ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF PUBLIC HEARING

TIME AND PLACE: **Thursday, March 5, 2015, @ 6:30 p.m.**
Jerrily R. Kress Memorial Hearing Room
441 4th Street, N.W., Suite 220-South
Washington, D.C. 20001

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

CASE NO. 14-22 (Text and Map Amendment to Create and Implement the Walter Reed (WR) Zone)

THIS CASE IS OF INTEREST TO ANC 4A AND ANC 4B

On November 21, 2014, the Office of Planning filed a report that served as a petition requesting amendments to the Zoning Regulations and Map. The proposed text and map amendments would create and implement the Walter Reed (WR) Zone, which would allow mixed use development on the former Walter Reed site, including development ranging from moderate- to high-density. The WR Zone would have eight subzones. The WR Zone would be mapped on the portion of the Walter Reed site that is to be transferred to the District of Columbia, as described in more detail in this notice. The entire Walter Reed site is bounded by Georgia Avenue on the east, Aspen Street on the south, 16th Street on the west, Alaska Avenue on the northwest, and Fern Street on the North. The Zoning Commission set down this case for a public hearing on December 8, 2014. The Office of Planning Report served as its supplemental filing required by 11 DCMR § 3014.

The proposed text includes references to existing streets and to proposed streets identified in the Walter Reed Army Medical Center Small Area Plan, as approved by the Walter Reed Army Medical Center Small Area Plan Approval Resolution of 2013, effective September 13, 2013, Res 20-0105 (60 DCR 12813).

PROPOSED MAP AMENDMENT

Rezone from R-1-B to WR the following Parcels:

- A portion of Parcel 0319 0005; and
- All of Parcel 0319 0004.

The proposed zoning designations for the site are depicted on Map A, which is included in this notice. Metes and bounds descriptions of proposed zoning for the entire WR Zone and each subzone will be provided by the Office of Zoning prior to proposed action.

PROPOSED TEXT AMENDMENT

Title 11 DCMR (Zoning) is proposed to be amended as follows:

Add a new Chapter 35, the "Walter Reed Zone":

CHAPTER 35 – WALTER REED ZONE

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3500 GENERAL PROVISIONS AND PURPOSE AND INTENT (WR)

3500.1 The purposes of the Walter Reed (WR) Zones are to:

(a) Provide for the growth of the former Walter Reed Army Medical Center campus with a broad mix of uses, achieved through the adaptive reuse of existing buildings as well as new construction, as generally indicated in the Comprehensive Plan and as recommended by the planning studies of the area;

(b) Preserve the unique historic architectural and landscape character of the Walter Reed campus as a resource for the adjacent neighborhoods and the District as a whole;

(c) Reweave the Walter Reed campus into the physical and social fabric of the adjacent neighborhoods by extending the existing street grid into the WR Zone;

(d) Create a vibrant town center that will provide economic development, employment, and retail opportunities for the District and adjacent neighborhoods;

(e) Advance sustainability performance with green building techniques and promote innovative energy uses and stormwater management; and

(f) Accommodate selected uses pursuant to a Base Realignment and Closure Act Notice of Interest process.

3500.2 This chapter shall constitute the Zoning Regulations for the geographic area described by the plat attached to Zoning Commission Order No. 14-22. Where there are conflicts between this Chapter and other chapters or subtitles of this title, the provisions of this chapter shall govern.

3500.3 The WR Zone is divided into the WR-1 through the WR-8 Zones. Each zone may have one (1) or more subareas, as identified in the development standards table for each zone. Each subarea may be comprised of one (1) or more Land Bays.

3500.4 Land Bays are defined on the plat attached to Zoning Commission Order No. 14-22.

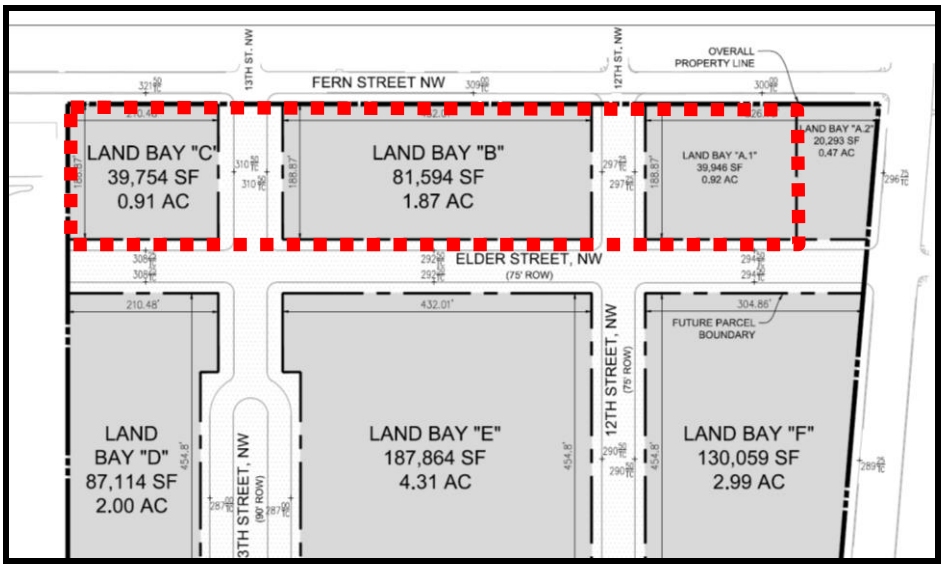
3500.5 Any reference to a street refers to either existing or proposed streets as depicted on the plat attached to Zoning Commission Order No. 14-22.

3500.6 Any reference to a building number refers to the buildings as identified in the Walter Reed Army Medical Center Small Area Plan, adopted by the Council of the District of Columbia, April 30, 2013.

3500.7 In the WR zone, square footage allocated for streetcar related facilities or for the production of energy, such as co- or tri-generation facilities, do not count against floor area ratio maximums.

3500.8 In the WR zone, floor area allocated to a covered loading area, whose perimeter is at least seventy-five percent (75%) lined with other uses, does not count against floor area ratio maximums.

3501 WR-1 ZONE



3501.1 The WR-1 Zone is intended to:

(a) Provide for residential development that complements the character of nearby established residential neighborhoods;

(b) Transition from the low- to moderate-scale residential uses north of Fern Street to the medium-density commercial and residential uses proposed for south of Elder Street; and

(c) Discourage driveway access directly from the street to private off-street parking.

3501.2 The development standards for the WR-1 Zone are set forth in the following table:

WR-1 (Land Bays A.1, B and C)	**Lot Width (min.)**	**Height (max.)**	**Stories (max.)**	**Lot Occupancy (max.)**	**Pervious Surface (min.)**	**Side Yard Setback (min.)**	**Rear Yard Setback (min.)**
Lots with any frontage on Fern Street	18 ft.	40 ft. **[alt. 50]**	3 **[alt. 4]**	70%	10%	None required; 4 ft. if provided	None required **[alt. 20 ft.]**
Any other lot	18 ft.	45 ft. **[alt. 55]**	4 **[alt. 5]**	70%	10%	None required; 4 ft. if provided	None required **[alt. 20 ft.]**

3501.3 The maximum number of permitted dwelling units on any lot shall be two (2), which includes both principal and accessory units.

3501.4 For any Inclusionary or affordable residential unit that is administered through the Department of Housing and Community Development, the minimum lot width shall be sixteen feet (16 ft.).

3501.5 For any building fronting on Elder Street, height may be measured form the finished grade at the middle of the front of the building.

3501.6 No building shall be located between Fern and Elder Streets within fifty feet (50 ft.) of the western boundary of the WR Zone.

3501.7 In the WR-1 Zone, no driveway or garage entrance providing access to parking or loading areas shall be permitted from a public or private street.

3501.8 In the WR-1 Zone, any private driveway shall be constructed of pervious materials. This does not apply to a private alley.

3501.9 An addition to a one-family dwelling or flat, or a new or enlarged accessory structure on the same lot as a one-family dwelling or flat, shall be permitted, even though the addition or accessory structure does not comply with all of the requirements of § 3501.2, as a special exception if approved by the Board of Zoning Adjustment under § 3104, subject to the provisions of this subsection.

(a) The addition or accessory structure shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular:

(1) The light and air available to neighboring properties shall not be unduly affected;

(2) The privacy of use and enjoyment of neighboring properties shall not be unduly compromised;

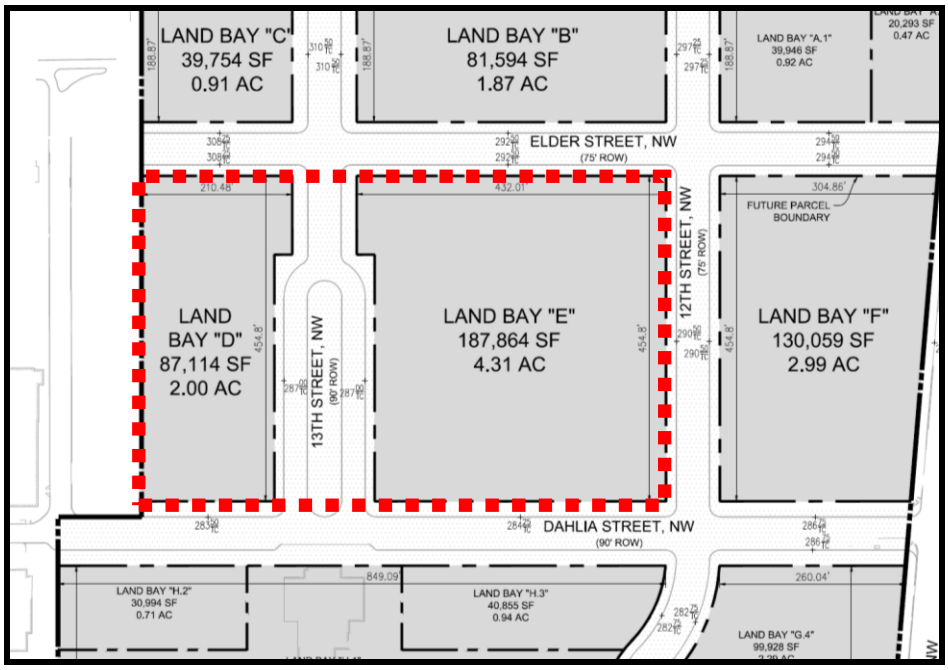
(3) The addition or accessory structure, together with the original building, as viewed from the street, alley, and other public way, shall not substantially visually intrude upon the character, scale and pattern of houses along the subject street frontage; and

(4) In demonstrating compliance with paragraphs (a), (b) and (c) of this subsection, the applicant shall use graphical representations such as plans, photographs, or elevation and section drawings sufficient to represent the relationship of the proposed addition or accessory structure to adjacent buildings and views from public ways;

(b) The lot occupancy of all new and existing structures on the lot shall not exceed eighty percent (80%); and

(c) The Board may require special treatment in the way of design, screening, exterior or interior lighting, building materials, or other features for the protection of adjacent or nearby properties.

3502 WR-2 ZONE



3502.1 The WR-2 Zone is intended to:

(a) Create a vibrant and pedestrian-oriented commercial and residential center to serve as a housing, commercial, and retail anchor for the Walter Reed campus, adjacent neighborhoods, and the District.

(b) Promote an engaging streetscape to activate adjacent uses and users;

(c) Encourage clear visibility of retail uses along 12th street from Georgia Avenue; and

(d) Create new passive and active open space amenities to accommodate residential and retail uses.

3502.2 The development standards for the WR-2 Zone are set forth in the following table:

WR-2	Height (max.)	Stories (max.)	Floor Area Ratio (max.)		Residential Lot Occupancy Above the Ground Floor (max.)
			Total	Non-Residential Use	
Land Bay D	85 ft.	7	2.5	1.0	80%
Land Bay E	85 ft.	7	3.75	1.0	80%

3502.3 The non-residential maximum FAR requirement shall be measured per sub-area, as opposed to per building.

3502.4 Ground floor lot occupancy is permitted up to one hundred percent (100%), regardless of use.

3502.5 If less than 1.0 FAR of non-residential uses are developed in Land Bay E, excess non-residential floor area can be transferred to Land Bay K.1 in the WR-3 Zone subject to the requirements of this subsection.

(a) No more than fifty thousand square feet (50,000 sq. ft.) of non-residential floor area may be transferred;

(b) The maximum FAR and the maximum non-residential FAR on Land Bay E shall be reduced by the amount of floor area transferred;

(c) The maximum FAR and the maximum non-residential FAR on Land Bay K.1 shall be increased by the amount of floor area transferred;

(d) Before the transfer may occur, the applicant shall record in the Land Records of the District of Columbia a covenant for each property, in a form acceptable to the District, that states the maximum FAR and non-residential FAR permitted as a matter-of-right for both Land Bays, the amount of floor area being transferred, and the resulting maximum FAR and non-residential FAR for both Land Bays; and

(e) The applicant for any building permit for Land Bays E or K.1 shall submit with the permit application the covenant required by paragraph (d) as well as any and all calculations used to derive the matter-of-right and resulting FARs for the Land Bays.

