

## SUBTITLE K      SPECIAL PURPOSE ZONES

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## **CHAPTER 1 INTRODUCTION TO SPECIAL PURPOSE ZONES**

### **100 GENERAL PROVISIONS**

- 100.1 **THE PURPOSE OF THE SPECIAL PURPOSE (K) ZONES** is **TO PROVIDE FOR** single large sites that require a cohesive, self-contained set of regulations to guide site design, building height and bulk, land uses, or other aspects of development.

DRAFT

## CHAPTER 2 SOUTHEAST FEDERAL CENTER

### 200 GENERAL PROVISIONS

- 200.1 The Southeast Federal Center (SEFC) zones provide for the development of a vibrant, urban, mixed-use, waterfront neighborhood, offering a combination of uses that will attract residents, office workers, and visitors from across the District and beyond
- 200.2 The objectives of the SEFC zone are to:
- (a) Assure development of the area with a mixture of residential and commercial uses and a suitable height, bulk, and design of buildings, as generally identified in the Comprehensive Plan and in recognition of the objectives of the Anacostia Waterfront Initiative and the Near Southeast Urban Design Framework Plan.
  - (b) Encourage high-density residential development with a pedestrian-oriented streetscape through flexible zoning parameters.
  - (c) Encourage a variety of support and visitor-related uses, such as retail, service, entertainment, cultural, and hotel or inn uses.
  - (d) Provide for a reduced height and bulk of buildings along the Anacostia riverfront in the interest of ensuring views over and around waterfront buildings, and provide for continuous publicly-accessible open space along the waterfront.
  - (e) Require suitable ground-floor level retail and service uses near the Navy Yard Metrorail station; along M Street S.E.; near the SEFC-4 zone; and at other key pedestrian locations.
  - (f) Encourage the design and development of properties in a manner that is sensitive to the adjacent Navy Yard and the historically significant buildings within the SEFC.
  - (g) Establish zoning incentives and restrictions to provide for the development of a publicly-accessible park along the Anacostia River and encourage uses in that park as permitted in the SEFC-4 Zone.
- 200.3 The Southeast Federal Center (SEFC) zone is applied to an approximately 42-acre portion of the SEFC site that is generally designated for medium to high density mixed use development, and "parks, recreation, and open space" along the riverfront in the 2010 Comprehensive Plan for the National Capital Future Land Use Map. The following squares and portions of squares in the southeast quadrant of the District of Columbia are included in the SEFC District: Squares 743, 744, 771, 802, 826, 853, portions of Squares 770 and 801, and a portion of land south of 771 and 802 bounded by the District of Columbia Water and Sewer Authority facility to the west, the Washington Navy Yard to the east, and the Anacostia River to the south. The site is bounded generally by M Street

S.E. to the north; the Anacostia River to the south; 1st Street, S.E. and WASA to the west; and the Washington Navy Yard to the east. Where there are any inconsistencies between the above and the descriptions set out in the metes and bounds descriptions attached to the Notice of Final Rulemaking published in the D.C. Register on **July 9, 2004**, the latter shall govern.

- 200.4 The SEFC-1 Zone provides for high density mixed use development with ground floor retail, and review of the relationship of new buildings to the M Street SE corridor and the adjacent Washington Navy Yard.
- 200.5 The SEFC-2 Zone provides for high density residential development with limited ground floor retail, and the review of the relationship of new buildings to the SEFC waterfront park open space area.
- 200.6 The SEFC-3 Zone provides for medium density residential development with limited ground floor retail, and the review of the relationship of new buildings to the SEFC waterfront park open space area.
- 200.7 The SEFC-4 District provides for a 5 acre minimum public park along the Anacostia River, with a defined retail area to serve residents of the neighborhood and the District.
- 200.8 Additional objectives for the SEFC-4 Zones are to:
- (a) Encourage open space;
  - (b) Promote a lively, interactive waterfront environment;
  - (c) Discourage parking;
  - (d) Provide a Development Area for retail and cultural uses;
  - (e) Provide an Open Space Area, intended to be the site of open space recreation use as well as limited uses that are directly waterfront dependent; and
  - (f) Allow for a continuous publicly-accessible pedestrian and bicycle trail along and adjacent to the waterfront as part of the Anacostia Waterfront Trail system.
- 200.9 The SEFC-4 District is divided into two geographic areas:
- (a) SEFC-4A, Development Area, consisting of the northeastern portion of the SEFC-4 District, specifically the existing Building 173 and that portion of the SEFC-4 District located directly to the east of Building 173, north of a line extending east from the south elevation of Building 173; and
  - (b) SEFC-4B, Open Space Area, consisting of all property within the SEFC-4 District that is located outside of the Development Area.

200.10 Notwithstanding the requirements of C § 402.2, two or more principal buildings or structures may be erected as a matter of right on a single subdivided lot within the SEFC-4 zone provided that such principal buildings or structures comply with all other requirements of C § 603.

200.11 Parking:

- (a) The provision of vehicular parking spaces shall not be required. Any parking spaces and access provided shall conform to the requirements of Subtitle C Chapter 19.
- (b) Bicycle parking spaces shall be required, in accordance with the standards of Subtitle C Chapter 20.
- (c) Parking for boathouses, marinas, yacht clubs, or other recreational uses may be located in accordance with the provisions of Subtitle C §2301.5.

## **201 DEVELOPMENT STANDARDS FOR THE SEFC-1 ZONE (CR)**

201.1 The development standards for the SEFC-1 zone is as set forth in the following table, subject to the additional provisions of this subsection:

| <b>Max. Height</b> | <b>Max. FAR Residential</b> | <b>Max. FAR Other Uses</b> | <b>Max. FAR Permitted</b> | <b>Max. Lot Occupancy</b>                   | <b>GAR</b> | <b>Rear Yard</b>                  | <b>Side Yard</b> |
|--------------------|-----------------------------|----------------------------|---------------------------|---------------------------------------------|------------|-----------------------------------|------------------|
| 110 ft.            | 6.0                         | 3.0                        | 6.0                       | 100% (non-residential)<br>75% (residential) | .20        | 2.5" per foot of height, 12' min. | -                |

- (a) The by-right height shall serve as the maximum permitted height for a planned unit development ("PUD").
- (b) A site that has frontage on any portion of New Jersey Avenue, S.E. that is south of and within 322 feet of M Street, S.E., is permitted a maximum height of 130 feet.
- (c) Sites fronting on M Street, S.E. and east of 4th Street, S.E are restricted to a height of 90 feet. A building height of 110 feet maximum is permitted if reviewed and approved by the Zoning Commission pursuant to the procedures of K § 211. For the purposes of this review, the Commission shall consider the relationship of the new building to the Navy Yard to the east and may require graduated height and/or design features because of the building's proximity to the Navy Yard.

201.2 **Floor Area Ratio:**

- (a) The by-right floor area ratio limit shall serve as the maximum permitted floor area ratio for a planned unit development ("PUD").
- (b) Combined lot development of two or more lots within the SEFC-1 zone, whether contiguous or non-contiguous, is permitted for the purpose of allocating density for residential and non-residential uses, regardless of any other limitation on floor area by uses as established in this chapter, in accordance with K § 209, provided that:
  - (1) The aggregate residential and non-residential floor area shall not exceed the matter-of-right maximum height or density of the SEFC-1 Zone;
  - (2) A site that is permitted a height of 130 feet is permitted a maximum non-residential density of 6.5 FAR through combined lot development; and
  - (3) Ground floor area required for ground-floor street-oriented preferred uses required in accordance with K § 206.3 may not be transferred to any other lot through combined lot development.

201.3 **Gross Floor Area**

- (a) Non-residential floor area shall be the total gross floor area of the building not dedicated to uses in one of the following categories:
  - (1) Residential;
  - (2) Emergency Shelter; or
  - (3) Lodging.

201.4 **Lot Occupancy**

- (a) A building occupied by both residential and non-residential preferred uses provided in accordance with K § 206.3 shall be permitted 100% lot occupancy for the ground and second stories.
- (b) No public recreation and community center shall occupy more than twenty percent (20%) of the lot upon which it is located; except that it may occupy up to forty percent (40%) if approved by the Zoning Commission, provided that the agency shows that the increase is consistent with the preservation of open space.

201.5 **Side Setback**

- (a) No side setback is required. However, any side setback provided shall be five (5) feet minimum.

201.6 **Front Setback**

- (a) Fifteen (15) feet minimum for the entire height and frontage of each new building along M Street, S.E., measured from the face of the adjacent curb along M Street, S.E.
- (b) Twenty (20) feet minimum for the entire height and frontage of each new building along the east side of 4th Street, S.E., measured from the face of the adjacent curb along 4th Street, S.E.

201.7 **Courtyard**

- (a) 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 (except hotel):</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;<br>Three hundred and fifty square feet (350 sq.ft.) minimum. |
| <b>Non-Residential and Lodging:</b> | Two and one-half inches per foot (2 1/2 in./ft.) of height of courtyard;<br>Six feet (6 ft.) minimum. | Two and one-half inches per foot (2 1/2 in./ft.) of height of courtyard;<br>Twelve feet (15 ft.) min. | Twice the square of the required width of courtyard dimension;<br>Two hundred and fifty square feet (250 sq.ft.) minimum.   |

201.8 **Minimum Lot Dimensions**

- (a) A record lot may be created with respect to the parcel on which Building 167 is located, notwithstanding other requirements of Subtitle C Chapter 5. Any enlargements or additions to Building 167 shall comply with all requirements of this title.

201.9 **Driveways and Parking**

- (a) No driveway may be constructed or used from M Street, S.E. to vehicular parking spaces in or adjacent to a new building.

201.10 **Loading**

- (a) No driveway may be constructed or used from M Street, S.E. to access loading spaces in or adjacent to a new building.

## **202 DEVELOPMENT STANDARDS FOR THE SEFC-2 ZONE**

202.1 The development standards for the SEFC-2 zone is as set forth in the following table, subject to the additional provisions of this subsection:

| <b>Max. Height</b> | <b>Max. FAR Residential</b> | <b>Max. FAR Other Uses</b> | <b>Max. FAR Permitted</b> | <b>Max. Lot Occupancy</b> | <b>GAR</b> | <b>Rear Yard</b>                  | <b>Side Yard</b> |
|--------------------|-----------------------------|----------------------------|---------------------------|---------------------------|------------|-----------------------------------|------------------|
| 110 ft.            | 6.0                         | 0.5                        | 6.0                       | 75%                       | .3         | 2.5" per foot of height, 12' min. | -                |

### **202.2 Height:**

- (a) For the purposes of determining maximum height permitted under the Height Act of 1910, and for achieving the height permitted in K § 202.1, the SEFC-2 Zone is considered a "Mixed-Use" District.
- (b) The by-right height shall serve as the maximum permitted height for a planned unit development ("PUD").

### **202.3 Floor Area Ratio:**

- (a) The by-right floor area ratio limit shall serve as the maximum permitted floor area ratio for a planned unit development ("PUD").

### **202.4 Lot Occupancy**

- (a) A building occupied by both residential and non-residential preferred uses provided in accordance with K § 207.3 shall be permitted 100% lot occupancy for the ground and second stories.
- (b) No public recreation and community center shall occupy more than twenty percent (20%) of the lot upon which it is located; except that it may occupy up to forty percent (40%) if approved by the Zoning Commission, provided that the agency shows that the increase is consistent with the preservation of open space.

### **202.5 Side Setback**

- (a) No side setback is required. However, any side setback provided shall be five (5) feet minimum.

### **202.6 Courtyard**

- (a) 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 (except hotel):</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;<br>Three hundred and fifty square feet (350 sq.ft.) minimum. |
| <b>Non-Residential and Lodging:</b> | Two and one-half inches per foot (2 1/2 in./ft.) of height of courtyard;<br>Six feet (6 ft.) minimum. | Two and one-half inches per foot (2 1/2 in./ft.) of height of courtyard;<br>Twelve feet (15 ft.) min. | Twice the square of the required width of courtyard dimension;<br>Two hundred and fifty square feet (250 sq.ft.) minimum.   |

## 203 DEVELOPMENT STANDARDS FOR THE SEFC-3 ZONE

203.1 The development standards for the SEFC-3 zone is as set forth in the following table, subject to the additional provisions of this subsection:

| <b>Max. Height</b> | <b>Max. FAR Residential</b> | <b>Max. FAR Other Uses</b> | <b>Max. FAR Permitted</b> | <b>Max. Lot Occupancy</b> | <b>GAR</b> | <b>Rear Yard</b>                  | <b>Side Yard</b> |
|--------------------|-----------------------------|----------------------------|---------------------------|---------------------------|------------|-----------------------------------|------------------|
| 90 ft.             | 3.5                         | 0.5                        | 3.5                       | 75%                       | .3         | 2.5" per foot of height, 12' min. | -                |

### 203.2 Height:

- (a) For the purposes of determining maximum height permitted under the Height Act of 1910, and for achieving the height permitted in K § 203.1, the SEFC-3 zones is considered "Mixed-Use" Districts.
- (b) The by-right height shall serve as the maximum permitted height for a planned unit development ("PUD").

### 203.3 Floor Area Ratio:

- (a) The by-right floor area ratio limit shall serve as the maximum permitted floor area ratio for a planned unit development ("PUD").

### 203.4 Lot Occupancy

- (a) A building occupied by both residential and non-residential preferred uses provided in accordance with K § 207.3 shall be permitted 100% lot occupancy for the ground and second stories.
- (b) No public recreation and community center shall occupy more than twenty percent (20%) of the lot upon which it is located; except that it may occupy up to forty percent (40%) if approved by the Zoning Commission, provided

that the agency shows that the increase is consistent with the preservation of open space.

**203.5 Side Setback**

- (a) No side setback is required. However, any side setback provided shall be five (5) feet minimum.

**203.6 Courtyard**

- (a) Where an 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 (except hotel):</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;<br>Three hundred and fifty square feet (350 sq.ft.) minimum. |
| <b>Non-Residential and Lodging:</b> | Two and one-half inches per foot (2 1/2 in./ft.) of height of courtyard;<br>Six feet (6 ft.) minimum. | Two and one-half inches per foot (2 1/2 in./ft.) of height of courtyard;<br>Twelve feet (15 ft.) min. | Twice the square of the required width of courtyard dimension;<br>Two hundred and fifty square feet (250 sq.ft.) minimum.   |

**204 DEVELOPMENT STANDARDS FOR THE SEFC-4 ZONE**

- 204.1 The development standards for the SEFC-4 zone is as set forth in the following table, subject to the additional provisions of this subsection:

| <b>Max. Height</b> | <b>Max. FAR Residential</b> | <b>Max. FAR Other Uses</b> | <b>Max. FAR Permitted</b> | <b>Max. Lot Occupancy</b> | <b>GAR</b> | <b>Rear Yard</b> | <b>Side Yard</b> |
|--------------------|-----------------------------|----------------------------|---------------------------|---------------------------|------------|------------------|------------------|
| 40 ft.             | 0.5                         | 0.5                        | 0.5                       | 25%                       | n/a        | -                | 12 ft.           |

**204.2 Height:**

- (a) The by-right height shall serve as the maximum permitted height for a planned unit development ("PUD").
- (b) A building or structure located on, in or over the water; or a watercraft, including a floating home shall have a height of twenty five (25) feet maximum. For the purposes of this subsection, the maximum height shall be measured from the mean high water level along the shore directly in front of the building, structure or watercraft to the highest point of the building or structure, not including sailboat masts.

**204.3 Floor Area Ratio:**

- (a) The by-right floor area ratio limit shall serve as the maximum permitted floor area ratio for a planned unit development ("PUD").
- (b) Floor area ratio shall be the gross floor area of all buildings and structures located on land and any associated permanent structure located on, in, or over water, other than a floating home, divided by the total area of the lot.
- (c) The floor area ratio on a lot used exclusively for recreational use, marina, yacht club, or boathouse buildings and structures shall not exceed 0.75.
- (d) The gross floor area of existing Building 173 shall not count toward any FAR computation. The second story of Building 173 may be used for general office purposes on an interim basis of not more than twenty (20) years from the date of the initial Certificate of Occupancy for this use; provided that any such office space is suitably designed for future occupancy by retail uses and to not adversely impact ground floor retail uses.
- (e) Two or more lots, whether contiguous or non-contiguous, within the SEFC-4 District may be combined for the purposes of allocating density as provided for and limited by K § 204.3(f), in accordance with the procedures outlined in K § 209.
- (f) A lot or lots in the SEFC-4A area may receive and use density allocated from a lot or lots in the SEFC-4B area, subject to all other applicable area restrictions. If a single lot is included within both geographic areas, the portion of the lot in the SEFC-4A area may use the unused density from the portion of the lot in the SEFC-4B area.

**204.4 Gross Floor Area**

- (a) Non-residential floor area shall be the total gross floor area of the building not dedicated to uses in one of the following categories:
  - (1) Residential;
  - (2) Emergency Shelter; or
  - (3) Lodging.

**204.5 Lot Occupancy**

- (a) Lot occupancy shall be the total area occupied by all buildings and structures located on land and by any associated permanent structure located on, in, or over water, other than a floating home, divided by the total area of the lot.

- (b) The lot occupancy on a lot used exclusively for a recreational use, marina, yacht club, or boathouse buildings and structures shall not exceed fifty percent (50%).

#### 204.6 Side Setback

- (a) No setback is required for any building or structure located entirely on, over, or in the water. If a side yard is provided, its minimum width shall be at least five (5) feet.
- (b) Any building or structure located in whole or in part on land shall provide a side yard on each side of twelve feet (12 ft.) minimum.

#### 204.7 Courtyard

- (a) Where a courtyard is provided, it shall have the following minimum dimensions:

|                                     | Open Courtyard Width:                                                                                 | Closed Courtyard Width                                                                                | Closed Courtyard Area:                                                                                                      |
|-------------------------------------|-------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------|
| <b>Residential (except hotel):</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;<br>Three hundred and fifty square feet (350 sq.ft.) minimum. |
| <b>Non-Residential and Lodging:</b> | Two and one-half inches per foot (2 1/2 in./ft.) of height of courtyard;<br>Six feet (6 ft.) minimum. | Two and one-half inches per foot (2 1/2 in./ft.) of height of courtyard;<br>Twelve feet (15 ft.) min. | Twice the square of the required width of courtyard dimension;<br>Two hundred and fifty square feet (250 sq.ft.) minimum.   |

#### 204.8 Waterfront Setback

- (1) A Waterfront Setback shall be provided in accordance with the provisions of Subtitle C Chapter 23.
- (b) The Waterfront Setback shall have a depth of one hundred feet (100 ft.) minimum.

### 205 PREFERRED USE PROVISIONS

205.1 Preferred uses shall be ground-floor street-oriented uses within the Animal Care, Sales, and Boarding; Arts, Design & Creation; Eating and Drinking Establishments; Retail; Financial Service; or General Service use groups, subject to the following restrictions:

- (a) In the Animal Care, Sales, and Boarding use groups, the overnight boarding of dogs shall not be permitted; and

- (b) In the Financial Service use group, a bank or financial institution shall not be located at the intersection of two streets.

## **206 USE PERMISSIONS (SEFC-1)**

206.1 Except as prescribed below, use permissions, including uses permitted by-right, uses permitted with conditions, uses permitted by special exception, uses permitted as accessory uses, and uses not permitted shall be in accordance with the Use Group G (M-10 Zone) of Subtitle G, as prescribed in G §§ 1419 through 1421.

206.2 Notwithstanding K § 206.1, the following use restrictions and permissions shall apply in the SEFC-1 zone:

- (a) Uses subject to special exception review in the MT-10-V zone that are not listed in K § 206.2 (b) as being subject to Zoning Commission review and approval, are not permitted within the SEFC-1 zone.
- (b) Within the SEFC-1 zone, the following buildings, structures, and uses are permitted only if reviewed and approved by the Zoning Commission, in accordance with the standards specified in K § 210 and procedures specified in K § 211:
  - (1) All buildings and structures that have frontage along M Street, S.E.; subject also to the applicant proving that the architectural design, site plan, landscaping, and sidewalk treatment of the proposed building are of superior quality;
  - (2) Automobile, truck, or motorcycle accessory sales, including installation;
  - (3) Automobile rental agency, provided the use has no exterior automobile storage area;
  - (4) Dental lab;
  - (5) Department store;
  - (6) Gas station;
  - (7) Hotel/inn;
  - (8) International organization;
  - (9) Library;
  - (10) Museum;
  - (11) Institution, Religious, which may include a parsonage, vicarage, rectory, or Sunday school building, as well as any related programs.

- (12) Education, Private and Education, Public, including trade school;
- (13) Temporary parking lot or garage, for a maximum approval period of five (5) years, which may be renewed by the Zoning Commission, as a principal use located at or above grade;
- (14) Solid, freestanding wall and/or security gate exceeding a height of four (4) feet, including structural supports; and
- (15) Education, College/University.

206.3 Preferred uses listed in K § 205 shall be permitted in accordance with the following criteria:

- (a) Any building or structure with frontage on M Street, S.E. or N Street, S.E. shall provide preferred uses comprising a minimum of seventy-five percent (75%) of the frontage on M Street, S.E. or N Street, S.E. and a minimum of seventy-five percent (75%) of that portion of the gross floor area of the ground floor within a depth of fifty (50) feet from the exterior facade of the front of building, not including parking, parking access, mechanical and fire control rooms, and other non-public spaces. This requirement shall not apply to:
  - i. Buildings directly south of the historic wall along M Street, S.E. between 4th Street, S.E. and the Washington Navy Yard, for so long as the wall remains; or
  - ii. Any addition to a building with frontage on M Street, S.E. or N Street, S.E. if the addition to such building has no frontage on such streets but, as allowed pursuant to K § 206.3(b) below, preferred uses may be provided on the ground floor level of such buildings;
- (b) In addition to the preferred uses listed in K § 205, the preferred use space requirement of K § 206.3(a) may also be met by any use listed in K § 206.2 (b), other than those listed in K § 206.2 (b) (2), (6), or (13), if reviewed and approved by the Zoning Commission in accordance with the standards specified in K § 210 and procedures specified in K § 211;
- (c) In addition to the locations in which preferred uses are required pursuant to K § 206.3(a), preferred uses may be provided on the ground floor level of buildings in other areas within the SEFC-1 District, but are not required. If provided, such preferred use area shall not be required to conform to the requirements of K §§ 206.2 (a)(e), (f), and (g);
- (d) For good cause shown, the Commission may authorize interim occupancy of the preferred use space required under K § 206.2(a) by other uses permitted in the SEFC Overlay District for up to a five (5) year period; provided that

the ground-floor space is suitably designed for future occupancy by preferred uses;

- (e) Not less than fifty percent (50%) of the surface area of the street wall, including building entrances, of those building frontages described in subsections K § 206.2(a) shall be devoted to doors or display windows having clear or low emissivity glass;
- (f) Preferred uses shall provide direct, exterior access to the ground level; and
- (g) The minimum floor-to-ceiling height for portions of the ground floor level devoted to preferred uses shall be fourteen (14) feet.

## **207 USE PERMISSIONS (SEFC-2 AND SEFC-3)**

207.1 Except as prescribed below, use permissions, including uses permitted by-right, uses permitted with conditions, uses permitted by special exception, uses permitted as accessory uses, and uses not permitted shall be in accordance with the use provisions of Use Code F (A-5 zone) of Subtitle F, as prescribed in F § Subtitle F Chapter 14.

207.2 Notwithstanding K § 207.1, the following use restrictions and permissions shall apply in the SEFC-2 and SEFC-3 zones:

- (a) The following buildings, structures, and uses are not permitted:
  - (1) Single or two family detached, semi-detached or rowhouse dwelling;
  - (2) Parking lot or garage as a principal use located on or above grade, except as a temporary use as permitted by special exception in K § 207.2(b).
  - (3) Sanitarium; and
  - (4) Uses subject to special exception review in the A-5 zone that are not listed in K § 222.2 (c) as being subject to Zoning Commission review and approval are not permitted in the SEFC-3 and SEFC-2 zones.
- (b) The following buildings, structures, and uses are permitted only if reviewed and approved by the Zoning Commission, in accordance with the standards specified in K § 224 and procedures specified in K § 225:
  - (1) All buildings and structures that abut the SEFC-4B zone, whether or not a street intervenes but excluding buildings and structures that abut the SEFC-4A zone including existing Building 160 and any additions thereto and any building or structure to be constructed immediately to the east of Building 160 (i.e., north of Water Street, S.E., west of 4th Street, S.E. east of Third St., S.E., and south of Tingey Street, S.E.).

- (2) Arts, cultural, or hotel use, subject to an overall cap within the SEFC-3 and SEFC-2 zones of 1.0 FAR maximum;
- (3) Hospital;
- (4) Institutional, Religious, which may include a parsonage, vicarage, rectory, or Sunday school building, as well as any related programs.
- (5) Private club, lodge, fraternity house, sorority house, or dormitory;
- (6) Education, Private and Education, Public, including trade; except as provided in K § 207.4;
- (7) Temporary parking lot or garage, for a maximum approval period of five (5) years, which may be renewed by the Zoning Commission, as a principal use, located at or above grade;
- (8) Solid, freestanding wall and/or security gate exceeding a height of four (4) feet; and
- (9) Education, College/University.

207.3 Within the SEFC-3 and SEFC-2 Districts, "preferred uses" listed in K § 205 of this Title shall be regulated in accordance with the following criteria:

- (a) Preferred uses shall be provided in any building or structure facing:
  - (1) Tingey Street, S.E., west of 4th Street, S.E., and east of 4th Street, S.E., but in the latter case, and only along the southern side of Tingey Street, S.E., for a length of fifty (50) feet minimum as measured from the west exterior facade of any building or structure constructed on the southeast corner of Tingey St., S.E. and 4th Street, S.E., or
  - (2) The SEFC-4 Zones.
- (b) Where required, preferred uses shall comprise a minimum of seventy-five percent (75%) of the frontage facing Tingey Street, S.E., or the SEFC-4 District, and a minimum of seventy-five percent (75%) of the applicable portion of the gross floor area of the ground floor with a depth of fifty (50) feet from the exterior facade of the front of the building, not including parking, parking access, mechanical and fire control rooms, and other non-public spaces.
- (c) The requirement to provide preferred uses shall not apply to any addition to a building facing onto Tingey Street, S.E. or the SEFC-4 District if the addition to the building has no frontage facing onto Tingey Street, S.E. or the SEFC-4 District, but, as allowed pursuant to K § 207.3 (e) below, preferred uses may be provided on the ground floor level of such addition.

