

## **MEMORANDUM**

**TO:** District of Columbia Zoning Commission

**FROM:** *JLS*  
Jennifer Steingasser, Deputy Director, Development Review & Historic Preservation

**DATE:** March 4, 2019

**SUBJECT:** ZC Case 18-18 – Public Hearing Report for a Proposed Zoning Text Amendment to Subtitle K to Create the Northern Howard Road Zone

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### **I. RECOMMENDATION**

On October 22, 2018, the Commission set down for a public hearing this text amendment petition to create a new Special Purpose zone (Subtitle K), known as the Northern Howard Road (NHR) zone. The NHR zone would be available to property owners for zoning map amendments along the northernmost stretch of Howard Road, SE, within the area adjacent to Poplar Point and between Suitland Parkway and the Anacostia Freeway / I-295. The purpose of the zone would be to allow high density development in the subject location, in conformance with the Comprehensive Plan, and to ensure a mix of uses with a substantial affordable housing component and a high degree of sustainability and pedestrian and bicycle mobility. The Office of Planning (OP) recommends approval of the text amendment.

### **II. BACKGROUND**

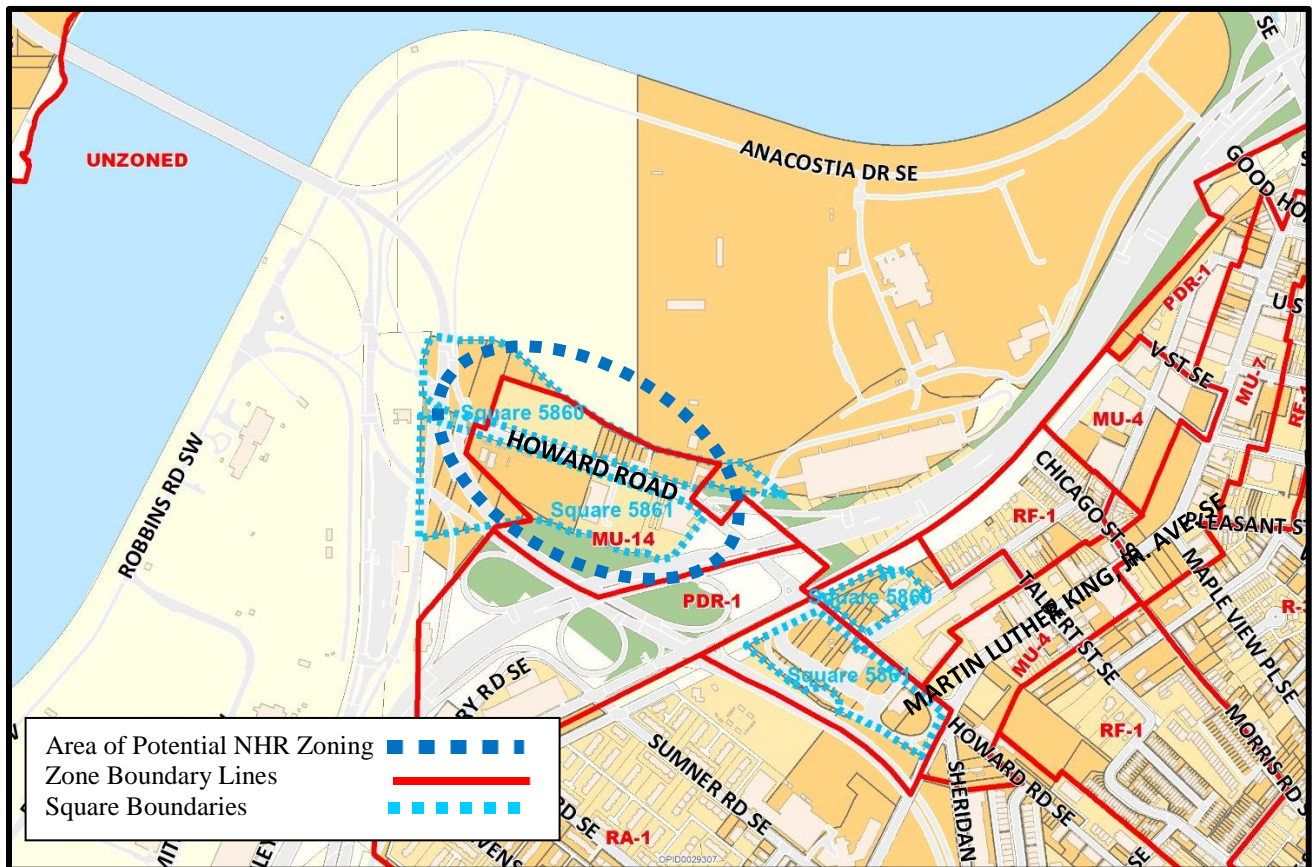
The District views the area at the northern end of Howard Road as an important potential economic development site. Its proximity to the Anacostia metro station, highways, and the main portion of the Central Employment Area (CEA) could make it attractive to Federal agencies or private sector development. Its location east of the Anacostia River and next to the Anacostia neighborhood and Poplar Point means that the site can contribute to additional development in the future. This potential is recognized by the Comprehensive Plan which designates much of the area for high density development, acknowledges it as part of the CEA, and provides significant policy support for its redevelopment.

