

- (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;
- (b) Encourage a variety of visitor-related uses, such as retail, service, and entertainment;
- (c) Provide for increased height and density associated with increased affordable housing;
- (d) Encourage superior architecture and design in all buildings and publicly accessible outdoor spaces;
- (e) Require preferred ground-level retail and service uses along Howard Road, S.E.;
- (f) Provide for the development of Howard Road, S.E. as a pedestrian- and bicycle-friendly street, with street-activating uses, and connections to metro and the broader neighborhood; and
- (g) Encourage the inclusion of a bicycle track along Howard Road.

1000.3 Where there are conflicts between this chapter and other chapters or subtitles of this title, the provisions of the NHR zone shall govern.

1000.4 Development in the NHR zone shall be in accordance with the development standards found at Subtitle K §§ 1001 through 1010.

1000.5 Penthouses shall be subject to the regulations of Subtitle C, Chapter 15 and the height and story limitations specified in this chapter.

1000.6 All requests to change the zone designation of a property to the NHR zone shall be heard as a rulemaking.

1001 DEVELOPMENT STANDARDS (NHR)

1001.1 The NHR zone is intended to permit high-density mixed-use development generally in the vicinity of the Anacostia Metrorail Station along Howard Road, S.E.; encourage a variety of support and visitor-related uses, such as retail, service, and entertainment uses; provide for increased height and bulk of buildings with increased affordable housing; and provide for development of Howard Road, S.E. as an active, pedestrian-oriented street with active ground floor uses.

1001.2 The development standards in Subtitle K §§ 1001.3 through 1001.19 shall control the bulk of buildings in the NHR zone.

- 1001.3 The maximum permitted density in the NHR zone is 9.0 FAR, except as provided in Subtitle K § 1001.5.
- 1001.4 A building on a lot in the NHR zone shall provide a minimum residential FAR of 2.5 on the lot unless modified through the provisions of Subtitle K § 1001.5 below. Residential FAR consists exclusively of uses that fall within the “Residential” use category described in Subtitle B § 200.2.
- 1001.5 Two (2) or more lots in the NHR zone may be combined for the purpose of achieving the minimum residential FAR required for all of the lots, provided that the total density limits of the zone shall not be exceeded, except that the maximum floor area on any one (1) lot in the combined lot shall not exceed 10.0 FAR.
- 1001.6 No allocation of gross floor area shall be effective unless an instrument 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.
- 1001.7 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; and
 - (d) 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.
- 1001.8 The declaration of covenants shall expressly state that it may be substantively amended or terminated only with the approval of the Zoning Administrator.
- 1001.9 The declaration of covenants shall be approved in content by the Zoning Administrator, who may, in his or her discretion, request their General Counsel or the Office of the Attorney General to undertake a legal sufficiency review.
- 1001.10 The declaration shall also contain a written statement by the Director of the Office of Planning attesting to:
- (a) The accuracy of the computations with respect to the amount of residential and nonresidential uses allocated; and
 - (b) Whether, after the transfer, the combined lots will conform with the maximum gross floor area limitations for the lots before any such transfer.

1001.11 The maximum permitted building height, not including the penthouse, in the NHR zone shall be:

TABLE K § 1001.11: NHR MAXIMUM PERMITTED BUILDING HEIGHT

Street Right of Way Width	Maximum Permitted Building Height, Not Including Penthouse
Greater than or equal to 110 ft.	130 ft.
Less than 110 ft. but greater than or equal to 100 ft.	120 ft.
Less than 100 ft. but greater than or equal to 90 ft.	110 ft.
Less than 90 ft.	No taller than the width of the street right of way, plus 20 ft.

1001.12 The maximum permitted height of a penthouse in the NHR zone shall be twenty feet (20 ft.); and the maximum number of stories within the penthouse shall be one (1), plus a mezzanine, except that a second story for penthouse mechanical space shall be permitted.

1001.13 The height and density limits of Subtitle K § 1001 shall serve as the maximum permitted under a planned unit development.