3502.6 In the WR-2 Zone, no less than seventy percent (70%) of the façade of buildings located along Elder Street, Dahlia Street, 12th Street, and 13th Street shall be built to the property lines abutting the subject street to a height of not less than twenty-five feet (25 ft.), except that:

(a) The requirements of this subsection shall not apply to the portions of building façades that front on a plaza located along 12th Street;

(b) The height requirement of this subsection may be reduced to eighteen feet (18 ft.) if the roof immediately above the eighteen foot (18 ft.) façade is occupied by a public or private outdoor terrace; and

(c) Relief from the build-to requirements of this subsection may be granted by the Board as a special exception subject to the requirements of § 3104, provided that the applicant adequately demonstrates that:

(1) The proposed design meets the intent of creating a streetwall along the street in question; and

(2) The area set back from the property line does not unduly restrict access by the public by a gate, fence, wall or other barrier.

3502.7 In the WR-2 Zone, all portions of the ground floor devoted to non-residential uses shall be subject to the following requirements:

(a) The minimum floor to ceiling clear height shall be fourteen feet (14 ft.), except for those spaces within the ground floor of any building devoted to the following uses: mechanical, electrical, and plumbing; storage; fire control; loading; parking; and retail corridors; and service corridors;

(b) The surface area of any streetwall or wall fronting on a plaza shall devote at least fifty percent (50%) of the surface area of any streetwall at the ground floor to display windows with clear glass or pedestrian entrances;

(c) Each non-residential use with frontage on a public street or plaza shall have an individual public pedestrian entrance directly accessible from the sidewalk or plaza upon which the use has frontage;

(d) Pedestrian entrances or areas where future entrances to non-residential uses could be installed without structural changes shall be located no more than an average distance of forty feet (40 ft.) apart on all facades fronting a public street or plaza;

(e) On 12th Street, no single non-residential occupancy shall occupy more than one hundred (100) consecutive linear feet of ground floor building frontage. On other streets, no single non-residential occupancy shall occupy more than fifty (50) consecutive linear feet of ground floor building frontage; and

(f) One or more building frontages of a grocery store may be exempt from the requirements of paragraph (e) provided that:

(1) The grocery store contains as an ancillary use a café, restaurant or similar use, or a seating area within the grocery store where food and beverages purchased on-site may be consumed;

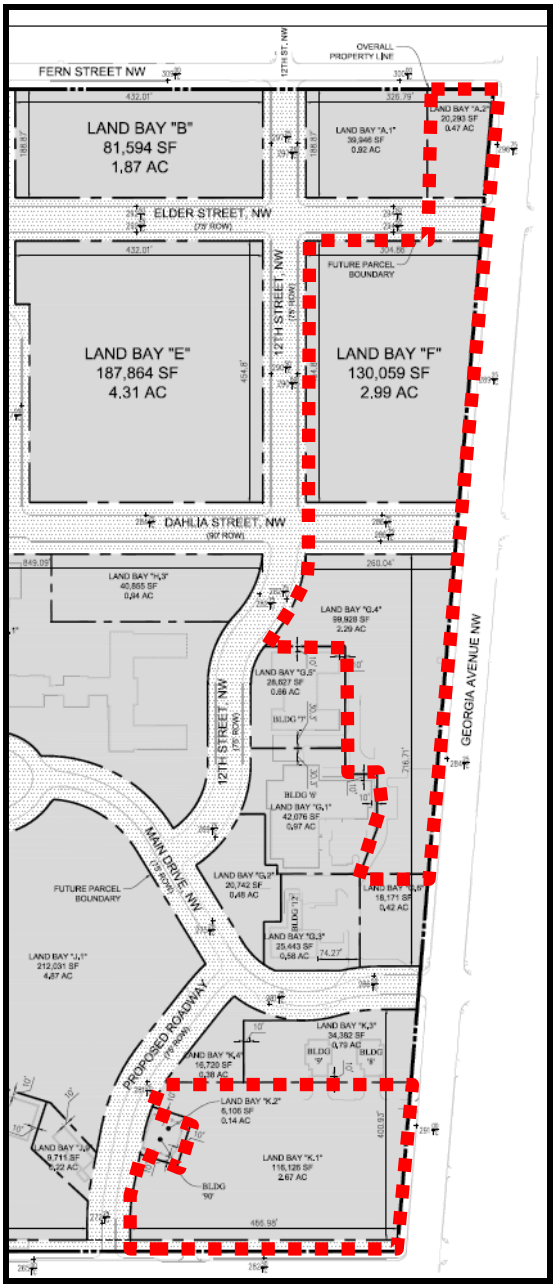
(2) The use described in sub-paragraph (1) is located directly against the subject building frontage;

(3) Clear glass allows the plain view of the use from the exterior of the building;

(4) The use is open to the public at least during normal grocery store hours; and

(5) In no case shall a single non-residential occupancy occupy more than two hundred (200) consecutive linear feet of ground floor building frontage on 12th Street or one hundred feet (100 ft.) on any other street.

3503 WR-3 ZONE



3503.1 The WR-3 Zone is intended to:

(a) Provide for moderate- to medium-density commercial and residential development that activates Georgia Avenue frontage through enhanced ground floor retail opportunities, a more uniform street wall, and publically accessible plazas;

(b) Maintains a sensitive scale of development in relation to properties on the east side of Georgia Avenue as appropriate; and

(c) Preserve existing and encourage new green and open space to activate site, and to allow for recreation opportunities as appropriate.

3503.2 The development standards for the WR-3 Zone are set forth in the following table:

WR-3	Height (max.)	Stories (max.)	Floor Area Ratio (max.)		Residential Lot Occupancy Above the Ground Floor (max.)	Setbacks
			Total	Non-Residential Use		
Land Bay A.2	70 ft.	5	3.5	1.0	80%	n/a
Land Bay F	See § 3503.3	6	1.75	1.0	80%	n/a
Land Bay G.4	75 ft.	6	3.0	1.0	80%	n/a
Land Bay K.1	70 ft.	5	2.75	1.0	80%	See § 3503.7

3503.3 For Land Bay F, the maximum height of buildings or structures shall be sixty feet (60 ft.) within one hundred feet (100 ft.) of Georgia Avenue, and seventy-five feet (75 ft.) elsewhere.

3503.4 For Land Bays F, G.4 and K.1, the non-residential maximum FAR requirement shall be measured by sub-area, as opposed to per building.

3503.5 Ground floor lot occupancy is permitted up to one hundred percent (100%), regardless of use, and except as limited by § 3503.10.

3503.6 Non-residential uses or building entrances to any use shall occupy one hundred percent (100%) of the ground floor building façades facing the plaza constructed pursuant to § 3503.10.

3503.7 In Land Bay K.1, any new construction shall be set back no less than twenty feet (20 ft.) from the Aspen Street property line as it exists as of January 1, 2015.

3503.8 In the WR-3 Zone, no less than seventy percent (70%) of the façade of buildings located along Fern Street, Elder Street, Dahlia Street, Aspen Street and Georgia

Avenue shall be built to the property lines abutting the subject street right-of-way to a height of not less than twenty-five feet (25 ft.), except that:

(a) The requirements of this subsection shall not apply to the portions of building façades that front on a plaza established pursuant to § 3503.10;

(b) The height requirement of this subsection may be reduced to eighteen feet (18 ft.) if the roof immediately above the eighteen foot (18 ft.) façade is occupied by a public or private outdoor terrace; and

(c) Relief from the build-to requirements of this subsection may be granted by the Board as a special exception subject to the requirements of § 3104, provided that the applicant adequately demonstrates that:

(1) The proposed design meets the intent of creating a streetwall along the street in question; and

(2) The area set back from the property line does not unduly restrict access by the public by a gate, fence, wall or other barrier.

3503.9 In the WR-3 Zone, all portions of the ground floor devoted to non-residential uses shall be subject to the following requirements:

(a) The minimum floor to ceiling clear height shall be fourteen feet (14 ft.), except for those spaces within the ground floor of any building devoted to the following uses: mechanical, electrical, and plumbing; storage; fire control; loading; parking; and retail corridors and service corridors;

(b) The surface area of any streetwall or wall fronting on a plaza shall devote at least fifty percent (50%) of the surface area of any streetwall at the ground floor to display windows with clear glass or pedestrian entrances;

(c) Each non-residential use with frontage on a public street or plaza shall have an individual public pedestrian entrance directly accessible from the sidewalk or plaza upon which the use has frontage; and

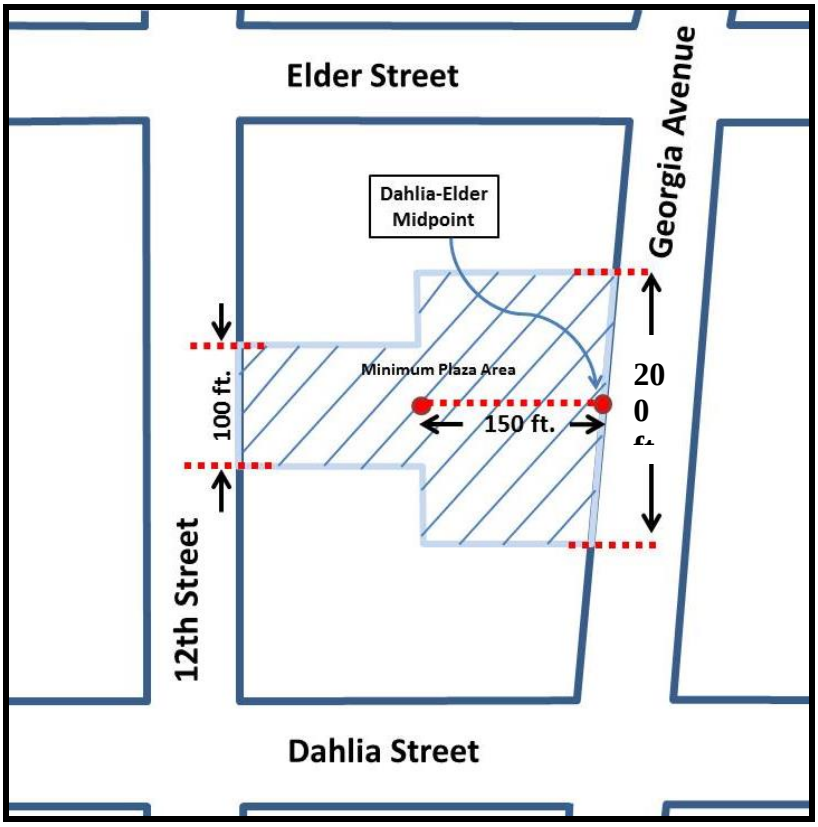
(d) Pedestrian entrances or areas where future entrances to non-residential uses could be installed without structural changes shall be located no more than an average distance of forty feet (40 ft.) apart on all facades fronting a public street or plaza.

3503.10 In Land Bay F a plaza shall be provided which meets the following criteria of this subsection:

(a) No part of a building above grade shall cover the areas described below, as illustrated in the diagram below. The resulting plaza is the minimum open space, and building façades need not front immediately upon or follow the boundaries of the prescribed open space:

(1) The central two hundred feet (200 ft.) of the frontage on Georgia Avenue between Dahlia and Elder Streets to a depth of one hundred feet (150 ft.) west of Georgia Avenue, with the depth measured at the midpoint between Dahlia and Elder Streets and drawn parallel to Dahlia and Elder Streets; and

(2) The central one hundred feet (100 ft.) of frontage on 12th Street between Dahlia and Elder Streets and extending east to connect to the open space described in § 3503.10(a)(1).



(b) The open space described in § 3503.10(a) shall constitute a plaza that must:

(1) Be open to the sky;

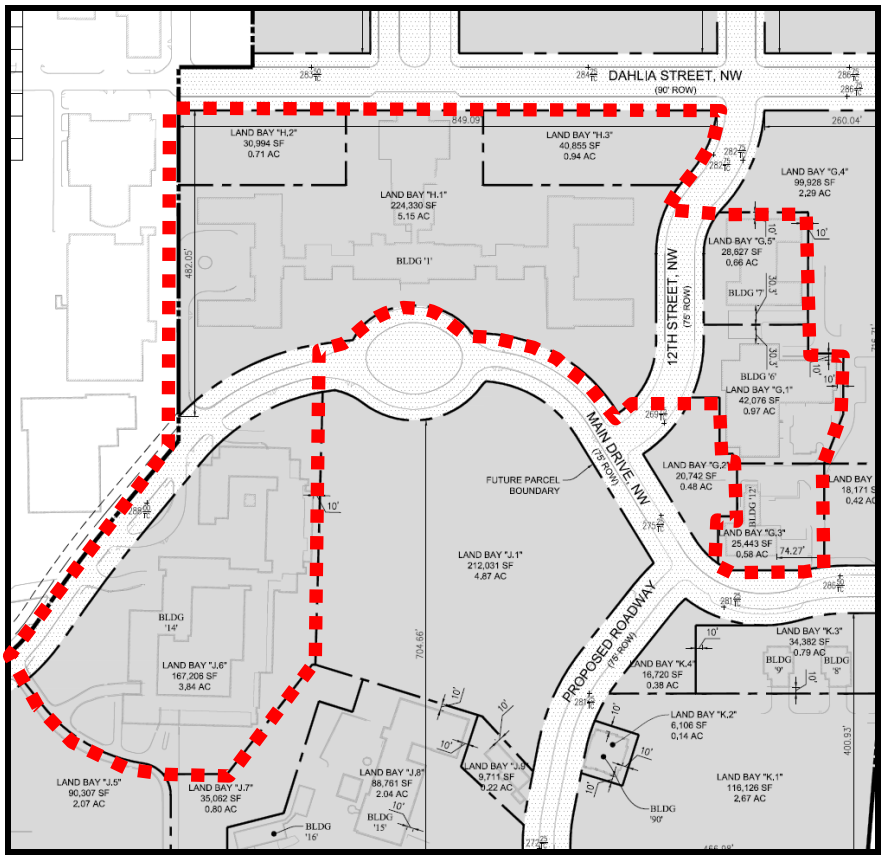
(2) Be open and available to the general public on a continuous basis;

(3) Be lighted and landscaped;

(4) Preserve at least 90% of the existing mature, healthy trees; and

(5) Provide at least 50% pervious surface, including any water feature.

