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5338703	Submitted to ODAI	Proposed Rulemaking	Zoning Commission Notice of Proposed Rulemaking: Case No. 14-16 (11 DCMR - To Create and Implement the C-2-B-1 Zone District)	2/27/2015 Vol 62/9	2/18/2015 13:45:36
5338924	Submitted to ODAI	Proposed Rulemaking	Zoning Commission Notice of Proposed Rulemaking: Case No. 14-05 (11 DCMR - Text Amendments to the Yards West)	2/27/2015 Vol 62/9	2/18/2015 12:51:06
5326518	Confirmed	Notices, Opinions	Zoning Commission Notice of Filing: Case No. 04-33G	2/20/2015 Vol 62/8	2/13/2015 15:38:49
5327012	Confirmed	Notices, Opinions	Zoning Commission Notice of Filing: Case No. 15-03	2/20/2015 Vol 62/8	2/13/2015 15:33:26
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5319206	Confirmed	Notices, Opinions	Board of Zoning Adjustment - Order No. 18939 - Amy & Ari Nazarov - ANC 6A	2/20/2015 Vol 62/8	2/13/2015 15:19:32
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5326504	Confirmed	Notices, Opinions	Board of Zoning Adjustment - Order No. 18914 - John Peters - ANC 6A	2/20/2015 Vol 62/8	2/13/2015 14:58:45
5330552	Confirmed	Notices, Opinions	Board of Zoning Adjustment - Order No. 18913 - Simone Goring & Richard Devaney - ANC 6E	2/20/2015 Vol 62/8	2/13/2015 14:56:32

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District of Columbia
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ZONING COMMISSION
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ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA

NOTICE OF PROPOSED RULEMAKING

Z.C. Case No. 14-16

(Text and Map Amendments – 11 DCMR)

(To Create and Implement the C-2-B-1 Zone District)

The Zoning Commission for the District of Columbia, pursuant to its authority under § 1 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat 797, D C Official Code § 6-641.01 (2008 Repl.)), hereby gives notice of its intent to amend the Zoning Map and the Zoning Regulations (DCMR Title 11). If adopted, the amendments would create and implement the C-2-B-1 Zone District, which would be identical to the existing C-2-B Zone District but with an allowable matter-of-right height of seventy-five feet (75 ft.) instead of sixty-five (65). The district would first be mapped generally within the triangle formed by New York Avenue, Montana Avenue, and Bladensburg Road, on the specific lots and parcels noted below.

Final rulemaking action shall be taken in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

The Zoning Map is proposed to be amended as follows:

Rezone from C-M-1 to C-2-B-1 the following lots and parcels

- Square 4268, Lots 2, 5, 6, 8, 10, 11, 12, 14, 800, 801, 804, 811, and 815, and
- Parcels 153/26, 153/83, 153/105, 153/113, 153/123, 153/150, 153/152, and 153/153

The following amendments to the Zoning Regulations are proposed, all of which add references to the C-2-B-1 District to existing provisions:

Chapter 1, THE ZONING REGULATIONS, § 105, ZONE DISTRICTS, § 105.1(d)(2) is amended to add the phrase “C-2-B-1 medium-high density; and” so that the entire subsection reads as follows:

105 ZONE DISTRICTS

105.1 For the purpose of this title, the District of Columbia shall be divided into the following zone districts:

(a) RESIDENCE DISTRICTS, as follows.

(1) R-1 one-family detached dwellings, subdivided as follows

(A) R-1-A low density; and

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- (B) R-1-B high density,
- (2) R-2 one-family, semi-detached dwellings,
- (3) R-3 row dwellings;
- (4) R-4 row dwellings, conversions, and apartments, and
- (5) R-5 general residence, subdivided as follows
 - (A) R-5-A low density;
 - (B) R-5-B moderate density;
 - (C) R-5-C medium density;
 - (D) R-5-D medium-high density; and
 - (E) R-5-E high density,

(b) **SPECIAL PURPOSE DISTRICTS**, as follows:

- (1) SP limited offices and apartments, subdivided as follows.
 - (A) SP-1 medium density; and
 - (B) SP-2 medium-high density;

(c) **MIXED USE (COMMERCIAL-RESIDENTIAL) DISTRICTS**, as follows.