- (d) For Building 160, notwithstanding the requirements noted above, the total amount of preferred use space shall be a minimum of 3,000 square feet of space facing Tingey Street, S.E. and a minimum of 6,000 square feet of space facing Water Street, S.E., for a total of at least 9,000 square feet.
- (e) In addition to the locations in which preferred uses are required pursuant to K § 207.3(a) above, preferred uses may be provided on the ground floor level of buildings or structures in other areas within the SEFC-3 and SEFC-2 Districts, but are not required. If provided, such preferred use area shall not be required to conform to the requirements of K § 207.3(a), (h), (i), and (j). If the bonus density authorized pursuant to K § 207.3(f), is used to provide non-required preferred uses, the preferred use area must be dedicated to preferred uses for the life of the building;
- (f) The density associated with preferred uses shall be in addition to otherwise permitted FAR, and shall not exceed 0.5 FAR;
- (g) For good cause shown, the Commission may authorize interim occupancy of the preferred use space required under K § 207.3(a) by other uses permitted in the A-5 Zones for up to a five (5) year period; provided that the ground floor space is suitably designed for future occupancy by preferred uses;
- (h) Not less than fifty percent (50%) of the surface area of the street wall, including building entrances, of those building frontages dedicated to preferred uses described in K § 207.3 shall be devoted to doors or display windows having clear or low emissivity glass;
- (i) Preferred uses shall provide direct, exterior access to the ground level; and
- (j) The minimum floor-to-ceiling height for portions of the ground floor level devoted to preferred uses shall be fourteen feet (14 ft.).

- 207.4 A trapeze school and aerial performing arts center may be established and continued as a matter of right in Parcel O until December 31, 2014, during which time no parking shall be required.
- 207.5 The continuation of the trapeze school and aerial performing arts center use after December 31, 2014 shall require special exception approval by the Zoning Commission in accordance with the standards specified in K § 210 and procedures specified in K § 211, and shall include a determination as to whether and what amount of parking should be required.

## **208 USE PERMISSIONS (SEFC-4)**

- 208.1 Within the SEFC-4A development area, use permissions, including uses permitted by-right, uses permitted with conditions, uses permitted by special exception, uses permitted as accessory uses, and uses not permitted shall be in accordance with the provisions of Use Group B (M-11 zone) of Subtitle G, as prescribed in G §§ 1405 - 1406.
- 208.2 Within the SEFC-4B open space area, only the following uses shall be permitted as a matter of right:
- (a) Boat construction on an occasional basis by a local community organization;
  - (b) Community garden operated by a local community organization or District government agency;
  - (c) Publicly-accessible park or open space, playground, or athletic field, including pedestrian and bicycle trails, necessary support facilities, and fitness circuits;
  - (d) Public nature education or interpretive center including a boat dock; and
  - (e) Seasonal or occasional market for produce, arts, and crafts, with non-permanent structures.
- 208.3 Within the SEFC-4B open space area, the following buildings, structures, and uses are permitted only if reviewed and approved by the Zoning Commission in accordance with the standards specified in K § 210 and procedures specified in K § 211:
- (a) Boat launching facility, dock, wharf, or pier for use by the general public;
  - (b) Boat rental facility for non-motorized water vessels;
  - (c) Cruise line operation, including necessary associated dock and land facilities;
  - (d) Solid, freestanding wall and/or security gate exceeding a height of four (4) feet, not including structural supports;

- (e) Marina, not including floating homes;
- (f) Public food concession stand(s) / kiosk(s) to a maximum of 3,000 gross square feet;
- (g) Water taxi information / ticket booth and passenger shelter; and
- (h) Other publicly-accessible maritime uses normally requiring direct access to the water.

208.4 The minimum floor-to-ceiling height for the ground floor level of buildings shall be fourteen (14) feet.

208.5 All proposed structures in the SEFC-4 Districts, or any proposed exterior renovation to any existing buildings or structures in the SEFC-4 Districts 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 standards set forth in K § 210 and procedures set forth in K § 211.

## **209 COMBINED LOT DEVELOPMENT PROCEDURES (SEFC-1 AND SEFC-4)**

209.1 Combined lot development is permitted within the SEFC-1 zone in accordance with K § 201.2(b), and in the SEFC-4 District in accordance with K §§ 204.3 (e) and (f).

209.2 No allocation of gross floor area shall be effective unless an instrument, legally sufficient to effect such a transfer, is filed with the Zoning Administrator in accordance with this Section.

209.3 The instrument shall bind the present and future owners of the respective SEFC-1 lots so as to permanently devote residential and non-residential gross floor area on site equal to that square footage transferred or received, and shall specify the allocation of residential and non-residential uses among the lots.

209.4 The instrument shall bind the present and future owners of the SEFC-4 lots that are situated within the Open Space Area, as described in K § 200.11, to permanently forego the development of such square footage as was transferred to a lot in the Development Area and shall specify the amount of square footage transferred.

209.5 The Office of the Attorney General shall certify the instrument for legal sufficiency. The instrument shall also contain a certification by the Office of Planning attesting to:

- (a) The lots' eligibility to send and receive allocated residential and non-residential uses; and
- (b) The accuracy of the computations with respect to the amount of residential and non-residential uses or density reallocated or transferred.

- 209.6 The District of Columbia need not be made a party to the instrument if the instrument provides that it shall neither be modified nor terminated without the express permission of the Zoning Commission of the District of Columbia.
- 209.7 The instrument shall be recorded for all affected lots in the Office of Recorder of Deeds, so that the notice of restrictions and transfer shall run with the title and deed to each affected lot and so that each land record accurately reflects the amount and type of density associated with the lots.
- 209.8 A certified copy of the recorded instrument shall be filed with the Zoning Administrator before approval of any building permit application that is affected by such allocation of uses or density.

## **210 ZONING COMMISSION REVIEW STANDARDS**

- 210.1 In addition to proving that the proposed uses, buildings, or structures meet the standards set forth in Subtitle Y Chapter 8, the applicant for Zoning Commission approval of a use or structure within a SEFC zone shall further demonstrate conformance to the following standards:
- (a) The use, building, or structure will help achieve the goals and objectives of the SEFC Area as set forth in K § 201;
  - (b) The proposed building or structure shall be designed with a height, bulk, and siting that provide for openness of view and vistas to and from the waterfront and, where feasible, shall maintain views of federal monumental buildings, particularly along the New Jersey Avenue, S.E. corridor;
  - (c) On or above-grade parking adjacent to, or visible from, the street shall be limited. Where parking cannot be placed underground, other uses such as retail or residential shall separate parking areas from the street, or where this is not possible, green landscaping or architectural treatment of facades shall adequately screen parking from the street and adjacent development.
- 210.2 In evaluating the application, the Commission also may consider:
- (a) Compatibility with buildings in the surrounding area through overall massing, siting, details, and landscaping;
  - (b) Use of high standards of environmental design that promote the achievement of sustainable development goals;
  - (c) Facade articulation that minimizes or eliminates the visibility of unarticulated blank walls from public spaces;
  - (d) Landscaping which complements the building;

- (e) For buildings that include preferred uses in accordance with K §§ 206.3 or 207.3, the Commission may consider the balance and location of preferred uses;
- (f) In connection with its review pursuant to K § 207.2 (b), the Commission may consider the effect of the proposed use on the predominantly residential character of the SEFC-2 and/or SEFC-3 zones; and
- (g) For development within or adjacent to the SEFC-4 District, the Commission may consider whether the project is consistent with the following goals:
  - (1) Providing a wide variety of active and passive recreational uses;
  - (2) Encouraging uses that open to, overlook, and benefit the waterfront park;
  - (3) Utilizing siting and design of buildings and uses to improve the natural ecology, to illustrate the importance of natural systems, and/or to interpret the historically important maritime context of the site.

## **211 ZONING COMMISSION REVIEW PROCEDURES**

- 211.1 At the time the Zoning Commission is considering an application for approval authorized by this Chapter, the Commission may hear and decide any additional requests for zoning relief needed for the subject property.
- 211.2 At the time of filing an application with the Commission, the applicant shall pay the filing fee specified in Subtitle Y plus such fees as apply to any additional zoning relief requested. The provisions of Subtitle Y relating to the administration of fees shall apply, except that the applicant may appeal any decision of the Director regarding the fee schedule to the Commission, which shall decide the appeal at a meeting or hearing as a preliminary matter to hearing the application.

## CHAPTER 3 UNION STATION NORTH (USN)

### 300 GENERAL PROVISIONS

300.1 The purposes of the USN Zone are to:

- (a) Implement the Comprehensive Plan by ensuring that development of the air rights is not inconsistent with the goals and policies of the Comprehensive Plan including:
  - (1) Creation of a catalytic development that would provide an active streetscape connection between neighborhoods west of the railroad tracks and east of the railroad tracks;
  - (2) Infill of an underutilized property near a multi-modal transportation hub with the provision of a mix of high density commercial and residential uses; and
  - (3) Preservation and enhancement of Union Station, and general economic development of the NoMa area and the District of Columbia.
- (b) Reconnect the City by creating an urban fabric that will reconnect the H Street commercial corridor to the east, North Capitol Street to the west, NoMa to the north and west, and Union Station to the south;
- (c) Provide a Suitable Visual Relationship to Surroundings by ensuring the provision of exemplary architecture for any building in the USN Zone, and encouraging upper story setbacks and minimized penthouses;
- (d) Improve the Character of H Street by establishing H Street, N.E., between 1<sup>st</sup> and 2<sup>nd</sup> Streets, N.E., as an attractive, active, pedestrian- oriented street with active ground floor uses and a varied façade;
- (e) Utilize Transportation Infrastructure by facilitating development that would take advantage of Union Station's unique combination of local, regional and national investment in pedestrian, bicycle, rail transit, bus transit, and intercity rail infrastructure, and ensuring that development complements, and allows the expansion and enhancement of the transportation infrastructure;
- (f) Establish a Mix of Uses throughout the USN Zone including residential and retail, as well as office, hotel and other permitted uses; and
- (g) Create a Walkable Environment by requiring suitable ground floor uses, appropriate building design and appropriate site layout, including wide sidewalks.

- 300.2 The Union Station North (USN) Zone is created to implement the Comprehensive Plan and other public policy goals and objectives.
- 300.3 The USN Zone recognizes the unique characteristics and development constraints of the site and provides for appropriate, site specific methods for the measurement of height and density.
- 300.4 The USN Zone shall constitute the Zoning Regulations for the geographic area referred to in K § 300.6. Where there are conflicts between this chapter and other chapters or subtitles of this title, the provisions of the USN Zone shall govern.
- 300.5 When used in this chapter, the term “Transportation Way” means any piece of infrastructure, the intent of which is to convey people or goods from one place to another. Examples include, but are not limited to, sidewalks, stairs, elevators, fixed guideways for transit, and streets. Transportation ways may be either on, above or below ground, and may be either publicly or privately owned. Transportation ways do not include internal components of any portion of a building.
- 300.6 The USN Zone is mapped on the following squares and air rights lots, as more specifically described in the plat attached to Zoning Commission Order No. 09-21:
- (a) Square 717, Lots 7001 and 7002 (between H and K Streets, N.E.); and
  - (b) Square 720, Lots 7000 and 7001 (between Union Station and H Street, N.E.).
- 300.7 The land and the volume of space below the air rights lots shall not be zoned USN. Development will occur on top of a structural platform that will span the railroad tracks underneath.
- 300.8 The USN Zone shall not be applied to any lot located on the ground or any air rights lot outside of the boundaries described in K § 300.6.
- 301 RESERVED**
- 302 RESERVED**

### **303 THE PLATFORM (USN)**

- 303.1 The buildings to be erected within the USN will be supported by two (2) platforms erected above the existing railroad tracks and separated by H Street, N.E. (the “Platform” or “Platforms”).
- 303.2 The Platforms will be generally horizontal structures that provide support for the new surface area, above the railroad tracks, on which development will be built.
- 303.3 In addition to providing structural support, the Platforms may house mechanical equipment, parking and loading areas, and non-residential, residential, retail, and arts uses permitted by K § 313, as well as utilities and rail-related uses.
- 303.4 Structures below the grade of the railroad tracks and generally vertical, above-grade columns and structures will support the Platforms (collectively “Foundation Systems”). The term “Platform” or “Platforms”, when used in this chapter, does not include Foundation Systems or any station and rail-related functions or facilities that are constructed below the Platforms on the subjacent lots.
- 303.5 Although portions of a Platform may extend below the volume of an air rights lot, any provision of this chapter pertaining to the Platform shall apply to the entire Platform.

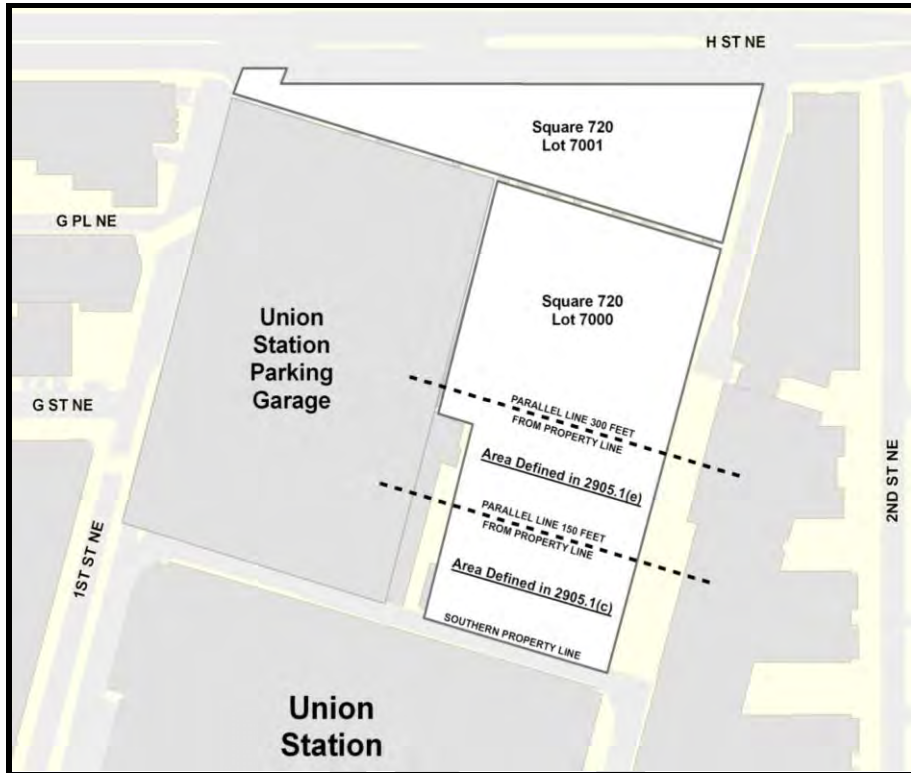
### **304 SINGLE BUILDINGS AND BUILDING UNITS (USN)**

- 304.1 For the purposes of the USN Zone, each Platform and all improvements constructed thereon are deemed to comprise a single building.
- 304.2 Any part of a single building that is not connected to any other part of the same single building, other than through the structure of the Platform, will be hereinafter referred to as a Building Unit.

### **305 HEIGHT (USN)**

- 305.1 The maximum height of a building or structure shall not exceed one hundred thirty feet (130 ft.), except that:
- (a) The maximum height of any portion of a building or structure that is both north of the centerline of Eye Street and east of a north-south line located two hundred feet (200 ft.) west of the eastern boundary of Lot 7002 in Square 717 shall not exceed ninety feet (90 ft.);
  - (b) Within the area defined in K § 305.1(a), a height of greater than ninety feet (90 ft.) and no more than one hundred ten feet (110 ft.) shall be permitted if reviewed and approved by the Zoning Commission pursuant to the procedures set forth in K §§ 315 and 317, and subject to the following:
    - (1) The Commission will make a preliminary decision whether to approve the additional height as part of its Stage 1 review;

- (2) The preliminary approval will become final unless modified or disapproved during the Stage 2 review;
  - (3) In making its decision, the Commission shall consider the design review criteria set forth in K §§ 323.3, 323.5, and 323.8 and 325.3 and 325.9;
  - (4) The Commission must find that the building unit or units located within the defined area exhibit exceptional architectural quality; and
  - (5) The Commission may require upper story setbacks or other design modifications that it deems necessary.
- (c) The maximum height of any portion of a building or structure that is both north of the southern property line of Lot 7000 in Square 720 and south of a parallel line one hundred fifty feet (150 ft.) from the southern property line (as that area is depicted in the illustration appended to this subsection) shall not exceed ninety feet (90 ft.);
- (d) Within the area defined in K § 305.1(c), a height of greater than ninety feet (90 ft.) and no more than one hundred ten feet (110 ft.) shall be permitted if reviewed and approved by the Zoning Commission pursuant to the procedures set forth in K §§ 315 and 317, and subject to the criteria of K §§ 305.1(b)(1) through 305.1(b)(5);
- (e) The maximum height of any portion of a building or structure that is both north of a line parallel to and one hundred fifty feet (150 ft.) from the southern property line of Lot 7000 in Square 720 and south of a parallel line three hundred feet (300 ft.) from the southern property line (as that area is depicted in the illustration appended to this subsection) shall not exceed one hundred ten feet (110 ft.); and
- (f) Within the area defined in K § 305.1(e), a height of greater than one hundred ten feet (110 ft.) and no more than one hundred thirty feet (130 ft.) shall be permitted if reviewed and approved by the Zoning Commission pursuant to the procedures set forth in K §§ 315 and 317, and subject to the criteria of K §§ 305.1(b)(1) through 305.1(b)(5).



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- 305.2 The measurement of building height shall be taken from the elevation of the sidewalk on H Street at the middle of the front of the building, to the highest point of the roof or parapet rather than from grade as would otherwise be required by Subtitle C Chapter 5.

**306 ROOF STRUCTURES (USN)**

- 306.1 Rooftop penthouses not intended for human occupation, such as penthouses over mechanical equipment, a stairway, or an elevator shaft shall be erected or enlarged pursuant to Subtitle B Chapter 5.
- 306.2 Such a penthouse shall not exceed twenty feet (20 ft.) in height above the roof upon which it is located. Mechanical equipment shall not extend above the permitted twenty feet (20 ft.) height of the housing.
- 306.3 A penthouse not intended for human occupancy may be erected to a height in excess of that authorized in the USN Zone subject to the provisions of the Height Act.
- 306.4 Spires, towers, domes, pinnacles, or minarets serving as architectural embellishments, ventilator shafts, antennas, chimneys, smokestacks, or fire sprinkler tanks may be erected to a height in excess of that which this section otherwise authorizes.

**307 MAXIMUM FLOOR AREA RATIO – SINGLE BUILDING (USN)**

- 307.1 The maximum floor area ratio (FAR) for any single building in the USN Zone shall be six and one half (6.5), which shall be computed in accordance with K § 309.

**308 MAXIMUM NON-RESIDENTIAL FLOOR AREA RATIO – ZONE-WIDE LIMIT (USN)**

- 308.1 The maximum non-residential FAR for the entire USN Zone is five and one half (5.5).
- 308.2 Until a one half (0.5) FAR of residential uses have been developed within the entire USN Zone, as evidenced by a certificate or certificates of occupancy for residential uses, no certificate of occupancy for non-residential uses may be issued that would result in a non-residential FAR for the entire USN Zone of greater than three (3.0).
- 308.3 Until one (1.0) FAR of residential uses have been developed within the entire USN Zone, as evidenced by a certificate or certificates of occupancy for residential uses, no certificate of occupancy for non-residential uses may be issued that would result in a non-residential FAR for the entire USN Zone of greater than four (4.0).
- 308.4 The minimum residential FAR may be apportioned between the single building north of H Street and the single building south of H Street, provided that the aggregate residential floor area is not decreased.
- 308.5 The minimum residential FAR shall not include the FAR dedicated to residential parking located above the level of the Platform.

### **309 COMPUTATION OF FAR (USN)**

- 309.1 Computation of the maximum gross floor area for each building shall be determined by multiplying six and one half (6.5) by the area of a single building's lot, subject to the exclusions identified in K § 309.5.
- 309.2 Computation of the maximum non-residential gross floor area for the entire USN shall be determined by multiplying three (3.0), four (4.0) or five and one half (5.5), as applicable, by the combined areas of each single building's lot, subject to the exclusions identified in K § 309.5.
- 309.3 The lot of the single building north of H Street consists of the area within lots 7001 and 7002 in Square 717.
- 309.4 The lot of the single building south of H Street consists of the area within lots 7000 and 7001 in Square 720.
- 309.5 Lot area shall not include private rights-of-way that generally serve the principal entrances to building units, including the fourteen foot (14 ft.) minimum sidewalk width required by K § 321.5.
- 309.6 Notwithstanding K § 309.5, lot area shall include private rights-of-way that generally provide access to service, loading or automobile parking areas, as well as sidewalk area beyond the fourteen foot (14 ft.) minimum width required by K § 321.5.
- 309.7 The term "gross floor area" has the same meaning as in Subtitle B Chapter 1, except that the term only applies to the area of all enclosed structures above the top of the Platforms.

### **310 BICYCLE PARKING (USN)**

- 310.1 Bicycle parking spaces shall be provided at a minimum as follows:

| Type of use     | Indoor Spaces                                                               | Outdoor spaces                                                              |
|-----------------|-----------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| Residential     | One for every three units                                                   | One for every twenty units, with a minimum of two                           |
| Non-residential | One for every 10,000 square feet of gross floor area, with a minimum of two | One for every 40,000 square feet of gross floor area, with a minimum of two |
| Retail/service  | One for every 10,000 square feet of gross floor area, with a minimum of two | One for every 5,000 square feet of gross floor area, with a minimum of two  |

- 310.2 All bicycle parking spaces shall be well lit and provide convenient access to the uses they are intended to serve.
- 310.3 Outdoor spaces may be provided in public space subject to the approval of the District Department of Transportation (DDOT).
- 310.4 All required bicycle parking spaces shall be a minimum of two feet (2 ft.) in width and six feet (6 ft.) in length.
- 310.5 An aisle five feet (5 ft.) in width shall be provided between rows of bicycle parking spaces and the perimeter of the area devoted to bicycle parking.
- 310.6 If a room or common locker not divided into individual spaces is used to meet these requirements, twelve square feet (12 sq. ft.) of floor area shall be considered the equivalent of one (1) bicycle parking space. Where manufactured metal lockers or racks are provided, each locker or stall devoted to bicycle parking shall be counted as one bicycle parking space.
- 310.7 Signs shall be posted stating where bicycle parking spaces are located in each building or structure where bicycle parking spaces are required. The signs shall be located in a prominent place at each entrance to the building or structure. The sign shall have a white background with black lettering that is no less than two inches (2 in.) in height.

### **311 OFF STREET AUTOMOBILE PARKING (USN)**

- 311.1 The provisions of Subtitle C Chapter 19 (Parking) do not apply to the USN Zone.
- 311.2 There shall be no minimum number of automobile parking spaces required in the USN Zone.
- 311.3 No lease or purchase agreement for a dwelling unit may include within its terms the sale or lease of an automobile parking space.
- 311.4 Automobile parking spaces need not be located on the same lot with the building or building unit they are intended to serve, but must be located on a lot within or below the USN Zone.

### **312 LOADING (USN)**

- 312.1 Loading shall be provided as required in Subtitle C Chapter 21.
- 312.2 The Zoning Commission may, as a special exception, permit the reduction, elimination, relocation or consolidation of loading facilities, provided that the applicant demonstrates that:
- (a) The proposed number of loading facilities will be adequate to serve the related uses;

- (b) The loading facilities are designed such that loading and unloading of service vehicles would be accomplished without the need to move goods and materials across public areas;
- (c) The proposed loading facilities would not tend to affect adversely other modes of transportation using the adjacent public or private transportation way;
- (d) The proposed loading facilities would not tend to affect adjacent properties adversely; and
- (e) The Commission may impose conditions as to screening, lighting, coping, setbacks, fences, location of entrances and exits, widening of abutting transportation ways, or any other requirement it deems necessary to protect the adjacent property and the safety and function of other modes of travel.

### 313 USE PERMISSIONS (USN)

313.1 The table below identifies use permissions and references to regulations applicable to the USN zone.

| Use Categories                     | Use Code    |
|------------------------------------|-------------|
| Agriculture, Residential           | P           |
| Agriculture, Large                 | P           |
| Animal Sales, Care, and Boarding   | S (§ 313.2) |
|                                    |             |
| Arts Design and Creation           | P           |
| Basic Utilities                    | P           |
| Chancery                           | P           |
| Community-based Inst. Facility     | P           |
| Daytime Care                       | P           |
| Education, public                  | P           |
| Education, private                 | P           |
| Education, College/University      | P           |
| Emergency Shelter                  | P           |
| Ent., Assembly, and Perf Arts      | P           |
| Firearm Sales                      | C (§ 313.3) |
| Eating and Drinking Establishments | P           |
| Government, Large Scale            | S (§ 313.4) |
| Government, Local                  | P           |
| Health Care                        | P           |
| Institutional, General             | P           |
| Institutional, Religious           | P           |
| Lodging                            | P           |
| Marine                             | N           |
| Motor Vehicle-related              | C (§ 313.5) |

| Use Categories                | Use Code    |
|-------------------------------|-------------|
|                               | S (§ 313.6) |
| Office                        | P           |
| Parking                       | P           |
| Parks and Recreation          | P           |
| Production, Dist., and Repair | C (§ 313.7) |
| Residential                   | P           |
| Retail                        | P           |
| Service, General              | P           |
| Service, Financial            | C (§ 314.2) |
| Sexually-Based Business       | N           |
| Transportation Infrastructure | P           |
| Waste-related Services        | N           |

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

- (a) Animal uses, such as animal boarding, pet grooming establishments, pet shops, veterinary boarding hospitals and animal shelters, shall be subject to the following:
  - (1) The use 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 Efficiently Particulate Air “HEPA” filtration) 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 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; and
  - (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 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.