In order to help ensure implementation of the Comprehensive Plan, OP proposes the NHR zone, which would allow the high density development called for in the Plan, but also require Zoning Commission design review in order to help achieve the design-related policies of the Plan. OP notes that a PUD was previously approved for several lots along Howard Road (ZC #16-29). Some of the parameters of that project were incorporated into the proposed zoning so that certain benefits associated with that PUD would still be realized, even if the PUD itself is not developed.

### III. PROPOSED TEXT AMENDMENT

OP recommends approval of a new Chapter 10 within Subtitle K, the Northern Howard Road zone. While OP is not proposing a map amendment with this application, it is anticipated that property owners could apply the zone in locations abutting or near the portion of Howard Road adjacent to Poplar Point and between Suitland Parkway and the Anacostia Freeway / I-295. Indeed, the applicant for the aforementioned PUD, along with an additional property owner, have, in case #18-19, submitted a zoning map amendment to apply the NHR zone to a number of lots along Howard Road.

The vicinity map below highlights the NHR area and Attachment 1 is a complete draft of the proposed NHR zone.



OP proposes to locate the new zone within Subtitle K as a Special Purpose zone because the NHR would apply to a discrete and large area that could benefit from a cohesive, self-contained set of regulations to guide site design, building height and bulk, land uses, and other aspects of development. Only one NHR zone, a high density zone, would be available at present, though other NHR zones could, if necessary, be created in the future to apply to other Comprehensive Plan land use designations in the vicinity.

All of the lots fronting on Howard Road are currently zoned MU-14, a high density waterfront zone (G § 500.5). And while MU-14 is considered high density, the FAR permitted in that zone is not as high as most areas in downtown Washington and in the CEA with similar Comprehensive Plan designations. NHR would allow up to 9.0 FAR, which is more consistent with other areas planned for a mix of high density commercial and high density residential, which are often zoned, for example, MU-9 or D. The Poplar Point and WMATA garage sites, north and east of Howard Road, are currently unzoned. The table below provides a summary comparison of the MU-14 and NHR zones. NHR would also provide for Zoning Commission design review, enhanced IZ contributions, and standards for streetscape design and uses. Please refer to OP’s setdown report at Exhibit 2 for further analysis of the proposed zoning text.