- (1) CR mixed uses (retail, residential, office, and light industry);

(d) **COMMERCIAL DISTRICTS**, as follows

- (1) C-1 neighborhood shopping,
- (2) C-2 community business center, subdivided as follows:
 - (A) C-2-A medium density,
 - (B) C-2-B medium-high density;

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- (C) C-2-B-1 medium-high density, and
- (D) C-2-C high density,
- (3) C-3 major business and employment center, subdivided as follows
 - (A) C-3-A medium bulk,
 - (B) C-3-B medium bulk, and
 - (C) C-3-C high bulk;
- (4) C-4 central business district; and
- (5) C-5 (PAD) Pennsylvania Avenue development;
- (e) INDUSTRIAL DISTRICTS, as follows.
 - (1) C-M commercial-light manufacturing, subdivided as follows.
 - (A) C-M-1 low bulk,
 - (B) C-M-2 medium bulk; and
 - (C) C-M-3 high bulk; and
 - (2) M general industry,
- (f) LANGDON OVERLY (LO) DISTRICT;
- (g) WATERFRONT DISTRICTS, as follows
 - (1) W mixed uses, subdivided as follows.
 - (A) W-0 waterfront open space and recreation, low density,
 - (B) W-1 moderate density,
 - (C) W-2 medium density; and
 - (D) W-3 high density;

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- (h) **MIXED USE DIPLOMATIC OVERLAY DISTRICT**, as follows:
 - (1) D low and medium density;
- (i) **HOTEL-RESIDENTIAL INCENTIVE OVERLAY DISTRICT**, as follows:
 - (1) HR high density;
- (j) **CAPITOL INTEREST OVERLAY DISTRICT**, as follows.
 - (1) CAP low to medium density,
- (k) **NEIGHBORHOOD COMMERCIAL OVERLAY DISTRICTS**, as follows:
 - (1) Cleveland Park Neighborhood Commercial (CP) Overlay District;
 - (2) Woodley Park Neighborhood Commercial (WP) Overlay District;
 - (3) Macomb-Wisconsin Neighborhood Commercial (MW) Overlay District,
 - (4) Eighth Street Southeast Neighborhood Commercial (ES) Overlay District;
 - (5) Takoma Neighborhood Commercial (TK) Overlay District;
 - (6) H Street Northeast Neighborhood Commercial (HS) Overlay District, and
 - (7) Georgia Avenue Commercial ((GA) Overlay District,
- (l) **REED - COOKE (RC) OVERLAY DISTRICT**,
- (m) **MISCELLANEOUS OVERLAY DISTRICTS**, as follows:
 - (1) Dupont Circle (DC) Overlay District,
 - (2) Tree and Slope Protection (TSP) Overlay District,

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- (3) Foggy Bottom (FB) Overlay District;
- (4) Naval Observatory Precinct (NO) Overlay District,
- (5) Wesley Heights (WH) Overlay District,
- (6) Sixteenth Street Heights (SSH) Overlay District,
- (7) Fort Totten (FT) Overlay District,
- (8) Chain Bridge Road/University Terrace (CB/UT) Overlay District, and
- (9) Capitol Hill Commercial (CHC) Overlay District,
- (n) DOWNTOWN DEVELOPMENT (DD) OVERLAY DISTRICT,
- (o) UPTOWN ARTS - MIXED USE (ARTS) OVERLAY DISTRICT,
- (p) CAPITOL GATEWAY (CG) OVERLAY DISTRICT,
- (q) SOUTHEAST FEDERAL CENTER (SEFC) OVERLAY DISTRICT;
- (r) HILL EAST (HE) DISTRICT, and
- (s) UNION STATION NORTH (USN) DISTRICT

Chapter 7, COMMERCIAL DISTRICTS, is amended as follows:

Section 720, COMMUNITY BUSINESS CENTER DISTRICTS (C-2), is amended by adding references to the C-2-B-1 District in § 720.1 and §§ 720.6 through 720.8 so that the entire section reads as follows:

720 COMMUNITY BUSINESS CENTER DISTRICTS (C-2)

- 720.1 The Community Business Center (C-2) District is divided into C-2-A, C-2-B, C-2-B-1, and C-2-C Districts.
- 720.2 The C-2-A District is designed to provide facilities for shopping and business needs, housing, and mixed uses for large segments of the District of Columbia outside of the central core.