3504 WR-4 ZONE



3504.1 The WR-4 Zone is intended to:

(a) Provide for moderate density commercial and residential development that adaptively reuses and sensitively develops proximate to historic resources.

3504.2 The development standards for the WR-4 Zone are set forth in the following table:

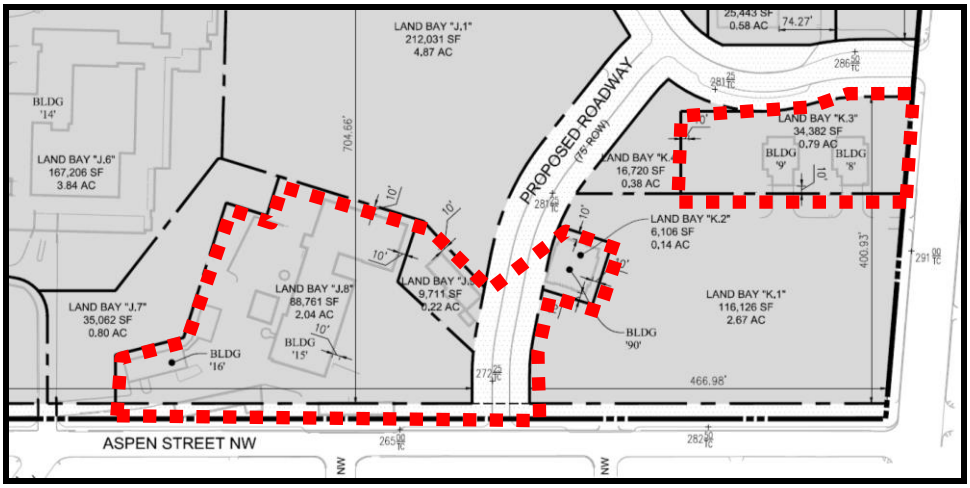
WR-4	Height (max.)	Stories (max.)	Floor Area Ratio (max.)	Lot Occupancy (max.)	Setbacks
Land Bay H.1	40 ft.	3	1.0	60%	See § 3504.3
Land Bays H.2 and H.3	40 ft.	3	2.0	100%	See § 3504.3
Land Bays G.1 and G.5	50 ft.	4	1.75	75%	n/a
Land Bay G.3	40 ft.	4	0.9	60%	See § 3504.4
Land Bay J.6	55 ft.	4	1.15	50%	n/a

3504.3 In Land Bays H.1, H.2 and H.3, no building or portion of a building shall be constructed east of the easternmost point of existing Building 1.

3504.4 In Land Bay G.3, no building or portion of a building shall be constructed south of the southernmost point of existing Building 12.

3504.5 In Land Bay H.3, no surface parking lot is permitted east of the easternmost point of existing Building 1.

3505 WR-5 ZONE



3505.1 The WR-5 Zone is intended to:

(a) Provide moderate-density residential and commercial development that also supports arts and cultural uses; and

(b) Encourage continuous east/west green connections and passive and active recreation opportunities.

3505.2 The development standards for the WR-5 Zone are set forth in the following table:

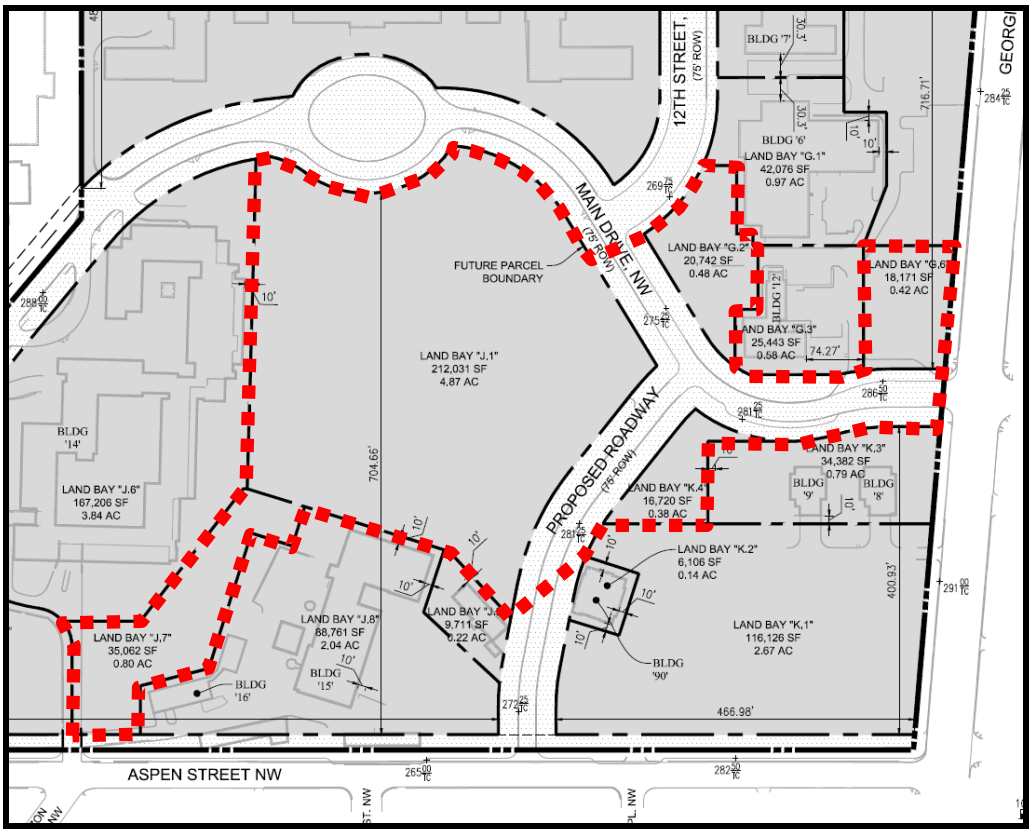
WR-5	Height (max.)	Stories (max.)	FAR (max.)	Lot Occupancy (max.)	Setbacks
Land Bay K.3	50 ft.	4	1.0	35%	See § 3505.3
Land Bays J.9 and K.2	35 ft.	2	0.75	75%	n/a
Land Bay J.8	35 ft.	2	0.4	40%	See § 3505.4

3505.3 In Land Bay K.3, no building or portion of a building shall be constructed north of the northernmost point of existing Buildings 8 or 9, or east of the easternmost portion of Building 8.

3505.4 In Land Bay J.8, any new construction shall be set back no less than twenty feet (20 ft.) from the Aspen Street property line as it exists on January 1, 2015. Existing buildings may be renovated and adaptively reused, even if within the setback area.

3505.5 For new construction in Land Bay J.8, all portions of the ground floor devoted to non-residential uses shall have a minimum floor to ceiling height of fourteen feet (14 ft.), except for those spaces within the ground floor of any building devoted to the following uses: mechanical, electrical, and plumbing; storage; fire control; loading; parking; and retail corridors and service corridors.

3506 WR-6 ZONE



3506.1 The WR-6 Zone is intended to:

(a) Preserve the unique character of the Great Lawn and maintain the campus atmosphere at the heart of the historic Walter Reed campus, including the landscaped entrances to the WR Zone around Main Drive and East and West Cameron Drives;

(b) Assure that the Great lawn's permanent use is for its primary natural function as well as for enjoyment by the general public; and

(c) Encourage continuous east/west green connections.

3506.2 The development standards for the WR-6 Zone are set forth in the following table:

WR-6	FAR (max.)
Land Bays J.1, J.7, G.2, G.6, and K.4	0

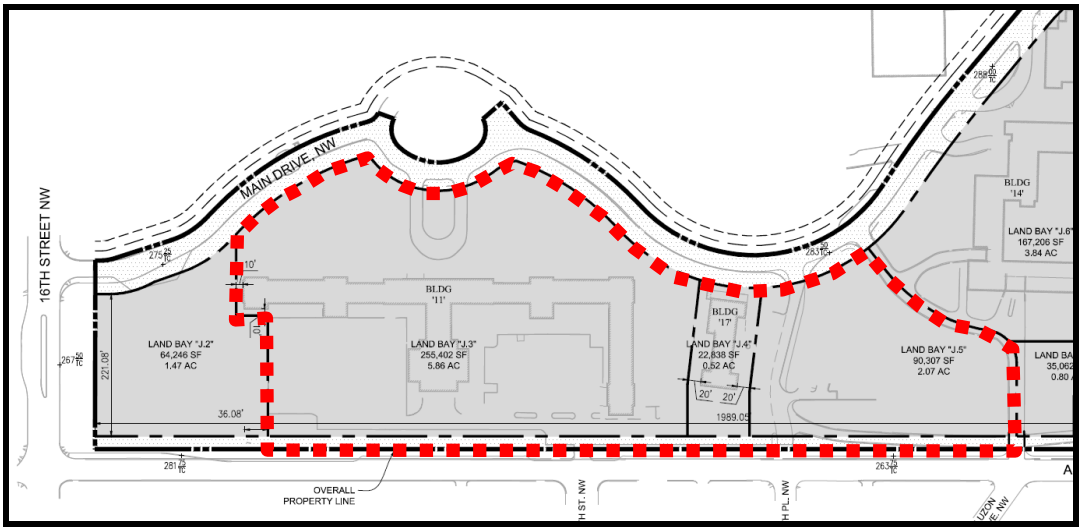
3506.3 In the WR-6 Zone no new surface parking lots are permitted.

3506.4 Notwithstanding the restriction of § 3506.2, temporary structures may be erected to house any temporary use, subject to the temporary use provisions of § 3491.6.

3506.5 In Land Bay J.7 an FAR of 0.5 is permitted for a Parks and Recreation use, or a similar use operated by a non-governmental entity.

3506.6 In Land Bay J.7, any new construction built pursuant to § 3506.5 shall be set back no less than twenty feet (20 ft.) from the Aspen Street property line as it exists on January 1, 2015.

3507 WR-7 ZONE



3507.1 The WR-7 Zone is intended to:

(a) Provide medium-density residential development that is sensitive to existing development on the south side of Aspen Street;

(b) Encourage adaptive reuse of existing buildings to accommodate, among other uses, institutions; and

(c) Encourage open and green space suitable for sustainable infrastructure and amenities as appropriate.

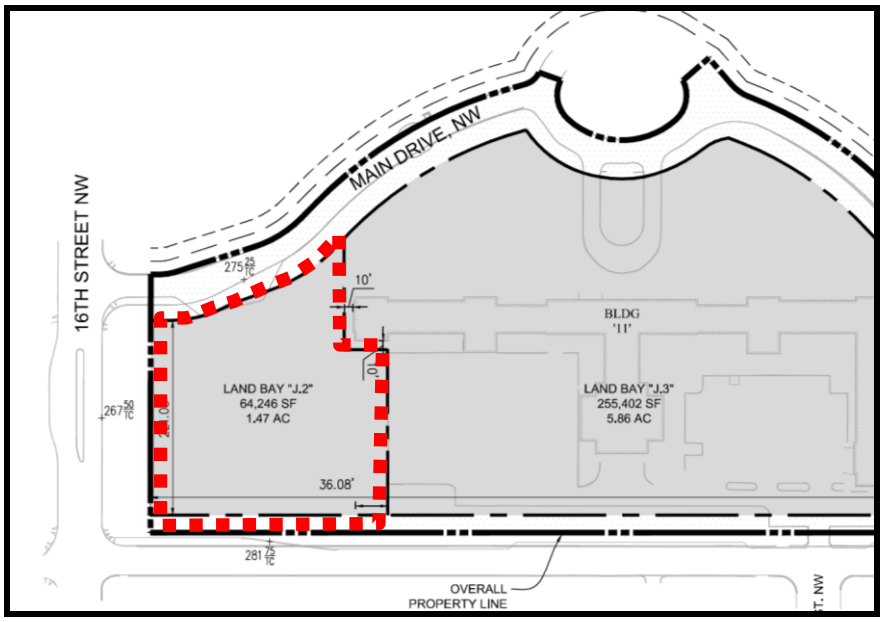
3507.2 The development standards for the WR-7 Zone are set forth in the following table:

WR-7	Height (max.)	Stories (max.)	FAR (max.)	Lot Occupancy (max.)	Setbacks
Land Bay J.5	55 ft.	5	1.25	50%	See § 3507.3
Land Bay J.4	25 ft.	2	1.0	50%	See § 3507.3
Land Bay J.3	45 ft.	4	0.75	40%	See § 3507.3 See § 3507.4

3507.3 In the WR-7 Zone, any new construction shall be set back no less than twenty feet (20 ft.) from the Aspen Street property line as it exists on January 1, 2015.

3507.4 In Land Bay J.3, no building or portion of a building shall be constructed north of the northernmost point of existing Building 11.

3508 WR-8 ZONE



3508.1 The WR-8 Zone is intended to:

(a) Provide medium-density residential development that is sensitive to existing development on the south side of Aspen Street; and

(b) Encourage open and green space suitable for sustainable infrastructure and amenities as appropriate.