313.3 Firearm Sales uses are permitted as a matter of right provided that no portion of the establishment shall be located within three hundred feet (300 ft.) of a Residential zone, Institutional use, or Parks and Open Space use.

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

313.5 Motor Vehicle Related uses are permitted as a matter of right provided the use conforms to the following list of conditions:

- (a) The use shall not include fuel sales; and
- (b) The use shall not include vehicle repair or service, except as incidental and accessory to other permitted use categories.
- (c) Motor Vehicle Related uses not meeting conditions above may be permitted by special exception. Refer to K § 313.6 for special exception criteria.

313.6 Motor Vehicle Related uses may be approved by the Board of Zoning Adjustment if, in addition to the general special exception criteria of Subtitle Y Chapter 8, the use does not include auto body or fender repair.

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

- (a) All aspects of the use shall be conducted within a fully enclosed building or structure; and
- (b) The use, including any storage, shall occupy no more than ten thousand (10,000) square feet.

**314 GROUND FLOOR AREAS REQUIRED TO BE DEVOTED TO PREFERRED USES**

314.1 One hundred percent (100%) of the ground floor H Street frontage of building units, except for space devoted to building entrances or lobbies, space required to be devoted to fire control, or space dedicated to transit or rail entrances or passenger circulation, shall be occupied by uses from the following use categories:

- (a) Arts Design and Creation;
- (b) Entertainment, Assembly and Performing Arts;
- (c) Eating and Drinking Establishments;
- (d) Retail;
- (e) Service, General;
- (f) Any arts use listed in C § 2404.3, other than the uses listed in C § 2404.3(g), the Design Use Group.

314.2 Uses in the category Service, Financial may meet the requirement of 314.1, subject to the following limitations:

- (a) Service, Financial uses shall occupy no more than one hundred (100) total linear feet of ground floor H Street frontage;
- (b) Service, Financial uses shall occupy no more than fifty feet (50 ft.) of ground floor H Street frontage in any one building unit.

314.3 No single commercial occupancy shall occupy more than one hundred (100) total linear feet of ground floor H Street frontage.

314.4 The entire ground floor of all building units shall have a minimum slab to slab height of fourteen feet (14 ft.), except for those spaces within the ground floor of any building unit

devoted to the following uses: mechanical, electrical, and plumbing; storage; fire control; loading; and retail corridors and service corridors.

### **315 ZONING COMMISSION REVIEW – GENERAL**

315.1 Due to the unique nature of the USN zone, all proposed buildings, structures, or any proposed exterior renovation to any existing buildings or structures that would result in an alteration of the exterior design, as well as any associated open spaces such as parks or plazas, shall be subject to review and approval by the Zoning Commission in accordance with the following provisions. No review or approval by the Zoning Commission is required for construction of Foundation Systems within the USN Zone.

315.2 K §§ 316 and 317 describe the following types of Zoning Commission reviews:

- (a) Master Plan;
- (b) Stage 1;
- (c) Stage 2; and
- (d) Consolidated.

315.3 Any application must be signed by the owner of the subject air rights lot, but need not be signed by the owner of the subjacent lots, even if a portion of the Platform extends into the air space below the level of the air rights lot.

## **316 ZONING COMMISSION REVIEW – MASTER PLAN**

316.1 Prior to or together with either the first Stage 1 or the first Consolidated application submitted pursuant to this chapter, the applicant shall submit for review and approval by the Commission a Master Plan for the entire USN Zone.

316.2 A Master Plan review will examine, for the entire USN Zone, the dimensions and locations of transportation ways and the general locations of open spaces and building sites, in accordance with the review criteria of K § 321.

316.3 A Master Plan shall be determined by the Commission to be not inconsistent with the Comprehensive Plan, to generally further the purposes of the USN Zone and to be acceptable in all the review criteria of § K 321.

316.4 An approved Master Plan may be modified through application to the Commission, and the application for modification shall be subject to the same approval criteria as set forth in K § 316.3.

316.5 An applicant must return to the Commission for review and approval of Stage 1 and Stage 2 applications or a Consolidated application prior to applying for a building permit or beginning construction of any portion of the approved Master Plan application.

## **317 ZONING COMMISSION REVIEW – STAGE 1, STAGE 2, AND CONSOLIDATED APPLICATIONS**

317.1 A Stage 1 or Stage 2 application may request review and approval of one (1) or more building units, structures or open spaces, or of one (1) or two (2) buildings.

317.2 An applicant may request consideration of the Stage 1 or Stage 2 applications individually or through a consolidated review.

317.3 A Stage 1 review will examine the specific arrangement of building units on the site, the specific location of open spaces, the massing and height of building units, the mix of uses, access to structures, the location of transportation ways, and access to and from the Platforms, in accordance with the Review Criteria of K § 323.

317.4 A Stage 2 review will examine the outward appearance of building units, the design of landscape and hardscape, the functionality of transportation ways, and the general location of uses, in accordance with the Review Criteria of K § 325.

317.5 A Consolidated review will examine all the aspects of design mentioned in K §§ 317.3 and 317.4, in accordance with the Review Criteria of K §§ 323 and 325. An application for Consolidated Review shall include all submittal requirements listed in K §§ 322 and 324.

- 317.6 A Stage 1, Stage 2, or Consolidated application shall be determined by the Commission to be not inconsistent with the Comprehensive Plan, not inconsistent with the approved Master Plan, to provide for a mix of uses, to be acceptable in all other applicable Review Criteria as set forth in K §§ 323 and 325, to generally further the purposes of the USN Zone, and to comply with all other requirements of this chapter.
- 317.7 An approved Stage 1, Stage 2 or Consolidated application may be modified through application to the Commission, and the application for modification shall be subject to the same approval criteria as set forth in K § 317.6.
- 317.8 Upon the effective date of the Zoning Commission Order granting approval of a Stage 1 application, the applicant may apply for a building permit to construct any portion of the Platforms related to that Stage 1 application.
- 317.9 An applicant must return to the Commission for review and approval of a Stage 2 application prior to applying for a building permit or beginning construction for any other portion of the approved Stage 1 Review Application.

### **318 COMMUNITY REVIEW**

- 318.1 The affected Advisory Neighborhood Commission (ANC) shall be granted party status to any application submitted pursuant to this chapter, and may participate in the public hearing for the application pursuant to Subtitle Z.

### **319 AGENCY REVIEW**

- 319.1 The Office of Zoning shall refer the application to the Office of Planning, the District Department of Transportation, Fire and Emergency Services, the District Department of the Environment, and any other relevant District agencies for review and comment.

### **320 MASTER PLAN SUBMITTAL REQUIREMENTS**

- 320.1 An applicant requesting approval of a Master Plan application shall provide:
- (a) A written description of the proposal, including a description of how the Master Plan review criteria are met; and
  - (b) A plan or plans encompassing the entire USN Zone and showing:
    - (1) The location and dimensions of private rights-of-way and alleys;
    - (2) The lot areas to be used for FAR calculations, both for the entire USN Zone as well as the north and south buildings, pursuant to K § 309;
    - (3) The general locations of plazas, parks, or other open spaces;
    - (4) The general locations of sites for future building units; and
    - (5) Any other information needed to understand the project.

## **321 MASTER PLAN REVIEW CRITERIA**

- 321.1 The criteria stated in the subsections that follow are applicable to Master Plan applications.
- 321.2 Internal Connectivity – Internal connections shall result in a form of development that generally reflects the grid pattern of the District and that avoids the creation of excessively large building blocks. Internal connections shall be provided through a combination of private rights-of-way, sidewalks, paths, plazas, and parks, with a main multi-modal access point to both buildings from H Street, N.E.
- 321.3 External Connectivity – The Master Plan shall provide the opportunity for pedestrian connections in appropriate and feasible locations to surrounding development and surrounding neighborhoods including Union Station, NoMa west of the railroad tracks, and northern Capitol Hill.
- 321.4 Private Rights-of-Way Width – To facilitate pedestrian and bicycle movement, the curb-to-curb width of private rights-of-way shall not be excessively large.
- 321.5 Sidewalk Width – The width of sidewalks along private rights-of-way that generally serve the principal entrances to building units shall not be less than fourteen feet (14 ft.).
- 321.6 Community Outreach – The application shall demonstrate that community outreach has occurred through participation in multiple venues and through multiple formats, including the affected ANC, and which could include but not be limited to meetings with the community, an informational website, emails, or mailed flyers.

## **322 STAGE 1 SUBMITTAL REQUIREMENTS**

- 322.1 An applicant requesting approval of a Stage 1 Review Application shall provide:
- (a) A written description of the proposal, including a description of how the applicable review criteria are met;
  - (b) Site plans, elevations, renderings, photographic simulations, aerial axonometric massing diagrams, or any other suitable materials necessary to describe the project;
  - (c) For any building unit located south of H Street, N.E. ground-level view studies from multiple vantage points showing the relationship between the proposed building unit and Union Station;
  - (d) A circulation plan, including the location of all transportation ways, off-street parking spaces and loading berths, including an indication of which spaces are designated for which use, and a reasonable numerical range of the number of parking spaces to be provided. The circulation plan shall show how the design facilitates north-south bicycle movement through the site and to areas outside the site, including the Metropolitan Branch Trail;

- (e) The area and dimensions of the application site;
- (f) The gross floor area and floor area ratio for each building unit, including a breakdown for each use, and the total gross floor area and floor area ratio for the building, including a breakdown for each use;
- (g) A comprehensive transportation assessment for the development under consideration, addressing pedestrian, bicycle, transit, and automobile capacity and circulation;
- (h) Estimated quantities of potable water required by the project, and of sanitary sewage and storm water to be generated, including the methods of calculating those quantities; and
- (i) Any other information needed to understand the project.

## **323 STAGE 1 REVIEW CRITERIA**

- 323.1 The criteria stated in the subsections that follow are applicable to Stage 1 applications.
- 323.2 External Connectivity – The development shall provide pedestrian connections in appropriate and feasible locations to surrounding development and surrounding neighborhoods including Union Station, NoMa west of the railroad tracks, and northern Capitol Hill. The application shall indicate the location of all such proposed connections. Connections are especially encouraged near the intersection of 1<sup>st</sup> and K Streets, N.E., 2<sup>nd</sup> and K Streets, N.E., and 2<sup>nd</sup> and Eye Streets, N.E.
- 323.3 Building Unit Heights and Visual Relationship to Surroundings – A suitable height for each building unit and appropriate massing relationship between proposed building units and adjacent neighborhoods, Union Station and other historic landmarks, and the Federal precincts near the Capitol and the Supreme Court shall be provided, with particular attention paid to the eastern portion of the property north of Eye Street, N.E. The application shall also generally indicate what types of materials would be used on the portions of the exterior of the Platforms constructed pursuant to K § 317.8 that would be visible to the public.
- 323.4 Transportation Hierarchy – The movement of pedestrians, bikes and transit shall be prioritized, and provide reasonable accommodation for automobiles. The location of parking and loading access shall not unduly impact the movement of pedestrians and bicyclists.
- 323.5 Division of Building Form – Monolithic buildings or the creation of excessively large building blocks shall be avoided. Building unit massing and orientation should reflect the pattern of other development in the District.
- 323.6 Publicly Accessible Space – Any public space provided such as streets, parks or plazas shall be easily visible and publicly accessible.
- 323.7 Mix of Uses – The application shall demonstrate how the proposal contributes to an overall mix of uses in the USN Zone.
- 323.8 Impacts on Surroundings – The proposed development shall not tend to substantially affect nearby properties adversely due to obstruction of light or air or because of noise, odors, or other impacts on air quality, including exhaust from trains. The development shall incorporate sufficient venting mechanisms for railroad uses below the site.
- 323.9 Building Livability – The vibration and noise caused by the movement of trains under residential buildings shall be mitigated.
- 323.10 Community Outreach – The application shall demonstrate that community outreach has occurred through participation in multiple venues and through multiple formats, including the affected ANC, and which could include but not be limited to meetings with the community, an informational website, emails, or mailed flyers.

## **324 STAGE 2 SUBMITTAL REQUIREMENTS**

- 324.1 An applicant requesting approval of a Stage 2 Review Application shall provide:
- (a) Information required in K § 322.1(a) through (f);
  - (b) Elevations, detail drawings, renderings, or other graphics that clearly demonstrate the proposed architectural details, signage, materials to be used, and the lighting scheme for the building units;
  - (c) Typical floor plans and sections that show the location of uses, access to uses, points of fenestration, general internal circulation, projections and any other feature necessary to understand the project, and a table showing the floor area of each use;
  - (d) A detailed landscaping plan;
  - (e) A list of environmental features and characteristics of the development; and
  - (f) Any other information needed to understand the overall architectural character of the project.

## **325 STAGE 2 REVIEW CRITERIA**

- 325.1 The criteria stated in the subsections that follow are applicable to Stage 2 applications.
- 325.2 External Connectivity – External connections shall provide adequate size, materials, lighting and signage to move users easily and safely.
- 325.3 Visual Relationship to Surroundings – A suitable visual relationship between building units and adjacent neighborhoods, Union Station and other historic landmarks, and the Federal precincts near the Capitol and the Supreme Court shall be provided, with particular attention paid to the eastern portion of the property north of Eye Street, N.E.
- 325.4 Active Entrances to Building Units – Public and publicly accessible areas such as sidewalks, parks, and plazas shall be activated through the use of operational entrances to retail, office, residential, and other uses.
- 325.5 Visual Façade Permeability – Where there are no operational entrances to uses, design of structures fronting on public and publicly accessible areas shall incorporate windows. Or, where windows are not appropriate, unarticulated blank walls shall be minimized to the extent possible.
- 325.6 Environmental Stewardship – A high degree of environmental stewardship should be demonstrated. Characteristics may include, but not be limited to the following:
- (a) Onsite energy generation;
  - (b) Rainwater harvesting;

- (c) Green roofs, including green spaces on the upper surface of the Platforms;
- (d) Other landscaping on the upper surface of the Platforms such as rainwater capturing tree boxes;
- (e) Use of native species, drought tolerant species, adequate planting depth and efficient irrigation in landscaping;
- (f) Use of efficient plumbing fixtures and fittings, enhanced insulation, and cool roofing;
- (g) Use of environmentally friendly products in construction and operation;
- (h) Natural lighting, including large windows, light wells, skylights, and daylight penetration to railroad facilities below the Platforms;
- (i) Natural ventilation, including balconies, terraces, operable windows, and vent shafts;
- (j) Minimizing construction waste; or
- (k) Facilitation of transit usage by allowing and/or constructing improved access to transit facilities and interconnections between transit modes.

325.7 Private Open Space – Residential uses shall incorporate private open space such as balconies and terraces for individual units where practical and architecturally compatible.

325.8 Design of Open Spaces – Public and private open spaces shall incorporate shaded areas and adequate seating capacity.

325.9 Light and Air – Adequate light and air shall be provided to all building units in the USN Zone.

325.10 Parking Access – Convenient access shall be provided from any parking provided to the uses it is intended to serve.

325.11 Community Outreach – The application shall demonstrate that community outreach has occurred through participation in multiple venues and through multiple formats, including the affected ANC, and which could include but not be limited to meetings with the community, an informational website, emails, or mailed flyers.

## **326 ASSOCIATED RELIEF**

326.1 Relief from any section of this chapter may be heard and decided by the Commission as a special exception in accordance with Subtitle Y Chapter 8. The applicant shall also demonstrate that the purposes of the USN Zone would be met if the relief were granted.

326.2 An applicant requesting approval of a project that would result in nonconformity with the minimum residential or maximum non-residential FAR for the USN Zone, as established

by K § 308, shall demonstrate how the proposal would not be inconsistent with the purpose of establishing a mix of uses.

326.3 The Zoning Commission may hear and decide any additional request for special exception or variance relief from any other provision of the Zoning Regulations for the subject property.

326.4 Request for relief shall be advertised, heard, and decided together with the application for Zoning Commission review and approval.

### **327 TIMEFRAME FOR APPROVAL**

327.1 The Zoning Commission may approve timeframes within which time an application must be filed for a building permit or a Stage 2 application must be filed.

### **328 MINOR MODIFICATIONS**

328.1 The Zoning Administrator shall have authority to approve minor modifications in the final plans approved by the Zoning Commission as set forth in Subtitle A § 304.4.

## CHAPTER 4 HILL EAST (HE)

### 400 GENERAL PROVISIONS (HE)

400.1 The purposes of the Hill East Zone are to:

- (a) Connect and integrate Reservation 13 with adjacent neighborhoods, and the new waterfront park along the Anacostia River;
- (b) Utilize the site to meet a diversity of public needs, including health care, education, employment, government services and administration, retail, recreation and housing;
- (c) Extend the existing pattern of local streets to and through the site to create simple, well-organized city blocks and appropriately-scaled development;
- (d) Maintain a human-scale of building heights that match existing neighborhood buildings and increase in height as the site slopes downward to the Anacostia waterfront;
- (e) Connect the Hill East neighborhood and the city at large to the waterfront via tree-lined public streets, recreational trails, and increased access to waterfront parklands;
- (f) Demonstrate environmental stewardship through environmentally-sensitive design, ample open spaces, and a waterfront park that serve as public amenities and benefit the neighborhood and the city;
- (g) Promote the use of mass transit by introducing new uses near Metro stations, and create an environment where the pedestrian, bicycle, and auto are all welcome, complementary, and unobtrusive, reducing the impact of traffic on adjacent neighborhood streets;
- (h) Limit the Central Detention Facility and the Correction Treatment Facility to areas south of Massachusetts Avenue; and
- (i) Create attractive “places” of unique and complementary character including:
  - (1) A new, vital neighborhood center around the Metro station at C and 19th Streets that serves the unmet neighborhood commercial needs of the community and extends to the waterfront with a new residential district;
  - (2) Massachusetts Avenue as a grand Washington ‘boulevard’ in the tradition of the L’Enfant plan;
  - (3) A district for city-wide uses and services, such as health care, education, and recreation along Independence Avenue; and

- (4) A grand public waterfront park incorporating monumental places and quiet natural retreats accessed by a meandering park drive set back from the Anacostia River.

- 400.2 The Hill East zone shall constitute the Zoning Regulations for the geographic area referred to in K § 400. Where there are conflicts between this chapter and other parts of the Zoning Regulations, the provisions of this chapter shall govern.
- 400.3 Unless specifically exempted, the requirements of the HE District shall apply to all new buildings and to all other buildings where any additions, alterations, or repairs within any 12 (twelve) month period exceed 100 % (one hundred percent) of the assessed value of the building as set forth in the records of the Office of Tax and Revenue as of the date of a building permit application, provided:
  - (a) 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; and
  - (b) In the case of an addition, the requirements and incentives of this Chapter apply only to the addition.
- 400.4 The Hill East (HE) zone is applied to Federal Reservation 13, which is designated for mixed use development on the Future Land use Map of the Comprehensive Plan and the Reservation 13 Hill East Waterfront Master Plan, as approved by the Council of the District of Columbia on October 15, 2002, and is the subject of the Hill East Waterfront Design Guidelines, June 2008.
- 400.5 Any reference to a street or a square refers to proposed streets and squares as depicted in Map A attached to the Office of Planning report dated June 1, 2007, filed in Zoning Commission Case Number 04-05, which may be viewed at the D.C. Office of Zoning.
- 400.6 Any reference to a street shall be deemed to include a reference to the Southeast (S.E.) quadrant.
- 400.7 For the purposes of this chapter, the terms:
  - (a) “Primary street” shall mean Independence Avenue, Massachusetts Avenue, and Water Street; and
  - (b) “Secondary street” shall refer to 19<sup>th</sup> Street, 20<sup>th</sup> Street, 21<sup>st</sup> Street, Burke Street, C Street, and C Place.

- 400.8 The boundaries of the HE District correspond to Federal Reservation 13, which is generally bounded by Independence Avenue on the north, 19th Street on the west, Water Street on the east, and the Congressional Cemetery on the south.
- 400.9 The HE zone is divided into the following four zones for the purpose of lot occupancy, floor area ratio ("FAR") and building height:
- (a) HE-1 (19<sup>th</sup> Street), which includes squares with frontage onto 19<sup>th</sup> Street, between Independence Avenue and Massachusetts Avenue;
  - (b) HE-2 (20<sup>th</sup> Street), which includes squares with frontage on 20<sup>th</sup> Street;
  - (c) HE-3 (Water Street), which includes squares with frontage on Water Street; and
  - (d) HE-4 (Corrections), which includes squares N and O.
- 400.10 Development in the HE zones shall be in accordance with the development standards found at § 402.

#### **401 DEVELOPMENT STANDARDS (HE)**

- 401.1 The bulk of structures in the HE zones shall be controlled through the specified development standards and regulations of this chapter.

#### **402 DEVELOPMENT STANDARDS TABLE (HE)**

- 402.1 The development standards for the HE zones are set forth in the following table.

| HE Sub district             | Building Height |         | No. of Stories | Max. Lot Occupancy | Max. FAR | Side Yard                             |
|-----------------------------|-----------------|---------|----------------|--------------------|----------|---------------------------------------|
|                             | Min.            | Max.    |                |                    |          |                                       |
| HE-1 (19 <sup>th</sup> St.) | 26 ft.          | 50 ft.  | 4              | 80%                | 3.0      | None required, min. 8 ft. if provided |
| HE-2 (20 <sup>th</sup> St.) | 40 ft.          | 80 ft.  | 7              | 75%                | 4.8      |                                       |
| HE-3 (Water St.)            | 80 ft.          | 110 ft. | 10             | 80%                | 7.2      |                                       |
| HE-4 (Corrections)          | -               | 90 ft.  | 8              | 75%                | 6.0      |                                       |
| Square E (Park)             | -               | 26 ft.  | -              | 20%                | 0.2      |                                       |

#### **403 HEIGHT (HE)**

- 403.1 Building height shall be measured from the lowest curb level along a street frontage abutting the lot.
- 403.2 A hospital located in the HE-2 subdistrict may exceed eighty feet (80 ft.) in height, to a maximum of one hundred ten feet (110 ft.), if approved as a special exception by the Zoning Commission pursuant to K § 416.
- 403.3 Architectural embellishments, such as spires, towers, domes, pinnacles or minarets; penthouses over elevator shafts, ventilator shafts; antennas, chimneys, smokestacks, or fire sprinkler tanks may be erected to a height in excess of that which this section otherwise authorizes, pursuant to the Act to Regulate the Height of Buildings in the District of Columbia, approved June 1, 1910 (36 Stat. 452, as amended; D.C. Official Code §§ 6-601.01 to 6.601.09 (2001)).

#### **404 ROOF STRUCTURES (HE)**

- 404.1 The provisions of Subtitle C Chapter 5 shall apply to roof structures in the HE District.
- 404.2 The gross floor area of roof structures permitted under this section shall not be counted in determining the amount of off-street parking that is required by Subtitle C Chapter 19.

#### **405 FLOOR AREA RATIO (HE)**

- 405.1 The following FAR limitations on non-residential uses apply within the HE District, but only in the Squares listed below:

| <b>Square</b> | <b>Maximum Non-residential FAR</b> |
|---------------|------------------------------------|
| F             | 0.8                                |
| G             | 1.0                                |
| H             | 0.5                                |
| I             | 3.0                                |

**406        SETBACKS (HE)**

- 406.1        Buildings or structures that abut the HE-1 subdistrict shall provide a twelve (12) foot setback from the subdistrict boundary line for any part of the building or structure that exceeds fifty (50) feet in height.
- 406.2        Buildings or structures that abut the HE-2 subdistrict, or have street frontage on Burke Street, C Street, C Place, or Massachusetts Avenue, shall provide a twelve (12) foot setback for any part of the building that exceeds eighty (80) feet in height.
- 406.3        The portion of Square A devoted to St. Coletta's School shall be subject to Zoning Commission Order 03-21.

**407        REAR YARD (HE)**

- 407.1        Except as provided in K § 407.2, no rear yard shall be required for entirely non-residential buildings.
- 407.2        Notwithstanding K § 407.1, an entirely non-residential building shall have a rear yard if:
- (a)        The building's rear wall faces a wall of a residential building;
  - (b)        The distance between the rear wall of the non-residential building and a wall of the residential buildings is forty feet (40 ft.) or less; and
  - (c)        A window located on the non-residential building's rear wall would afford a direct view into the interior of the residential building through one or more of the latter's windows.

- 407.3 The rear yard required by this section shall have a depth equal to the distance between the rear wall of the non-residential building and the facing wall of the residential building.
- 407.4 All residential buildings shall provide a rear yard in accordance with either K § 407.5 or K § 407.6.
- 407.5 When the residential portion of a building begins at or below grade, the building shall provide a rear yard with a minimum depth of three inches (3 in.) per foot of vertical distance from the mean finished grade at the middle of the rear of the structure to the highest point of the main roof, but not less than twelve feet (12 ft.).
- 407.6 When the residential portion of a building begins above grade, the building shall provide a rear yard with a minimum depth of three inches (3 in.) per foot of vertical distance from the horizontal plane at which the residential use begins to the highest point of the main roof, but not less than twelve feet (12 ft.). The rear yard shall be provided at and above the horizontal plane at which residential use begins.
- 408 SIDE YARDS (HE)**
- 408.1 Reserved.
- 409 MINIMUM LOT DIMENSIONS (HE)**
- 409.1 The minimum lot area for row dwellings shall be eighteen hundred square feet (1,800 sq. ft.) with a minimum lot width of eighteen feet (18 ft.).
- 410 PARKING, LOADING, AND VEHICLE ACCESS (HE)**
- 410.1 Parking for residential uses shall be provided as prescribed in Subtitle C, Chapter 19.
- 410.2 Parking for non-residential uses shall be as prescribed in Subtitle C, Chapter 19.
- 410.3 Bicycle parking for all uses shall be as prescribed in Subtitle C, Chapter 20.
- 410.4 Loading for all uses shall be as prescribed in Subtitle C, Chapter 21.
- 410.5 Loading berths shall not front onto a primary or secondary street.
- 410.6 No driveway or garage entrance providing access to parking or loading areas shall be permitted from a primary or secondary street.
- 410.7 Driveways or garage entrances shall not be located closer than forty feet (40 ft.) from the intersection of an alley and secondary street as measured from the intersection of the curb lines extended.
- 410.8 A garage shall be set back at least twelve feet (12 ft.) from the center line of an alley.