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720.3 The C-2-A Districts shall be located in low and medium density residential areas with access to main highways or rapid transit stops, and shall include office employment centers, shopping centers, and medium-bulk mixed use centers

720.4 The C-2-A District shall permit development to medium proportions.

720.5 The C-2-A District shall accommodate a major portion of existing commercial strip developments

720.6 The C-2-B and C-2-B-1 Districts are designated to serve commercial and residential functions similar to the C-2-A District, but with high-density residential and mixed uses

720.7 The C-2-B and C-2-B-1 Districts shall be compact and located on arterial streets, in uptown centers, and at rapid transit stops

720.8 In the C-2-B and C-2-B-1 Districts, building use may be entirely residential or a mixture of commercial and residential uses

720.9 The C-2-C District is designed to serve commercial and residential functions similar to the C-2-A District, but with higher density residential and mixed uses

720.10 The C-2-C District is also designated for those areas previously zoned C-2-B, where the Zoning Commission had permitted a maximum floor area ratio of six (6.0)

720.11 The C-2-C Districts shall be compact and located in or near the Central Employment Area.

720.12 In the C-2-C District, buildings may be entirely residential, or may be a mixture of commercial and residential uses

720.13 Except as provided in Chapters 20 through 25 of this title, in a C-2 District, no building or premises shall be used and no building shall be erected or altered that is arranged, intended, or designed to be used except for one (1) or more of the uses listed in §§ 721, 722, and 726 through 734

Section 721, USES AS A MATTER OF RIGHT (C-2), § 721.3(j) is amended to add a reference to the C-2-B-1 District so that the entire subsection reads as follows:

721.3 In addition to the uses permitted in C-1 Districts by § 701.4, the following retail establishments shall be permitted in a C-2 District as a matter of right:

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- (a) Antique store or shop,
- (b) Auction house,
- (c) Automobile accessories sales, including installations,
- (d) Automobile and truck sales;
- (e) Boat or other marine sales,
- (f) Department store,
- (g) Display stand or store for mail order sales;
- (h) Drive-in type restaurant;
- (i) Dry goods store,
- (j) Fast food establishment or food delivery service, only in a C-2-B, C-2-B-1, or C-2-C District, provided:
 - (1) No part of the lot on which the use is located shall be within twenty-five feet (25 ft) of a Residence District, unless separated therefrom by a street or alley;
 - (2) If any lot line of the lot abuts an alley containing a zone district boundary line for a Residence District, a continuous brick wall at least six feet (6 ft) high and twelve inches (12 in.) thick shall be constructed and maintained on the lot along the length of that lot line;
 - (3) Any refuse dumpsters shall be housed in a three (3) sided brick enclosure equal in height to the dumpster or six feet (6 ft) high, whichever is greater. The entrance to the enclosure shall include an opaque gate. The entrance shall not face a Residence District, and
 - (4) The use shall not include a drive-through. Subparagraphs (1) and (2) shall not apply to a fast food establishment located in Square 5912,

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- (k) Firearms retail sales establishments, provided that no portion of the establishment, other than a single establishment operated at the Metropolitan Police Department at 300 Indiana Avenue, N.W., shall be located within three hundred feet (300 ft.) of:
 - (1) A Residence (R) or Special Purpose (SP) District; or
 - (2) A church or other place of worship, public or private school, public library, or playground,
- (l) Furniture store;
- (m) Home furnishings sales,
- (n) Ice sales,
- (o) Leather goods store;
- (p) Musical instruments and accessories sales;
- (q) Office supplies and equipment sales,
- (r) Optical goods store,
- (s) Precision instrument sales, and
- (t) Prepared food shop, except that in a C-2-A District, a prepared food shop with greater than eighteen (18) seats for patrons shall only be permitted by special exception pursuant to 11 DCMR § 712

Section 770, HEIGHT OF BUILDINGS OR STRUCTURES (C), § 770.1 is amended to read as follows:

770.1 Except as provided in this section and in Chapters 17 and 20 through 25 of this title, the height of a building or structure in a Commercial District shall not exceed that set forth in the following table.