1001.14 The maximum permitted lot occupancy in the NHR zone shall be one hundred percent (100%).

1001.15 No side yard is required for the principal building; however, any side yard provided on any portion of the principal building shall be at least two inches (2 in.) per one foot (1 ft.) of height, but not less than five feet (5 ft.).

1001.16 A minimum rear yard of two and one-half inches (2.5 in.) per one foot (1 ft.) of vertical distance measured 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 twelve feet (12 ft.) shall be provided, subject to the following conditions:

- (a) A horizontal plane may be established at twenty feet (20 ft.) above the mean finished grade at the middle of the rear of the structure for the purpose of measuring rear yards;
- (b) A rear yard is not required to be provided below a horizontal plane as described in Subtitle K § 1001.16(a) above;
- (c) Where a lot abuts an alley, the rear yard may be measured from the center line of the alley to the rear wall of the building or other structure; and

- (d) Where a lot does not abut an alley, the rear yard shall be measured from the rear lot line to the rear wall of the building or other structure.

1001.17 In the case of a corner lot, a court complying with the width requirements for a closed court may be provided in lieu of a required rear yard. For the purposes of this section, the required court shall be provided above a horizontal plane beginning not more than twenty feet (20 ft.) above the curb grade opposite the center of the front of the building and the width of the court shall be computed for the entire height of court.

1001.18 A court is not required in the NHR zone, but where it is provided, it shall have the following minimum dimensions:

TABLE K § 1001.18: NHR COURT DIMENSIONS

Type of Structure	Minimum Width Open Court	Minimum Width Closed Court	Minimum Area Closed Court
Residential, more than 3 units	4 in./ft. of height of court;	4 in./ft. of height of court;	Twice the square of the required width of court dimension;
	10 ft. minimum	15 ft. minimum	350 sq. ft. minimum
Non-Residential and Lodging	2.5 in./ft. of height of court;	2.5 in./ft. of height of court;	Twice the square of the required width of court dimension;
	6 ft. minimum	12 ft. minimum	250 sq. ft. minimum

1001.19 The minimum required Green Area Ratio (GAR) for the NHR zone shall be 0.2.

1002 INCLUSIONARY ZONING (NHR)

1002.1 The NHR zone shall be subject to the inclusionary zoning requirements of Subtitle C, Chapter 10, as modified by this chapter. Inclusionary zoning is indicated by the abbreviation “IZ”.

1002.2 No bonus density, as authorized by Subtitle C § 1002, shall be available in the NHR zone.

1002.3 Residential development in the NHR zone shall set aside for IZ the following square footage:

- (a) Ten percent (10%) of the total gross floor area dedicated to residential use, excluding penthouse habitable space; and
- (b) The equivalent of eight percent (8%) of the total gross floor area of penthouse habitable space not devoted exclusively to communal rooftop recreation or amenity space for the primary use of residents of the residential building.

1002.4 Notwithstanding Subtitle C § 1003.3 or type of tenancy, the inclusionary units resulting from the set aside required by Subtitle K § 1002.3 shall be reserved as follows:

- (a) At least twenty-five percent (25%) of the set aside required by Subtitle K § 1002.3(a) shall be reserved for households earning equal to or less than fifty percent (50%) of the MFI, with the remainder reserved for households earning equal to or less than sixty percent (60%) of the MFI; and
- (b) One hundred percent (100%) of the set aside required by Subtitle K § 1002.3(b) shall be reserved for households earning equal to or less than fifty percent (50%) of the MFI.

1002.5 A minimum of twenty-five percent (25%) of the total IZ set aside requirement shall be three-bedroom units.

1002.6 Any non-residential penthouse habitable space shall be subject to the affordable housing production requirements of Subtitle C § 1505.

1003 USE PERMISSIONS (NHR)

1003.1 The use permissions in this section include uses permitted as a matter of right, as a special exception, and uses not permitted.

1003.2 Use permissions for the NHR zone are as specified in the following table:

TABLE K § 1003.2: NHR USE PERMISSIONS

Zone	Subtitle/Chapter	Use Group
NHR	Subtitle U, Chapter 5	MU-Use Group F

1003.3 Buildings, structures, and uses with frontage on a Designated Street, as defined by Subtitle K § 1004, shall provide specified ground floor uses in accordance with the requirements and provisions of Subtitle K § 1005.