3508.2 The development standards for the WR-8 Zone are set forth in the following table:

WR-8	Height (max.)	Stories (max.)	FAR (max.)	Lot Occupancy (max.)	Setbacks
Land Bay J.2	See § 3508.3	5	3.25	80%	See §3508.4

3508.3 In the WR-8 Zone, the maximum height of buildings or structures shall be as follows:

(a) Within twenty-five feet (25 ft.) of the setback specified in § 3508.4, fifty feet (50 ft.) above the finished grade at the middle of the Aspen Street building façade; and

(b) Elsewhere, sixty-five feet (65 ft.) as measured from whichever measuring point is chosen for the building for the purpose of measuring height.

3508.4 In the WR-8 Zone, any new construction shall be set back no less than twenty feet (20 ft.) from the Aspen Street property line, as it exists on January 1, 2015.

3510 [RESERVED]

3511 HEIGHT AND ROOFTOP STRUCTURES (WR)

3510.1 For the purposes of applying general zoning requirements of this Title:

(a) The WR-1, WR-7, and WR-8 Zones shall be considered Residence zones and shall be subject to § 411; and

(b) The WR-2, WR-3, WR-4, WR-5, and WR-6 Zones shall be considered Mixed-Use or Commercial Zones and shall be subject to § 770.6- 70.9 and 777.

3510.2 In the WR Zone, the point chosen for measurement of height shall conform to the other provisions of this Title, except that the point may be on either a public or private street.

3512 STREETSCAPE STANDARDS (WR)

3511.1 In all WR Zones, all buildings are subject to the following design requirements:

(a) Façades that front on public or private streets or plazas shall not have blank walls uninterrupted for more than ten (10) feet by doors, windows or architectural features that modulate and articulate the building wall planes. Projections permitted into the public right of way by other regulations shall satisfy this requirement; and

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

3512 USE PERMISSIONS (WR)

3512.1 This table specifies which use groups, defined in § 3590, are permitted by right (P), by right with conditions (C), as a special exception (S), or not permitted (N) within the WR Zones as either a principal or accessory use:

Zone / Use Category	WR-1	WR-2	WR-3	WR-4	WR-5	WR-6	WR-7	WR-8
Agriculture, large	P	P	P	P	P	P	P	P
Agriculture, residential	P	P	P	P	P	P	P	P
Animal Sales, Care and Boarding	N	S §3514.3	S §3514.3	S §3514.3	S §3514.3	N	N	N
Antennas	C §3513.2	C §3513.2	C §3513.2	C §3513.2	C §3513.2	N	C §3513.2	C §3513.2
Arts Design and Creation	C §3513.3	P	P	P	P	P	P	C §3513.3
Basic Utilities	P	P	P	P	P	P	P	P
Chancery	P	P	P	P	P	N	P	P
Community-based Institutional Facility	S §3514.7	S §3514.7	S §3514.7	S §3514.7	S §3514.7	N	S §3514.7	S §3514.7

Zone / Use Category	WR-1	WR-2	WR-3	WR-4	WR-5	WR-6	WR-7	WR-8
Daytime Care	C §3513.5	C §3513.6 S §3514.4	C §3513.6 S §3514.4	C §3513.6 S §3514.4	C §3513.6 S §3514.4	N	C §3513.6 S §3514.4	C §3513.6 S §3514.4
Eating and Drinking Establishments	N	C §3513.7 S §3514.5	C §3513.7 S §3514.5	C §3513.7 S §3514.5	C §3513.7 S §3514.5	P	N	N
Education, College/University	N	P	P	P	P	N	C §3414.8	N
Education, Private	N	P	P	P	P	N	C §3414.8	N
Education, Public	N	P	P	P	P	N	C §3414.8	N
Emergency Shelter	C §3513.4 S §3514.6	C §3513.4 S §3514.6	C §3513.4 S §3514.6	C §3513.4 S §3514.6	C §3513.4 S §3514.6	N	C §3513.4 S §3514.6	C §3513.4 S §3514.6
Entertainment, Assembly and Performing Arts	N	P	P	P	P	P	N	N
Firearm Sales	N	N	N	N	N	N	N	N
Government, Large	N	N	N	N	N	N	N	N
Government, Local	N	P	P	P	P	N	N	N
Institutional, General	N	P	P	P	P	N	P	P
Institutional, Religious-Based	P	P	P	P	P	P	P	P
Lodging	N	P	P	P	P	N	N	N
Marine	N	N	N	N	N	N	N	N
Medical Care	N	P	P	P	P	N	P	P
Motor Vehicle-related	N	N	N	N	N	N	N	N
Office	N	P	P	P	P	N	N	N
Parking	C §3513.9	C §3513.9	C §3513.9	C §3513.9	C §3513.9	N	C §3513.9	C §3513.9
Parks and Recreation	P	P	P	P	P	P	P	P
Production, Distribution and Repair	N	N	N	N	N	N	N	N
Residential	P	P	P	P	P	N	P	P

Zone / Use Category	WR-1	WR-2	WR-3	WR-4	WR-5	WR-6	WR-7	WR-8
Retail	C §3513.10	P	P	P	P	P	C §3513.10	C §3513.10
Service, Financial	N	P	P	P	P	N	N	N
Service, General	N	C §3513.11	C §3513.11	C §3513.11	C §3513.11	N	N	N
Sexually-based Business Establishment	N	N	N	N	N	N	N	N
Transportation Infrastructure	P	P	P	P	P	P	P	P
Waste-related Services	N	N	N	N	N	N	N	N

3512.2 For the purposes of the WR Zone, a community garden or playground managed by a non-profit organization or homeowners' association shall be considered a use in the Parks and Recreation use group provided the community garden or playground is open to the public.

3512.3 A home occupation use, including a business, profession, or other economic activity, which is conducted full-time or part-time in a dwelling unit that serves as the principal residence of the practitioner, shall be permitted subject to the following conditions:

(a) The home occupation use shall comply with the requirements of § 203 of this Title; and

(b) The home occupation use is not within a dwelling unit in an accessory building.

A home occupation use not meeting all of the above conditions may be permitted as a special exception by the Board under § 3104 of this Title.

3513 CONDITIONAL USES (WR)

3513.1 The following conditions shall apply to the by right with conditions (C) uses in § 3512.

3513.2 Antennas shall be permitted subject to the standards and procedures that apply to the particular class of antenna in Chapter 27 of this Title, which shall be applied to the WR Zone as follows:

(a) The WR-1, WR-7, and WR-8 Zones shall be considered Residential/R Zones; and

(b) The WR-2, WR-3, WR-4, WR-5, and WR-6 Zones shall be considered as C-2-A Zones.

3513.3 An arts design and creation use shall be permitted if it is clearly incidental to and accessory to the primary residential use, and subject to the following:

(a) The practitioner of the arts design and creation use must reside on the premises;

(b) All operations and storage of materials shall occur inside the building;

(c) Incidental sales of art work or other craft produced on site shall be permitted within the dwelling; and

(d) The practitioner may teach the art to one or more apprentices.

3513.4 An emergency shelter for one (1) to four (4) persons shall be a matter-of-right use. An emergency shelter for more than four (4) persons may be permitted as a special exception pursuant to § 3514.6.

3513.5 In the WR-1 Zone, daytime care uses shall be permitted by right subject to the following conditions:

(a) The dwelling unit in which the use is located shall be the principal residence of the caregiver; and

(b) The use otherwise shall meet the definition of a home occupation.

3513.6 Daytime care uses shall be permitted by right subject to the following conditions in the WR-2, WR-3, WR-4, WR-5, WR-7, and WR-8 Zones:

(a) A daytime care use is permitted by right for no more than twenty-five (25) persons not including resident supervisors or staff and their families;

(b) Any outdoor play area shall be located on the same lot as the daytime care use; and

(c) Daytime care uses not meeting the above conditions may be permitted by special exception subject to § 3514.4 and the special exception criteria of § 3104.

3513.7 All eating and drinking establishment uses shall be permitted by right except that:

(a) A drive-through shall not be permitted; and

(b) Fast food establishments and fast food delivery services may be permitted by special exception pursuant to § 3514.5 and if approved by the Board as a special exception under § 3104.

3513.8 Education (public, private, college/university) uses shall be permitted in the WR-7 Zone only on Land Bay J.3.

3513.9 Parking shall be permitted by right provided that all off-street parking is provided in compliance with the provisions of § 3530;

3513.10 A sale in the nature of a yard sale, garage sale, or home sales party may be held at a dwelling unit at most four (4) times during a twelve (12) month period.

3513.11 Service, general uses shall be permitted by right subject to laundry or dry cleaning facility shall not exceed twenty-five hundred square feet (2,500 s.f.) of gross floor area.

3514 SPECIAL EXCEPTION USES (WR)

3514.1 The uses listed as requiring special exception approval (S) in § 3512 shall be permitted in a WR Zone if approved by the Board as a special exception under § 3104, subject to the provisions of this section.

3514.2 The Board may impose additional requirements pertaining to design, appearance, screening, lighting, location of buildings, soundproofing, hours of operation or other aspects of the proposed use that the Board deems necessary to protect adjacent or nearby property.

3514.3 Animal sales, care, and boarding shall be subject to the following conditions:

(a) The use shall be located and designed to create no objectionable conditions to adjacent properties resulting from animal noise, odor, or waste, and shall comply with the following requirements:

(1) The use shall take place entirely within an enclosed and soundproofed building so as to produce no noise, shall utilize industry standard sound-absorbing materials, such as acoustical floor and ceiling panels, acoustical concrete and masonry, and acoustical landscaping, and shall keep the windows and doors of the premises closed;

(2) The use shall control odors by means of an air filtration system or an equivalently effective odor control system; and

(3) The use shall collect all animal waste in closed waste disposal containers and shall utilize a qualified waste disposal company to collect and dispose of all animal waste at least weekly;

(b) External yards or other external facilities for the keeping of animals shall not be permitted;

(c) Pet grooming, the sale of pet supplies, and incidental boarding of animals as necessary for convalescence, are permitted as accessory uses, but not as an independent line of business;

(d) 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, provided that no more than fifty percent (50%) of the gross floor area of the veterinary boarding hospital may be devoted to the boarding of animals; and

(e) Animal Shelters are prohibited in the WR Zone.

3514.4 Daytime care uses not meeting the conditions of § 3513.6 shall be permitted only if the Board grants a special exception per § 3104 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.

3514.5 Fast food establishment and fast Food Delivery Services may be approved by the Board pursuant to § 3104, subject to the following conditions:

(a) No part of a lot on which a fast food establishment or food delivery business is located shall be within twenty-five feet (25 ft.) of a Residential Zone, including WR-1, WR-7, and WR-8, unless separated therefrom by a street or alley;

(b) Any outdoor 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, with the entrance to the enclosure including an opaque gate;

(c) The use shall not include a drive-through;

(d) There shall be no customer entrance in the side or rear of a building that faces an alley containing a zone boundary line for a Residential Zone;

(e) 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;

(f) 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; and

(g) The use shall be located and designed so as to create no dangerous or other objectionable traffic conditions.

3514.6 Emergency Shelter use for five (5) to twenty-five (25) persons, not including resident supervisors or staff and their families, subject to the following conditions:

(a) There shall be no other property containing an emergency shelter for seven (7) or more persons either in the same square or within a radius of five hundred feet (500 ft.) from any portion of the property;

(b) There shall be adequate, appropriately located, and screened off-street parking to provide for the needs of occupants, employees, and visitors to the facility;

(c) The proposed facility shall meet all applicable code and licensing requirements;

(d) 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;

(e) The Board may approve more than one (1) emergency shelter 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; and

(f) The Board may approve a facility for more than twenty-five (25) 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.

3514.7 Community-based institutional facilities (CBIF) 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 CBIF for seven (7) or more persons in the same square;

(b) 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;

(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 institutional 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.

3515 PROHIBITED USES (WR)

3515.1 In addition to the use groups listed in the table in § 3512 as not permitted, the following uses are prohibited in the WR Zone as both principal and accessory uses:

(a) Drive-through or drive-in, as either a principal or accessory use;

(b) Any establishment that has as its principal use the administration of massages; and

(c) Self-service storage establishment that provides separate storage areas for individual or business uses.

3515.2 Any use not listed in the table in § 3512 as permitted by right or otherwise permitted by conditions, special exception or as an accessory or home occupation in this section/chapter shall be deemed to be not permitted unless determined by

the Zoning Administrator to be compatible with like permitted uses and consistent with the general use impacts of permitted uses.

3516 – 3529 [RESERVED]

3530 AUTOMOBILE PARKING (WR)

3530.1 The cumulative total of all automobile parking spaces, including below-grade, surface, and above-grade structured parking, shall not exceed a total of three thousand four hundred (3,400) parking spaces.

3530.2 Each application to the Department of Consumer and Regulatory Affairs for a development that includes parking shall provide an accounting of the total number of parking spaces within the WR Zone which count towards the parking space limit of § 3530.1.

3530.3 Parallel parking spaces on a private street shall not count toward the limit of § 3530.1, provided they are open to use by the public and not reserved for a particular or private use.

[Alternative: Parallel parking spaces on a private street do count toward the limit of § 3530.1.]

3530.4 Parking spaces dedicated for use by a car-sharing service shall not count toward the limit of § 3530.1.

3530.5 Additional parking spaces beyond the limit of § 3530.1 shall be permitted by special exception by the Board of Zoning Adjustment pursuant to § 3104 and provided that the applicant addresses compliance with the following standards:

(a) The application shall include:

(1) A detailed accounting of the existing and proposed number and locations of parking spaces provided pursuant to § 3530.1;

(2) A traffic study assessing the impacts of the proposed additional parking spaces that would, at a minimum, include an updated trip generation study, parking occupancy study for the entire site, and impacts on local traffic patterns, for referral to and comment by the District Department of Transportation (DDOT). The parameters of the analysis shall be outlined by DDOT prior to the application; and

(3) A transportation demand management (TDM) plan, for referral to and comment by DDOT. The parameters of the analysis shall be outlined by DDOT prior to the application.