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ZONE DISTRICT	MAXIMUM HEIGHT (Feet)	MAXIMUM HEIGHT (Stories)
C-1	40	3
C-2-A	50	No Limit
C-2-B,C-3-A	65	No Limit
C-3-B	70	6
C-2-B-1	75	No Limit
C-2-C,C-3-C	90	No Limit
C-4	110	No Limit
C-5(PAD)	130	No Limit

Section 771, FLOOR AREA RATIO (C), § 771.2 is amended to read as follows:

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

ZONE DISTRICT	APARTMENT HOUSE OR OTHER RESIDENTIAL USE OR PUBLIC SCHOOL	OTHER PERMITTED USE	MAXIMUM PERMITTED (FAR)
C-1	1 0	1 0	1 0
C-2-A	2 5	1 5	2 5
C-2-B, C-2-B-1	3 5	1 5	3.5
C-2-C	6 0	2 0	6 0
C-3-A	4 0	2.5	4.0
C-3-B	5 0	4 0	5 0
C-3-C	6 5	6 5	6.5
C-4	8 5	8 5	8 5
C-5 (PAD)	10 0	10 0	10 0

Section 772, PERCENTAGE OF LOT OCCUPANCY (C), § 772.1 is amended to read as follows

772.1 In a Commercial District, no building or portion of a building devoted to a residential use, including accessory buildings but excluding hotels, shall occupy the lot upon which it is located in excess of the percentage of lot occupancy in the following table:

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ZONE DISTRICT	MAXIMUM PERCENTAGE OF LOT OCCUPANCY
C-1	60%
C-2-A	60%
C-3-A	75%
C-2-B, C-2-B-1, C-2-C	80%
C-3-B, C-3-C, C-4, C-5 (PAD)	100%

Section 774, REAR YARD (C), § 774.1 is amended to read as follows

774.1 Except as provided in this section, a rear yard shall be provided for each structure located in a Commercial District, the minimum depth of which shall be as prescribed in the following table:

ZONE DISTRICT AND STRUCTURE	MINIMUM DEPTH OF REAR YARD
C-1 All structures	20 feet
C-2-A, C-2-B, C-2-B-1, C-2-C All structures	15 feet
C-3-A, C-3-B, C-3-C, C-4, C-5 (PAD) All structures	2-1/2 inches per foot of vertical distance from the mean finished grade at the middle of the rear of the structure to the highest point of the main roof or parapet wall, but not less than 12 feet

Chapter 20, NONCONFORMING USES AND STRUCTURES, § 2003, CHANGING USES WITHIN STRUCTURES, § 2003.6 is amended to read as follows:

2003.6 For the purpose of this section, the districts established by this title are listed in the following order of decreased use restriction

- (a) W-0, R-1-A, R-1-B, R-2, R-3, R-5-A, R-4, R-5-B, R-5-C, R-5-D, and R-5-E,
- (b) SP-1 and SP-2,
- (c) C-1, C-2-A, C-2-B, C-2-B-1, C-2-C, C-3-A, C-3-B, C-3-C, C-4, and (PAD),

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- (d) W-1, W-2, and W-3,
- (e) CR; and
- (f) C-M-1, C-M-2, C-M-3, and M

CHAPTER 21, OFF-STREET PARKING REQUIREMENTS, § 2101, SCHEDULE OF REQUIREMENTS FOR PARKING SPACES, § 2101.1 is amended as follows

The portion of the schedule applicable to general office uses is amended to read as follows

<u>Office - General, including television and radio broadcast studio:</u>	
C-1, C-2-A, C-3-A	In excess of 2,000 ft ² , 1 for each additional 600 ft ² of gross floor area and cellar floor area
W, C-2-B, C-2-B-1, C-2-C, C-3-B, C-3-C, SP, CR	In excess of 2,000 ft ² , 1 for each additional 1,800 ft ² of gross floor area
C-4	No requirement
For a building or structure built on a lot having an area of 10,000 ft ² or less	
For a building or structure built on a lot having an area of more than 10,000 ft ²	In excess of 2,000 ft ² , 1 for each additional 1,800 ft ² of gross floor area
C-5 (PAD)	No requirement
C-M, M	In excess of 2,000 ft ² , 1 for each additional 800 ft ² of gross floor area and cellar floor area devoted to that use

The portion of the schedule applicable to retail or service establishments except gasoline service station and repair garage uses is amended to read as follows.