1004 DESIGNATED STREETS (NHR)

1004.1 Designated Streets for the purposes of this chapter are those streets where a building with frontage on that street must comply with use and/or design regulations that may differ from the requirements of the zone through which the street passes.

1004.2 Refer to Subtitle K § 1005 for preferred use requirements that apply to a specified Designated Street.

1004.3 Refer to Subtitle K § 1006 for design related requirements that apply to a specified Designated Street.

1004.4 Any portion of Howard Road, S.E. (both sides of the street) in the NHR zone shall be a Designated Street.

1005 USE REQUIREMENTS FOR DESIGNATED STREETS (NHR)

1005.1 Preferred use requirements shall apply only to a Designated Street identified in Subtitle K § 1004.4.

1005.2 Preferred uses of this section shall include uses within the following use categories:

- (a) Arts, design, and creation;
- (b) Daytime care;
- (c) Eating and drinking establishments;
- (d) Education, public or private;
- (e) Entertainment, assembly, and performing arts;
- (f) Medical Care;
- (g) Retail; and
- (h) Service, general or financial.

1005.3 Any new building or structure with frontage on a Designated Street identified in Subtitle K § 1004.4 shall devote one hundred percent (100%) of the building's street frontage along a Designated Street to the preferred uses specified in this section, except for space devoted to building entrances or required for fire control.

1006 DESIGN REQUIREMENTS FOR DESIGNATED STREETS (NHR)

1006.1 The following design requirements shall apply to a Designated Street identified in Subtitle K § 1004:

- (a) The ground floor shall have a minimum clear height of fourteen feet (14 ft.), for a continuous depth of at least thirty-six feet (36 ft.) from the building line on a Designated Street;
- (b) The ground story shall devote at least fifty percent (50%) of the surface area facing a designated street to display windows or pedestrian entrances having clear low-emissivity glass, and ensure that the view through the display

windows and pedestrian entrances is not blocked for at least ten feet (10 ft.) in from the building face;

- (c) Ground floor 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 Designated Street; and
- (d) No direct vehicular garage or loading entrance or exit shall be permitted on a Designated Street to a new building or structure.

1007 ZONING COMMISSION REVIEW OF BUILDINGS, STRUCTURES, AND USES (NHR)

1007.1 The provisions of this section apply to properties within the NHR zone.

1007.2 With respect to those properties described in Subtitle K § 1007.1, all proposed buildings and structures, or any proposed exterior renovation to any existing buildings or structures that would result in a substantial alteration of the exterior design, shall be subject to review and approval by the Zoning Commission in accordance with the provisions of this § 1007.

1007.3 In addition to proving that the proposed use, building, or structure meets the standards set forth in Subtitle X, Chapter 6, and the relevant provisions of this chapter, an applicant requesting approval under this section shall prove that the proposed building or structure, including the architectural design, site plan, landscaping, sidewalk treatment, and operation, will:

- (a) Help achieve the purposes of the NHR zone defined in Subtitle K § 1000.2;
- (b) Help achieve the desired use mix, with the identified preferred uses specifically being residential, office, entertainment, retail, or service uses;
- (c) Provide streetscape connections for future development on adjacent lots and parcels, and be in context with an urban street grid;
- (d) Minimize conflict between vehicles, bicycles and pedestrians;
- (e) Minimize unarticulated blank walls adjacent to public spaces through facade articulation;
- (f) Minimize impact on the environment, as demonstrated through the provision of an evaluation of the proposal against LEED certification standards; and

- (g) Promote safe and active streetscapes through building articulation, landscaping, and the provision of active ground level uses.

1008 RELIEF FROM DEVELOPMENT STANDARDS AND USE AND DESIGN REQUIREMENTS (NHR)

1008.1 The Zoning Commission may grant special exception relief to the development standards of this chapter and the Designated Street use and design standards of this Chapter, subject to any applicable conditions of this Chapter.