(b) Vehicular access and egress to the additional parking 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.

3530.6 For any application pursuant to § 3530.4:

(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 WR Zone.

3530.7 Parking spaces need not be located on the same lot as the building or buildings they are intended to serve, but must be located within the WR Zone.

3530.8 Parking spaces may be shared among more than one use, whether the uses are on the same lot or on separate lots. A parking space that is shared among more than one use shall be subject to the following conditions:

(a) The parking space and the uses shall all be within the WR Zone;

(b) The parking space shall not serve as required parking for any other use during the days and times each use the space serves is in operation;

(c) A written agreement assigning the parking space to each use, stating compliance with § 3530.9(b), shall be signed by the owner of the parking space and the owner of each use requiring the parking space;

(d) The final, original written agreement shall be filed with the Zoning Administrator prior to the issuance of the first certificate of occupancy for the use;

(e) Any amendment or successor agreement must be filed no later than ten (10) days following execution by the parties; and

(f) The Zoning Administrator shall maintain a file of all written agreements and amendments for each lot containing a parking space shared between multiple uses and for the lots sharing the parking space.

3530.9 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. Notwithstanding the restriction of this subsection, the existing surface parking lot south of Building 11 may remain, but shall not be expanded in size.

3530.10 Parking spaces within an above-grade structure shall be lined with preferred uses on the ground and second floors to a depth of fifteen feet (15 ft.) minimum, except the portions of the building façade used for vehicular, bicycle or pedestrian access to the parking area. For the purposes of this subsection, preferred uses shall include any use from the arts design and creation; eating and drinking establishments; office; residential; retail; service, general; and service, financial use groups.

3530.11 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.). Parking spaces provided within or accessed by a mechanized parking system need not meet the accessibility requirement of this subsection as long as the mechanized parking system does.

3530.12 New parking spaces and drive aisles shall be designed in accordance with the standards of 11 DCMR Chapter 21 of this title.

3530.13 Approval of a driveway under this chapter shall not be interpreted to imply permission for a curb cut in public space. All curb cuts in public space shall obtain all necessary approvals and permissions.

3531 BICYCLE PARKING (WR)

3531.1 When bicycle parking spaces are required, signs shall be posted in a prominent place at each entrance to the building or structure stating where bicycle parking spaces are located.

3531.2 A property owner shall provide and maintain all required bicycle parking spaces so long as the structure that the bicycle parking spaces are designed to serve exists. Maintenance of required bicycle parking spaces shall include keeping all racks and spaces clear of snow, ice, and any other obstructions.

3531.3 Where required bicycle parking is provided as racks, the racks must meet the following standards:

(a) The bicycle frame and one wheel can be locked to the rack with a high security U-shaped shackle lock without removing a wheel from the bicycle;

(b) A bicycle six feet (6 ft.) long can be securely held with its frame supported in at least two (2) places so that it cannot be pushed over or fall in a manner that would damage the wheels or components;

(c) Racks shall be placed a minimum of thirty inches (30 in.) on center from one another; twenty-four inches (24 in.) from any other obstructions; with a forty-eight inch (48 in.) minimum aisle separating racks; and provide a minimum clearance width of twelve inches (12 in.) for each bicycle; and

(d) The rack shall be securely anchored.

3531.4 Each required bicycle parking space shall be accessible without moving another bicycle.

3531.5 Bicycle parking spaces shall be provided as stated in this subsection.

(a) All residential uses with eight (8) or more dwelling units and non-residential uses with four thousand square feet (4,000 sq. ft.) or more of gross floor area shall provide bicycle parking spaces pursuant to the following table:

Use	Long-Term Spaces	Short-Term Spaces
Agriculture, Large	None	2 spaces
Agriculture, Residential	None	None
Animal Sales, Care and Boarding	1 space for each 10,000 sq. ft.	1 space for each 10,000 sq. ft.
Antennas	None	None
Arts Design and Creation	1 space for each 10,000 sq. ft.	1 space for each 20,000 sq. ft.
Basic Utilities	1 space for each 20,000 sq. ft.	None
Chancery	1 space for each 5,000 sq. ft.	1 space for each 40,000 sq. ft.
Community-Based Institutional Facility	1 space for each 10,000 sq. ft.	1 space for each 10,000 sq. ft.
Daytime Care	1 space for each 10,000 sq. ft.	1 space for each 10,000 sq. ft.
Eating and Drinking Establishment	1 for each 10,000 sq. ft.	1 space for each 3,500 sq. ft.
Education, College / University	1 space for each 7,500 sq. ft.	1 space for each 2,000 sq. ft.
Education, Private School	1 space for each 7,500 sq. ft.	1 space for each 2,000 sq. ft.

Education, Public	1 space for each 7,500 sq. ft.	1 space for each 2,000 sq. ft.
Emergency Shelter	1 space for each 10,000 sq. ft.	1 space for each 10,000 sq. ft.
Entertainment, Assembly, and Performing Arts	1 space for each 10,000 sq. ft.	1 space for each 10,000 sq. ft.
Firearm Sales	1 space for each 10,000 sq. ft.	1 space for each 3,500 sq. ft.
Government, Large-Scale	1 for each 7,500 sq. ft.	1 space for each 40,000 sq. ft. but no less than 6 spaces
Government, Local	1 for each 7,500 sq. ft.	1 space for each 40,000 sq. ft. but no less than 6 spaces
Medical Care	1 space for each 10,000 sq. ft.	1 space for each 40,000 sq. ft.
Institutional, General	1 space for each 7,500 sq. ft.	1 space for each 2,500 sq. ft. but no less than 8 spaces
Institutional, Religious	1 space for each 7,500 sq. ft.	1 space for each 2,500 sq. ft. but no less than 8 spaces
Lodging	1 space for each 10,000 sq. ft.	1 space for each 40,000 sq. ft.
Marine	None	1 space for each 3,500 sq. ft.
Motor Vehicle-related	1 space for each 20,000 sq. ft.	1 space for each 10,000 sq. ft.
Office	1 for each 2,500 sq. ft.	1 space for each 40,000 sq. ft.
Parking	None	None
Parks and Recreation	None	1 space for each 10,000 sq. ft. but no less than 6 spaces
Production, Distribution, & Repair	1 space for each 20,000 sq. ft.	None
Residential House Residential Flat	None	None
Residential Apartment	1 space for each 3 dwelling units	1 space for each 20 dwelling units
Retail	1 for each 10,000 sq. ft.	1 space for each 3,500 sq. ft.
Service, General	1 for each 10,000 sq. ft.	1 space for each 3,500 sq. ft.
Service, Financial	1 for each 10,000 sq. ft.	1 space for each 3,500 sq. ft.
Sexually-based Business Establishment	1 for each 10,000 sq. ft.	1 space for each 10,000 sq. ft.
Transportation Infrastructure	None	None
Waste-related Services	1 space for each 20,000 sq. ft.	None

(b) After the first fifty (50) bicycle parking spaces are provided for a use, additional spaces are required at one half (1/2) the ratio specified in § 802.1;

(c) Notwithstanding §§ 3531.5(a) and (b), no property shall be required to provide more than one hundred (100) short-term bicycle parking spaces. All properties with a long-term bicycle parking requirement shall provide at least two (2) long-term spaces, and all properties with a short-term requirement shall provide at least two (2) short-term spaces. The bicycle

parking standards of this chapter shall be met when a new building is constructed;

(d) When a property changes use categories or adds a use category, the property shall add any bicycle parking spaces necessary to meet the requirements for the new use. However, historic resources shall not be required to provide additional bicycle parking spaces for a change in use when the gross floor area of the building is not expanded;

(e) An addition to an existing building, or the expansion of a use within a building, triggers additional bicycle parking requirements only when the gross floor area of the building or use is expanded or enlarged by twenty-five percent (25%) or more beyond the gross floor area on [enactment date of amendment], or in the case of a new building, the gross floor area used to calculate the initial parking requirement. The additional minimum parking required shall be calculated based upon the entire gross floor area added;

(f) Additions to historic resources shall be required to provide additional bicycle parking spaces only for the addition's gross floor area and only when the addition results in at least a fifty percent (50%) increase in gross floor area beyond the gross floor area existing on the effective date of this title;

(g) If a use operates solely outside of a building, any expansion of that use shall conform to the applicable bicycle parking standards;

(h) Uses governed by a campus plan are subject to the bicycle parking requirements approved by the Zoning Commission and are not subject to the bicycle parking requirements otherwise applicable; and

(i) When there is more than one use on a lot, the number of bicycle parking spaces provided must equal the total required for all uses. If a single use falls into more than one use category for which different bicycle parking minimums apply, the standard that requires the greater number of bicycle parking spaces shall apply.

3531.6 The amount of bicycle parking shall be calculated pursuant to the rules of this subsection.

(a) All bicycle parking standards shall be calculated on the basis of gross floor area, except for Residential uses, which base bicycle parking standards on the number of dwelling units;

(b) For purposes of calculating bicycle parking standards, gross floor area does not include floor area devoted to off-street parking or loading facilities, including aisles, ramps, and maneuvering space; and

(c) Calculations of bicycle parking spaces that result in a fractional number of one half (0.5) or more shall be rounded up to the next consecutive whole number. Any fractional result of less than one-half (0.5) shall be rounded down to the previous consecutive whole number.

3531.7 Short-Term Bicycle Parking Spaces shall meet the following requirements:

(a) Required short-term bicycle parking spaces shall be located either on the same lot as the use they are intended to serve or on public space within twenty feet (20 ft.) of the lot. A use providing short-term bicycle parking on adjacent public space must obtain approval of a public space application under Title 24 DCMR;

(b) Required short-term bicycle parking spaces shall be located within one-hundred and twenty feet (120 ft.) of a primary entrance to the building they serve;

(c) Areas devoted to short-term bicycle parking on private property shall be surfaced and maintained with an all-weather surface;

(d) Required short-term bicycle parking spaces shall be provided as bicycle racks that meet the standards of § 3531.3;

(e) An aisle at least four feet (4 ft.) wide between rows of bicycle parking spaces and the perimeter of the area devoted to bicycle parking shall be provided. Aisles shall be kept clear of obstructions at all times. Where the bicycle parking is on or adjacent to a sidewalk, the aisle may extend into the right-of-way; and

(f) Required short-term bicycle parking spaces shall be provided in a convenient, well-lit location that can be viewed from the building the spaces are intended to serve. Required short-term bicycle parking spaces shall be available for shoppers, customers, commuters, messengers, and all other visitors to the site.

3531.8 Long-Term Bicycle Parking Spaces shall meet the following requirements:

(a) All required long-term bicycle parking spaces shall be located within the building of the use requiring them;

(b) Required long-term bicycle parking spaces shall be located no lower than the first cellar level or the first complete parking level below grade, and no higher than the first above-grade level. Spaces shall be available to employees, residents, and other building occupants;

(c) Required long-term bicycle parking shall be provided as racks or lockers. Bicycle racks for required long-term parking shall be provided in a parking garage or a bicycle storage room;

(d) Where required long-term bicycle parking is provided in a garage, it shall be clearly marked and be separated from adjacent motor vehicle parking spaces by wheel stops or other physical automobile barrier;

(e) Where required long-term bicycle parking is provided in a bicycle room, the room shall have either solid walls or floor-to-ceiling fencing. The room shall have locked doors;

(f) For any bicycle room with solid walls, the entirety of the interior of the bicycle room shall be visible from the entry door. A motion-activated security light enclosed in a tamper-proof housing shall be provided in each bicycle room;

(g) Where required long-term bicycle parking is provided in lockers, the lockers shall be securely anchored and meet the following minimum dimensions:

(1) Twenty-four inches (24 in.) in width at the door end;

(2) Eight inches (8 in.) in width at the opposite end;

(3) Seventy-two inches (72 in.) in length; and

(4) Forty-eight inches (48 in.) in height;

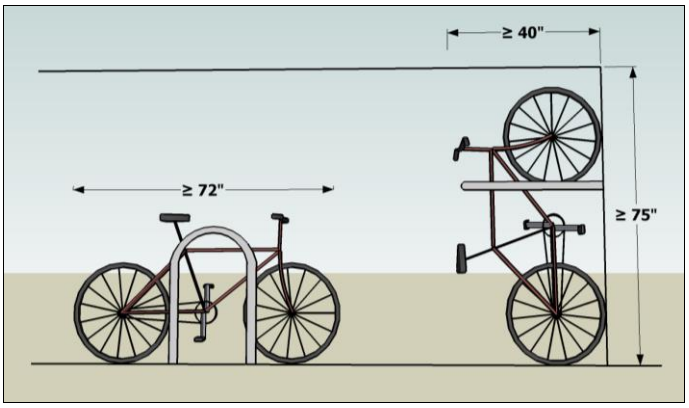
(h) Each required long-term bicycle parking space shall be directly accessible by means of an aisle of a minimum width of four feet (4 ft.) and have a minimum vertical clearance of seventy-five inches (75 in.). Aisles shall be kept clear of obstructions at all times;

(i) A minimum of fifty percent (50%) of the required long-term bicycle parking spaces shall allow the bicycles to be placed horizontally on the floor or ground. Vertical bicycle racks shall support the bicycle without the bicycle being suspended; and

(j) Each required long-term bicycle parking space shall be a minimum width of twenty-four inches (24 in.), and shall be:

(1) A minimum of seventy-two inches (72 in.) in length if the bicycles are to be placed horizontally; or

(2) A minimum of forty inches (40 in.) in length if the bicycles are to be placed vertically.