<u>Retail or service establishment except gasoline service station and repair garage:</u>	
C-1, C-2-A, C-3-A, C-M-1, M	In excess of 3,000 ft ² , 1 for each additional 300 ft ² of gross floor area and cellar floor area

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W, CR, C-2-B, C-2-B-1, C-2-C, C-3-B, C-3-C, C-M-2, C-M-3	In excess of 3,000 ft ² , 1 for each additional 750 ft ² of gross floor area
C-4	In excess of 30,000 ft ² , 1 for each additional 3,000 ft ² of gross floor area
C-5 (PAD)	No requirement

CHAPTER 22, OFF-STREET LOADING FACILITY REQUIREMENTS, § 2201, SCHEDULE OF REQUIREMENTS FOR LOADING BERTHS, LOADING PLATFORMS, AND SERVICE/DELIVERY LOADING SPACES, § 2201.1 is amended as follows

The portion of the schedule applicable to office buildings in the W, CR, C-2-B, C-2-C, and C-M-1 Districts is amended to read as follows

Office Building in W, CR, C-2-B, C-2-B-1, C-2-C, and C-M-1 Districts			
With 20,000 to 50,000 ft ² of gross floor area	1 @ 30 feet deep	1 @ 100 ft ²	1 @ 20 feet deep
With more than 50,000 to 200,000 ft ² of gross floor area	2 @ 30 feet deep	2 @ 100 ft ²	1 @ 20 feet deep
With more than 200,000 ft ² of gross floor area	3 @ 30 feet deep	3 @ 100 ft ²	1 @ 20 feet deep

The portion of the schedule applicable to grocery stores or drug stores in W, CR, C-2-B, C-2-C, C-M-1, and C-M-2 Districts is amended to read as follows

Grocery Store or Drug Store in W, CR, C-2-B, C-2-B-1, C-2-C, C-M-1, and C-M-2 Districts			
With 5,000 to 20,000 ft ² of gross floor area	1 @ 30 feet deep	1 @ 100 ft ²	None

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With more than 20,000 to 100,000 ft. ² of gross floor area	1 @ 30 feet deep 1 @ 55 feet deep	1 @ 100 ft ² 1 @ 200 ft ²	1 @ 20 feet deep	
With more than 100,000 ft ² of gross floor area	1 @ 30 feet deep 1 @ 55 feet deep	1 @ 100 ft ² 2 @ 200 ft ²	1 @ 20 feet deep	

Chapter 24, PLANNED UNIT DEVELOPMENT PROCEDURES, Section 2405, PUD STANDARDS, §§ 2405.1 and 2405.2 are amended to read as follows:

2405 1 No building or structure shall exceed the maximum height permitted in the least restrictive zone district within the project area as indicated in the following table; provided, that the Commission may authorize minor deviations for good cause pursuant to § 2405.3

ZONE DISTRICT	MAXIMUM HEIGHT (feet)
R-1-A, R-1-B, R-2, R-3, C-1, W-0	40
R-4, R-5-A, R-5-B, W-1, W-2, C-M-1	60
C-2-A	65
R-5-C, SP-1	75
R-5-D, R-5-E, SP-2, C-2-B, C-2-B-1	90
C-2-C, C-3-A, C-3-B, W-3, C-M-2, C-M-3, M	
CR	110
C-3-C, C4, C-5 (PAD)	130
C-5 (PAD) (Where permitted by the Building Height Act of 1910, D C Official Code § 6-601 05(b) (formerly codified at D C Code §5-405(b) (1994 Repl)), along the north side of Pennsylvania Avenue)	160

2405 2 The floor area ratio of all buildings shall not exceed the aggregate of the floor area ratios as permitted in the several zone districts included within the project area, provided, that the Commission may authorize minor deviations for good cause pursuant to § 2405.3