Item	Existing Zone MU-14 (formerly W-3)	Proposed Zone NHR
FAR	7.2 (w/ IZ) 5.0 max non-res	9.0 6.5 max non-res.
Height	100’ (w/ IZ)	130’ max.
Penthouse Height	20’ 1 story + mezzanine 2 <sup>nd</sup> story for mech.	20’ 1 story + mezzanine 2 <sup>nd</sup> story for mech.
Lot Occupancy	80% (w/ IZ)	No maximum
Rear Yard	12’	2.5” / ft. of height, 12’ min.; OR court-in-lieu
Side Yard	None required 8’ minimum if provided	None required 5’ minimum if provided
GAR	0.3	0.2
IZ	10% for wood-frame construction 8% for steel and concrete	10% minimum for all construction, plus requirements for 3BR units
Permitted Uses	MU Use Group C	MU Use Group F

### Updates to the Zoning Text

Since the setdown meeting, OP has continued to work with the Office of the Attorney General (OAG), the Department of Consumer and Regulatory Affairs (DCRA) and the Department of Energy and the Environment (DOEE) on refinements to the zoning text, and notes the following updates:

1. The public hearing notice (PHN) contained a typo in the numbering of the final sections of text. The PHN correctly identified Subtitle K, § 1008, but what should have been § 1009 was

misnumbered as section “1008.7”. And the final section, which should have been § 1010, was therefore changed to § 1009. The text in Attachment 1 corrects that mistake.

2. OAG, DCRA, DOEE and OP worked to make more clear and enforceable the sustainability language of § 1010. The language was revised to specify the type of LEED system to be used, as well as the fact that actual LEED certification was required. The text was also amended to clarify that DCRA would process any building permits in the manner prescribed by the Green Building Act. The strikethrough text is below, and the final version is incorporated into the full text in Attachment 1.

#### 1010 SUSTAINABILITY (NHR)

1010.1 Each building constructed or substantially ~~improved~~ ~~modified~~ shall earn ~~certification at the~~ ~~a~~ LEED v4.1 for New Construction Gold ~~level~~ ~~rating~~, with a financial security compliant with the provisions of Section 6 of the Green Building Act of 2006, as amended (D.C. Official Code § 6-1451.05) provided ~~to the~~ Department of Consumer & Regulatory Affairs prior to receipt of the first certificate of occupancy for the new construction or substantial improvement.

1010.2 Each building constructed or substantially ~~improved~~ ~~modified~~ shall have an on-site renewable energy system installed and operating prior to receipt of the first certificate of occupancy for the new construction or substantial improvement, which renewable energy system shall generate at least 1% of the total energy estimated to be needed to operate the building as calculated in the energy model submitted with the building permit application to the Department of Consumer & Regulatory Affairs.