- 410.9 Exceptions from the prohibitions and limitations of this Section (except those that pertain to use) shall be permitted if approved by the Zoning Commission pursuant to Subtitle Y Chapter 8, provided the applicant demonstrates that:
- (a) 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 or garage entrance;
  - (b) The driveway or garage entrance will not impede the flow of pedestrian traffic; and
  - (c) The driveway or garage entrance is not inconsistent with the DDOT landscape plans for the public rights of way in the Hill East Waterfront area, to the extent that such plans exist at the time of the special exception application.

#### **411 ZONING COMMISSION REVIEW**

- 411.1 The Zoning Commission shall review the design of all new buildings, or additions to existing buildings for consistency with the design guidelines set forth at K §§ 419 through 421 and with the purposes as stated in K § 400 of this Chapter.
- 411.2 For good cause shown, the Zoning Commission, in its discretion, may waive one or more of the design standards set forth in K §§ 419 through 421.
- 411.3 The Commission may hear and decide any additional requests for special exception or variance relief needed for the subject property, including the special exceptions provided for in this Chapter. Such requests shall be advertised, heard, and decided together with the application for Zoning Commission review and approval.

#### **412 USE PERMISSIONS (HE)**

- 412.1 The table below identifies use permissions and references to regulations applicable to the HE District.

| <b>Use Categories</b>            | <b>Use Codes</b>       |
|----------------------------------|------------------------|
| Agriculture, Large               | S (405.10)             |
| Agriculture, Residential         | P                      |
| Animal Sales, Care, and Boarding | S (405.10)             |
| Antennas                         | C (404.1)<br>S (405.1) |
| Arts Design and Creation         | P                      |
| Basic Utilities                  | S (405.2)              |
| Chancery                         | S (405.10)             |
| Community-based Inst. Facility   | C (404.2)<br>S (405.3) |
| Daytime Care                     | P                      |
| Education                        | S (405.4)              |
| Emergency Shelter                | C (404.3)<br>S (405.5) |

| Use Categories                     | Use Codes              |
|------------------------------------|------------------------|
| Ent., Assembly, and Perf Arts      | P                      |
| Firearm Sales                      | S (405.10)             |
| Eating and Drinking Establishments | C (404.4)<br>S (405.6) |
| Government, Large Scale            | P                      |
| Government, Local                  | P                      |
| Health Care                        | S (405.7)              |
| Institutional                      | S (405.8)              |
| Lodging                            | P                      |
| Marine                             | S (405.10)             |
| Motor Vehicle-related              | N                      |
| Office                             | P                      |
| Parking                            | C (404.5)<br>S (405.9) |
| Parks and Recreation               | P                      |
| Production, Dist., and Repair      | N                      |
| Residential                        | P                      |
| Retail                             | P                      |
| Service, General                   | P                      |
| Service, Financial                 | P                      |
| Sexually-Based Business            | N                      |
| Transportation Infrastructure      | S (405.10)             |
| Waste-related Services             | N                      |

#### **413 USES PERMITTED BY CONDITIONS**

413.1 Antenna uses are permitted by-right, subject to the standards and procedures that apply to the particular class of antenna pursuant to Subtitle C Chapter 25

413.2 Community-based Institutional facility uses are permitted subject to the following provisions:

- (a) The uses shall not house more than six (6) persons, not including resident supervisors or staff and their families;
- (b) A use which houses seven (7) to fifteen (15) persons, not including resident supervisors or staff and their families, is permitted, provided that there shall be no property containing an existing community-based institutional facility for 7 (seven) or more persons either in the same Square or within a radius of 500 (five hundred) feet from any portion of the subject property; and

- (c) A community based residence facility not meeting these criteria may be approved by special exception in accordance with K § 414.3

413.3 Emergency shelter uses are permitted by-right provided that the use may not house more than 4 persons, not including resident supervisors or staff and their families.

413.4 A fast food restaurant or food delivery service shall not include a drive-through.

413.5 Parking as a principal use is not permitted, except as permitted by special exception in K § 414.9 or as an accessory use as permitted in K §415.

#### **414 USES PERMITTED BY SPECIAL EXCEPTION**

414.1 Antennas, subject to the standards and procedures of antenna in Subtitle C, Chapter 25 and K § 416.

414.2 Basic Utilities uses and supporting infrastructure facilities, such as an electrical substation, natural gas regulator station, pump station, telephone exchange, or any co-generation facility, may be approved by special exception, subject to the general special exception criteria of Subtitle Y Chapter 8 and K § 416, and such setbacks and screening requirements as the Commission deems necessary for protection of the surrounding neighborhood.

414.3 A community-based institutional facility not meeting the by-right conditions of K § 413.2 may be approved by special exception, subject to the following conditions in addition to the general special exception criteria of Subtitle Y Chapter 8 and K § 416:

- (a) Residential uses for nine (9) to fifteen (15) persons, not including resident supervisors or staff and their families, subject to the standards and requirements of Subtitle Y Chapter 8;
- (b) Community-based Institutional Facility for one (1) to fifteen (15) persons, not including resident supervisors or staff and their families, subject to the standards and requirements of Subtitle D § 2201.6.
- (c) Additions to or replacement of the Central Detention Facility and the Correction Treatment Facility, provided:
  - (1) Any addition or replacement to the facilities shall be located only on Squares N and O; and
  - (2) The application for Zoning Commission approval shall include a detailed plan for the facilities and accessory facilities, showing the location, height, and bulk of all improvements, including but not limited to buildings, parking and loading facilities, screening, signs, and utility facilities.

- 414.4 The following Education uses may be approved by special exception, subject to the following conditions in addition to the general special exception criteria of Subtitle Y Chapter 8 and K § 416:
- (1) Education, Private, Education, public or Education, College/University shall be located only on Squares A, B, C, and/or K and subject to the height, floor area ratio and lot occupancy standards of each respective square;
  - (b) An Education, Private use, including residences for teachers and/or staff of a private school, subject to the following standards and requirements:
    - (1) The school shall be located so that it is not likely to become objectionable to adjoining and nearby property because of noise, traffic, number of students, or otherwise objectionable conditions; and
    - (2) Ample parking space, but not less than that required in chapter 21 of this title, shall be provided to accommodate the students, teachers, and visitors likely to come to the site by automobile.
  - (c) An, Education, College/University use, including a college or university hospital, dormitory, fraternity, or sorority house, proposed to be located on the campus of a college or university, subject to the standards and requirements of §§ 210.2 and 210.4 through 210.9.
- 414.5 Emergency Shelter uses for five (5) to fifteen (15) persons, not including resident supervisors or staff and their families, subject to the standards and requirements of Subtitle D § 2201.11 and Subtitle Y Chapter 8.
- 414.6 Eating and Drinking Establishments may be approved by special exception, subject to the following conditions in addition to the general special exception criteria of Subtitle Y Chapter 8 and K § 416 provided:
- (a) The use shall not include a drive-through;
  - (b) The use shall be designed and operated so as not to become objectionable to neighboring properties because of noise, sounds, odors, lights, hours of operation, or other conditions;
  - (c) There shall be adequate facilities to allow deliveries to be made and trash to be collected without obstructing public rights-of-way or unreasonably obstructing parking spaces, aisles, or driveways on the site; and
  - (d) The Commission may impose conditions pertaining to design, screening, lighting, soundproofing, off-street parking spaces, signs, method and hours of trash collection, or any other matter necessary to protect adjacent or nearby property.

414.7 Health Care uses may be approved by special exception, subject to the following conditions in addition to the general special exception criteria of Subtitle Y Chapter 8 and K § 416:

- (a) A hospital use may be located only on Square B and/or C, provided that:
  - (1) Need of the facility is demonstrated through a Certificate of Need, including a review and report by the Department of Human Services on the need for the facility and on the ability of the specific design of the facility to meet that need; and
  - (2) There is a detailed plan for the facility and accessory buildings, showing the location, height, and bulk of all improvements, including but not limited to buildings, parking and loading facilities, screening, signs, capacities of the various facilities, and public utility facilities.
- (b) A skilled care facility or intermediate nursing care facility under the Health Care Facilities and Community Residence Regulations.

414.8 The following Institutional use may be approved by special exception, subject to the following conditions in addition to the general special exception criteria of Subtitle Y Chapter 8 and K § 416:

- (a) A community service center to accommodate organizations created for the purpose of improving the social or economic well-being of the residents of the area in which the center is proposed to be located, which may include, but not be limited to, centers for job training, family counseling, consumer cooperatives, and such other facilities as are similar in nature and purpose, provided that the community service center shall not be organized for profit, and no part of its net income shall inure to the benefit of any private shareholder or individual.

414.9 The following Parking uses may be approved by special exception, subject to the following conditions in addition to the general special exception criteria of Subtitle Y Chapter 8 and K § 416:

- (a) Parking in above grade structures, provided:
  - (1) Structures shall not directly front onto a primary or secondary street,
  - (2) Preferred uses, as defined in K § 418.1, shall occupy the ground floor to a minimum depth of thirty (30) feet to separate parking areas from the primary or secondary street; and
  - (3) Upper floors shall be separated from a primary or secondary street by commercial or residential uses.

- (b) New or expanded at-grade surface parking lots accessory to an existing use or building for a period of five (5) years which may be renewed a maximum of two (2) times.

414.10 Other principal uses that are not permitted by K § 413, but not prohibited by K § 417 403.2 shall be permitted in the HE District as a special exception subject to the following conditions in addition to the general special exception criteria of Subtitle Y Chapter 8 and K § 416; provided the Commission considers that the use is appropriate in furthering the purposes of the HE District.

#### **415 ACCESSORY USES**

415.1 Except as prohibited by K § 416, accessory uses (including parking, but not at-grade accessory surface parking lots), buildings, or structures customarily incidental and subordinate to the principal uses permitted in K § 412 shall be permitted in the HE District as a matter of right subject to any limitations of this Subtitle.

#### **416 SPECIAL EXCEPTIONS – GENERAL USE PROVISIONS**

416.1 In addition to the general standard set forth in Subtitle Y Chapter 8, and any specific conditions set forth in K § 414, an applicant for a special exception within the HE District must demonstrate the following:

- (a) Parking and traffic conditions associated with the operation of a proposed use shall not adversely affect adjacent or nearby uses;
- (b) Noise associated with the operation of a proposed use shall not adversely affect adjacent or nearby uses;
- (c) The proposed building will comply with the applicable ground floor use and design requirements of K §§ 418 through 421;
- (d) The building's architectural design will enhance the urban design features of the immediate vicinity in which it is located; and
- (e) Vehicular access and egress will be located and designed so as to encourage safe and efficient pedestrian movement, minimize conflict with principal pedestrian ways, function efficiently, and create no dangerous or otherwise objectionable traffic conditions.

416.2 The D.C. Office of Planning shall refer applications for special exceptions filed pursuant to this section to the D.C. Department of Transportation and shall submit a report for each such application addressing:

- (a) Whether the proposed use furthers the purposes of the HE District;

- (b) The relationship of the proposed use to other planning considerations for the area and the District of Columbia as a whole, including the plans, programs, and policies of other departments and agencies of the District government;
- (c) The impact of the proposed use on neighboring properties; and
- (d) Any other matters that are within the Office of Planning's jurisdiction.

416.3 The Commission may impose requirements pertaining to design, appearance, signs, massing, landscaping, and other such requirements as it deems necessary to protect neighboring property and to achieve the purposes of the HE District.

#### **417 INCLUSIONARY HOUSING REQUIREMENTS**

417.1 Development that is subject to the inclusionary zoning requirements in Subtitle C Chapter 24 shall be constructed according to the provisions set forth in K § 409, notwithstanding any bonus it may be granted by Subtitle C Chapter 22.

#### **418 GROUND FLOOR USE CONDITIONS**

418.1 For the purposes of the HE District, the term “preferred uses” shall mean Retail, Entertainment Assembly, and Performing Arts, or Service uses.

418.2 The following locations are required to devote not less than sixty-five percent (65 %) of the ground floor frontage to preferred uses and main building entrances, or lobbies to office and residential uses, and shall comply with the design requirements of K §§ 419 through 421:

- (a) The west face of Square F (19th Street frontage);
- (b) The northwest corner of Square G;
- (c) The southeast corner of Square J at Massachusetts Avenue and Water Street, facing the monumental circle;
- (d) The northeast corner of Square M at Massachusetts Avenue and Water Street, facing the monumental circle; and
- (e) All Independence Avenue and Massachusetts Avenue frontages.

418.3 The following locations are permitted to have ground floor preferred uses, provided that the building shall be constructed so that not less than sixty-five percent (65 %) of the ground floor frontage will be devoted to preferred uses and main building entrances, or lobbies to office and residential uses and shall comply with the design requirements of K §§ 419 through 421:

- (a) All frontages on 19th Street;
- (b) All frontages on Burke Street;

- (c) The C Street frontage of Square H, facing the park in Square E, for a maximum length of 200 (two hundred) feet from Square H's northeast corner at the intersection of C Street and 21st Street;
- (d) The 21st Street frontage of Square D;
- (e) The southeast corner of Square D, which faces the intersection of C Street and Water Street;
- (f) The northeast corner of Square I, which faces the intersection of C Street and Water Street; and
- (g) All frontages on Water Street.

#### **419 DESIGN STANDARDS FOR GROUND FLOOR PREFERRED USES CONDITIONS**

419.1 Wherever preferred uses, as defined in K §418.1, are required or allowed pursuant to K §§ 418.2 and 418.3, such ground floor preferred uses shall:

- (a) If located on a corner, wrap around the corner to a minimum depth of 20 feet (twenty ft.) on the side street;
- (b) Occupy the ground floor to a minimum depth of 30 feet (thirty ft.);
- (c) Have a minimum clear floor-to-ceiling height of fourteen feet (14 ft.), measured from the finished grade, for the area of the ground floor dedicated to preferred uses;
- (d) The street-facing facades of buildings on primary streets shall devote not less than seventy-five percent (75 %) per individual use or fifty percent (50 %) of the length and fifty percent (50 %) of the surface area of the street wall at the ground level to windows associated with preferred uses or windows associated with main building entrances; and
- (e) The street-facing facades of mixed-use or non-residential buildings on secondary streets shall devote not less than seventy-five percent (75 %) per individual use or thirty percent (30 %) of the length and thirty percent (30 %) of the surface area of the street wall at the ground level to windows associated with preferred uses or windows associated with main building entrances.

419.2 The windows required by K § 419.1(d) shall have clear or clear/low emissivity glass allowing transparency to a depth of twenty feet (20 ft.) into the preferred ground level space with bottom sills no more than four feet (4 ft.) above the adjacent sidewalk grade.

419.3 Such windows must allow views from within the building to the street.

## **420 DESIGN CONDITIONS**

420.1 The provisions of this section establish the design requirements for all buildings and structures located in the HE District.

420.2 Except as provided in K § 421.2, the front of a building or structure shall extend to the property line(s) abutting the street right-of-way for not less than ninety percent (90 %) of the property line and to a height of not less than twenty-five feet (25 ft.).

420.3 Whatever portion of the front of a building or structure that does not extend to the property line(s) pursuant to K § 420.2 must extend to within twenty-five feet (25 ft.) of the front property line and to a height of not less than twenty-five feet (25 ft.).

420.4 Awnings, canopies, bay windows, and balconies may extend forward of the required building line to the extent permitted by any other regulations.

420.5 For every fifty feet (50 ft.) of uninterrupted building façade length, the building shall incorporate modulated and articulated building wall planes through the use of projections, recesses and reveals expressing structural bays, changes in color graphical patterns, texture, or changes in building material of the façade.

420.6 The articulation shall have a minimum change of plane of six inches (6 in.).

420.7 Façade articulation of less than two feet (2 ft.) in depth shall qualify to meet the street frontage required building line standards of K §§ 420.2 and 420.3.

420.8 Any single articulation feature shall not exceed sixty percent (60 %) of the building façade width.

420.9 Buildings with ground floor retail shall incorporate vertical elements to create a series of storefront-type bays with entrances that are no more than fifty feet (50 ft.) apart.

420.10 Security grilles shall have no less than seventy percent (70 %) transparency.

420.11 Street-facing facades shall not have blank walls (without doors or windows) greater than 10 feet (ten ft.) in length.

420.12 Each use within a building shall have an individual public entrance that is clearly defined and directly accessible from the public sidewalk.

420.13 Exterior display of goods and exterior storage between the building line and the front lot line is prohibited. Outdoor seating for restaurants and pedestrian-oriented accessory uses,

such as flower, food, or drink stands, or other appropriate vendors are permitted to the extent consistent with other District laws.

- 420.14 Windows shall cover the following minimum area of street-facing facades above the ground floor level.

| Location         | Minimum Percentage |             |
|------------------|--------------------|-------------|
|                  | Non-Residential    | Residential |
| Primary Street   | 35%                | 20%         |
| Secondary Street | 40%                | 20%         |

- 420.15 Buildings and structures should clearly articulate a base, middle, and top, except for row dwellings and flats.
- 420.16 High quality, durable materials which enhance the building and convey permanence shall be required.
- 420.17 The use of synthetic stucco, vinyl siding, and/or other low-grade exterior finishes is prohibited.

**421 DESIGN CONDITIONS FOR BUILDINGS LOCATED ON PRIMARY STREETS**

- 421.1 The provisions of this section set forth standards for buildings and structures with frontage(s) on a primary street.
- 421.2 Notwithstanding K §§ 420.2 and 420.3, the fronts of buildings located at street intersections shall be constructed to the property lines abutting each intersecting street, without any setback, for a minimum of fifty feet (50 ft.) from the intersection, along each street frontage.
- 421.3 The corner of the building at the intersection of two primary streets or a primary and secondary street shall incorporate articulation such as, but not limited to, being angled, curved, or chamfered to emphasize the corner.
- 421.4 The distance from the corner shall not exceed twenty feet (20 ft.), measured from the corner of the lot to the end of the angled or curved wall segment.
- 421.5 Entrances into a building shall be no more than fifty feet (50 ft.) apart and recessed no more than six feet (6 ft.) deep or ten feet (10 ft.) wide.
- 421.6 Buildings shall incorporate vertical elements in the street-facing façade to create a series of storefront-type bays where preferred uses are present.
- 421.7 Residential buildings shall have at least one primary entrance directly accessible from the public sidewalk.
- 421.8 Instead of the windows required by K § 419.1(d), on primary streets, artwork and displays relating to activities occurring within the building shall be permitted as a special exception if approved by the Zoning Commission pursuant to Subtitle Y Chapter 8, provided the applicant demonstrates that:
- (a) The building has more than 50 (fifty) percent of its ground level space in storage, parking, or loading areas, or in uses which by their nature are not conducive to windows (such as theaters); and
  - (b) The artwork or displays are consistent with the objective of providing a pleasant, rich, and diverse pedestrian experience.

## CHAPTER 5 CAPITOL GATEWAY (CG)

### 500 GENERAL PROVISIONS

500.1 The purposes of the Capitol Gateway (CG) zones are to:

- (a) Assure development of the area with a mixture of residential and commercial uses, and a suitable height, bulk and design of buildings, as generally indicated in the Comprehensive Plan and recommended by planning studies of the area;
- (b) Encourage a variety of support and visitor-related uses, such as retail, service, entertainment, cultural and hotel or inn uses;
- (c) Allow for continuation of existing industrial uses, which are important economic assets to the city, during the extended period projected for redevelopment;
- (d) Provide for a reduced height and bulk of buildings along the Anacostia riverfront in the interest of ensuring views over and around waterfront buildings, and provide for continuous public open space along the waterfront with frequent public access points;
- (e) Require suitable ground-level retail and service uses and adequate sidewalk width along M Street, S.E., near the Navy Yard Metrorail station;
- (f) Provide for development of Squares 702-706 and Reservation 247 as a ballpark for major league sport and entertainment and associated uses;
- (g) Provide for the establishment of South Capitol Street between M Street SE and the Anacostia waterfront as a monumental civic boulevard;
- (h) Provide for the development of Half Street S.E. as an active pedestrian-oriented street with active ground floor uses and appropriate setbacks from the street facade to ensure adequate light and air, and a pedestrian scale; and
- (i) Provide for the development of First Street S.E. as an active pedestrian-oriented street with active ground floor uses, connecting M Street, the Metro Station, and existing residential neighborhoods to the Ballpark site and the Anacostia Waterfront.

500.2 The CG-1 zone (CG/R5E) is intended to permit high density housing and appropriate renovation of or addition to the existing housing stock.

500.3 The CG-2 zone (CG/C2C) is intended to permit medium density mixed-use development with a focus on residential use and provide for the establishment of South Capitol Street as a monumental civic boulevard.

- 500.4 The CG-3 zone (CG/C-3-C) is intended to permit high density mixed-use development with a focus on employment and provide for the establishment of South Capitol Street as a monumental civic boulevard.
- 500.5 The CG-4 zone (CG/CR) is intended to permit medium to high density mixed-use development with a balance of uses conducive to a higher quality of life and environment for residents, businesses, employees, and institutions; encourage provision of active pedestrian-oriented streets with active ground floor uses, particularly along specified primary streets; and promote pedestrian safety by separating pedestrian and vehicular circulation patterns.
- 500.6 The CG-5 zone (CG/W2) is intended to permit medium density mixed-use development generally in the vicinity of the waterfront; encourage a variety of support and visitor-related uses, such as retail, service, entertainment, cultural and hotel or inn uses; provide for a reduced height and bulk of buildings along the Anacostia River in the interest of ensuring views over and around waterfront buildings; and provide for continuous public open space along the waterfront with frequent public access points.
- 500.7 The CG-6 zone (CG/W-1) is mapped only on lands occupied by the Fort McNair Naval Facility.
- 500.8 The CG-7 zone (CG/W3) is mapped only on lands occupied by the Fort McNair Naval Facility.
- 500.9 The Capitol Gateway (CG) zones are applied to the Buzzard Point and Capitol Gateway areas, which are designated for mixed use development in the Comprehensive Plan for the National Capital.
- 500.10 The following Squares and portions of Squares in the Southwest and Southeast quadrants of the District of Columbia are included in the CG zoning area: 601, 602, 603, 605, 607, 609, 611, 612, 613, 656, 657, 658, 660, 661, 662, E662, 664, E664, 665, 666, E667, S667, ES667, 700, 701, 702, 703, 704, 705, 706, 707, 708, E708, S708, S744, and 771, as well as Square 649, Lot 48; Square 651, Lots 147 and 148; and Square 653, Lots 14, 15, 52-54, 60-66, 68-70, 75, 111, 810, 811, 827, and 828; and Square 655, Lots 124-140.
- 500.11 The CG zones shall constitute the Zoning Regulations for the geographic area referred to in K § 500.10. Where there are conflicts between this chapter and other chapters or subtitles of this title, the provisions of the CG Zone shall govern.
- 500.12 Development in the CG zones shall be in accordance with the development standards found at K §§ 501 through 506.

## **501 DEVELOPMENT STANDARDS – CG-1 (R5E)**

501.1 The development standards for the CG zones are set forth in the following table.

| <b>Zone</b> | <b>Max. Height</b> | <b>Max. Res. FAR</b> | <b>Max. FAR Other Uses</b> | <b>Max. FAR Permitted</b> | <b>Max. Lot Occupancy</b> | <b>GAR</b> | <b>Min. Rear Yard</b> | <b>Plaza</b> |
|-------------|--------------------|----------------------|----------------------------|---------------------------|---------------------------|------------|-----------------------|--------------|
| CG-1        | 90 ft.             | 6.0                  | -                          | 6.0<br>7.2 (IZ)           | 75%<br>90% (IZ)           | 0.3        | 15 ft.                | -            |

### **501.2 Rear Setback (CG-1)**

- (a) The Board of Zoning Adjustment may grant a special exception for an addition that cannot comply with the rear setback regulations. In addition to complying with the general special exception criteria of Subtitle Y, Chapter 8, the Board shall find that the addition, together with the original building, as viewed from the street, alley, and other public way, shall not substantially visually intrude upon the character, scale and pattern of buildings along the subject street frontage.

### **501.3 Side Setback (CG-1)**

- (a) No side setback is required for the principal building; however, any side setback provided to any portion of the principal building shall be at least three inches (3 in.) per foot of height, and no less than five feet (5 ft.).

### **501.4 Waterfront Setback (CG-1)**

- (a) A waterfront setback shall be provided in accordance with Subtitle C Chapter 23 for all buildings and structures constructed after January 7, 2005 on any lot that faces or abuts the Anacostia River.

501.5 **Courts (CG-1)**

- (a) Where an open court is provided, the court shall have the following minimum dimensions:

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

- (b) In the case of an alteration affecting the amount of light and ventilation required in an existing building in a Residence District by other municipal law or regulation, no legally required window shall be permitted to open onto a court that does not comply with the dimensions given in K § 501.5(a).