3531.9 Showers and Changing Facilities for newly constructed buildings and buildings that expand in gross floor area by more than twenty five percent (25%) shall meet the requirements of this subsection, which is intended to ensure that long-term bicycle parking spaces are usable by the long-term occupants, especially employees, of non-residential uses:

(a) A non-residential use that requires long-term bicycle parking spaces and that occupies more than twenty-five thousand square feet (25,000 sq. ft.) in gross floor area shall provide a minimum of two (2) showers. An additional two (2) showers shall be installed for every fifty thousand square feet (50,000 sq. ft.) of gross floor area above the first twenty-five thousand square feet (25,000 sq. ft.), up to a maximum requirement of six (6) showers;

(b) A non-residential use that requires long-term bicycle parking spaces and that occupies more than twenty-five thousand square feet (25,000 sq. ft.) in gross floor area shall provide a minimum number of clothing lockers equal to six-tenths (0.6) times the minimum number of required long-term bicycle parking spaces. Each locker required by this subsection shall be a minimum of twelve inches (12 in.) wide, eighteen inches (18 in.) deep, and thirty-six inches (36 in.) high; and

(c) Showers and lockers required by this subsection shall be accessible to employees and other long-term occupants of the use requiring them. Showers and lockers shall be located within the same building as the use requiring them.

3531.10 When providing the number of bicycle parking spaces or showers and changing facilities required is impractical or contrary to other District regulations, or when it is unnecessary due to a lack of demand for bicycle parking, the Board may grant, as a special exception, a full or partial reduction in the minimum number of long-term spaces, the minimum number of short term spaces, or the quantity of shower and changing facilities required for a use or structure, subject to the general requirements of § 3104, the limitations of § 3531.10(b), and the requirements of this subsection:

(a) If requesting a reduction in the amount of parking, the applicant must demonstrate one of the following:

(1) Due to the physical constraints of the property, the required bicycle parking spaces cannot be provided on the lot or, in the case of short-term bicycle parking spaces, on abutting public space;

(2) The use or structure will generate demand for less bicycle parking than the minimum bicycle parking standards require, as a result of:

(a) The nature of the use or structure;

(b) Land use or topographical characteristics of the neighborhood that minimize the need for required bicycle parking spaces, or

(c) A transportation demand management plan approved by DDOT, the implementation of which shall be a condition of the Board's approval, will result in demand for less short-term bicycle parking than the minimum bicycle parking standards require; or

(3) The nature or location of an historic resource precludes the provision of bicycle parking spaces; or providing the required bicycle parking would result in significant architectural or structural difficulty in maintaining the integrity and appearance of the historic resource;

(b) A reduction in parking granted under this subsection shall only be for the amount that the applicant demonstrates cannot be physically provided, and

proportionate to the reduction in bicycle parking demand demonstrated by the applicant; and

(c) If requesting a reduction in the quantity of shower and changing facilities, the applicant must demonstrate that:

(1) The intent of § 3531.9 is met; and

(2) Either:

(A) The use will not generate the demand for the full number of showers and changing facilities required; or

(B) The property owner has an arrangement to make use of showers and changing facilities off-site, and that the showers and changing facilities will be reasonably available to long-term occupants of the use requiring the facilities.

3532 LOADING (WR)

3532.1 The WR Zone is subject to the loading regulations in Chapter 22 of this title, as applied to the C-2-A Zone, including, but not limited to dimensions, location, access, and applicability to historic structures, as modified by the following provisions.

3532.2 The following requirements shall be used:

Use	Minimum Number of Loading Berths Required	Minimum Number of Service/Delivery Spaces Required
Agriculture		
	None	None
Animal Sales, Care and Boarding		
5,000 to 20,000 sq. ft. gross floor area	1	None
More than 20,000 to 100,000 sq. ft. gross floor area	2	1
More than 100,000 sq. ft. gross floor area	3	1
Antennas		
	None	None
Arts Design and Creation		
5,000 to 20,000 sq. ft. gross floor area	1	None
More than 20,000 to 100,000 sq. ft. gross floor area	2	1
More than 100,000 sq. ft. gross floor area	3	1
Basic Utilities		
20,000 to 50,000 sq. ft. gross floor area	1	1
More than 50,000 to 200,000 sq. ft. gross floor area	2	1

Use	Minimum Number of Loading Berths Required	Minimum Number of Service/Delivery Spaces Required
More than 200,000 sq. ft. gross floor area	3	1
Chancery		
30,000 to 100,000 sq. ft. gross floor area	1	1
More than 100,000 sq. ft. gross floor area	2	1
Community-Based Institutional Facility		
30,000 to 100,000 sq. ft. gross floor area	1	1
More than 100,000 sq. ft. gross floor area	2	1
Daytime Care		
30,000 to 100,000 sq. ft. gross floor area	1	1
More than 100,000 sq. ft. gross floor area	2	1
Education		
30,000 to 100,000 sq. ft. gross floor area	1	1
More than 100,000 sq. ft. gross floor area	2	1
Emergency Shelter		
30,000 to 100,000 sq. ft. gross floor area	1	1
More than 100,000 sq. ft. gross floor area	2	1
Entertainment, Assembly, and Performing Arts		
50,000 to 100,000 sq. ft. gross floor area	1	None
More than 100,000 to 500,000 sq. ft. gross floor area	2	None
More than 500,000 sq. ft. gross floor area	3	None
Firearm Sales		
5,000 to 20,000 sq. ft. gross floor area	1	None
More than 20,000 to 100,000 sq. ft. gross floor area	2	1
More than 100,000 sq. ft. gross floor area	3	1
Food and Alcohol Services		
5,000 to 20,000 sq. ft. gross floor area	1	None
More than 20,000 to 100,000 sq. ft. gross floor area	2	1
More than 100,000 sq. ft. gross floor area	3	1
Government, Large-Scale		
30,000 to 100,000 sq. ft. gross floor area	1	1
More than 100,000 sq. ft. gross floor area	2	1
Government, Local		
30,000 to 100,000 sq. ft. gross floor area	1	1
More than 100,000 sq. ft. gross floor area	2	1
Health Care		
30,000 to 100,000 sq. ft. gross floor area	1	1
More than 100,000 sq. ft. gross floor area	2	1
Institutional		
30,000 to 100,000 sq. ft. gross floor area	1	1
More than 100,000 sq. ft. gross floor area	2	1
Lodging		
10,000 to 50,000 sq. ft. gross floor area	1	None

Use	Minimum Number of Loading Berths Required	Minimum Number of Service/Delivery Spaces Required
More than 50,000 to 100,000 sq. ft. gross floor area	2	None
More than 100,000 to 500,000 sq. ft. gross floor area	3	None
More than 500,000 sq. ft. gross floor area	4	None
Marine		
30,000 to 100,000 sq. ft. gross floor area	1	1
More than 100,000 sq. ft. gross floor area	2	1
Motor Vehicle-related		
5,000 to 20,000 sq. ft. gross floor area	1	None
More than 20,000 to 100,000 sq. ft. gross floor area	2	1
More than 100,000 sq. ft. gross floor area	3	1
Office		
20,000 to 50,000 sq. ft. gross floor area	1	1
More than 50,000 to 200,000 sq. ft. gross floor area	2	1
More than 200,000 sq. ft. gross floor area	3	1
Parking		
	None	None
Parks and Recreation		
More than 30,000 sq. ft. gross floor area	None	1
Production, Distribution, and Repair		
5,000 to 25,000 sq. ft. gross floor area	1	None
More than 25,000 sq. ft. gross floor area	2	None
For each 100,000 sq. ft. gross floor area more than 50,000 sq. ft.	1	None
Residential		
More than 50 dwelling units	1	1
Retail		
5,000 to 20,000 sq. ft. gross floor area	1	None
More than 20,000 to 100,000 sq. ft. gross floor area	2	1
More than 100,000 sq. ft. gross floor area	3	1
Service		
5,000 to 20,000 sq. ft. gross floor area	1	None
More than 20,000 to 100,000 sq. ft. gross floor area	2	1
More than 100,000 sq. ft. gross floor area	3	1
Sexually-oriented Business Est.		
5,000 to 20,000 sq. ft. gross floor area	1	None
More than 20,000 to 100,000 sq. ft. gross floor area	2	1
More than 100,000 sq. ft. gross floor area	3	1
Transportation Infrastructure		
	None	None
Waste-related Services		
5,000 to 25,000 sq. ft. gross floor area	1	None
More than 25,000 sq. ft. gross floor area	2	None

Use	Minimum Number of Loading Berths Required	Minimum Number of Service/Delivery Spaces Required
For each 100,000 sq. ft. gross floor area more than 50,000 sq. ft.	1	None

3532.3 No loading berths are required for buildings or structures with a gross floor area less than the minimum specified in § 3532.3.

3532.4 Each loading berth shall be accompanied by one (1) adjacent loading platform.

3532.5 When a property changes or adds a use category, the following shall apply:

(a) Additional loading berths and service/delivery spaces shall be required only when the minimum number of loading spaces required for the new use group exceeds the number of spaces required for the prior use group that occupied the same floor area;

(b) When determining the amount of additional required loading, it shall by assumed that the previous use provided the minimum number of spaces required; and

(c) Historic resources shall not be required to provide additional loading for a change in use without expansion.

3532.6 An addition to an existing building, or the expansion of a use within a building, triggers additional loading requirements only when the gross floor area of the building or use is expanded or enlarged by twenty-five percent (25%) or more beyond the existing gross floor area. The additional minimum loading berths, platforms and service/delivery spaces required shall be calculated based on the addition's gross floor area.

3532.7 An addition to a historic resource shall be required to provide additional loading berths, platforms and service/delivery spaces only for the addition's gross floor area and only when the addition results in at least a fifty percent (50%) increase in gross floor area over the existing gross floor area.

3532.8 For purposes of calculating loading requirements for non-residential uses, gross floor area does not include floor area devoted to off-street parking or loading facilities, including aisles, ramps and maneuvering space.

3532.9 At least one (1) loading berth shall be provided when the sum of the gross floor area of the separate uses exceeds the minimum gross floor area requiring loading berths for any one of the separate uses.

3532.10 All loading berths, platforms, and service/delivery loading spaces shall be consolidated and located inside buildings, concealed from view of the public street right of way.

3532.11 Loading entrances shall make use of architectural treatments, to mitigate visual impacts and incorporate loading docks within buildings.

3532.12 All loading berth or service/delivery spaces shall be located to be accessed from a public alley, where an open and improved alley of fifteen feet (15 ft.) width exists.

3532.13 The Board may grant, by Special Exception, modifications or waivers to the requirements of this section if, in addition to the general requirements of § 3104, the applicant demonstrates, as applicable, that:

(a) The only means by which a motor vehicle could access the lot is from a public street, and provision of a curb cut or driveway on the street would violate any regulation in this chapter, or in Chapters 6 or 11 of Title 24 DCMR;

(b) The loading berths or service/delivery spaces are required for an addition to an historic resource, and providing the required loading facilities would result in significant architectural or structural difficulty in maintaining the integrity and appearance of the historic resource;

(c) The lot has unusual topography, grades, shape, size, or dimensions; or

(d) Alternate access arrangements would improve site design, landscaping, or traffic patterns or provide safer ingress or egress.

3533 – 3539 [RESERVED]

3540 INCLUSIONARY ZONING (WR)

3540.1 All residential development is subject to Inclusionary Zoning and shall be constructed according to the provisions set forth in Chapter 26 of this Title, except that the FAR, lot occupancy, and height listed in the Development Standards for each WR Zone shall serve as the maximum permitted density and building envelopes for buildings and structures, including for the provision of inclusionary units.

3541 GREEN AREA RATIO (WR)

3541.1 In the WR-2, WR-3, WR-4, WR-5, WR-7, and WR-8 Zones, the GAR requirement is four tenths (0.4), pursuant to Chapter 34 of this title.

3542 PLANNED UNIT DEVELOPMENTS (WR)

3542.1 A planned unit development (PUD) in the WR Zone shall be subject to the following provisions in addition to the provisions of Chapter 24 of this title:

(a) The minimum area required for a proposed PUD shall be fifteen thousand square feet (15,000 s.f.);

(b) In the WR-1, WR-5, WR-6, WR-7 and WR-8 Zones, the height, number of stories and FAR provided in the relevant zone's development standards table shall serve as the maximum permitted for a PUD; and

(c) In the WR-2, WR-3 and WR-4 Zones, the maximum height and FAR limits for PUDs in the WR Zone shall be the following:

(1) For the WR-2 Zone, the limits on height, number of stories and FAR provided in the development standards table in § 3402 may be increased by no more than ten feet (10 ft.), one (1) story, and twenty percent (20%) FAR;

(2) For the WR-3 Zone, the limits on height, number of stories and FAR provided in the development standards table in § 3403 may be increased by no more than ten feet (10 ft.), one (1) story, and twenty percent (20%) FAR; and

(3) For the WR-4 Zone, the limits on height, number of stories and FAR provided in the development standards table in § 3404 may be increased by no more than ten feet (10 ft.), one (1) story, and twenty percent (20%) FAR.