1008.2 As set forth in this chapter, specific conditions or criteria may be applicable in the consideration of relief and shall be considered in combination with the conditions of Subtitle X, Chapter 9.

1008.3 Requested relief that does not comply with the applicable conditions or limitations for a special exception as set out in this chapter shall be processed as a variance.

1008.4 Relief may be granted as a special exception by the Zoning Commission to the development standards and regulations of this chapter where, in the judgment of the Commission, the special exception:

- (a) Will be in harmony with the general purpose and intent of the NHR zone, the Zoning Regulations, and Zoning Maps;
- (b) Will not tend to affect adversely the use of neighboring property, in accordance with the Zoning Regulations and Zoning Maps; and
- (c) Will be subject in each case to any applicable conditions specified in this chapter.

1008.5 The Zoning Commission may grant, pursuant to Subtitle X, Chapter 9, special exception relief to the rear yard requirements of this chapter, provided:

- (a) No apartment window shall be located within forty feet (40 ft.) directly in front of another building;
- (b) No office window shall be located within thirty feet (30 ft.) directly in front of another office window, nor eighteen feet (18 ft.) in front of a blank wall;
- (c) In buildings that are not parallel to the adjacent buildings, the angle of sight lines and the distance of penetration of sight lines into habitable rooms shall be considered in determining distances between windows and appropriate yards;
- (d) Provision shall be included for service functions, including parking and loading access and adequate loading areas; and

- (e) Upon receiving an application to waive rear yard requirements in the NHR zone, the Office of Zoning shall refer the application to the Office of Planning, the Office of Planning's Historic Preservation Office if a historic district or historic landmark is involved, the Department of Transportation, the District of Columbia Housing Authority, and any other relevant District agencies for review, report, and impact assessment.

1008.6 The Zoning Commission may grant, pursuant to Subtitle X, Chapter 9, special exception relief to the driveway prohibition of Subtitle K § 1006.1(d), subject to the following criteria:

- (a) The applicant shall demonstrate that there is no practical alternative means of serving the parking, loading, or drop-off needs of the building to be served by the proposed driveway, such as signage approved by DDOT that would direct vehicles to an alternative entrance point within the same square;
- (b) The vehicular entrance will not impede the flow of pedestrian traffic on the Designated Street frontage; and
- (c) The driveway that would access the proposed parking or loading entrance or exit is not inconsistent with DDOT landscape plans for the public rights of way on the Designated Street frontage, to the extent that such plans exist at the time of the special exception application.

1008.7 PARKING AND LOADING REGULATIONS (NHR)

1008.8 This chapter provides conditions and requirements related to parking spaces and loading, including location and access.

1008.9 Vehicle parking shall be provided in accordance with the requirements of Subtitle C, Chapter 7.

1008.10 Bicycle parking shall be provided in accordance with the requirements of Subtitle C, Chapter 8.

1008.11 Loading shall be provided in accordance with the requirements of Subtitle C, Chapter 9.

1009 SUSTAINABILITY (NHR)

1009.1 Each building constructed or substantially modified shall earn a LEED v4 Gold rating, with an executed financial security compliant with the provisions of Section 6 of the Green Building Act of 2006, as amended (D.C. Official Code § 6-1451.05)

provided to the Department of Consumer & Regulatory Affairs prior to receipt of the first certificate of occupancy.

1009.2 Each building constructed or substantially modified shall have an on-site renewable energy system installed and operating prior to receipt of the first certificate of occupancy, which renewable energy system shall generate at least one percent (1%) of the total energy estimated to be needed to operate the building as calculated in the energy model submitted with the building permit application to the Department of Consumer & Regulatory Affairs.

Proposed amendments to the Zoning Regulations of the District of Columbia are authorized pursuant to the Zoning Act of June 20, 1938, (52 Stat. 797), as amended, D.C. Official Code § 6-641.01, *et seq.*

This public hearing will be conducted in accordance with the rulemaking case provisions of the Zoning Regulations, 11 DCMR Subtitle Z, Chapter 5.