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FLOOR AREA RATIO (FAR)			
ZONE DISTRICT	RESIDENCE	COMMERCIAL, INCLUDING HOTELS AND MOTELS	TOTAL
R-1-A, R-1-B, R-2	0.4		0 4
R-3	0.6		0 6
R-4, R-5-A	1 0		1 0
R-5-B	3 0		3 0
R-5-C	4 0		4 0
R-5-D	4 5		4 5
R-5-E	6 0		6 0
SP-1	4 5	3 5	4 5
SP-2	6 5	4 5	6 5
CR	8 0	4 0	8 0
C-1	1 0	1 0	1 0
C-2-A	3 0	2 0	3 0
C-2-B, C-2-B-1	6 0	2 0	6 0
C-2-C	6 0	2 5	6 0
C-3-A	4 5	3 0	4 5
C-3-B	5 5	4 5	5 5
C-3-C	8 0	8 0	8 0
C-4	10 5	10 5	10 5
C-4 (facing a street at least 110 ft. wide)	11 0	11 0	11 0
C-5 (PAD)	12 0	12 0	12 0
W-1	3 0	1 0	3 0
W-2	4 0	2 0	4 0
W-3	6 0	5 0	6 0
C-M-1		3 0	3 0
C-M-2		4 0	4 0

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C-M-3, M		6 0	6 0
W-0		0 5	0 5

Chapter 25, MISCELLANEOUS ZONING REQUIREMENTS, § 2514, ZONE DISTRICT BOUNDARY LINE CROSSING A LOT, § 2514.3 is amended to read as follows:

2514.3 For the purpose of interpreting this section, the zone districts established in this title are listed in the following groups of decreasing use restrictions

- (a) W-0, R-1-A, R-1-B, R-2, and R-3 Districts,
- (b) R-4, R-5-A, R-5-B, R-5-C, R-5-D, R-5-E, and SP Districts;
- (c) C-1, C-2-A, C-2-B, C-2-B-1, C-2-C, C-3-A, C-3-B, C-3-C, C-4, and C-5 (PAD) Districts;
- (d) W-1, W-2, W-3, and CR Districts; and
- (e) C-M-1, C-M-2, C-M-3, and M Districts.

Chapter 26, INCLUSIONARY ZONING, § 2602, SET-ASIDE REQUIREMENTS, § 2602.2 is amended to read as follows:

2603 2 An inclusionary development of steel and concrete frame construction located in the zone districts stated in § 2603.1 or any development located in a C-2-B, C-2-B-1, C-2-C, C-3, CR, R-5-C, R-5-D, SP, USN, W-2, or W-3 Zone District shall devote the greater of eight percent (8%) of the gross floor area being devoted to residential use or fifty percent (50%) of the bonus density utilized for inclusionary units

Chapter 34, GREEN AREA RATIO, § 3401, APPLICABILITY OF GREEN AREA RATIO STANDARDS, § 3401.2 is amended to read as follows:

3401 2 Except as provided in § 3401.3 and pursuant to the conditions and requirements of this chapter, properties in zones listed in the following table shall provide a GAR as specified in the following table:

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ZONE DISTRICT	GREEN AREA RATIO
R-5-A and R-5-B	0 40
R-5-C, R-5-D and R-5-E C-1, C-2-A, C-2-B, C-2-B-1 and C-2-C W-1, W-2, W-3 SP-1, SP-2	0 30
C-3-A, C-3-B	0 25
C-3-C, C-4, C-5, CR and any property within the DDD overlay	0 20
CM-1 CM-2, CM-3 and M, • all structures except one story warehouses • one story warehouses	• 0 30 • 0 10

All persons desiring to comment on the subject matter of this proposed rulemaking action should file comments in writing no later than thirty (30) days after the date of publication of this notice in the *D.C. Register*. Comments should be filed with Sharon Schellin, Secretary to the Zoning Commission, Office of Zoning, 441 4th Street, N W , Suite 200-S, Washington, D C. 20001. Ms Schellin may also be contacted by telephone at (202) 727-6311 or by email at Sharon.Schellin@dc.gov. Copies of this proposed rulemaking action may be obtained at cost by writing to the above address