3543 SPECIAL EXCEPTION RELIEF (WR)

3543.1 Relief from any section of this chapter may be heard and decided by the Board as a special exception. In addition to the general special exception criteria of § 3104, the Board must find that the request for relief is consistent with the purposes of the WR Zone.

3544 – 3589 [RESERVED]

3590 USE GROUPS

3590.1 The following are use groups in the WR Zones:

(a) Agriculture, large:

(1) The on-site cultivation, or maintenance of plants, or the breeding or keeping of animals and livestock intended for personal use or eventual sale or lease off-site. Typical products of an agricultural use include produce, field crops, flowers, ornamental crops, livestock, poultry, honeybees, or other animal husbandry;

(2) Examples include, but are not limited to: farm, truck garden, beekeeping, greenhouse, dairy, or horticultural nursery; and

(3) Exceptions: This use group does not include the customary landscaping of yards, residential gardening or household pets.

(b) Agricultural, residential:

(1) The on-site cultivation, or maintenance of plants, or keeping of small domestic animals intended for personal use, sale on-site, or eventual sale off-site. Typical products of a residential agricultural use include produce, garden crops, flowers, and honeybees. This use group does not include the customary landscaping of yards, keeping of household pets, or the breeding or housing of large breed animals; and

(2) Examples include, but are not limited to: small scale truck garden, beekeeping, greenhouse, or community garden.

(c) Animal Sales, Care, and Boarding:

(1) The on-site sale, medical care, or short term boarding of animals for a fee. These uses may include licensed veterinary practices such as medicine, surgery, or dentistry for animals, or the provision of animal services such as grooming, training, or care-taking;

(2) Examples include, but are not limited to: pet shop, veterinary clinic or hospital, pet grooming establishment, dog day care center, animal boarding facility, animal sales establishment, or animal shelter; and

(3) Exceptions: This use group does not include uses which would typically fall within the Agriculture use categories or the selling of a litter of a domestic pet.

(d) Antennas: A structure conducting, transmitting, or receiving communication signals. This use group encompasses the portions of the structure responsible for signal transmission and reception, any associated towers, immediately-related support and stabilizing elements, and rotating or other directional mechanisms; and Examples include, but are not limited to: commercial broadcast antenna, mobile telecommunication antenna, microwave dish, satellite earth station, whip, or yagi antennas.

(e) Arts Design and Creation:

(1) The on-site design, rehearsal, or creation of visual, auditory, or performance art. This use may encompass work space for artists, artisans, or craftsmen practicing fine arts or applied arts or crafts, and may include the sale of items created on the site;

(2) Examples include, but are not limited to: artist studio, artisan production including kiln-firing, metal-working, wood-working, furniture making and glass-blowing arts, and photographic studio; and

(3) Exceptions: This use group does not include uses which would typically fall within the Entertainment, Assembly and Performing Arts, Educational, or Sexually-based Business Establishment use groups.

(f) Basic Utilities:

(1) The commercial or governmental generation, transmission, distribution, or storage of energy, water, stormwater, cable, or telecommunication-related information. This use commonly takes the form of infrastructure services which are provided city-wide;

(2) Examples include, but are not limited to: electrical sub-station, telephone exchange, optical transmission node, electronic equipment facility, sewer plant, water treatment plant, methods and facilities for renewable energy generation, or utility pumping station; and

(3) Exceptions: This use group does not include uses which would typically fall within the Antennas or Waste-related Services use groups.

(g) Chancery:

(1) The principal offices of a foreign mission used for diplomatic or related purposes, and annexes to such offices (including ancillary offices and support facilities), including the site and any building on such site that is used for such purposes; and

(2) Exceptions: This use group does not include uses which would typically fall within the Office, or Residential use group, such as an ambassador's residence or embassy staff residence building.

(h) Community-based Institutional Facility:

(1) A use providing court-ordered monitored care to individuals who have a common need for treatment, rehabilitation, assistance, or supervision in their daily living; have been assigned to the facility; or are being detained by the government, other than as a condition of probation;

(2) Examples include, but are not limited to: adult rehabilitation home, youth rehabilitation home, or detention or correctional facilities that do not fall within the Large Scale Government use group; and

(3) Exceptions: This use group does not include uses which more typically would fall within the Emergency Shelter or Large Scale Government use group. This use group also does not include Residential or Medical Care uses that were previously defined as community residence facilities, health care facilities, substance abuser's homes, or youth residential care homes.

(i) Daytime Care:

(1) The non-residential licensed care, supervision, counseling, or training, for a fee, of individuals who are not related by blood, adoption, or marriage to the caregiver, and who are present on the site for less than 24 hours per day;

(2) Examples include, but are not limited to: an adult day treatment facility, child care centers and programs, pre-schools, nursery

schools, before-and-after school programs, or elder care centers and programs; and

(3) Exceptions: This use group does not include uses which more typically fall within the Health Care, or Parks and Recreation use groups. This use does not refer to home-based care given by parents, guardians, or relatives of the individuals requiring care which does not require a Certificate of Occupancy.

(j) Eating and Drinking Establishments:

(1) The sale of food, alcoholic drinks, or refreshments prepared on the premises and sold to customers for consumption on or off the premises;

(2) Examples include, but are not limited to: prepared food shop, restaurant, fast food restaurant, or fast food drive-through; within these defined terms, uses may also include but are not limited to bar, café, cafeteria, cocktail lounge, coffee shop, delicatessen; an ice cream parlor and nightclub; and

(3) Exceptions: This use group does not include uses which more typically would fall within the Sexually-based Business Establishment use group.

(k) Education, College/University: An institution of higher educational or academic learning providing facilities for teaching and research, offering courses of general or specialized study leading to a degree, and authorized to grant academic degrees; This use may include accessory athletic and recreational areas, dormitories, cafeterias, ancillary commercial uses, multiple academic and administrative buildings, and sports facilities.

(l) Education, Private:

(1) An educational, academic or institutional use with the primary mission of providing education and academic instruction that provides District or state mandated basic education or educational uses. These uses may include accessory play and athletic areas, dormitories, cafeterias, recreational, or sports facilities; and

(2) Exceptions: This use group does not include uses which more typically would fall within the Daytime Care, Public Education or College/University Education use group. This use group also does

not include the home schooling of children in a dwelling by their parent, guardian, or private tutor.

(m) Education, Public:

(1) Public or public charter schools at the elementary, middle, junior high, or high school level; these uses may include accessory athletic areas, dormitories, cafeterias, recreational, or sports facilities; and

(2) Exceptions: This use group does not include uses which more typically would fall within the Daytime Care, Private Education or College/University Education use group. This group also does not include the home schooling of children in a dwelling by their parent, guardian, or private tutor.

(n) Emergency Shelter: A use providing thirty (30) days or less of temporary housing to indigent, needy, homeless, or transient individuals. Emergency Shelter uses may also provide ancillary services such as counseling, vocational training, or similar social and career assistance.

(o) Entertainment, Assembly, and Performing Arts:

(1) A use involving facilities designed primarily for public assembly that enables patrons to experience visual, auditory, performance, or literary arts; attend sporting events or conferences; or to participate in active leisure activities. These uses may be characterized by activities and structures that draw large numbers of people to specific events or shows;

(2) Examples include, but are not limited to: bowling alley, miniature golf, movie theatre, concert hall, museum, or stadium; and

(3) Exceptions: This use group does not include uses which more typically would fall within the Arts Design and Creation, Sexually-based Business Establishment, or Parks and Recreation use groups.

(p) Firearm Sales:

(1) A use engaged in the on-site sale, lease, or purchase of firearms or ammunition. This use group has been established to identify those uses which offer sales of goods whose impacts are incompatible with the intended health, safety, and welfare of other uses of land; and

(2) Examples include, but are not limited to: gun store, ammunition sales, pawn shop carrying guns, or weaponry store.

(q) Government, Large:

(1) A use involving services owned, managed, or provided by a governmental entity and associated with providing regional or wider services;

(2) Examples include, but are not limited to: airports, jails, truck dispatch facilities or police/fire training facilities; and

(3) Exceptions: This use group does not include uses which more typically would fall within the Motor-Vehicle-related or Transportation Infrastructure use groups.

(r) Government, Local:

(1) A use involving services owned, managed, or provided by local government and associated with providing neighborhood-scaled services to meet the community needs of the directly adjacent areas;

(2) Examples include, but are not limited to: public community centers, police stations, libraries, or fire stations; and

(3) Exceptions: This use group does not include large-scale government uses with a regional or larger service area or uses which more typically would fall within the Large Scale Government, Emergency Shelter, Parks and Recreation, or Motor Vehicle-related use group. It also does not include administrative offices of local government agencies, when those office functions meet the definition of the Office use group.

(s) Institutional, General:

(1) A non-governmental use involving the public assembly of people or provision of services for social or cultural purposes and which may include uses of a public, nonprofit, or charitable nature generally providing local service on-site to people of a local community;

(2) Examples include, but are not limited to: private clubs, private community centers, private libraries, non-profit or social service providers; and

(3) Exceptions: This use group does not include uses which more typically would fall within the Religious Based Institutional, Chancery, Education, Entertainment, Assembly, and Performing Arts, Local Government, Service, Office, or Parks and Recreation use groups.

(t) Institutional – Religious Based:

(1) A non-governmental use involving the public assembly of people or provision of services for religious purposes and which may include related services or uses fundamental to the religious mission;

(2) Examples include, but are not limited to: churches, synagogues, temples, mosques, other places of worship, and related religious schools; and

(3) Exceptions: This use group does not include uses which more typically would fall within the General Institutional, Chancery, Education, Entertainment, Assembly, and Performing Arts, Local Government, Service, Office, or Parks and Recreation use groups.

(u) Lodging:

(1) A use providing customers with temporary housing for an agreed upon term of less than thirty (30) consecutive days; any use where temporary housing is offered to the public for compensation, and is open to transient rather than permanent guests;

(2) Examples include, but are not limited to: hotels, motels, inns, or bed and breakfast establishments; and

(3) Exceptions: This use group does not include uses which more typically would fall within the Emergency Shelter or Residential use group.

(v) Marine:

(1) A use in which proximity to the waterfront constitutes an integral aspect of its function; or uses which depend upon access to the water for their effectuality. This use group includes activities associated with water and marine-based travel, movement, storage, and related activities;

(2) Examples include, but are not limited to: marina, boathouse, boat launch, dock, or pier, boat repair facility, water taxi facility, or water facilities; and

(3) Exceptions: This use group does not include uses which more typically would fall within the Motor Vehicle-related use group.

(w) Medical Care:

(1) A use involving the on-site licensed provision of medical diagnosis, treatment, or prevention of illness or disease of humans. These facilities may provide medical or surgical care to patients or offer overnight care;

(2) Examples include, but are not limited to: dentist, doctor, optician, hospitals, clinics, or medical offices. This use group also includes any 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); and

(3) Exceptions: This use group does not include uses which more typically would fall within the Community-based Institutional Facility or Emergency Shelter use group.

(x) Motor Vehicle-related:

(1) A use engaging primarily in the on-site sale, rental, service, maintenance, or refueling of motor vehicles or their components. These uses include the sale, installation or repair of parts, components, accessories, or fuel for motor vehicles;

(2) Examples include, but are not limited to: gasoline service station, auto repair facility, carwash, automobile sales, boat sales, or motorcycle sales; and

(3) Exceptions: This use group does not include uses which more typically would fall within the Retail or Parking use group.

(y) Office:

(1) A use engaging primarily in on-site administrative, business, professional, research, or laboratory-based activities. These uses are characterized by activities in an office setting that focus on the

provision of off-site sale of goods or on-site information-based services, usually by professionals;

(2) Examples include, but are not limited to: real estate agency, law firm, accounting firm, advertising agency, stockbrokerage firm, or laboratory; and

(3) Exceptions: This use group does not include uses which more typically would fall within the Health Care, Education, Local Government, Retail, Production, Distribution, and Repair, Financial Service, or Chancery use group.

(z) Parking:

(1) A use involving the on-site short or long-term storage of motor vehicles, including surface lots or within structures, when such motor vehicle storage is not provided as accessory parking for another use;

(2) Examples include, but are not limited to: public parking lot, public parking garage, and private garage; and

(3) Exceptions: This use group does not include parking that is accessory to another use.

(aa) Parks and Recreation:

(1) A use involving publicly accessible passive or active open space or a structure or facility under the jurisdiction of a public agency that is used for community recreation activities;

(2) Examples include, but are not limited to: Public plazas, parks, outdoor recreation, community gardens; Areas devoted to recreational activities such as picnicking, boating, fishing, bicycling, tennis, or swimming; Classes and services relating to health and wellness, culture, arts and crafts, or education; and Structures or other recreation facilities such as auditorium, multi-purpose room, gymnasium, meeting space, open space, playground, playing court, golf course, playing field, or swimming pool, with associated accessory uses such as kitchen facilities; and

(3) Exceptions: This use group does not include private recreation centers such as a commercial gymnasium, or uses which more typically would fall within the Entertainment, Assembly, and

Performing Arts, Arts Design and Creation, Health Care, or Service use group.

(bb) Production, Distribution, and Repair:

(1) A use involving the on-site production, distribution, repair, assembly, processing, or sale of materials, products, technology, or goods intended for a wholesale, manufacturing, or industrial application. Uses may include firms that provide centralized services or logistics for retail uses, and wholesale goods establishments commonly selling to businesses in bulk. These uses typically have little contact with the public;

(2) Examples include, but are not limited to: manufacturing facility, concrete plant, asphalt plant, material salvage, hauling or terminal yard, chemical storage or distribution, outdoor material storage, acetylene gas manufacturing, fertilizer manufacturing, rock quarrying, warehouse, ground shipping facility, or wholesale sales; and

(3) Exceptions: This use group does not include uses which more typically would fall within the Retail, Service or Waste-related Services use group.