How to participate as a witness.

Interested persons or representatives of organizations may be heard at the public hearing. The Commission also requests that all witnesses prepare their testimony in writing, submit the written testimony prior to giving statements, and limit oral presentations to summaries of the most important points. The applicable time limits for oral testimony are described below. Written statements, in lieu of personal appearances or oral presentation, may be submitted for inclusion in the record.

All individuals, organizations, or associations wishing to testify in this case are encouraged to inform the Office of Zoning their intent to testify prior to the hearing date. This can be done by mail sent to the address stated below, e-mail (donna.hanousek@dc.gov), or by calling (202) 727-0789.

The following maximum time limits for oral testimony shall be adhered to and no time may be ceded:

- | | | |
|----|---------------|----------------|
| 1. | Organizations | 5 minutes each |
| 2. | Individuals | 3 minutes each |

The Commission may increase or decrease the time allowed above, in which case, the presiding officer shall ensure reasonable balance in the allocation of time between proponents and opponents.

Written statements, in lieu of oral testimony, may be submitted for inclusion in the record. The public is encouraged to submit written testimony through the Interactive Zoning Information System (IZIS) at <http://app.dcoz.dc.gov/Login.aspx>; however, written statements may also be submitted by mail to 441 4th Street, N.W., Suite 200-S, Washington, DC 20001; by e-mail to zcsubmissions@dc.gov; or

by fax to (202) 727-6072. Please include the case number on your submission. **FOR FURTHER INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311.**

ANTHONY J. HOOD, ROBERT E. MILLER, PETER A. SHAPIRO, PETER G. MAY, AND MICHAEL G. TURNBULL ----- ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA, BY SARA A. BARDIN, DIRECTOR, AND BY SHARON S. SCHELLIN, SECRETARY TO THE ZONING COMMISSION

Do you need assistance to participate? If you need special accommodations or need language assistance services (translation or interpretation), please contact Zee Hill at (202) 727-0312 or Zelalem.Hill@dc.gov five days in advance of the meeting. These services will be provided free of charge.

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Avez-vous besoin d'assistance pour pouvoir participer? Si vous avez besoin d'aménagements spéciaux ou d'une aide linguistique (traduction ou interprétation), veuillez contacter Zee Hill au (202) 727-0312 ou à Zelalem.Hill@dc.gov cinq jours avant la réunion. Ces services vous seront fournis gratuitement.

참여하시는데 도움이 필요하세요? 특별한 편의를 제공해 드려야 하거나, 언어 지원 서비스(번역 또는 통역)가 필요하시면, 회의 5일 전에 Zee Hill 씨께 (202) 727-0312 로 전화 하시거나 Zelalem.Hill@dc.gov 로 이메일을 주시기 바랍니다. 이와 같은 서비스는 무료로 제공됩니다.

您需要有人帮助参加活动吗? 如果您需要特殊便利设施或语言协助服务(翻译或口译)·请在见面之前提前五天与 Zee Hill 联系·电话号码 (202) 727-0312, 电子邮件 Zelalem.Hill@dc.gov 这些是免费提供的服务。

Quý vị có cần trợ giúp gì để tham gia không? Nếu quý vị cần thu xếp đặc biệt hoặc trợ giúp về ngôn ngữ (biên dịch hoặc thông dịch) xin vui lòng liên hệ với Zee Hill tại (202) 727-0312 hoặc Zelalem.Hill@dc.gov trước năm ngày. Các dịch vụ này hoàn toàn miễn phí.

ለመሰተፍ ዕርዳታ ያስፈልግዎታል? የተለየ እርዳታ ካስፈለገዎት ወይም የቋንቋ እርዳታ አገልግሎቶች (ትርጉም ወይም ማስተርጎም) ካስፈለገዎት እባክዎን ከስተባባሪው አምስት ቀናት በፊት ዚ ሂልን በስልክ ቁጥር (202) 727-0312 ወይም በኢሜል Zelalem.Hill@dc.gov ይገናኙ። እንኳ አገልግሎቶች የሚሰጡት በነጻ ነው።