**502 DEVELOPMENT STANDARDS – CG-2**

502.1 The development standards for the CG zones are set forth in the following table.

| <b>Zone</b> | <b>Max. Height</b> | <b>Max. Res. FAR</b> | <b>Max. FAR Other Uses</b> | <b>Max. FAR Permitted</b> | <b>Max. Lot Occupancy</b> | <b>GAR</b> | <b>Min. Rear Yard</b> | <b>Plaza</b> |
|-------------|--------------------|----------------------|----------------------------|---------------------------|---------------------------|------------|-----------------------|--------------|
| CG-2        | 90 ft.             | 6.0                  | 2.0                        | 6.0<br>7.2 (IZ)           | -                         | 0.3        | 15 ft.                |              |

502.2 **Height (CG-2)**

- (a) K § 523 contains design-related conditions on height and upper story setbacks for segments of P, Q, Half, and First Streets, Potomac Avenue, and South Capitol Street.

502.3 **Floor Area Ratio (CG-2)**

- (a) Non-residential floor area shall be the total gross floor area of the building not dedicated to uses in one of the following categories:
- (1) Residential;
  - (2) Emergency Shelter;
  - (3) Lodging uses; or

- (4) Education uses that are operated or chartered by the District government.

**502.4 Rear Setback (CG-2)**

- (a) If the property does not abut an alley, the required rear setback shall be measured as follows:
  - (1) Measure a horizontal plane, from the mean elevation of the rear lot-line, parallel to the rear lot line, into the lot, the distance of the required minimum setback identified in the development standards table; and
  - (2) From the furthest point from the rear lot-line, along the horizontal plane, identified in the previous paragraph, define a vertical plane, up to the maximum height limit of the zone. This vertical plane will form the rear setback.
- (b) If the property abuts an alley, the required rear setback shall be measured as follows:
  - (1) Measure a horizontal plane twenty-five feet (25 ft.) above the mean elevation of the rear lot-line, parallel to the rear lot line, into the lot, the distance of the required minimum setback identified in the development standards table; and
  - (2) From the furthest point from the rear lot-line, along the horizontal plane identified in the previous paragraph, measure a vertical plane, up to the maximum height limit of the zone. This vertical plane will form the rear setback.

**502.5 Side Setback (CG-2)**

- (a) No side setback is required for the principal building; however, any side setback provided on any portion of the principal building shall be at least two inches (2 in.) per foot of height, and no less than five feet (5 ft.).

**502.6 Waterfront Setback (CG-2)**

- (a) A waterfront setback shall be provided in accordance with Subtitle C Chapter 23 for all buildings and structures constructed after January 7, 2005 on any lot that faces or abuts the Anacostia River.

502.7 **Courts (CG-2)**

- (a) Where an open court is provided, the court shall have the following minimum dimensions:

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

- (b) In the case of an alteration affecting the amount of light and ventilation required in an existing building in a Residence District by other municipal law or regulation, no legally required window shall be permitted to open onto a court that does not comply with the dimensions given in K § 502.7(a).

**503 DEVELOPMENT STANDARDS – CG-3 (C3C)**

503.1 The development standards for the CG zones are set forth in the following table.

| <b>Zone</b> | <b>Max. Height</b> | <b>Max. Res. FAR</b> | <b>Max. FAR Other Uses</b> | <b>Max. FAR Permitted</b> | <b>Max. Lot Occupancy</b> | <b>GAR</b> | <b>Min. Rear Yard</b> | <b>Plaza</b> |
|-------------|--------------------|----------------------|----------------------------|---------------------------|---------------------------|------------|-----------------------|--------------|
| CG-3        | 90 ft.             | 6.5                  | 6.5                        | 6.5<br>7.8 (IZ)           | -                         | 0.25       | 12 ft.                |              |

503.2 **Height (CG-3)**

- (a) K § 523 contains design-related conditions on height and upper story setbacks for segments of P, Q, Half, and First Streets, Potomac Avenue, and South Capitol Street.

503.3 **Floor Area Ratio (CG-3)**

503.4 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) Emergency Shelter;
- (c) Lodging uses; or

- (d) Education uses that are operated or chartered by the District government.

**503.5 Rear Setback (CG-3)**

- (a) The required rear setback shall be measured as follows:
  - (1) If the lot abuts an alley, the rear setback may be measured from the center line of an alley abutting a rear-lot line, instead of the rear lot-line. If the lot does not abut an alley, the rear setback shall be measured from the rear lot line;
  - (2) Measure a horizontal plane twenty-five feet (25 ft.) above the mean elevation of the rear lot-line, parallel to the rear lot-line, into the lot, the distance of the required minimum setback identified in the development regulations table;
  - (3) From the furthest point from the rear lot-line, along the horizontal plane identified in the previous paragraph, measure a vertical plane, up to the maximum height limit of the zone;
  - (4) Measure an angular plane, from the mean elevation of the rear lot-line, into the lot, with a vertical rise to horizontal run ratio of four and sixty six tenths to one (4.66:1), up to the maximum height limit of the zone; and
  - (5) The vertical plane of paragraph (b), and, the angular plane of paragraph (c) from the point where it intersects the vertical plane of paragraph (b), shall form the rear setback.

**503.6 Side Setback (CG-3)**

- (a) No side setback is required for the principal building; however, any side setback provided on any portion of the principal building shall be at least two inches (2 in.) per foot of height, and no less than five feet (5 ft.).

**503.7 Waterfront Setback (CG-3)**

- (a) A waterfront setback shall be provided in accordance with Subtitle C Chapter 23 for all buildings and structures constructed after January 7, 2005 on any lot that faces or abuts the Anacostia River.

503.8 **Courts (CG-3)**

- (a) Where an open court is provided, the court shall have the following minimum dimensions:

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

- (b) In the case of an alteration affecting the amount of light and ventilation required in an existing building in a Residence District by other municipal law or regulation, no legally required window shall be permitted to open onto a court that does not comply with the dimensions given in K § 503.8(a).

**504 DEVELOPMENT STANDARDS – CG-4 (CR)**

504.1 The development standards for the CG zones are set forth in the following table.

| <b>Zone</b> | <b>Max. Height</b> | <b>Max. Res. FAR</b> | <b>Max. FAR Other Uses</b> | <b>Max. FAR Permitted</b> | <b>Max. Lot Occupancy</b> | <b>GAR</b> | <b>Min. Rear Yard</b> | <b>Plaza</b>         |
|-------------|--------------------|----------------------|----------------------------|---------------------------|---------------------------|------------|-----------------------|----------------------|
| CG-4        | 90 ft.             | 7.0                  | 3.0                        | 7.0<br>7.2 (IZ)           | -                         | 0.2        | 12 ft.                | 8% of lot area, min. |

504.2 **Height (CG-4)**

- (a) Maximum permitted height shall be that permitted under the Height Act for any site receiving combined lot density within the CG/CR District, but only to the extent necessary to accommodate any additional density received from another parcel.
- (b) K § 523 contains design-related conditions on height and upper story setbacks for segments of P, Q, Half, and First Streets, Potomac Avenue, and South Capitol Street.
- (c) In Squares 601, 656, and 657, those lots abutting or separated only by a street or alley from residentially zoned property shall provide a one-to-one (1:1) building setback for any part of a building or structure that exceeds 90 feet on the side abutting the residential zone.

504.3 **Floor Area Ratio (CG-4)**

- (a) A building shall be allowed a maximum density of 8.2 FAR; provided that the additional 1.0 FAR shall be devoted solely to residential uses, which, for the purposes of this subsection, does not include hotel uses.
- (b) An FAR of 8.5 maximum is permitted pursuant to the combined lot provisions K § 519 on a parcel for which a height of 130 feet is permitted by the Height Act.
- (c) The Zoning Commission may, at its discretion, grant an additional transfer of density of 1.0 FAR maximum to or within Squares 700, 701, and 702, subject to the applicant addressing to the satisfaction of the Zoning Commission the objectives and guidelines of K § 525, as applicable.
- (d) The non-residential floor area of a building may exceed the zone's non-residential FAR, up to the maximum total FAR permitted within that zone, through the Combined Lot provisions of K § 519.
- (e) Non-residential floor area shall be the total gross floor area of the building not dedicated to uses in one of the following categories:
  - (1) Residential;
  - (2) Emergency Shelter; or
  - (3) Lodging uses.
- (f) A building or structure for a Parks and Recreation use shall have a maximum permitted gross floor area of forty-thousand (40,000) square feet; and

504.4 **Rear Setback (CG-4)**

- (a) The required rear setback shall be measured as follows:
  - (1) Measure a horizontal plane twenty-five feet (25 ft.) above the mean elevation of the rear lot-line, parallel to the rear lot line, into the lot, the distance of the required minimum setback identified in the development standards table; and
  - (2) From the furthest point from the rear lot-line, along the horizontal plane identified in the previous paragraph, measure a vertical plane, up to the maximum height limit of the zone. This vertical plane will form the rear setback.

504.5 **Front Setback (CG-4)**

- (a) The setback along M Street shall be measured from the face of the adjacent curb along M Street to the building or structure.
- (b) The front setback from South Capitol Street SE and SW shall be:
  - (1) Provided for the entire height and frontage for each new building or structure.

504.6 **Courts (CG-4)**

- (a) Where an open court is provided, the court shall have the following minimum dimensions:

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

- (b) In the case of an alteration affecting the amount of light and ventilation required in an existing building in a Residence District by other municipal law or regulation, no legally required window shall be permitted to open onto a court that does not comply with the dimensions given in K § 504.6(a).

504.7 **Waterfront Setback (CG-4)**

- (a) A waterfront setback shall be provided in accordance with Subtitle C Chapter 23 for all buildings and structures constructed after January 7, 2005 on any lot that faces or abuts the Anacostia River.

504.8 **Plaza (CG-4)**

- (a) Within the CG-4 zone, a plaza shall be provided for development on a lot of greater than 10,000 sq.ft., in accordance with the provisions of Subtitle C Chapter 14.
- (b) Where preferred use space is required under this Chapter and provided, the requirement to provide plaza space shall not apply.

## 505 DEVELOPMENT STANDARDS – CG-5

505.1 The development standards for the CG zones are set forth in the following table.

| Zone | Max. Height           | Max. Res. FAR | Max. FAR Other Uses | Max. FAR Permitted | Max. Lot Occupancy | GAR | Min. Rear Yard | Plazas |
|------|-----------------------|---------------|---------------------|--------------------|--------------------|-----|----------------|--------|
| CG-5 | 60 ft.<br>80 ft. (IZ) | 4.0           | 2.0                 | 4.0<br>4.8 (IZ)    | -                  | 0.3 | 12 ft.         |        |

### 505.2 Height (CG-5)

- (a) K § 523 contains design-related conditions on height and upper story setbacks for segments of P, Q, Half, and First Streets, Potomac Avenue, and South Capitol Street.
- (b) The Zoning Commission, at its discretion, may grant an additional ten (10) feet of height in excess of the base amount to accommodate the bonus density provision of K § 504.2.
- (c) A building or structure located on, in or over the water; or a watercraft, including a floating home shall have a maximum height of twenty five (25) feet. For the purposes of this subsection, the maximum height shall be measured from the mean high water level along the shore directly in front of the building, structure or watercraft to the highest point of the building or structure, not including sailboat masts.

### 505.3 Floor Area Ratio (CG-5)

- (a) Non-residential floor area shall be the total gross floor area of the building not dedicated to uses in one of the following categories:
  - (1) Residential;
  - (2) Emergency Shelter;
  - (3) Lodging uses; or
  - (4) Education uses that are operated or chartered by the District government.
- (b) The Zoning Commission may grant bonus density for residential development in a building or a combined lot development, using a guideline of 1.0 FAR in excess of the normally-allowed maximum of 4.0 FAR; provided that:
  - (1) The building or combined lot development shall include at least 2.0 FAR of Residential uses;

- (2) The Zoning Commission, at its discretion, may allow construction of such bonus density on the property zoned CG-5 or may allow only for the bonus density to be transferred off-site to a lot or lots zoned CG-4; and
- (3) The provisions of K § 520 shall govern the procedures for transferring bonus density off-site if permitted by the Zoning Commission.
- (c) The Zoning Commission, at its discretion, may also provide for additional on-site or off-site bonus density to be earned for setbacks required under this section, based on the land area of the setback and the proposed features for public open space uses; provided, that 2.0 FAR based on the land area of the open space setback shall be used as a general guideline.
- (d) A building or structure for a Local Government or Parks and Recreation use shall have a maximum permitted FAR of 1.8; and

#### 505.4 Side Setback (CG-5)

- (a) No side setback is required for the principal building; however, any side setback provided on any portion of the principal building shall be at least two inches (2 in.) per foot of height, and no less than five feet (5 ft.).

#### 505.5 Courts (CG-5)

- (a) Where an open court is provided, the court shall have the following minimum dimensions:

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

- (b) In the case of an alteration affecting the amount of light and ventilation required in an existing building in a Residence District by other municipal law or regulation, no legally required window shall be permitted to open onto a court that does not comply with the dimensions given in K § 505.5(a).

**505.6 Waterfront Setback (CG-5)**

- (a) The waterfront setback shall be provided in accordance with Subtitle C Chapter 23 for all buildings and structures constructed after January 7, 2005 on any lot that faces or abuts the Anacostia River.
- (b) If the Zoning Commission finds that the setback creates an undue economic hardship for the owner of the lot, the Commission may reduce the depth of the required setback but shall in no case approve a setback of less than 50 feet in depth.
- (c) No private driveway to any parking or loading berth areas in or adjacent to a building or structure constructed after January 7, 2005 shall directly face the waterfront.

**506 DEVELOPMENT STANDARDS – CG-6 AND CG-7**

506.1 The development standards for the CG zones are set forth in the following table.

|      | <b>Max.<br/>Height</b>                                          | <b>Max.<br/>Res.<br/>FAR</b> | <b>Max.<br/>FAR<br/>Other<br/>Uses</b> | <b>Max.<br/>FAR<br/>Permitted</b> | <b>Max. Lot<br/>Occupancy</b> | <b>GAR</b> | <b>Min. Rear<br/>Yard</b> | <b>Plazas</b> |
|------|-----------------------------------------------------------------|------------------------------|----------------------------------------|-----------------------------------|-------------------------------|------------|---------------------------|---------------|
| CG-6 | Refer to the applicable standards for the M-12 zone, Subtitle G |                              |                                        |                                   |                               |            |                           |               |
| CG-7 | Refer to the applicable standards for the M-14 zone, Subtitle G |                              |                                        |                                   |                               |            |                           |               |

**506.2 Waterfront Setback (CG-6 and CG-7)**

- (a) A waterfront setback shall be provided in accordance with Subtitle C Chapter 23 for all buildings and structures constructed after January 7, 2005 on any lot that faces or abuts the Anacostia River.

**507 GENERAL PROVISIONS (CG)**

- 507.1 This chapter contains use permissions, conditions, and special exceptions specific to CG zones.
- 507.2 Use categories permitted by-right are either permitted without conditions (P) or subject to conditions (C) as noted in the relevant table.
- 507.3 Specified Use Groups may be permitted by special exception (S), as noted in the relevant table, subject to the general criteria of a special exception in Subtitle Y Chapter 8, and relevant conditions specific to the Use Group.
- 507.4 A Home Occupation:
- (a) Shall be permitted as an accessory use; and
  - (b) Use categories identified as permitted subject to the conditions of a home occupation shall be limited in scope and activity as defined in the Home Occupation Use Category definitions and conditions of B Chapter 5.
- 507.5 Buildings, structures and uses with frontage on the designated streets of K § 522 shall provide specified ground floor uses in accordance with the requirements and provisions of K § 523.

**508 USE GROUPS PERMITTED BY-RIGHT (CG-1)**

508.1 The following use groups shall be permitted by right or by right subject to conditions:

| Use Group                              | CG-1 (R5E) |
|----------------------------------------|------------|
| Agriculture, Large                     | P          |
| Agriculture, Residential               | C § 508.2  |
| Chancery                               | C § 508.3  |
| CBIF                                   | C § 508.4  |
| Daytime Care                           | C § 508.5  |
| Education (Public)                     | C § 508.6  |
| Emergency Shelter                      | C § 508.7  |
| Government, Local                      | P          |
| Medical Care                           | C § 508.11 |
| Institutional, Religious               | P          |
| Parking                                | C § 508.8  |
| Parks and Recreation                   | C § 508.9  |
| Residential, House, Flat, or Apartment | P          |
| Transportation Infrastructure          | C § 508.10 |
| Reuse of Public School                 |            |

508.2 Agricultural, residential uses shall be permitted by right except for a private stable.

508.3 Chancery use shall be permitted by right subject to disapproval by the Board of Zoning Adjustment pursuant to Subtitle Y, Chapter 10.

508.4 Community Based Institutional Facilities shall be permitted subject to the following conditions:

- (a) The use shall house no more than fifteen (15) persons, not including resident supervisors or staff and their families; and
- (b) There shall be no other lot containing a Community Based Institutional Facility use for seven (7) or more persons in the same square or within a radius of five-hundred feet (500 ft.) from any portion of the lot.

- 508.5 Daytime Care uses shall be permitted by right or subject to the following conditions:
- (a) Child development center may be located in a District of Columbia public school or a public recreation center operated by the D.C. Department of Parks and Recreation; subject to the following conditions:
    - (1) That written permission to use the school or the recreation center shall have been granted by the Superintendent of Schools or the Director of the Department of Parks and Recreation, respectively; or
    - (2) The use shall be located in a building originally built and continuously used as an Institutional use; or
    - (3) The use shall be limited to twenty-five (25) individuals, not including staff.
  - (b) Daytime Care uses not meeting the above conditions may be permitted by special exception subject to the special exception criteria of Y Chapter 8.
- 508.6 Public Education uses shall be permitted by right or subject to the following applicable conditions:
- (a) The use shall be located on a lot with at least nine thousand square feet (9,000 sq.ft.) of area and with a combined total length of all street lot lines of at least one hundred and twenty (120) feet; and
  - (b) Buildings housing the use shall occupy no more than seventy percent (70%) of the lot.
  - (c) Education uses not meeting the above conditions may be permitted by special exception or campus master plan. Refer to Subtitle Y Chapter 8 for special exception and campus master plan criteria.
- 508.7 Emergency Shelter uses shall be permitted by right subject to the following conditions:
- (a) The use shall not house more than four (4) persons, not including resident supervisors or staff and their families.
  - (b) Emergency Shelter uses not meeting this condition may be permitted by special exception under the conditions of Subtitle Y Chapter 8.
- 508.8 The following Parking uses shall be permitted by right or subject to applicable conditions:
- (a) Car-sharing spaces on an unimproved lot, with no more than two (2) spaces permitted.
  - (b) Private garage, as a principal use, designed to house no more than two (2) motor vehicles.
  - (c) A parking garage on an alley lot so recorded on the records of the Surveyor, District of Columbia shall be permitted as a matter of right in an A zone; provided:
    - (1) No part of the garage shall be located within seventy-five feet (75 ft.) of any building line; and

(2) Vehicular entrances and exits shall open directly onto an alley.

508.9 The following Parks and Recreation uses shall be permitted by right or subject to applicable conditions:

- (a) Public Recreation and community centers operated by the District of Columbia government;
- (b) Parks and Recreation uses not meeting the above conditions may be permitted by special exception subject to the special exception criteria of Subtitle Y Chapter 8.

508.10 Transportation Infrastructure uses shall be permitted by right provided the use shall be operated, directly or under contract, by the District government or the Washington Metropolitan Area Transit Authority.

508.11 The following Medical Care uses shall be permitted by-right or subject to applicable conditions:

- (a) A hospital, sanitarium or clinic for humans;
- (b) A Health Care Facility that meets the definition for and is licensed as a skilled care facility or intermediate nursing care facility under the Health Care Facilities and Community Residence Regulations, 22 DCMR § 3099.1 (1986) (superseded) for no more than fifteen (15) persons not including resident supervisors or staff and their families.

**509 USE GROUPS PERMITTED BY-RIGHT AS AN ACCESSORY USE (CG-1)**

509.1 The following use groups shall be permitted as an accessory use, only when in compliance with the required conditions:

| Use Group            | CG-1      |
|----------------------|-----------|
| Daytime Care         | A § 509.2 |
| Medical Care         | A § 509.3 |
| Home Occupation      | A § 509.4 |
| Lodging              | A § 509.5 |
| Parking              | A § 509.6 |
| Other Accessory Uses | A § 509.8 |

509.2 Daytime Care uses shall be permitted by right as an accessory use subject to the following conditions:

- (a) The use shall be located in the principal residence of the caregiver;
- (b) There shall be no more than one sign or display, which shall not exceed one hundred forty-four square inches (144 sq.in.) in area;
- (c) No stock in trade shall be kept nor any commodity sold upon the premises;

- (d) No person shall be employed other than a member of the caregiver's immediate family residing on the premises; and
- (e) No mechanical equipment shall be used except such as is permissible for purely domestic or household purposes.
- (f) An accessory Daytime Care use not meeting all of the above conditions may be permitted as a special exception subject to Subtitle Y Chapter 8.

509.3 Medical Care uses shall be permitted by right as an accessory use subject to the following conditions:

- (a) The use shall be a home office of a physician, dentist or other licensed medical professional
- (c) The use shall be operated and owned by a resident of the dwelling unit;
- (b) No more than two (2) persons who are not a resident of the dwelling unit shall be engaged or employed in the accessory Health Care use; and
- (c) Only one sign shall be permitted, limited in size to an area no larger than one square foot, and if illuminated, the light shall be white and non-flashing.

509.4 A Home Occupation shall be permitted by right as an accessory use subject to the following conditions:

- (a) The Home Occupation shall be in compliance with the conditions of Subtitle B, Chapter 3, Home Occupation Use Category;
- (b) A Home Occupation shall not be permitted within a dwelling unit in an accessory building.
- (c) A Home Occupation use not meeting the above conditions may be permitted by special exception subject to the special exception criteria of Subtitle Y Chapter 8.

509.5 The following Lodging uses shall be permitted by right as an accessory use subject to the following conditions:

- (a) The use shall only be permitted as accessory to a one family detached, semi-detached or attached dwelling unit;
- (b) The residence shall be owned and occupied as the principal residence of the operator(s);
- (c) The maximum number of guest sleeping rooms shall be two (2);
- (d) Breakfast is the only meal served and is served only to overnight guests;
- (e) No cooking facilities shall be permitted in any of the rented rooms; and
- (f) Accessory Lodging uses not meeting conditions of subsection (c) above may be permitted as a special exception; provided that the total number of guest sleeping rooms does not exceed four (4) in a house that is not a historic resource or six (6) in a house that is a historic resource.

- 509.6 Parking as an accessory use shall be permitted use subject to the following conditions:
- (a) The following uses shall be permitted as a temporary accessory use subject to the following conditions:
    - (b) Temporary exhibits, fundraising function, and benefit sales for nonprofit organizations not to exceed ten (10) days in a hotel with no more than one hundred (100) rooms or suites.
- 509.7 Other accessory uses customarily incidental to the uses permitted in A zones under the provisions of F §§ 501 and 502 shall be permitted.

**510 USE GROUPS PERMITTED BY SPECIAL EXCEPTION (CG-1)**

- 510.1 The following use groups shall be permitted as special exceptions if approved by the Board of Zoning Adjustment under Subtitle Y Chapter 8 and subject to the conditions of each section:

| Use Group                     | CG-1       |
|-------------------------------|------------|
| Arts, Design, Creation        | S § 510.2  |
| Basic Utilities               | S § 510.3  |
| Chancery                      | S § 510.4  |
| CBIF                          | S § 510.5  |
| Daytime Care                  | S § 510.6  |
| Education, College/University | S § 510.7  |
| Education, Private            | S § 510.8  |
| Emergency Shelter             | S § 510.9  |
| Medical Care                  | S § 510.10 |
| Institutional, General        | S § 510.11 |
| Parking                       | S § 510.12 |
| Parks and Recreation          | S § 510.13 |
| Retail                        | S § 510.14 |

- 510.2 Art Galleries shall be permitted as a special exception subject to the following conditions:
- (a) The art gallery shall be located and operated so that it is not likely to become objectionable to adjoining and nearby property because of objectionable noise, pedestrian and vehicular traffic, hours of operation, or other objectionable conditions.
  - (b) The Board shall consider, and regulate, if necessary, the anticipated frequency, number of attendees, and other characteristics of show openings or other group gatherings.

- (c) Adequate off-street parking, but not less than that required by Subtitle C Chapter 19 of this title, shall be provided to accommodate occupants, employees, and visitors likely to come to the gallery by automobile.
- (d) The proposed use shall not adversely affect the present character or future development of the surrounding area.
- (e) The Board may require special treatment in the way of design, screening of buildings and parking, signs, exterior and interior lighting, or other requirements it deems necessary to protect adjacent and nearby properties.

510.3 Basic Utilities shall be permitted as a special exception subject to the following conditions:

- (a) The use shall not be an electronic equipment facility; and
- (b) Any requirements for setbacks, screening, or other safeguards that the Board deems necessary for the protection of the neighborhood.

510.4 Chancery uses in Use Codes A through E shall be permitted subject to disapproval by the Board of Zoning Adjustment pursuant to Subtitle Y Chapter 10.

510.5 Community Based Institutional Facilities (CBIF) shall be permitted as a special exception subject to the following conditions:

- (a) The CBIF shall be for one (1) to twenty (20) persons, not including resident supervisors or staff and their families:
- (b) There shall be no other property containing a CBIF for seven (7) or more persons in the same square.
- (c) There shall be no other property containing a CBIF for seven (7) or more persons within a radius of five hundred feet (500 ft.) from any portion of the subject property.
- (d) There shall be adequate, appropriately located, and screened off-street parking to provide for the needs of occupants, employees, and visitors to the facility.
- (e) The proposed facility shall meet all applicable code and licensing requirements.
- (f) The facility shall not have an adverse impact on the neighborhood because of traffic, noise, operations, or the number of similar facilities in the area.
- (g) The Board may approve more than one (1) CBIF in a square or within five hundred feet (500 ft.) only when the Board finds that the cumulative effect of the facilities will not have an adverse impact on the neighborhood because of traffic, noise, or operations.