(cc) Residential:

(1) A use offering habitation on a continuous basis of at least 30 days. The continuous basis is established by tenancy with a minimum term of a month or property ownership. This use group also includes residential facilities that provide housing and supervision for persons with disabilities, which may include 24-hour on-site supervision, lodging, and meals for individuals who require supervision within a structured environment, and which may include specialized services such as medical, psychiatric, nursing, behavioral, vocational, social, or recreational services;

(2) Examples include, but are not limited to: single dwelling unit, multiple dwelling units, community residence facilities, retirement homes, rooming units, substance abusers' home, youth residential care home, assisted living facility, floating homes, and other residential uses; and

(3) Exceptions: This use group does not include uses which more typically would fall within the Lodging, Education, or Community-based Institutional Facility use groups.

(dd) Retail:

(1) A use engaging primarily in the on-site sale of goods, wares, or merchandise directly to the consumer or persons without a resale license. These uses include goods commonly sold to individuals in small quantities for their direct use;

(2) Examples include, but are not limited to: shop, appliance, computer, drug, jewelry, fabric, department, large format, or grocery stores, clothing or gift boutique, and pawn and antique shops; and

(3) Exceptions: This use group does not include wholesale goods commonly sold to businesses in bulk, corner store use, or uses which more typically would fall within the Arts Design and Creation, Eating and Drinking Establishments, Automobile-related, Firearm Sales, Marine, Production, Distribution, and Repair, or Sexually-based Business use groups.

(ee) Service, Financial:

(1) A use engaging primarily in the provision of banking, loan, mortgage or other similar financial services;

(2) Examples include, but are not limited to: banks, credit unions, and mortgage companies; and

(3) Exceptions: This use group does not include uses which more typically would fall within the Office use group.

(ff) Service, General:

(1) A use engaging primarily in the contracting of work that does not necessarily result in a tangible commodity. These uses may provide personal services or provide small-scale product repair or services for consumer and business goods on-site. Service uses which provide services off-site are typically Office uses;

(2) Examples include, but are not limited to: appliance repair, fitness center, yoga studio, shoe repair, tailor, hair salon and barber, or parcel delivery service; and

(3) Exceptions: This use group does not include uses which more typically would fall within the Eating and Drinking Establishments, Entertainment, Assembly, and Performing Arts, Local Government, Parks and Recreation, Animal Care and Boarding, Motor Vehicle-related, Accommodation, Daytime Care Facility, Health Care, Sexually-based Business Establishment, Arts Design and Creation, Marine, or Waste-related Services use groups.

(gg) Sexually-based Business Establishment:

(1) A use involving goods, services, or live performances that are characterized by their emphasis on matter depicting, describing, or related to specified sexual activities. Specified sexual activities include, but are not limited to: acts of sexual stimulation or arousal including human genitals in a discernibly turgid state, human masturbation, sexual intercourse, sodomy, or bestiality; or any erotic touching of human genitals, pubic region, buttock, or breast. This use group has been established to identify those uses which offer services or goods whose sexually-oriented impacts are incompatible with the intended health, safety, and welfare of other uses of land; and

(2) Examples include, but are not limited to: sexually-themed bookstores, newsstands, theatres, and amusement enterprises.

(hh) Transportation Infrastructure:

(1) A use involving structures or conveyances designed for individual mode or multimodal public transportation purposes. These uses may include land or facilities for the movement or storage of transportation system components;

(2) Examples include, but are not limited to: streetcar or bus passenger depots, transportation rights of way, Metro stations, mass transit stations, bus stops, bicycle paths, bus transfer stations, accessways, airports, bicycle facilities, multi-use paths, pedestrian connections, or streets; and

(3) Exceptions: This use group does not include uses which more typically would fall within the Basic Utilities use group.

(ii) Waste-related Services:

(1) A use involving the collection, transportation, recycling, or disposal of refuse either on-site or at a transfer station. This use group may include the collection of sanitary wastes or uses that produce goods or energy from wastes; and

(2) Examples include, but are not limited to: composting facility, incinerator, solid waste handling facility, or non-intensive recycling facility. Unless otherwise noted, these terms have the same meaning as defined in the Solid Waste Facility Permit Act of 1995.

3591 USES – RULES FOR INTERPRETATION

3591.1 This Section establishes rules for assigning and codifying use groups and use categories and regulations for the operation of temporary uses.

3591.2 The following rules shall be used to determine a use group:

(a) Use groups describe activities being performed on-site that have similar functions, physical characteristics, impacts, or operational behaviors;

(b) All individual uses shall be included in at least one use group. On- and off-site activities associated with a use may cause that use to be included in more than one group;

(c) A principal use may have one or more accessory uses;

(d) The Zoning Administrator shall determine the category or categories for a use, based on consistency with B Chapter 2;

(e) The following may be considered when determining the appropriate group or groups for a use:

(1) The description of the activity or activities in relationship to the definition of each use category;

(2) The relative amount of site or floor space and equipment devoted to each activity;

(3) The relative amounts of sales from each activity;

(4) The customer type for each activity;

(5) The relative number of employees in each activity;

(6) The typical hours of operation;

(7) The building and site arrangement;

(8) The number and type of vehicles used;

(9) The relative number of vehicle trips generated by the activity;

(10) How the use is advertised;

(11) How the use is licensed;

(12) Similarities in function to the examples and exceptions listed for each use group; and

(f) The activities, functions, physical characteristics, and impacts of a use on a property may not change unless that change has been determined by the Zoning Administrator to be consistent with that use group or a different use group permitted within the applicable zone.

3591.3 When a site contains more than one use and these uses fall within different use groups, each use is subject only to the regulations of the applicable use group.

3591.4 If a use is determined to fall into more than one use group, the use is subject to the regulations for all applicable use groups. If this results in conflicting conditions or criteria, the most stringent conditions shall be met.

3591.5 Accessory uses shall conform to the following rules:

(a) Any use allowed as a permitted use in a zone shall be allowed as an accessory use within that zone;

(b) Any use allowed only with conditions in a zone shall be allowed as an accessory use within that zone, subject to all applicable conditions; and

(c) Accessory uses:

(1) Shall be allowed only when associated with permitted or conditionally permitted uses; and

(2) Shall meet all of the conditions of the appropriate use group.

3591.6 Temporary uses shall conform to the following rules:

(a) Any use allowed as a permitted use in a zone shall be allowed as a temporary use within that zone;

(b) Any use allowed only with conditions in a zone shall be allowed as a temporary use within that zone, subject to all applicable conditions; and

(c) Temporary uses:

(1) Shall have the time period of the allowance established on the Certificate of Occupancy but shall not exceed one (1) year; and

(2) Shall not result in the erection of any new permanent structures, although existing permanent structures may be used for a temporary use.

CONFORMING AMENDMENTS

1. Amend Chapter 21, § 2101.1 as follows:

2101.1 On and after May 12, 1958, all buildings or structures shall be provided with parking spaces as specified in the following table, except for buildings and structures located in the StE **or the WR** District**s**:

2. Amend Subsection 2602.1(a) as follows:

2602.1 Except as provided in § 2602.3, the requirements and incentives of this chapter shall apply to developments that:

(a) Are mapped within the R-2 through R-5-D, C-1 through C-3-C, USN, CR, SP, StE, **WR** and W-1 through W-3 Zone Districts, unless exempted pursuant to § 2602.3;

3. Amend Subsection 2603.3 as follows:

2603.3 Inclusionary developments located in R-3 through R-5-E, C-1, C-2-A, StE, W-0**,** ~~and~~ W-1**, and WR** Districts shall set aside fifty percent (50%) of inclusionary units for eligible low-income households and fifty percent (50%) of inclusionary units for eligible moderate-income households. The first inclusionary unit and each additional odd number unit shall be set aside for low-income households.

4. Add a new § 2603.8 to read as follows:

2603.8 In the WR Zone, an inclusionary development shall devote no less than 10% of the gross floor area being devoted to residential use for inclusionary units.

Or in the alternative, add two new §§ 2603.8 and 2603.9, to read as follows:

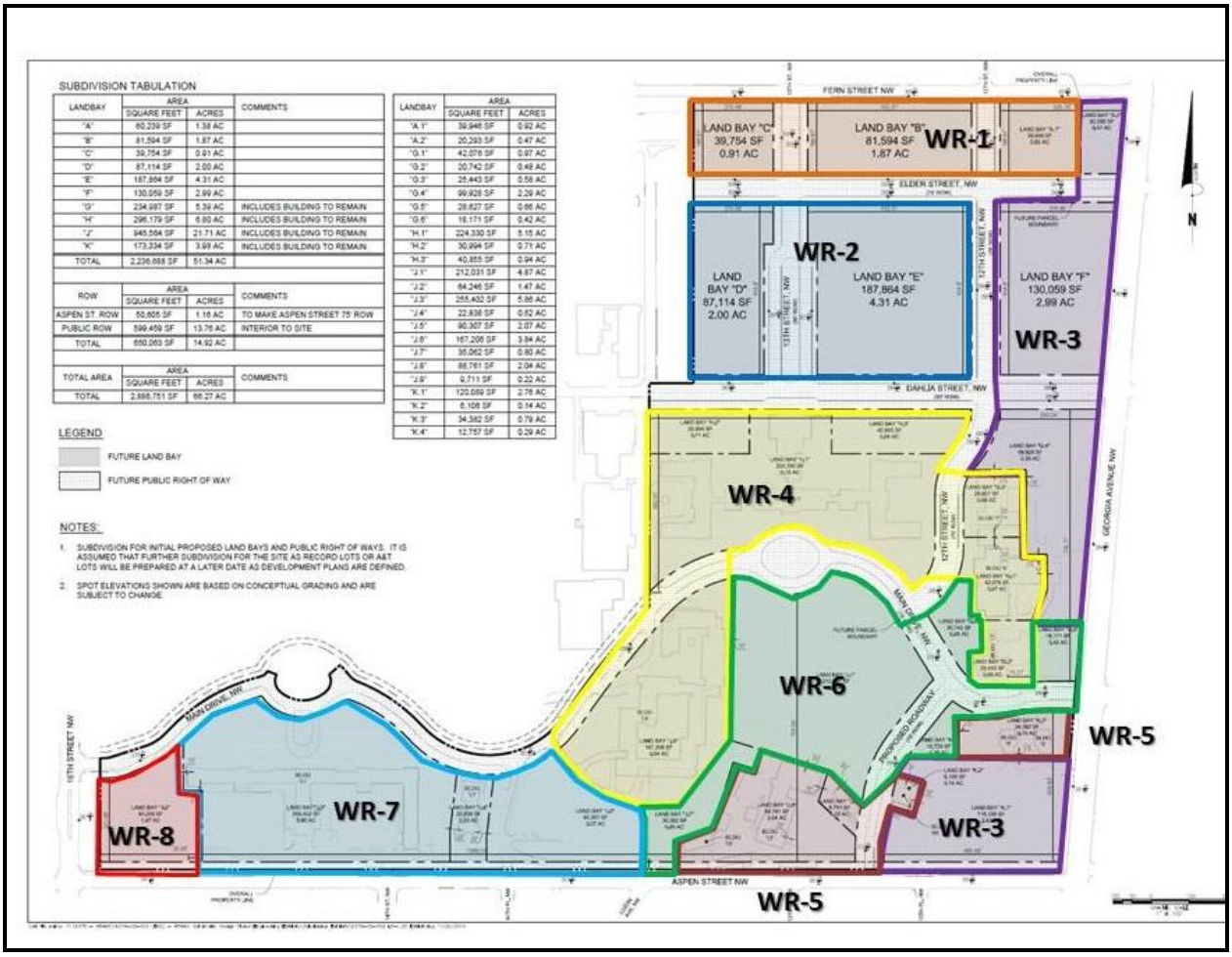
2603.8 In the WR-1, WR-4, or WR-5 Zones, an inclusionary development shall devote no less than 10% of the gross floor area being devoted to residential use for inclusionary units.

2603.9 In the WR-2, WR-3, WR-7, or WR-8 Zones, an inclusionary development shall devote eight percent (8%) of the gross floor area being devoted to residential use for inclusionary units.

5. Amend Subsection 2604.1 as follows:

2604.1 Inclusionary developments subject to the provisions of this chapter, except those located in the StE **or WR** District**s**, may construct up to twenty percent (20%) more gross floor area than permitted as a matter of right ("bonus density"), subject to all other zoning requirements (as may be modified herein) and the limitations established by the Act to Regulate the Height of Buildings in the District of Columbia, approved June 1, 1910 (36 Stat. 452; D.C. Official Code § 6-601.01, *et seq*. (2001 Ed.).

Map A



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.

The public hearing on this case will be conducted as a rulemaking in accordance with the provisions of § 3021.

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.

Time limits.

All individuals, organizations, or associations wishing to testify in this case are encouraged to inform the Office of Zoning of 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

Pursuant to § 3020.3, 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 personal appearances or oral presentations, may be submitted for inclusion in the record. 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, MARCIE I. COHEN, ROBERT E. MILLER PETER G. MAY, AND MICHAEL G. TURNBULL -------- ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA, BY SARA A. BARDIN, DIRECTOR, AND BY SHARON SCHELLIN, SECRETARY TO THE ZONING COMMISSION.