in other subtitles.

### 1301 DEVELOPMENT REGULATIONS FOR BUILDINGS ON ALLEY LOTS

- 1301.1 The following development standards shall apply to buildings on alley lots in D zones:

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

### 1302 ALLEY LOT USES PERMITTED BY-RIGHT

- 1302.1 Any matter of right use permitted within the zone in which the alley lot is located shall be permitted as a matter of right use on the alley lot subject to the same conditions or limitations.
- 1302.2 Any special exception use permitted within the zone in which the alley lot is located shall be permitted as a special exception use on the alley lot subject to the same conditions or limitations.
- 1302.3 Any use not permitted within the zone in which the alley lot is located shall not be permitted on the alley lot subject to any conditions or limitations.
- 1302.4 Any use permitted as a matter of right pursuant to 1302.1 that does not comply with the required conditions for the matter of right use on may apply for permission by special exception.
- 1302.5 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 has access to an improved public street as follows:

- (1) Through an improved alley or alleys twenty-four feet (24 ft.) or more in width, or
- (2) On an improved alley no less than fifteen feet (15 ft.) in width and within a distance of 300 linear feet of a public street.
- (c) The residential dwelling shall meet all building code requirements for a permanent residential structure.

1302.6

If the Zoning Administrator or other authorized building official determines that the access from a proposed dwelling on an alley lot is insufficient to provide the intended public safety, hygiene or other building code requirement, the application for the residential dwelling shall be referred to the Board of Zoning Adjustment, where it shall be considered as a special exception under Y Chapter 8 and subject to the following additional criteria:.

- (a) The Board determines, after considering relevant agency comments concerning water and sewer services, waste management, traffic and parking, and public safety relating to fire concerns, 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.