- 510.6 Daytime Care uses shall be permitted as a special exception subject to the following conditions:
- (a) The facility shall be located and designed to create no objectionable traffic condition and no unsafe condition for picking up and dropping off persons in attendance; and
  - (b) Any off-site play area shall be located so as not to endanger individuals traveling between the play area and the center or facility.
- 510.7 Education (College/University) uses subject to the conditions of Subtitle X, Chapter 1
- 510.8 Private Education uses, but not including a trade school, and residences for teachers and staff of a private school shall be permitted as a special exception subject to the following conditions:
- (a) The use shall be located so that it is not likely to become objectionable to adjoining and nearby property because of noise, traffic, number of students, or otherwise objectionable conditions.
  - (b) Ample parking space, but not less than that required by this title, shall be provided to accommodate the students, teachers, and visitors likely to come to the site by automobile;
  - (c) After hearing all evidence the Board may require additional parking to that required by this title.
- 510.9 Emergency Shelters shall be permitted as a special exception subject to the following conditions:
- (a) There is a limit of five (5) to twenty-five (25) persons, not including resident supervisors or staff and their families; or
  - (b) The applicant demonstrates that the program goals and objectives of the District of Columbia cannot be achieved without a larger facility at the subject location and that there are no other reasonable alternative locations which would meet the program needs for that area of the District.
  - (c) The use shall not likely become objectionable because of noise or traffic.
- 510.10 The following Medical Care uses shall be permitted as a special exception subject to the following conditions:
- (a) A Health care facility that meets the definition for and is licensed as a skilled care facility or intermediate nursing care facility under the Health Care Facilities and Community Residence Regulations, 22 DCMR § 3099.1 (1986) (superseded) for sixteen (16) to three hundred (300) persons not including resident supervisors or staff and their families.
    - (1) There shall be no other property containing a community-based residential facility for seven (7) or more persons in the same square.

- (2) There shall be no other property containing a community-based residential facility for seven (7) or more persons within a radius of five hundred feet (500 ft.) from any portion of the subject property.
  - (3) There shall be adequate, appropriately located, and screened off-street parking to provide for the needs of occupants, employees, and visitors to the facility.
  - (4) The proposed facility shall meet all applicable code and licensing requirements.
  - (5) The facility shall not have an adverse impact on the neighborhood because of traffic, noise, operations, or the number of similar facilities in the area.
  - (6) The Board may approve more than one (1) community-based residential facility in a square or within five hundred feet (500 ft.) only when the Board finds that the cumulative effect of the facilities will not have an adverse impact on the neighborhood because of traffic, noise, or operations.
  - (7) The Board may approve a facility for more than three hundred (300) persons, not including resident supervisors or staff and their families, only if the Board finds that the program goals and objectives of the District of Columbia cannot be achieved by a facility of a smaller size at the subject location and if there is no other reasonable alternative to meet the program needs of that area of the District.
  - (8) The Board shall submit the application to the D.C. Office of Planning for coordination, review, report, and impact assessment along with reports in writing of all relevant District departments and agencies, including but not limited to the Departments of Transportation, Human Services, and Corrections, and, if a historic district or historic landmark is involved, the State Historic Preservation Officer.
- (b) A medical campus, including but not limited to residential care facilities, medical clinic uses, a hospital, and shared parking facilities, may apply for a campus plan similar to a university and subject to the bulk development standards and relevant conditions of Subtitle F § 503.7.

510.11 General Institutional uses shall be permitted as a special exception subject to the following conditions:

- (a) The use shall not be organized for profit, but shall be organized exclusively for the promotion of the social welfare of the neighborhood in which it is proposed to be located; and
- (b) The use shall offer no retail sales in the center to the general public but may charge a fee to members for services;

510.12 Parking as a principal use shall be permitted as a special exception subject to the following conditions:

- (a) All parking shall meet the conditions of Subtitle C Chapter 19.
- (b) No commercial advertising signs shall be permitted outside a building, except a sign advertising the rates as required by Chapter 6 of Title 24 DCMR, "Public Space and Safety."
- (c) The applicant shall demonstrate that:
  - (1) No dangerous or otherwise objectionable traffic conditions will result;
  - (2) The present character and future development of the neighborhood will not be affected adversely; and
  - (3) The parking garage is reasonably necessary and convenient to other uses in the vicinity.
- (d) Parking garages shall not be permitted.
- (e) If the parking is provided as a surface parking lot:
  - (1) A new parking lot may not be established, but a parking lot in existence on [effective date] may continue, subject to the provisions of this subsection;
  - (2) All parking shall be located in its entirety within two hundred feet (200 ft.) of an existing Mixed-Use, Downtown, or PDR zone;
  - (3) The lot shall be contiguous to or separated only by an alley from a Mixed-Use, Downtown, or PDR zone; and
  - (4) A majority of the parking spaces shall serve residential uses or short-term parking needs of retail, service, and public facility uses in the vicinity.
- (f) The Board may require that all or a portion of the parking spaces be reserved for the following:
  - (1) Residential parking;
  - (2) Unrestricted commercial parking;
  - (3) Accessory parking for uses within eight hundred feet (800 ft.); and
  - (4) Shared parking for different uses by time of day.

510.13 Parks and Recreation uses not meeting the conditions for by right or accessory use shall be permitted as a special exception subject to the following conditions:

510.14 The following Retail uses shall be permitted by special exception subject to the following conditions:

- (a) Convenience Stores in Apartment buildings subject to the provisions of this section:

- (1) The retail uses may include personal services and shall be an accessory adjunct use to the apartment building, designed to serve the tenants' daily living needs.
- (2) The adjunct uses shall be limited to the main floor of the building or below.
- (3) There shall be no direct entrance to the adjunct from the outside of the building.
- (4) No part of the adjunct or the entrance to the adjunct shall be visible from a sidewalk.
- (5) No sign or display indicating the existence of the adjunct shall be visible from the outside of the building.
- (6) The center of the principal entrance of the apartment house shall be more than one-fourth (1/4) mile walking distance from the nearest principal business street frontage of any business district previously established and operating in a Mixed Use or Production Repair and Distribution zones.
- (7) Subject to compliance with the provisions of K § 510.14 (a), these uses may also be permitted within an interior patio or other type of open ground level area; provided
  - (A) Access to the adjunct shall be through the apartment building or buildings intended to be served by the use; and
  - (B) No part of the adjunct, the entrance to the adjunct, or any sign or display indicating the existence of the adjunct shall be visible from a public sidewalk.
- (8) The adjuncts authorized under this section are intended to supply tenants of the apartment house with commodities and services supplementary to those in established mixed use zones, in order to protect the value and stability of these zones, the Board shall give consideration to the following:
  - (A) The proximity mixed use zones to the adjuncts proposed;
  - (B) The adequacy and scope of commodities and services provided within those mixed use zones; and
  - (C) The size and character of the apartment building, since the tenants of the apartment house will be expected to furnish all or substantially all of the financial support of the requested adjunct.

**511 USE GROUPS PERMITTED BY-RIGHT (CG-2)**

511.1 The following uses shall be permitted by right or by right with conditions:

| USE CATEGORIES                                 | CG-2        |
|------------------------------------------------|-------------|
| Animal Care and Boarding                       | P           |
| Agriculture, Large                             | P           |
| Agriculture, Residential                       | P           |
| Arts Design and Creation                       | P           |
| Chancery                                       | P           |
| Community-Based Inst. Facility                 | C §511.2(a) |
| Daytime Care                                   | C §511.2(b) |
| Eating and Drinking                            | P           |
| Education (College/University)                 | P           |
| Education (Private)                            | P           |
| Education (Public)                             | P           |
| Emergency Shelter                              | C §511.2(c) |
| Entertainment Assembly, and<br>Performing Arts | P           |
| Firearms                                       | C §511.2(d) |
| Government, Local                              | P           |
| Home Occupation                                | P           |
| Institutional, General                         | P           |
| Institutional, Religious                       | P           |
| Lodging                                        | P           |
| Medical Care                                   | P           |
| Motor Vehicle                                  | P           |
| Office                                         | P           |
| Parking                                        | P           |
| Parks and Recreation                           | P           |
| PDR                                            | C §511.2(e) |
| Residential                                    | P           |
| Retail                                         | P           |
| Service (Financial)                            | P           |
| Service (General)                              | C §511.2(f) |
| Transportation Infrastructure                  | P           |
| Utilities                                      | C §511.2(g) |

511.2 The following conditions shall be applicable to the uses or use categories as indicated by a “C” in the above table.

- (a) Community Based Institutional Facilities shall be permitted subject to the following conditions:
  - (1) The use shall house no more than fifteen (15) persons, not including resident supervisors or staff and their families; and
  - (2) There shall be no other lot containing a Community Based Institutional Facility use for seven (7) or more persons in the same square or within a radius of five-hundred (500) feet from any portion of the lot.
- (b) Daytime Care Uses for up to twenty (20) persons not including resident supervisors or staff and their families.
- (c) Emergency Shelter Use for no more than four (4) persons, not including resident supervisors or staff and their families shall be permitted by right.
- (d) Firearms retail sales establishments subject to the following conditions:
  - (1) No portion of the establishment shall be located within three hundred feet (300 ft.) of:
  - (2) A residential zone; or
  - (3) A church or other place of worship, public or private school, public library, or playground.
- (e) A PDR use that has valid certificate of occupancy as of the date these provisions first became effective shall be deemed a conforming use, but shall not be entitled to expand.
- (f) Service (General) uses shall be permitted by right subject to the following conditions:
  - (1) A laundry or dry cleaning facility shall not exceed twenty-five hundred square feet (2,500 sq. ft.) of gross floor area.
- (g) Utility uses limited to optical transmission nodes shall be permitted by right.

**512 USE GROUPS PERMITTED BY SPECIAL EXCEPTION USES – CG-2**

- 512.1 The following uses shall be permitted if approved by the Board of Zoning Adjustment as a special exception under Subtitle Y Chapter 8, subject to the provisions of this section.
- 512.2 The Board may impose additional requirements pertaining to design, appearance, screening, or lighting, location of buildings, or soundproofing, hours of operation, or other requirements as the Board deems necessary to protect adjacent or nearby property.
- 512.3 Animal Care and Boarding Uses subject to the following conditions:
- (a) The use shall not abut an existing residential use or a residential zone;
  - (b) The use shall be located and designed to create no objectionable conditions to adjacent properties resulting from animal noise, odor, or waste; and shall utilize industry standard sound-absorbing materials, such as acoustical floor and ceiling panels, acoustical concrete and masonry, and acoustical landscaping;
  - (c) External yards or other external facilities for the keeping of animals shall not be permitted except that an Animal Shelter may have external yards or other external facilities for the keeping of animals which shall be entirely located a minimum of two hundred (200) feet from an existing residential use or residential zone; and
  - (d) 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" filtration) or an equivalently effective odor control system.
- 512.4 Community-based Institutional Facilities for up to twenty (20) persons, not including resident supervisors or staff and their families;
- 512.5 Daytime Care Uses for more than six (6) persons not including resident supervisors or staff and their families.
- 512.6 Motor Vehicle uses:
- (a) A gasoline service station to be established or enlarged, subject to the following conditions:
    - (1) The station shall not be located within twenty-five feet (25 ft.) of a residential zone unless separated from the residential zone by a street or alley.
    - (2) The operation of the use shall not create dangerous or other objectionable traffic conditions.

- (3) Required parking spaces may be arranged so that all spaces are not accessible at all times. All parking spaces provided under this subsection shall be designed and operated so that sufficient access and maneuvering space is available to permit the parking and removal of any vehicles without moving any other vehicle onto public space.

512.7 Service uses:

- (a) Massage Establishment provided the use shall not be objectionable because of its effect on the character of the neighborhood or because of noise, traffic, or other conditions.

512.8 Utilities, not otherwise permitted by right, subject to the requirements for setbacks, screening, or other requirements, as the Board deems necessary for the protection of neighboring or adjacent property.

### **513 USE GROUPS PERMITTED BY RIGHT – CG-3 (C-3-C)**

513.1 The following uses shall be permitted by right or by right with conditions:

- (a) Uses in the following table identified with a P or C:

| USE CATEGORIES                        | CG-3        |
|---------------------------------------|-------------|
| Animal Care and Boarding              | P           |
| Agriculture, Large                    | P           |
| Agriculture, Residential              | P           |
| Arts Design and Creation              | P           |
| Chancery                              | P           |
| Community-based Inst. Facility        | P           |
| Daytime Care                          | P           |
| Eating and Drinking                   | C §513.2(a) |
| Education (College/University)        | P           |
| Education (Private)                   | P           |
| Education (Public)                    | P           |
| Emergency Shelter                     | P           |
| Entertainment Assembly, and Perf Arts | P           |
| Firearms                              | C §513.2(b) |
| Government, Local                     | P           |
| Home Occupation                       | P           |
| Institutional, General                | P           |
| Institutional, Religious              | P           |
| Lodging                               | P           |

| USE CATEGORIES                | CG-3         |
|-------------------------------|--------------|
| Medical Care                  | P            |
| Motor Vehicle                 | C §513.2(c)  |
| Office                        | P            |
| Parking                       | P            |
| Parks and Recreation          | P            |
| PDR                           | C §513.2(d)  |
| Residential                   | P            |
| Retail                        | P            |
| Service (Financial)           | P            |
| Service (General)             | C §513.2(e)- |
| Transportation Infrastructure | P            |
| Utilities                     | C §513.2(f)- |

513.2 The following conditions shall be applicable to the uses or use categories as indicated by a “C” in the above table.

- (a) Eating and Drinking Establishment uses: All uses shall be permitted by right, except the following specific uses shall be subject to the corresponding conditions:
  - (1) A drive-through accessory to a fast food establishment shall be permitted, subject to the provisions for drive-through in Subtitle C.
- (b) Firearms retail sales establishments subject to the following conditions:
  - (1) No portion of the establishment shall be located within three hundred feet (300 ft.) of:
    - (2) A residential zone or the M-1, M-2, M-16, M-17 or M-24 zone; or
    - (3) A church or other place of worship, public or private school, public library, or playground.
- (c) Motor Vehicle Uses: All uses shall be permitted by right, except the following specific uses shall be subject to the corresponding conditions:
  - (1) A Gasoline service station with a valid certificate of occupancy that has not been replaced by another use with a valid certificate of occupancy;
  - (2) A Gasoline service station as an accessory use to a parking garage or public storage garage; provided:

- (A) All portions of the gasoline service station shall be located entirely within the garage;
  - (B) No part of the accessory use shall be visible from a sidewalk; and
  - (C) Signs or displays indicating the existence of the accessory use shall not be visible from the outside of the garage.
- (d) A PDR use that has valid certificate of occupancy as of the date these provisions first became effective shall be deemed a conforming use, but shall not be entitled to expand.
  - (e) Service (General) uses: All uses shall be permitted by right, except the following specific uses shall be subject to the corresponding conditions:
    - (1) A laundry or dry cleaning facility shall not exceed five thousand square feet (5,000 sq. ft.) of gross floor area;
    - (2) Any establishment that has as a principal use the administration of massages; provided, that no portion of the establishment shall be located within two hundred feet (200 ft.) of a residential zone.
  - (f) Utility Uses: All uses shall be permitted by right, except the following specific uses shall be subject to the corresponding conditions:
    - (1) An Electronic Equipment Facility (EEF) use may also locate without restriction below the ground floor but shall occupy no more than twenty-five percent (25%) of the above ground constructed gross floor area of the building.

#### **514 USE GROUPS PERMITTED BY SPECIAL EXCEPTION (CG-3)**

- 514.1 The following uses shall be permitted if approved by the Board of Zoning Adjustment as a special exception under Subtitle Y Chapter 8, subject to the provisions of this section.
- 514.2 The Board may impose additional requirements pertaining to design, appearance, screening, or lighting, location of buildings, or soundproofing, hours of operation, or other requirements as the Board deems necessary to protect adjacent or nearby property.
- 514.3 Community-based Institutional Facilities: Uses for up to twenty (20) persons, not including resident supervisors or staff and their families;
- 514.4 Daytime Care Uses for more than six (6) persons not including resident supervisors or staff and their families.

514.5 Motor Vehicle Uses: The following uses shall be permitted by special exception subject to the corresponding conditions:

- (a) Uses otherwise permitted by right with conditions that do not comply with the conditions.
- (b) A gasoline service station or vehicle repair garage, to be established or enlarged, subject to the following conditions:
  - (1) The station shall not be located within twenty-five feet (25 ft.) of a residential zone unless separated from the residential zone by a street or alley.
  - (2) The operation of the use shall not create dangerous or other objectionable traffic conditions.
  - (3) Required parking spaces may be arranged so that all spaces are not accessible at all times. All parking spaces provided under this subsection shall be designed and operated so that sufficient access and maneuvering space is available to permit the parking and removal of any vehicles without moving any other vehicle onto public space.

514.6 Parking Uses: Accessory parking spaces elsewhere than on the same lot or part of a lot on which the principal use is permitted,

514.7 Service uses:

- (a) Use otherwise permitted with conditions that do not comply with the conditions.
- (b) Any establishment that has as a principal use the administration of massages may locate within two hundred feet (200 ft.) of any residential zone, if the establishment shall be compatible with other uses in the area, shall not become objectionable because of its effect on the character of the neighborhood or because of noise, traffic, or other conditions.

514.8 Sexually-oriented Business Establishment (SOBE): A SOBE use subject to the corresponding conditions:

- (a) No portion of the establishment shall be located within six hundred feet (600 ft.) of a residential zone.
- (b) No portion of the establishment shall be located within six hundred feet (600 ft.) of a church, school, library, playground, or the area under the jurisdiction of the Commission of Fine Arts pursuant to the Shipstead-Luce Act, approved May 16, 1930 (46 Stat. 366, as amended; D.C. Official Code § 6-611.01 (formerly codified at D.C. Code § 5-410 (1994 Repl.))).

- (c) No portion of the establishment shall be located within three hundred feet (300 ft.) of any other sexually-oriented business establishment.
- (d) There shall be no display of goods or services visible from the exterior of the premises.
- (e) The establishment shall be compatible with other uses in the area.
- (f) The use shall not become objectionable because of its effect on the character of the neighborhood or because of noise, traffic, or other conditions.
- (g) The establishment shall not have an adverse impact on religious, educational, or governmental facilities located in the area.

514.9 Utilities:

- (a) Uses not otherwise permitted by right, subject to the requirements for setbacks, screening, or other requirements, as the Board deems necessary for the protection of neighboring or adjacent property.
- (b) An EEF shall not occupy more than fifty percent (50%) of the constructed gross floor area of the building,
- (c) An applicant seeking a special exception for an EEF shall demonstrate, in addition to the requirements of Y Chapter 8, that the proposed use will not, as a consequence of its design, operation, low employee presence, or proximity to other EEFs, inhibit future revitalization of the neighborhood, reduce the potential for vibrant streetscapes, deplete street life, or inhibit pedestrian or vehicular movement.
- (d) In evaluating whether an EEF will have any of the adverse impacts described above, the Board shall consider, in addition to other relevant factors, the:
  - (1) Absence of retail uses or a design capable of accommodating retail uses in the future;
  - (2) Presence of security or other elements in the design that could impair street life and pedestrian flow;
  - (3) Disruption of existing or elimination of officially proposed pedestrian or vehicular routes; and
  - (4) Inability of the EEF to be adapted in the future for permitted uses.
  - (5) The Board, in weighing the potentially adverse factors listed above, shall consider the economic development potential of the area in which the EEF is proposed to be established and shall give greater negative weight to these

factors if the EEF is to be located in proximity to an existing or proposed Metrorail station or along a pedestrian corridor.

- (6) The Board may give positive weight to any economic benefits that the proposed EEF will have on adjacent properties, including the potential for increased business activity within the neighborhood, if that activity will foster economic development.
- (7) The Board may impose requirements pertaining to design, appearance, landscaping, parking, and other such requirements as it deems necessary to protect adjacent property and to achieve an active, safe, and vibrant street life.

## **515 USE GROUPS PERMITTED BY RIGHT – CG-4 (CR)**

- 515.1 Two or more lots may be combined for the purposes of allocating residential and non-residential area in accordance with the provisions of K §§ 519 and 520
- 515.2 A ballpark constructed in accordance with the provisions of K § 524 is a permitted use.
- 515.3 The following uses shall be permitted by right or by right with conditions:

| USE CATEGORIES                     | CG-4     |
|------------------------------------|----------|
| Agriculture, Large                 | P        |
| Agriculture, Residential           | P        |
| Arts, Design and Creation          | p        |
| Artist Studio and Live Work        | P        |
| Museum                             | P        |
| Chancery                           | P        |
| Daytime Care                       | P        |
| Eating and Drinking Establishments | C §515.4 |
| Education (Private)                | P        |
| Education (Public)                 | P        |
| Emergency Shelter                  | C §515.5 |
| Home Occupation                    | P        |
| Institutional, General             | P        |
| Institutional, Religious           | P        |
| Lodging                            | P        |
| Office                             | P        |
| Parks and Recreation               | P        |
| PDR                                | C §515.6 |
| Residential                        | P        |

| USE CATEGORIES                | CG-4      |
|-------------------------------|-----------|
| Retail                        | P         |
| Service (Financial)           | P         |
| Service (General)             | C § 515.7 |
| Transportation Infrastructure | P         |
| Utilities                     | C § 515.8 |

- 515.4 Eating and Drinking Establishment Uses: All uses shall be permitted by right except a drive-through shall not be permitted.
- 515.5 Emergency Shelter Use for no more than four (4) persons, not including resident supervisors or staff and their families, shall be permitted by right.
- 515.6 A PDR use that has valid certificate of occupancy as of the date these provisions first became effective shall be deemed a conforming use, but shall not be entitled to expand.
- 515.7 Service (General) Uses: All uses shall be permitted by right, except any establishment that has as a principal use the administration of massages shall not be permitted.
- 515.8 Utility uses: Only an Electronic Equipment Facility (EEF) use under either or both of the following circumstances:
- (a) The EEF use occupies no more than twenty-five percent (25%) of the above ground constructed gross floor area of the building, provided that no EEF use is located on the ground floor; or
  - (b) The EEF use is located below ground floor; An subject to the following conditions:

## **516 USE GROUPS PERMITTED BY SPECIAL EXCEPTION – CG-4**

- 516.1 The following uses shall be permitted approved by the Board of Zoning Adjustment as a special exception under Subtitle Y Chapter 8, subject to the provisions of this section.
- 516.2 The Board may impose additional requirements pertaining to design, appearance, screening, lighting, additional off-street parking spaces, signs, location of buildings, soundproofing, hours of operation, or other requirements as the Board deems necessary to protect adjacent or nearby property.
- 516.3 Animal Care and Board uses, subject to the following conditions:
- (a) The use is a veterinary office or hospital subject to the following conditions:
    - (1) A veterinary hospital 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) The veterinary hospital shall be located and designed to create no objectionable conditions to adjacent properties resulting from animal noise, odor, or waste;
- (4) The veterinary hospital shall not abut an existing residential use or a residential zone;
- (5) External yards or other external facilities for the keeping of animals shall not be permitted; and
- (6) Pet grooming, the sale of pet supplies, and incidental boarding of animals as necessary for convalescence, are permitted as accessory uses.

516.4 Community-based institutional Facilities for one (1) to twenty (20) persons, not including resident supervisors or staff and their families subject to the following conditions:

- (a) There shall be no other property containing a community-based residential facility for seven (7) or more persons in the same square;
- (b) There shall be no other property containing a community-based residential facility for seven (7) or more persons within a radius of five hundred feet (500 ft.) from any portion of the subject property;
- (c) There shall be adequate, appropriately located, and screened off-street parking to provide for the needs of occupants, employees, and visitors to the facility;
- (d) The proposed facility shall meet all applicable code and licensing requirements;
- (e) The facility shall not have an adverse impact on the neighborhood because of traffic, noise, operations, or the number of similar facilities in the area; and
- (f) The Board may approve more than one (1) community-based residential facility in a square or within five hundred feet (500 ft.) only when the Board finds that the cumulative effect of the facilities will not have an adverse impact on the neighborhood because of traffic, noise, or operations.

- 516.5 Education (College/University) uses subject to the conditions of Subtitle X, Chapter 1.
- 516.6 Emergency shelters for five (5) to twenty-five (25) persons, not including resident supervisors or staff and their families subject to the conditions of CBIF above.
- 516.7 Entertainment, Assembly, and Performing Arts Uses: A bowling alley subject to the following conditions:
- (a) The use shall not be within twenty-five feet (25 ft.) of a residential zone unless separated by a street or alley.
  - (b) Soundproofing to the extent deemed necessary for the protection of adjoining and nearby property shall be required.
- 516.8 Medical Care Uses subject to the following conditions:
- (a) The facility shall be designed to enhance the visual and recreational opportunities offered by the waterfront.
  - (b) The facility shall be located so that it is not likely to become objectionable to surrounding and nearby property because of noise, traffic, or parking.
  - (c) There shall be a demonstrated need for the facility.
  - (d) The applicant shall submit to the Board a detailed plan for the hospital or clinic and accessory facilities which shall include:
    - (1) Location, height, and bulk of all improvements, but not limited to buildings, parking, and loading facilities;
    - (2) Screening, signs, and public utility facilities; and
    - (3) A description of the activities to be carried on at the hospital or clinic, including the capacities of the various facilities within the hospital or clinic.
- 516.9 Motor Vehicle Uses subject to the following conditions:
- (a) Use for automobile or motorcycle sales or repair, subject to the provisions of this section.
    - (1) Use for vehicle sales or repair shall be located so that it is not objectionable to other uses on the same or neighboring property because of noise, fumes, or other conditions.
    - (2) Use for vehicle sales or repair shall not result in dangerous or otherwise.
    - (3) The use for vehicle sales or repair, and all its accessory facilities, including automobile storage, shall be located within a building.

- (4) No portion of a building use for vehicle sales or repair shall be used within fifty feet (50 ft.) of a residential zone.
- (b) A Metropolitan Police Department vehicle maintenance facility or equestrian unit under provided the vehicle maintenance facility or equestrian unit shall be located so that it is not likely to become objectionable to adjoining or nearby property because of noise or fumes.