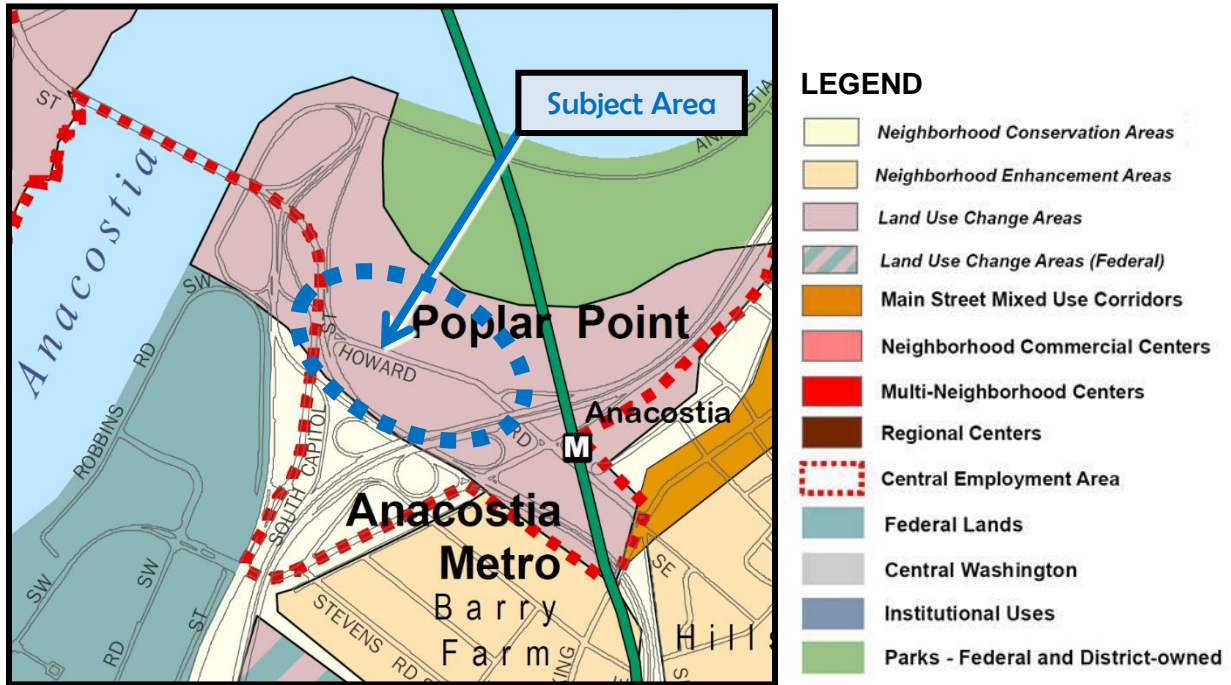
3. OP and OAG have identified other, conforming amendments to the Regulations necessary to incorporate the NHR zone. Those amendments are listed in Attachment 2.

## IV. COMPREHENSIVE PLAN

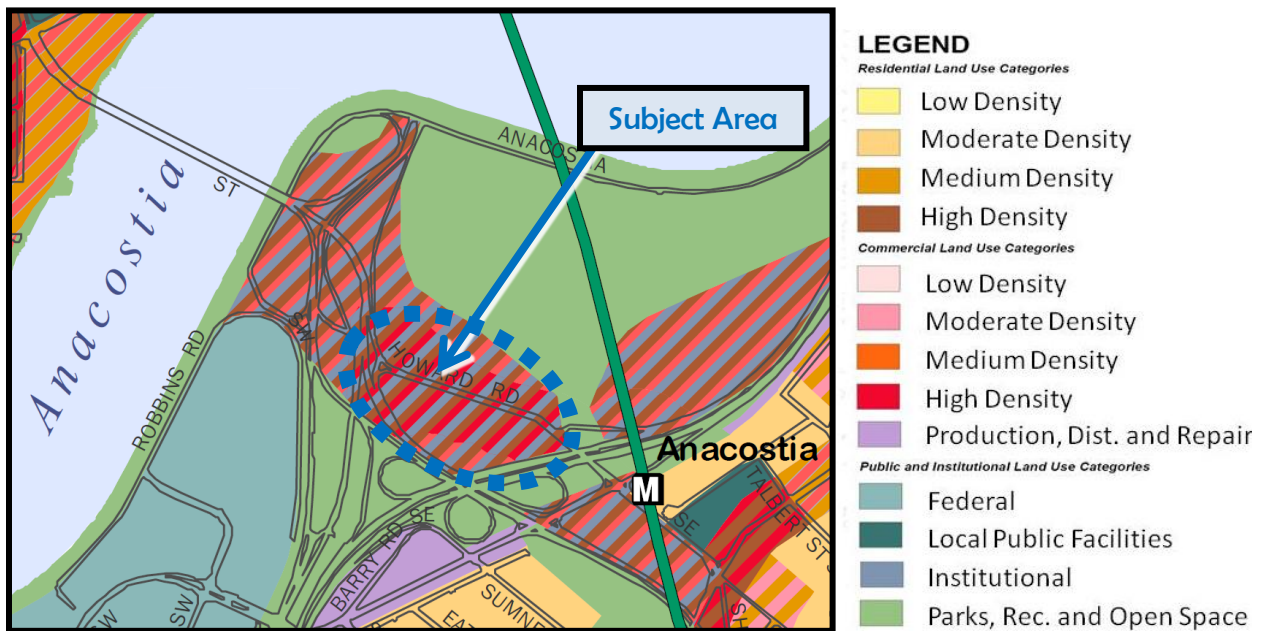
The Comprehensive Plan’s Generalized Policy Map describes the subject area as a Land Use Change Area. Land Use Change Areas are anticipated to become “high quality environments that include exemplary site and architectural design and that are compatible with and do not negatively impact nearby neighborhoods (Comprehensive Plan, § 223.12). In Land Use Change Areas the expected mix of uses is shown on the Future Land Use Map. The Policy Map also shows that the subject site is within the Central Employment Area, which is defined as:

...the business and retail heart of the District and the metropolitan area. It has the widest variety of commercial uses, including but not limited to major government and corporate offices; retail, cultural, and entertainment uses; and hotels, restaurants, and other hospitality uses. The Central Employment Area draws patrons, workers, and visitors from across the region. The Comprehensive Plan’s Land Use and Economic

Development Elements, and the Central Washington Area Element and Anacostia Waterfront Element provide additional guidance, policies and actions related to the Central Employment Area. (Comprehensive Plan § 223.21)



The Future Land Use Map (FLUM) indicates that the area along Howard Road is appropriate for high density residential, high density commercial and institutional uses. The proposed zoning language would not be inconsistent with these designations.



The written elements of the Comprehensive Plan also provide significant policy support for the proposed text amendment, including policies from the Land Use, Transportation, Housing, Economic Development, Urban Design and Lower Anacostia Waterfront / Near Southwest Area Elements. The OP setdown report at Exhibit 2 of the record, provides a complete analysis of the petition against the Comprehensive Plan policies.

## **V. ATTACHMENTS**

1. Proposed Northern Howard Road Zone
2. Conforming Amendments

JS/mrj

## **Attachment 1 – Proposed Northern Howard Road Zone**

### **SUBTITLE K CHAPTER 10 -- NORTHERN HOWARD ROAD ZONE**

#### **1000 GENERAL PROVISIONS (NHR)**

- 1000.1 The Northern Howard Road (NHR) zone is intended to be applied to a defined geographic area including the portions of squares 5860 and 5861 north of Interstate 295.
- 1000.2 The purposes of the Northern Howard Road (NHR) zone are to:
- (a) Assure development of the area with a mixture of residential and commercial uses, and a suitable height, bulk, and design of buildings, as generally indicated in the Comprehensive Plan;
  - (b) Encourage a variety of visitor-related uses, such as retail, service, and entertainment;
  - (c) Provide for increased height and density associated with increased affordable housing;
  - (d) Encourage superior architecture and design in all buildings and publicly accessible outdoor spaces;
  - (e) Require preferred ground-level retail and service uses along Howard Road, SE;
  - (f) Provide for the development of Howard Road, SE as a pedestrian- and bicycle-friendly street, with street-activating uses, and connections to metro and the broader neighborhood; and
  - (g) Encourage the inclusion of a bicycle track along Howard Road.
- 1000.3 Where there are conflicts between this chapter and other chapters or subtitles of this title, the provisions of the NHR zone shall govern.
- 1000.4 Development in the NHR zone shall be in accordance with the development standards found at Subtitle K §§ 1001 through 1010.
- 1000.5 Penthouses shall be subject to the regulations of Subtitle C, Chapter 15 and the height and story limitations specified in this chapter.

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

**1001 DEVELOPMENT STANDARDS (NHR)**

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

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

1001.3 The maximum permitted density in the NHR zone is 9.0 FAR, except as provided in Subtitle K § 1001.5.

1001.4 A building on a lot in the NHR zone shall provide a minimum residential FAR of 2.5 on the lot unless modified through the provisions of Subtitle K § 1001.5 below. Residential FAR consists exclusively of uses that fall within the “Residential” use category described in Subtitle B § 200.2.

1001.5 Two (2) or more lots in the NHR zone may be combined for the purpose of achieving the minimum residential FAR required for all of the lots, provided that the total density limits of the zone shall not be exceeded, except that the maximum floor area on any one (1) lot in the combined lot shall not exceed 10.0 FAR.

1001.6 No allocation of gross floor area shall be effective unless an instrument is filed with the Zoning Administrator and recorded by the Recorder of Deeds in the land records against all lots included in the combined lot development.

1001.7 The instrument shall be in the form of a declaration of covenants that:

- (a) Is signed by the owners of all affected lots;
- (b) Runs with the land in perpetuity;
- (c) Burdens all lots involved in the allocation of gross floor area; and
- (d) States the maximum permitted gross floor areas for all uses in all lots, the maximum allowed gross floor area for nonresidential uses in all lots, and the gross floor area of nonresidential uses allocated. The covenant shall further



state that, after the transfer, the combined lots conform with the maximum gross floor area limitations.

1001.8 The declaration of covenants shall expressly state that it may be substantively amended or terminated only with the approval of the Zoning Administrator.

1001.9 The declaration of covenants shall be approved in content by the Zoning Administrator, who may, in his or her discretion, request their General Counsel or the Office of the Attorney General to undertake a legal sufficiency review.

1001.10 The declaration shall also contain a written statement by the Director of the Office of Planning attesting to:

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

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

**TABLE K § 1001.11: NHR MAXIMUM PERMITTED BUILDING HEIGHT**

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

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

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

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

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

1001.16 A minimum rear yard of two and one-half inches (2.5 in.) per one foot (1 ft.) of vertical distance measured from the mean finished grade at the middle of the rear of the structure to the highest point of the main roof or parapet wall, but not less than twelve feet (12 ft.) shall be provided, subject to the following conditions.

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

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

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

**TABLE K § 1001.18: NHR COURT DIMENSIONS**

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

Non-Residential and Lodging	2.5 in./ft. of height of court; 6 ft. minimum	2.5 in./ft. of height of court; 12 ft. minimum	Twice the square of the required width of court dimension; 250 sq. ft. minimum
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1001.19 The minimum required Green Area Ratio for the NHR zone shall be 0.2.

**1002 INCLUSIONARY ZONING (NHR)**

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

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

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

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

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

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

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

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

**1003 USE PERMISSIONS (NHR)**

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

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

**TABLE K § 1003.2: NHR USE PERMISSIONS**

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

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

**1004 DESIGNATED STREETS (NHR)**

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

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

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

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

**1005 USE REQUIREMENTS FOR DESIGNATED STREETS (NHR)**

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

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

- (a) Arts, design, and creation;
- (b) Daytime care;
- (c) Eating and drinking establishments;

- (d) Education, public or private;
- (e) Entertainment, assembly, and performing arts;
- (f) Medical Care;
- (g) Retail; and
- (h) Service, general or financial.

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

**1006 DESIGN REQUIREMENTS FOR DESIGNATED STREETS (NHR)**

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

- (a) The ground floor shall have a minimum clear height of fourteen feet (14 ft.), for a continuous depth of at least thirty-six feet (36 ft.) from the building line on a Designated Street;
- (b) The ground story shall devote at least fifty percent (50%) of the surface area facing a designated street to display windows or pedestrian entrances having clear low-emissivity glass, and ensure that the view through the display windows and pedestrian entrances is not blocked for at least ten feet (10 ft.) in from the building face;
- (c) Ground floor pedestrian entrances, or areas where a future ground floor entrance could be installed without structural changes, shall be located no more than an average distance of forty feet (40 ft.) apart on the façade facing the Designated Street; and
- (d) No direct vehicular garage or loading entrance or exit shall be permitted on a Designated Street to a new building or structure.