516.10 Utility uses, subject to the following conditions:

- (a) A basic utility use;
- (b) A use as an optical transmission node (OTN) shall be permitted subject to the following:
  - (1) Any new construction of a freestanding structure used primarily for the purpose of housing an OTN shall be built to appear compatible with surrounding construction, including exterior building material, fenestration, and landscaping; and
  - (2) There shall be no advertisement on the structure.
- (c) Any construction necessary for the utility or OTN shall be subject to requirements for setbacks, screening, or other requirements, as the Board deems necessary for the protection of neighboring or adjacent property.

516.11 Production Distribution and Repair Uses: the following uses shall be permitted as a special exception if the Board considers that this use is appropriate in furthering the objectives of the CG-4 zone, subject to the conditions of (e):

- (a) Use for experimental research or testing laboratory
- (b) Use for building service trade
- (c) Warehouse or wholesaler use
- (d) Use for light manufacturing, processing, fabricating, or milling.
- (e) The use shall:
  - (1) Not result in dangerous or otherwise objectionable traffic conditions.
  - (2) Have no adverse effects on other uses on the same or adjoining properties.
  - (3) Have no outdoor storage of materials, and
  - (4) There shall be adequate off-street parking for trucks and other service vehicles.

516.12 Miscellaneous Uses: Other uses, except PDR uses, shall be permitted as a special exception, if the Board

- (a) Determines that this use is appropriate in furthering the objectives of the zone, subject to the provisions of this section;
- (b) Uses authorized under this section shall not adversely affect the present character and future development of the neighborhood; and
- (c) No dangerous or otherwise objectionable traffic conditions shall result from the establishment of any miscellaneous use.

**517 USE GROUPS PERMITTED BY RIGHT– CG-5, 6 AND 7**

517.1 Uses in the following table shall be permitted by right, or by right with conditions:

| USE CATEGORIES                        | CG-5     | CG-6     | CG-7     |
|---------------------------------------|----------|----------|----------|
| Agriculture, Large                    | P        | P        | P        |
| Agriculture, Residential              | P        | P        | P        |
| Arts Design and Creation              | P        | P        | P        |
| Art Gallery                           | P        | P        | P        |
| Artist Studio and Live Work           | P        | P        | P        |
| Museum                                | P        | P        | P        |
| Chancery                              | P        | P        | P        |
| Daytime Care                          | P        | P        | P        |
| Eating and Drinking                   | C §517.2 | C §517.2 | C §517.2 |
| Education (Public)                    | P        | P        | P        |
| Emergency Shelter                     | C §517.3 | C §517.3 | C §517.3 |
| Entertainment Assembly, and Perf Arts | C §517.4 | C §517.4 | C §517.4 |
| Government, Local                     | P        | C        | P        |
| Home Occupation                       | P        | P        | P        |
| Institutional, General                | P        | P        | P        |
| Institutional, Religious              | P        | P        | P        |
| Lodging                               | P        | P        | P        |
| Marine                                | P        | P        | P        |
| Medical Care - Hospice                | P        | P        | P        |
| Office                                | P        | P        | P        |
| Parks and Recreation                  | P        | P        | P        |
| PDR                                   | C §517.5 | C §517.5 | C §517.5 |

| USE CATEGORIES       | CG-5 | CG-6 | CG-7 |
|----------------------|------|------|------|
| Residential          | P    | P    | P    |
| Retail               | P    | P    | P    |
| Service (Financial)  | P    | P    | P    |
| Service (General)    | P    | P    | P    |
| Other Accessory Uses | A    | A    | A    |

517.2 Eating and Drinking Establishment Uses: All uses shall be permitted by right except a drive-through operation shall not be permitted.

517.3 Emergency Shelter Use for no more than four (4) persons, not including resident supervisors or staff and their families shall be permitted by right.

517.4 Entertainment, Assembly, and Performing Arts uses shall be permitted by right provided the use is a private or public theater.

517.5 A PDR use that has valid certificate of occupancy as of the date these provisions first became effective shall be deemed a conforming use, but shall not be entitled to expand.

#### **518 USE GROUPS PERMITTED BY SPECIAL EXCEPTION – CG-5, 6 AND 7**

518.1 The following uses shall be permitted if approved by the Board of Zoning Adjustment as a special exception under Subtitle Y Chapter 8, subject to the provisions of this section and a determination by the Board that the use is not in conflict with the objectives of the waterfront areas:

518.2 The Board may impose additional requirements pertaining to design, appearance, screening, or lighting, location of buildings, or soundproofing, hours of operation, or other requirements as the Board deems necessary to protect adjacent or nearby property.

518.3 Animal Care and Boarding Uses subject to the following conditions:

- (a) The use is a veterinary office or hospital subject to the following conditions:
  - (1) A veterinary hospital 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) The veterinary hospital shall be located and designed to create no objectionable conditions to adjacent properties resulting from animal noise, odor, or waste;

- (4) The veterinary hospital shall not abut an existing residential use or a residential zone;
- (5) External yards or other external facilities for the keeping of animals shall not be permitted; and
- (6) Pet grooming, the sale of pet supplies, and incidental boarding of animals as necessary for convalescence, are permitted as accessory uses.

518.4 Community-based Institutional Facilities for one (1) to twenty (20) persons, not including resident supervisors or staff and their families;

518.5 Education (College/University) uses subject to the conditions of Subtitle X, Chapter 1;

518.6 Education (Private) uses subject to the following conditions:

- (a) The facility shall be designed to enhance the visual and recreational opportunities offered by the Waterfront.
- (b) The use shall be designed and located so that it is not likely to become objectionable because of noise, traffic, number of students, or other conditions.

518.7 Emergency shelters for five (5) to twenty-five (25) persons, not including resident supervisors or staff and their families;

518.8 Entertainment, Assembly, and Performing Arts uses subject to the following conditions:

- (a) The use shall not be within twenty-five feet (25 ft.) of a residential zone unless separated by a public street or public alley; and
- (b) Soundproofing to the extent deemed necessary for the protection of adjoining and nearby property shall be required.

518.9 Medical Care Uses subject to the following conditions:

- (a) The facility shall be designed to enhance the visual and recreational opportunities offered by the waterfront.
- (b) The facility shall be located so that it is not likely to become objectionable to surrounding and nearby property because of noise, traffic, or parking.
- (c) There shall be a demonstrated need for the facility.
- (d) The applicant shall submit to the Board a detailed plan for the hospital or clinic and accessory facilities which shall include:
  - (1) Location, height, and bulk of all improvements, but not limited to buildings, parking, and loading facilities;

- (2) Screening, signs, and public utility facilities; and
- (3) A description of the activities to be carried on at the hospital or clinic, including the capacities of the various facilities within the hospital or clinic.

518.10 Production, Distribution and Repair Uses, subject to the following conditions:

- (a) The facility shall be designed to enhance the visual and recreational opportunities offered by the waterfront.
- (b) The use shall comply with the standards of external effects and shall have no adverse effects on other uses on the same or adjoining properties.
- (c) The use shall not result in dangerous or otherwise objectionable traffic conditions.
- (d) There shall be adequate off-street parking for trucks and other service vehicles.
- (e) There shall be no outdoor storage of materials.

518.11 Utility uses, subject to the following conditions:

- (a) A basic utility use;
- (b) A use as an optical transmission node (OTN) shall be permitted subject to the following:
  - (1) Any new construction of a freestanding structure used primarily for the purpose of housing an OTN shall be built to appear compatible with surrounding construction, including exterior building material, fenestration, and landscaping; and
  - (2) There shall be no advertisement on the structure.
- (c) Any construction necessary for the utility or OTN shall be subject to requirements for setbacks, screening, or other requirements, as the Board deems necessary for the protection of neighboring or adjacent property.

518.12 Miscellaneous uses, subject to the following conditions:

- (a) The board finds that the use is appropriate in furthering the objectives of the waterfront areas;
- (b) The facility shall be designed to enhance the visual and recreational opportunities offered by the Waterfront;

- (c) The use shall not adversely affect the present character or future development of the neighborhood; and
- (d) No dangerous or otherwise objectionable traffic conditions shall result from the establishment of the use.

## **519 COMBINED LOT DEVELOPMENT IN THE CG-4 ZONE**

- 519.1 To help ensure the provision of the desired range of uses, this subtitle provides for combined lot development to encourage the development of a mix of uses in the CG-4 zone.
- 519.2 Two or more lots within the CG-4 zone may be combined for the purposes of allocating residential and non-residential uses regardless of the normal limitation on floor area by uses on each lot. This section may not be used to transfer density to or from any other zone.
- 519.3 The aggregate residential and non-residential floor area on a lot shall not exceed the matter of right maximum floor area or height of the zone district, except when bonus density is being constructed in accordance with the provisions of K § 504.3.
- 519.4 The amount of commercial density transferred from one parcel to another may not exceed the lesser of a density of 3.0 FAR or the amount of residential density being transferred.

## **520 CERTIFICATION OF COMBINED LOT DEVELOPMENTS**

- 520.1 No allocation of gross floor area shall be effective unless an instrument, legally sufficient to effect such a transfer, is filed with the Zoning Administrator and recorded by the Recorder of Deeds in the land records against all lots included in the combined lot development
- 520.2 The instrument shall be in the form of a declaration of covenants that:
  - (a) Is signed by the owners of all affected lots;
  - (b) Runs with the land in perpetuity;
  - (c) Burdens all lots involved in the allocation of gross floor area;
  - (d) Binds the present and future owners of the lot sending nonresidential gross floor area to forgo the nonresidential development and occupation of an on-site area equal to the amount of gross floor area of nonresidential uses transferred; and
  - (e) States the maximum permitted gross floor areas for all uses in all lots, the maximum allowed gross floor area for nonresidential uses in all lots, and the gross floor area of nonresidential uses allocated. The covenant shall further state that, after the transfer, the combined lots conform with the maximum

gross floor area limitations for nonresidential uses on the lots before the transfer.

520.3 The declaration of covenants shall expressly state that it may be substantively amended or terminated only with the approval of the Zoning Commission, after public hearing, and only upon a finding that the proposed amendment or termination is fully justified and consistent with the purposes of this chapter.

520.4 The declaration of covenants shall be approved in content by the Zoning Administrator and certified for legal sufficiency by the Office of the Attorney General. The declaration shall also contain a written statement by the Director of the D.C. Office of Planning attesting to:

- (a) The lots' eligibility to allocate residential and nonresidential uses;
- (b) The accuracy of the computations with respect to the amount of residential and nonresidential uses allocated; and
- (c) Whether, after the transfer, the combined lots will conform with the maximum gross floor area limitations on nonresidential uses for the lots before any such transfer.

## **521 DESIGNATED STREETS (CG)**

521.1 Designated street segments are those segments and side of street rights-of-way where a building with frontage on that street segment must comply with use and/or design regulations that may differ from the requirements of the zone through which the segment passes.

521.2 Refer to K § 522 for preferred use requirements that apply to specified designated streets.

521.3 Refer to K § 523 for design related requirements that apply to specified designated streets.

521.4 If a lot faces more than one designated street segment or designated area, the regulations governing each category apply.

521.5 Designated Street Segments include any portion of the following streets zoned CG-1 through CG-5:

- (a) M Street SE or SW (south side of street);
- (b) South Capitol Street (both sides of street, south of M Street and West side of street north of M Street);
- (c) Half Street SE (both sides of street);
- (d) First Street SE (west side of street);
- (e) Potomac Avenue SE or SW (both sides of street); or

- (f) P Street SW (both sides of street).

## **522 USE REQUIREMENTS FOR DESIGNATED STREETS (CG)**

522.1 Preferred use requirements shall apply only to the following designated streets:

- (a) M Street SE or SW;
- (b) Half Street SE; and
- (c) First Street SW.

522.2 Preferred uses of this section shall include uses within the following use categories:

- (a) Arts Design and Creation;
- (b) Eating and Drinking Establishments;
- (c) Entertainment, Assembly, and Performing Arts;
- (d) Retail;
- (e) Service, General or Financial

522.3 Any new building or structure with frontage on the streets identified in K § 521.5 shall:

- (a) Devote not less than 0.5 FAR of the ground floor gross floor area to one or more of the designated use categories.
- (b) Devote no more than 25 percent of the ground floor gross floor area retail requirement to Service, General or Financial uses;
- (c) Devote 100 percent of the building's street frontage along the designated street to required uses except for space devoted to building entrances or required for fire control.
- (d) For good cause shown, the Zoning Commission may authorize interim occupancy of the preferred use space required by this subsection by a non-preferred use for up to 5 years; provided that:
  - (1) The ground floor space is suitably designed for future occupancy by the preferred use space; and
  - (2) The ground floor area is designed to fully meet the applicable design regulations of K § 523.

**523 DESIGN REQUIREMENTS FOR DESIGNATED STREETS (CG)**

523.1 The following design requirements shall apply to the portion of a building or structure with frontage on designated streets as noted.

523.2 M Street SE or SW:

- (a) The streetwall of each new building shall be set back for its entire height and frontage along M Street not less than fifteen feet (15 ft.) measured from the face of the adjacent curb along M Street, S.E
- (b) The ground floor shall have a minimum clear height of fourteen (14) feet, as measured from the point used for the building's height measurement, for a continuous depth of at least thirty-six feet (36 ft.) from the building line on the primary street.
- (c) The ground story shall devote at least fifty percent (50%) of the surface area of to display windows or pedestrian entrances having clear low-emissivity glass, and ensure that the view through the display windows and pedestrian entrances is not blocked for at least ten feet (10 ft.) from the building line.
- (d) Ground floor pedestrian entrances, or areas where a future ground floor entrance could be installed without structural changes, shall be located no more than an average distance of 40 feet apart on the façade facing the primary street. In no case shall there be fewer than one door.
- (e) No vehicular garage or loading entrance or exit shall be permitted to a building or structure constructed after February 16, 2007, unless otherwise required by the District Department of Transportation (DDOT), or permitted by the Board of Zoning Adjustment as a special exception evaluated according to Subtitle Y Chapter 8.

523.3 South Capitol Street:

- (a) Each new building or structure located on South Capitol Street shall be set back for its entire height and frontage not less than 15 feet, with the exception of a:
  - (1) Buildings within Squares 649 and 651; and
  - (2) Replacement of an existing row dwelling; or
  - (3) Vertical addition to an existing row dwelling, not extending out into the South Capitol Street right-of-way and not exceeding 50% of the gross floor area of the original row dwelling.
- (b) A minimum of 60% of the street-wall shall be constructed on the setback line, with the exception of:

- (1) Buildings within Squares 649 and 651 where a minimum of 60% of the street-wall shall be constructed to the South Capitol Street property line; and
- (2) Replacement of or an addition to an existing row dwelling within Squares 653 or 655 in accordance with K § 523.3(a).
- (c) Any portion of a building or structure that exceeds one hundred and ten feet (110ft.) in height shall provide a one-to-one (1:1) step-back from the building line along South Capitol Street.
- (d) No vehicular garage or loading entrance or exit shall be permitted to a building or structure constructed after February 16, 2007, be unless otherwise required by the District Department of Transportation (DDOT), or permitted by the Board of Zoning Adjustment as a special exception evaluated according to Subtitle Y Chapter 8.

523.4 Half Street SE:

- (a) Any portion of a building or structure that exceeds sixty-five feet (65 ft.) in height shall provide a minimum step-back of twenty feet (20 ft.) in depth from the building line along Half Street SE; provided that:
  - (1) The Zoning Commission may grant relief pursuant to Subtitle Z, Chapter 9 from this requirement, to a maximum of fifteen feet (15 ft.) in height and eight feet in depth, for the provision of reasonable building footprints.
- (b) The ground floor shall have a minimum *clear height* of fourteen feet (14 ft.), as measured from the point used for the building's height measurement, for a continuous depth of at least thirty-six feet (36 ft.) from the building line on the *primary street*.
- (c) The ground story shall devote at least fifty percent (50%) of the surface area to display windows or pedestrian entrances having clear low-emissivity glass, and ensure that the view through the display windows and pedestrian entrances is not blocked for at least ten feet (10 ft.) from the building line.
- (d) 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 forty feet (40 ft.) apart on the façade facing the primary street. In no case shall there be fewer than one door.
- (e) No vehicular garage or loading entrance or exit shall be permitted to a building or structure constructed after February 16, 2007, unless otherwise required by the District Department of Transportation (DDOT), or permitted by the Board of Zoning Adjustment as a special exception evaluated according to Subtitle Y Chapter 8.

523.5 First Street SE

- (a) The ground floor shall have a minimum clear height of fourteen feet (14 ft.), as measured from the point used for the building's height measurement, for a continuous depth of at least thirty-six feet (36 ft.) from the building line on the primary street.
- (b) The ground story shall devote at least fifty percent (50%) of the surface area of to display windows or pedestrian entrances having clear low-emissivity glass, and ensure that the view through the display windows and pedestrian entrances is not blocked for at least ten feet (10 ft.) from the building line.
- (c) 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 forty feet (40ft.) apart on the façade facing the primary street. In no case shall there be fewer than one door.

523.6 Potomac Avenue SE or SW

- (a) Any portion of a building or structure that exceeds one hundred and ten feet (110 ft.) in height shall provide a one-to-one (1:1) step-back from the building line along Potomac Avenue.

523.7 P Street SW:

- (a) No vehicular garage or loading entrance or exit shall permitted from P Street SW to a building or structure constructed after February 16, 2007, be unless otherwise required by the District Department of Transportation (DDOT), or permitted by the Board of Zoning Adjustment as a special exception evaluated according to Subtitle Y Chapter 8.

**524 BALLPARK DISTRICT (CG)**

524.1 Sub-Area Use Regulations

- (a) A Ballpark may be constructed and operated within Squares 702, 703, 704, 705, and 706 and Reservation 247 (the "Ballpark Site"), bounded by N Street SE, First Street SE, Potomac Avenue SE, and South Capitol Street SE.
- (b) For the purposes of this section, the term "Ballpark" means a stadium or arena, including accessory buildings or structures (including, but not limited to office and transportation facilities) that has as its primary purpose the hosting of professional athletic team events.
- (c) The Ballpark may also be used to host events customarily held in such facilities including, but not limited to performances, amateur sporting events, municipal functions, and public or private ceremonies.

- (d) Notwithstanding other provisions for residential or mixed uses in this chapter, no portion of the FAR need be used for residential purposes within the Ballpark Site.
- (e) A maximum of 1,225 vehicular parking spaces shall be provided for the Ballpark use within the Ballpark Site, in addition to bus parking requirements of § 524.3(d). Of this number, a minimum of 125 shall be designated handicapped parking spaces. Any parking spaces in addition to the 1,225 amount shall be permitted if approved by the Zoning Commission pursuant to K § 524.4 subject to the applicant demonstrating:
  - (1) That the parking spaces are needed to satisfy parking demand generated by the Ballpark not met by existing or approved but not yet constructed parking facilities; and
  - (2) Compliance with the provisions of K § 524.4.
- (f) In considering whether to approve additional ballpark-related at or above-ground parking spaces under K §524.1(e), the Zoning Commission shall judge, balance, and reconcile the need for additional on-site parking against any adverse impacts the presence of the parking will have on traffic, and the aesthetics and development of the surrounding neighborhood.
- (g) All parking spaces within the Ballpark Site shall be provided underground. At or above grade parking spaces shall be permitted if approved by the Zoning Commission pursuant to K § 524.4; subject to the applicant demonstrating:
  - (1) Practical difficulty with the provision of underground parking; and
  - (2) Compliance with the provisions of K § 524.4.

#### 524.2 Preferred Use Regulations

- (a) Preferred uses of this section shall include one or more of the following use categories:
  - (1) Retail;
  - (2) Entertainment, Assembly, and Performing Arts;
  - (3) Eating and Drinking Establishments;
  - (4) Arts Design and Creation;
  - (5) Services.

- (b) Not less than twenty percent (20%) of the Ballpark building's exterior perimeter frontage, not including any detached accessory building, shall be devoted to preferred uses of K § 520.2(a) in accordance with the provisions of the following provisions:
  - (1) Preferred uses shall have a street orientation;
  - (2) Preferred uses shall provide direct exterior access at ground level;
  - (3) Not less than fifty percent (50%) of area devoted to preferred uses shall be devoted to display windows having clear or low-emissivity;
  - (4) The minimum floor to ceiling height of area devoted to preferred uses shall be fourteen (14) feet clear; and
  - (5) The average depth from the exterior facade in towards the center of the building for space devoted to preferred retail shall be fifty (50) feet minimum.
- (c) The Zoning Commission may grant relief to a maximum of fifty percent (50%) of the amount of space required by K § 524.2(b) if necessary for the economic viability of the Ballpark and if consistent with the purposes of the Capital Gateway Overlay as stated in K § 500.1 and the provisions of K §§ 524.4.

#### 524.3 Design Regulations

- (a) The Ballpark's maximum permitted height shall be that permitted by the Height Act, as amended. For the purposes of determining height for a Ballpark, height shall mean the vertical distance measured from the level of the curb opposite the middle of the front of the building to the highest point of the building including a scoreboard, roof, cantilevered sunscreen, or parapet.
- (b) Each building or structure located on the portion of South Capitol Street that lies within the Ballpark Site shall be set back for its entire height and frontage not less than fifteen (15) feet, provided that a minimum of sixty percent (60%) of the street-wall shall be constructed on the setback line
- (c) In addition to the streetwall setbacks of K § 524.2(c), any portion of the Ballpark 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.
- (d) Any on-site bus parking shall be located internal to a building, with doors and entranceways designed to complement the building facade, and shall permit safe and convenient vehicular and pedestrian movement. The Zoning Commission may grant relief from this requirements pursuant to K § 524.4(a) if necessary to the economic viability of the Ballpark and if

consistent with the purposes of the Capital Gateway as stated in K § 500.1 and the provisions of K § 524.4.

- (e) Loading platforms and berths for the Ballpark shall be located internal to a building, with doors and entranceways designed to complement the building facade, and shall permit safe and convenient vehicular and pedestrian movement.
- (f) A minimum of one pedestrian entrance gate to the Ballpark shall be provided on each street frontage.
- (g) No private driveway may be constructed or used from South Capitol Street to any parking or loading berth areas in or adjacent to a building or structure constructed after November 4, 2005.

#### 524.4 Zoning Commission Review

- (a) The Ballpark and all other proposed buildings or structures within the Ballpark Site shall be subject to the approval of the Zoning Commission in accordance with the following provisions:
  - (1) 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 minimize potential impacts to the neighborhood and the United States Capitol by:
    - i. Minimizing associated noise, particularly into adjacent residential neighborhoods;
    - ii. Minimizing light spill, particularly into adjacent residential neighborhoods;
    - iii. Minimizing parking and traffic conflict between Ballpark patrons and neighborhood residents;
    - iv. Encouraging the use of bicycles through the provision of safe, secure and convenient bike storage, as well as other forms of alternative transportation to the site;
    - v. Minimizing conflict between vehicles and pedestrians;
    - vi. Encouraging the design and development of properties in a manner that is sensitive to the establishment of South Capitol Street as a monumental civic boulevard while recognizing the proximate residential neighborhood use and context;
    - vii. Being in context with the surrounding neighborhood and street patterns;

- viii. Providing view analysis which assesses openness of views and vistas around the Ballpark, including views toward the Capitol Dome, other federal monumental buildings, and the waterfront, from the surrounding neighborhood and neighborhoods east of the Anacostia River, South Capitol Street, the Frederick Douglas Bridge, and the waterfront;
  - ix. Providing for safe and convenient movement to and through the site, including to public transit and to the Anacostia River; and
  - x. Ensuring that signage on the exterior of building or internal to the ballpark structure but visible from the outside, including the scoreboard, will not have such intensity or brilliance as to cause glare or impair the vision of any driver, or otherwise interfere with the driver's operation of a motor vehicle; adversely impact an owner's enjoyment of residential property located proximate to the ballpark; or impact the character and integrity of the ballpark site.
- (2) In addition to the required provisions of K §524.4(a)(1), an applicant requesting approval under this section shall also demonstrate that the proposed building or structure, including the siting, architectural design, site plan, landscaping, sidewalk treatment, and operation will:
- i. Help achieve the objectives of the Capital Gateway as set forth in K § 500.1;
  - ii. Be of a superior quality;
  - iii. Encourage safe and active streetscapes through building articulation, landscaping, and the provision of active ground level uses including retail, entertainment, cultural, and pedestrian concourse space;
  - iv. Minimize unarticulated blank walls adjacent to public spaces through facade articulation; and
  - v. Promote the use of best practice environmental design, including minimizing potential impacts on the Anacostia River through stormwater management and recycling practices.
- (b) The Zoning Commission may impose requirements pertaining to building or structure design, appearance, landscaping, signage, lighting, and other such requirements, as it deems necessary to protect neighboring property and to achieve the purposes of the Capitol Gateway Overlay District.
- (c) The Zoning Commission may hear and decide any additional requests for relief from Zoning Regulations for the subject site. Such requests may be

advertised, heard, and decided together with the application for Zoning Commission review and approval.

- (d) At the time of filing an application with the Zoning Commission, the applicant shall pay the filing fee specified in Subtitle Z, Chapter 2001 plus such fees as apply to any additional zoning relief requested. The provisions of Subtitle A, Chapter 2 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.
- (e) At any time after the application is filed, but no later than 30 days prior to the hearing date, at the request of one or more Zoning Commission member(s), the Zoning Commission may, at a regular or special public meeting, offer preliminary comment on the design presented. Written notice of the Zoning Commission's intent to offer preliminary comment shall be provided to the Applicant, the ANC within which the project is located, and the Office of Planning. The Office Planning may participate at the meeting only through responding to the Zoning Commission's questions and offering solutions to any concerns expressed.

## **525 ZONING COMMISSION REVIEW OF BUILDINGS, STRUCTURES, AND USES (CG)**

525.1 The provisions of this section apply to properties:

- (a) Within the CG-5 zone;
- (b) Abutting M Street S.E.;
- (c) Located within Squares 700 or 701;
- (d) Abutting South Capitol Street, other than renovation or replacement of an existing row dwelling within Squares 653 or 655; or for a minor addition not exceeding 50% of the gross floor area of the original row dwelling structure;
- (e) Within Squares 601, 656, or 657; or
- (f) Which are the recipient of density through the Credit provisions of K § 519.

525.2 With respect to those properties described in K § 525.1, all proposed uses, buildings, and structures, or any proposed exterior renovation to any existing buildings or structures that would result in an alteration of the exterior design, shall be subject to review and approval by the Zoning Commission in accordance with the following provisions.

525.3 In addition to proving that the proposed use, building, or structure meets the standards set forth in Subtitle Y Chapter 8 and the relevant provisions of this chapter, an applicant requesting approval under this section shall prove that the proposed building or structure,

including the sitting, architectural design, site plan, landscaping, sidewalk treatment, and operation, will:

- (a) Help achieve the objectives of the Capital Gateway defined in K § 500.1,
- (b) Help achieve the desired use mix, with the identified preferred uses specifically being residential, hotel or inn, cultural, entertainment, retail, or service uses;
- (c) Be in context with the surrounding neighborhood and street patterns;
- (d) Minimize conflict between vehicles and pedestrians;
- (e) Minimize unarticulated blank walls adjacent to public spaces through facade articulation; and
- (f) Minimize impact on the environment, as demonstrated through the provision of an evaluation of the proposal against LEED certification standards.

525.4 With respect to a building or structure to be constructed on a lot within the CG-5 District:

- (a) The building or structure shall provide suitably designed public open space along the waterfront;
- (b) A plan shall be included in the application for suitable open space treatment of the setback area for such uses as walkway and bikeway, passive or active recreational use, and including provisions assuring private maintenance of the space, convenient and permanent public access to the space, and suitable connections to adjacent public space along the waterfront; and
- (c) The application shall include a view analysis that assesses openness of waterfront views and vistas, and views and vistas toward the Capitol Dome, other federal monumental buildings, existing neighborhoods, South Capitol Street, and the Frederick Douglass Bridge.

525.5 With respect to a building or structure which has frontage on Half Street S.E.

- (a) The building or structure shall provide for safe and active streetscapes through building articulation, landscaping, and the provision of active ground level uses including retail, entertainment, cultural, and pedestrian concourse space;
- (b) The building or structure shall provide for safe and convenient movement to and through the site, including to public transit, the Ballpark, and to the Anacostia River; and

- (c) The application shall include a view analysis that assesses openness of views and vistas around, including views toward the Capitol Dome, other federal monumental buildings, the Ballpark, and the waterfront.

525.6 With respect to a building or structure that has frontage on South Capitol Street S.E.:

- (a) The building or structure shall incorporate massing, materials, and buildings and streetscape landscaping to further the design and development of properties in a manner that is sensitive to the establishment of South Capitol Street as a monumental civic boulevard;
- (b) The building or structure shall incorporate massing, location of access to parking and loading, and location of service areas to recognize the proximate residential neighborhood use and context, as applicable; and
- (c) The application shall include a view analysis that assesses openness of views and vistas around, including views toward the Capitol Dome, other federal monumental buildings, the Ballpark, and the waterfront.

525.7 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.

525.8 At the time of filing an application with the Zoning Commission, the applicant shall pay the filing fee specified in Subtitle Z Chapter 2001, 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.

## **526 PARKING AND LOADING REGULATIONS**

526.1 This chapter provides conditions and requirements related to parking spaces, including location and access.

526.2 Parking Requirements:

- (a) There is no minimum number of vehicular parking space requirement for any CG zone; except as required in C §524.1(e) for the ballpark..
- (b) Bicycle parking in accordance with the requirements of Subtitle C Chapter 20 shall be provided.
- (c) All vehicular parking shall conform to the requirements of Subtitle C Chapters 19, Parking and 20, Bicycle Parking; except

- (1) Parking located on a property which front or abuts the Anacostia River shall also conform to the requirements of Subtitle C Chapter 23, Waterfront.

## **527 PLANNED UNIT DEVELOPMENTS**

527.1 A Planned Unit Development (PUD) in the CG zones shall be subject to the following provisions in addition to the provisions of 11 DCMR Subtitle C:

- (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 Lower Anacostia Waterfront/Near Southwest Area Elements of the Comprehensive Plan;
- (b) The PUD process shall not be used to reduce requirements in this chapter for the preferred uses.
- (c) An applicant for a PUD within the CG-4 zone seeking non-residential FAR greater than the non-residential FAR permitted in this Chapter shall demonstrate to the Zoning Commission that combined lot density pursuant to K § 515 have been acquired to the maximum extent feasible prior to the PUD application.

## **CHAPTER 6 SAINT ELIZABETHS EAST CAMPUS (StE)**

### **600 GENERAL PROVISIONS (STE)**

- 600.1 The Saint Elizabeths East Campus (StE) District is a unique location district created to implement the public policy goal and objectives of the Comprehensive Plan, the St. Elizabeths Redevelopment Framework Plan, as approved by the Council of the District of Columbia on December 16, 2008, and the Saint Elizabeths East Master Plan and Design Guidelines, June 4, 2012.
- 600.2 The StE District shall apply to Lot 2 in Square S-5868, which comprises the area historically referred to as the Saint Elizabeths East Campus, and generally bounded by the Unified Communications Center to the north; open space and the St. Elizabeths Psychiatric Hospital the east; Alabama Avenue and the residential community to the south; and Martin Luther King, Jr., Avenue to the west.
- 600.3 The StE District shall constitute the Zoning Regulations for the geographic area referred to in K § 600.2. Where there are conflicts between this chapter and other chapters of this title, the provisions of the StE District shall govern.
- 600.4 The purposes of the Saint Elizabeths East Campus Zone are to:
- (a) The StE District is intended to provide for the development of this site with a mix of uses, achieved through the adaptive reuse of existing buildings as well as new construction.;
  - (b) The StE District is intended to provide for a broad mix of uses, including residential, commercial, hospitality, educational, and civic uses consistent with the Master Plan, with a target of approximately four million two hundred thousand (4,200,000) square feet of development, exclusive of the StE-2, StE-18, and StE-19 subdistricts and specified above-grade parking.
  - (c) Improve community connectivity and access to and through the campus;
  - (d) Enhance the unique and historic identity of the campus;
  - (e) Reinvigorate the campus as an important neighborhood center;
  - (f) Preserve and adaptively reuse the historic resources;
  - (g) Embody the District's design and sustainability goals;
  - (h) Create a safe public realm and enhanced pedestrian experience;
  - (i) Enhance multi-modal transportation networks;
  - (j) Support wider economic development initiatives;

- (k) Ensure a parking supply that meets the needs of the St Elizabeths sitewhile minimizing impacts on surrounding neighborhoods and incurring acceptable impacts on the surrounding road network.

600.5 Land Use and Design Principles

- (a) Create a safe environment by providing for a mix of uses and open spaces that are capable of being programmed to ensure vitality and social activity;
- (b) Create a desirable development opportunity by providing for flexibility in uses and appropriate building heights and densities;
- (c) Provide street-activating uses such as retail on the ground floor of buildings along designated public streets;
- (d) Recognize the unique and historic characteristics of the site and provide for the appropriate reuse of the historic buildings and new development that will respect the site's historic nature;
- (e) Design and site new development sensitively to preserve existing gateways, vistas, and campus landmarks;
- (f) Create focal points to help establish a unique sense of place and orientation;
- (g) Provide for significant open space, including community parks, plazas, and natural open space on the site;
- (h) Provide for significant open space, including community parks, plazas, and natural open space on the site; and
- (i) Promote the use of best practice environmental and stormwater management design.

## **601 DEVELOPMENT STANDARDS (STE)**

- 601.1 The bulk and standards in the StE zones shall be controlled through the specified development standards and regulations of this chapter.
- 601.2 The StE District is divided into the StE-1 through StE-19 Districts for the purpose of floor area ratio (FAR), lot occupancy, and building height.
- 601.3 Except as provided in this chapter, the FAR, height of a building or structure, lot occupancy and rear yard in a StE District shall not exceed or be less than that set forth in K § 602.

## **602 DEVELOPMENT STANDARDS TABLE**

- 602.1 The development standards for the StE zones are set forth in the following table:

| <b>Zone District</b> | <b>FAR (Max.)</b> | <b>FAR – Required Residential (Min.)</b> | <b>FAR – Above Grade Parking (Max.)</b> | <b>Height (Max. Ft.)</b> | <b>Lot Occupancy (Max. %)</b> | <b>Rear Yard (Min. Ft.)</b> |
|----------------------|-------------------|------------------------------------------|-----------------------------------------|--------------------------|-------------------------------|-----------------------------|
| StE-1                | 0.20              | -                                        | -                                       | 25                       | 25                            | -                           |
| StE-2                | 4.00              | -                                        | -                                       |                          | 75                            | -                           |
| StE-3                | 2.50              | -                                        | -                                       | 80                       | 60                            | -                           |
| StE-4                | 0.50              | -                                        | -                                       | 25                       | 60                            | -                           |
| StE-5                | 1.50              | -                                        | -                                       | 65                       | 60                            | -                           |
| StE-6                | 3.20              | 1.60                                     | -                                       | 90                       | 75                            | -                           |
| StE-7                | 1.50              | 1.00                                     | K § 603.1                               | K § 604.1                | 60                            | -                           |
| StE-8                | 0.40              | -                                        | -                                       | 25                       | 60                            | -                           |
| StE-9                | 1.50              | -                                        | -                                       | 65                       | 60                            | -                           |
| StE-10               | 1.50              | -                                        | -                                       | 40                       | 60                            | 20                          |
| StE-11               | 0.70              | -                                        | -                                       | 25                       | 60                            | -                           |
| StE-12               | 3.00              | 1.50                                     | -                                       | 80                       | 75                            | -                           |
| StE-13               | 3.20              | 1.60                                     | -                                       | 90                       | 75                            | -                           |
| StE-14a              | 1.50              |                                          | -                                       | 40                       | 60                            | 20                          |
| StE-14b              | 1.50              | 1.00                                     | -                                       | 40                       | 60                            | 20                          |
| StE-15               | 2.00              | 1.00                                     | K § 603.1                               | 80                       | 75                            | -                           |
| StE-16               | 3.20              | 1.60                                     | -                                       | 90                       | 75                            | -                           |
| StE-17               | 0.50              | -                                        | K § 603.1                               | 70                       | 60                            | -                           |
| StE-18               | 4.00              | -                                        | -                                       | 90                       | 75                            | -                           |
| StE-19               | 0.00              | -                                        | -                                       | 0                        | n/a                           | -                           |

**603 FLOOR AREA RATIO (STE)**

603.1 FAR for structured parking located above grade is regulated as follows:

- (a) In addition to the FAR permitted by K § 602.1, additional FAR for above grade parking is permitted as follows:
  - (1) Within the StE-7 subdistrict – 1.0 FAR;
  - (2) Within the StE-15 subdistrict – 1.0 FAR; and
  - (3) Within the StE-17 subdistrict – 2.0 FAR;
- (b) Any of the FAR permitted under K § 603.1(a) that is not used for above grade parking may be utilized for any other use permitted within that zone;
- (c) Any above grade parking shall conform to the standards of K § 610; and
- (d) This density may not be transferred through the Combined Lot Provisions of K § 608 to another parcel.

**604 HEIGHT (STE)**

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

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

604.2 The height and FAR limits of K § 602.1 shall serve as the maximums permitted under a Planned Unit Development (PUD).

**605 LOT AREA (STE)**

605.1 The minimum lot area for row dwellings in any StE District shall be one thousand eight hundred square feet (1,800 s.f.) with a minimum lot width of eighteen feet (18 ft.).

**606 REAR SETBACK (STE)**

606.1 No part of a building within the StE-6, StE-13, and StE-16 subdistricts shall project above plane drawn at a forty-five degree (45<sup>0</sup>) angle from a line located seventy-five feet (75 ft.) directly above the eastern property line that abuts the ravine.

**607 FRONT SETBACK (STE)**

607.1 Buildings within the StE-17 and StE-18 subdistricts shall be setback not less than ten feet (10 ft.) from the property line that abuts Alabama Avenue and 13th Street.

607.2 No part of a building within the StE-17 and StE-18 subdistricts shall project above a plane drawn at a forty-five degree (45<sup>0</sup>) angle from a line located fifty feet (50 ft.) directly above the property line that abuts Alabama Avenue.

**608 COMBINED LOTS (STE)**

608.1 In any StE subdistrict with a minimum residential requirement, two (2) or more lots within such a subdistrict may be combined for the purpose of achieving the required FAR equivalent of residential uses, subject to the following:

- (a) The total height and density limits of the subdistrict(s) shall not be exceeded; and
- (b) The combined lot provisions may not be used to transfer density to or from any property within the StE-2, StE-10, StE-14a, StE-14b, StE-18, or StE-19 subdistricts.

608.2 No allocation of gross floor area shall be effective unless an instrument, legally sufficient to effect such a transfer, is filed with the Zoning Administrator and recorded by the Recorder of Deeds in the land records against all lots included in the combined lot development.

608.3 The instrument shall be in the form of a declaration of covenants that:

- (a) Is signed by the owners of all affected parcels;
- (b) Runs with the land in perpetuity;
- (c) Burdens all parcels involved in the allocation of gross floor area; and

- (d) States the maximum permitted gross floor areas for all uses in all parcels, the maximum allowed gross floor area for nonresidential uses in all parcels and the gross floor area of nonresidential uses allocated. The covenant shall further state that, after the transfer, the combined lots conform with the maximum gross floor area limitations.

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

608.5 The declaration of covenants shall be approved in content by the Zoning Administrator and certified for legal sufficiency by the Office of the Attorney General. The declaration shall also contain a written statement by the Director of the D.C. Office of Planning attesting to:

- (a) The lots' eligibility to allocate residential and nonresidential uses;
- (b) The accuracy of the computations with respect to the amount of residential and nonresidential uses allocated; and
- (c) Whether, after the transfer, the combined lots will conform with the maximum gross floor area limitations for the lots before any such transfer.

**609 INCLUSIONARY ZONING (STE)**

- 609.1 All residential development is subject to Inclusionary Zoning and shall be constructed according to the provisions set forth in C Chapter 22 except for § 2204.
- 609.2 The FAR, lot occupancy, and height maximums of K § 602.1 shall serve as the maximum permitted density for buildings and structures within each subdistrict including for the provision of inclusionary units.

**610 PARKING (STE)**

- 610.1 The cumulative total of all parking spaces, including below grade, surface, and above grade structured parking, shall not exceed a total of four thousand eight hundred (4,800) parking spaces, exclusive of parking on the StE-2 or StE-18 subdistricts, existing surface parking lots, historic structures, and any parking associated with existing District of Columbia Government facilities.
- 610.2 Each application to the Department of Consumer and Regulatory Affairs for a development that includes above grade or below grade structured parking or surface parking shall provide an accounting of the total number of parking spaces within the StE District which count towards the four thousand eight hundred (4,800) parking space limit.
- 610.3 Additional parking spaces beyond the four thousand eight hundred (4,800) space limit shall be permitted by special exception by the Board of Zoning Adjustment pursuant to Subtitle Y, Chapter 8 and provided that the applicant addresses compliance with the following standards:
- (a) The application shall include a detailed accounting of the existing and proposed number and locations of parking spaces provided pursuant to K § 610.1; and shall also include a traffic study assessing the impacts of the proposed additional parking spaces on local traffic patterns for referral to and comment by the District Department of Transportation;
  - (b) The applicant shall include a transportation demand management (TDM) plan, as well as District Department of Transportation analysis of the TDM plan. The parameters of the analysis shall be outlined by the District Department of Transportation; and
  - (c) Vehicular access and egress will be located and designed so as to encourage safe and efficient pedestrian movement, minimize conflict with principal pedestrian ways, function efficiently, and create no dangerous or otherwise objectionable traffic conditions.
- 610.4 For any application pursuant to K § 610.3:
- (a) The Board shall judge, balance, and reconcile the need for additional on-site parking against any adverse impacts the presence of the parking will have on traffic, and the aesthetics and development of the surrounding neighborhood; and

- (b) The Board may impose requirements pertaining to design, appearance, signs, massing, landscaping, and other such requirements as it deems necessary to protect neighboring property and to achieve the purposes of the StE District.

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- 610.5 Any additional commuter parking, beyond parking that may exist as of March 29, 2013 within the St-E-18, shall be for the exclusive use of residents of, employees within, or visitors to the StE District or Federal employees of the adjacent St Elizabeths West Campus.
- 610.6 Parking spaces shared by more than one use is permitted.
- 610.7 Parking spaces need not be located on the same lot as the building or buildings they are intended to serve, but must be located on a lot within the StE District other than the StE-18 or StE-19 subdistrict.
- 610.8 Parking spaces shall not be located between a street right-of-way line and the more restrictive of either a building façade or a line extending from and parallel to a building façade. A building used solely as a parking attendant shelter shall not trigger this restriction.
- 610.9 Parking spaces provided within a structure shall be located at least twenty feet (20 ft.) from all lot lines that abut public streets, unless the surface of the parking spaces is at least ten feet (10 ft.) below grade, at all points along the building frontage.
- 610.10 Parking spaces within an above grade structure along 13th Street, Dogwood Street, and Sycamore Street shall be lined with preferred uses as defined in K § 621 on the ground floor to a depth of thirty feet (30 ft.) minimum.
- 610.11 All parking spaces, other than mechanical parking spaces shall be accessible at all times from a driveway accessing either an improved street or an improved alley or alley system with a minimum width of ten feet (10 ft.).
- 610.12 Parking spaces provided within a mechanized parking system need not meet the accessibility requirement of K § 610.10 as long as the mechanized parking system does.
- 610.13 Parking spaces and drive aisles shall be designed in accordance with the standards of Subtitle C Chapter 19.
- 610.14 Where other options for access to parking spaces exist, such as from an alley or a different street, access to parking shall not be from a section of street where preferred uses are required in accordance with K § 621; or from Martin Luther King Jr. Avenue, S.E., Dogwood Street, 13th Street, or Oak Drive.
- 610.15 Approval of a driveway under this chapter shall not be interpreted to imply permission for a curb cut in public space. An applicant for a driveway with a curb cut in public space shall have the responsibility to obtain all other necessary approvals and permissions.
- 611 LOADING (STE)**
- 611.1 Loading requirements for each use shall be as prescribed in Subtitle C Chapter 19 of this title.

611.2 Where other options for access to parking spaces exist, such as from an alley or a different street, access to loading shall not be from a section of street where preferred uses are required in accordance with K § 621; or from Martin Luther King Jr. Avenue, S.E., Dogwood Street, 13th Street, or Oak Drive.

611.3 Loading entrances shall not be located closer than thirty two feet (32 ft.) from the intersection of an alley other curb cut as measured from the intersection of the curb lines extended.

611.4 Loading entrances shall not be located closer than sixty feet (60 ft.) from the nearest intersection of a street as measured from the intersection of the curb lines extended.

611.5 Loading entrances shall make use of architectural treatments, to mitigate visual impacts,

611.6 Access points to requiring a curb cut should be a sufficient distant from any street intersection so as not to disrupt traffic flow.

## **612 BICYCLE PARKING (STE)**

612.1 The bicycle parking standards of this chapter apply to all newly constructed buildings.

612.2 Bicycle parking spaces shall be provided in accordance with the requirements and standards of Subtitle C Chapter 20.

## **613 ROOF STRUCTURES (STE)**

613.1 Rooftop penthouses not intended for human occupation, such as penthouses over mechanical equipment, a stairway or an elevator shaft shall be erected or enlarged pursuant to Subtitle C Chapter 5.

## **614 USE PERMISSIONS (STE)**

614.1 The following use categories are applicable to the StE District:

| Use Categories                   | Use Codes |
|----------------------------------|-----------|
| Agriculture, Large               | P         |
| Agriculture, Residential         | P         |
| Animal Sales, Care, and Boarding | P         |
| Antennas                         | P         |
| Arts Design and Creation         | P         |
| Basic Utilities                  | P         |
| Chancery                         | P         |
| Community-based Inst. Facility   | S         |
| Daytime Care                     | P         |
| Education                        | P         |
| Emergency Shelter                | S         |
| Ent., Assembly, and Perf Arts    | P         |

| Use Categories                     | Use Codes |
|------------------------------------|-----------|
| Firearm Sales                      | N         |
| Eating and Drinking Establishments | P         |
| Government, Large Scale            | P         |
| Government, Local                  | P         |
| Health Care                        | P         |
| Institutional                      | P         |
| Lodging                            | P         |
| Motor Vehicle-related              | P         |
| Office                             | P         |
| Parking                            | P         |
| Parks and Recreation               | P         |
| Production, Dist., and Repair      | P         |
| Residential                        | P         |
| Retail                             | P         |
| Service, General                   | P         |
| Service, Financial                 | P         |
| Sexually-Based Business            | N         |
| Transportation Infrastructure      | P         |

## **615 USES PERMITTED BY CONDITIONS**

- 615.1 The uses listed in K § 614.1 shall be permitted by-right in all subdistricts of the StE District, except as limited in K §§ 615.2 to 617.
- 615.2 Within the StE-19 subdistrict, no use is permitted except for Open Space and transportation infrastructure.
- 615.3 Uses permitted within the StE-10 and StE-14a subdistricts shall be in accordance with the RF-1 use provisions of Subtitle E, Chapter 18 which includes but is not limited, to rowhouses, flats, attached or detached dwellings, and other uses compatible with a low to moderate density residential zone.

## **616 USES PERMITTED BY SPECIAL EXCEPTION**

- 616.1 The following uses shall be permitted in the StE District as a special exception if approved by the Board of Zoning Adjustment pursuant to the general standard of Subtitle Y Chapter 8 the criteria set forth in K § 615.2 and the specific conditions stated below:
- (a) Emergency shelter for five (5) to fifteen (15) persons, not including resident supervisors or staff and their families, subject to the standards and requirements of § 1803.8; and

- (b) Community Based Institutional Facilities for seven (7) to fifteen (15) persons, not including resident supervisors or staff and their families, subject to the standards and requirements for Youth and Adult Rehabilitation Homes of §1803.4.

## **617 USES PROHIBITED**

617.1 The following uses are prohibited within the StE District as either a principal or an accessory use:

- (a) Any establishment that has as its principal use the administration of massages;
- (b) Any industrial use first permitted in the P-4-C zone;
- (c) Correctional Facility;
- (d) Drive-through establishment, where goods are sold/rented or services rendered, directly to occupants of motor vehicles while in the vehicles;
- (e) Firearm Sales, including gun store, ammunition sales, pawn shop carrying guns, or weaponry store;
- (f) Self-service storage establishment that provides separate storage areas for individual or business uses;
- (g) Sexually-oriented business establishment;
- (h) Vehicle repair and servicing, including full-serve and mini-serve gas stations, unattended key card stations, car washes, quick lubrication services, and vehicle emission test sites; and
- (i) Vehicle sales.

**618        ACCESSORY USES**

- 618.1        Accessory uses, buildings, or structures customarily incidental and subordinate to the principal uses permitted in K § 604.1 shall be permitted in any StE District except StE-19 as a matter of right, subject to the limitations in Subtitle C Chapter 8 of this title.

**619        PREFERRED USES**

- 619.1        Preferred uses described in K § 621.1 shall be provided in accordance with the provisions of that section.

**620        SPECIAL EXCEPTION - GENERAL USE PROVISIONS**

- 620.1        In addition to the general standards set forth in Subtitle Y Chapter 8 , an applicant for a special exception to establish a Community Based Institutional Facility pursuant to K § 616 shall demonstrate that:
- (a)        The proposal addresses any conditions pertaining to that use as detailed in this chapter;
  - (b)        Noise and other potential impacts associated with the operation of a proposed use shall not adversely affect adjacent or nearby uses;
  - (c)        Traffic conditions associated with the operation of a proposed use shall not adversely affect adjacent or nearby uses; and
  - (d)        The proposed building will comply with the applicable ground floor use.

**621        PREFERRED USE REQUIREMENTS**

- 621.1        Preferred uses shall include any use within the Arts, Design & Creation; Eating and Drinking Establishments; Retail; General Service; or Financial Service use categories described in K § 614.1.
- 621.2        Each building that faces the following streets or locations in the following subdistricts shall devote not less than fifty percent (50%) of the gross floor area of the ground floor to preferred uses:
- (a)        StE-3, facing Martin Luther King Jr. Avenue S.E., Cypress Street S.E., or Sycamore Street S.E., and the park;
  - (b)        StE-7, facing Martin Luther King Jr. Avenue S.E., Cypress Street S.E., or Dogwood Drive S.E., or Oak Drive S.E.;
  - (c)        StE-14b, facing Dogwood Drive S.E., Oak Drive S.E., or the southwest corner;
  - (d)        StE-15, facing Dogwood Drive S.E., 13th Street S.E., Oak Drive S.E., or the park;
  - (e)        StE-16, facing 13th Street S.E. and the southwest corner; and

(f) StE-17, facing Dogwood Drive S.E., 13th Street S.E., or Oak Drive S.E.

621.3 Not less than fifty percent (50%) of the surface area of the street wall, including building entrances, of those building frontages described in K § 621.2 shall be devoted to doors or display windows having clear or low emissivity glass.

621.4 Preferred uses shall provide direct, exterior access to the ground level.

621.5 The minimum floor-to-ceiling height for portions of the ground floor level devoted to preferred uses shall be fourteen feet (14 ft.).

621.6 Ground floor area required for preferred uses may not be transferred to any other lot through the Combined Lot Development procedures of K § 608.

621.7 For good cause shown, the Board of Zoning Adjustment may authorize interim occupancy of the preferred use space required under K§ 621.2 by other uses permitted in the StE District for up to a five (5) year period, provided that:

- (a) The ground-floor space is suitably designed for future occupancy by preferred uses;
- (b) The proposed use is compatible with the surrounding uses; and
- (c) It can be demonstrated that a preferred use cannot be accommodated due to market conditions.