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

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

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

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

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

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

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

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

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

- 1008.4 Relief may be granted as a special exception by the Zoning Commission to the development standards and regulations of this chapter where, in the judgment of the Commission, the special exception:
- (a) Will be in harmony with the general purpose and intent of the NHR zone, the Zoning Regulations, and Zoning Maps;
  - (b) Will not tend to affect adversely the use of neighboring property, in accordance with the Zoning Regulations and Zoning Maps; and
  - (c) Will be subject in each case to any applicable conditions specified in this chapter.
- 1008.5 The Zoning Commission may grant, pursuant to Subtitle X, Chapter 9, special exception relief to the rear yard requirements of this chapter, provided:
- (a) No apartment window shall be located within forty feet (40 ft.) directly in front of another building;
  - (b) No office window shall be located within thirty feet (30 ft.) directly in front of another office window, nor eighteen feet (18 ft.) in front of a blank wall;
  - (c) In buildings that are not parallel to the adjacent buildings, the angle of sight lines and the distance of penetration of sight lines into habitable rooms shall be considered in determining distances between windows and appropriate yards;
  - (d) Provision shall be included for service functions, including parking and loading access and adequate loading areas; and
  - (e) Upon receiving an application to waive rear yard requirements in the NHR zone, the Office of Zoning shall refer the application to the Office of Planning, the Office of Planning's Historic Preservation Office if a historic district or historic landmark is involved, the Department of Transportation, the District of Columbia Housing Authority, and any other relevant District agencies for review, report, and impact assessment.
- 1008.6 The Zoning Commission may grant, pursuant to Subtitle X, Chapter 9, special exception relief to the driveway prohibition of Subtitle K § 1006.1(d), subject to the following criteria:
- (a) The applicant shall demonstrate that there is no practical alternative means of serving the parking, loading, or drop-off needs of the building to be served by

the proposed driveway, such as signage approved by DDOT that would direct vehicles to an alternative entrance point within the same square;

- (b) The vehicular entrance will not impede the flow of pedestrian traffic on the Designated Street frontage; and
- (c) The driveway that would access the proposed parking or loading entrance or exit is not inconsistent with DDOT landscape plans for the public rights of way on the Designated Street frontage, to the extent that such plans exist at the time of the special exception application.

**1009            PARKING AND LOADING REGULATIONS (NHR)**

- 1009.1            This chapter provides conditions and requirements related to parking spaces and loading, including location and access.
- 1009.2            Vehicle parking shall be provided in accordance with the requirements of Subtitle C, Chapter 7.
- 1009.3            Bicycle parking shall be provided in accordance with the requirements of Subtitle C, Chapter 8.
- 1009.4            Loading shall be provided in accordance with the requirements of Subtitle C, Chapter 9.

**1010            SUSTAINABILITY (NHR)**

- 1010.1            Each building constructed or substantially improved shall earn certification at the LEED v4.1 for New Construction Gold level, with a financial security compliant with the provisions of Section 6 of the Green Building Act of 2006, as amended (D.C. Official Code § 6-1451.05) provided to the Department of Consumer & Regulatory Affairs prior to receipt of the first certificate of occupancy for the new construction or substantial improvement.
- 1010.2            Each building constructed or substantially improved shall have an on-site renewable energy system installed and operating prior to receipt of the first certificate of occupancy for the new construction or substantial improvement, which renewable energy system shall generate at least 1% of the total energy estimated to be needed to operate the building as calculated in the energy model submitted with the building permit application to the Department of Consumer & Regulatory Affairs.



## Attachment 2 – Conforming Amendments

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### Subtitle A, § 101.10

101.10 The following zones districts are considered mixed-use zones, commercial zones, or special purpose zones:

- (a) ARTS, Mixed-Use Uptown Arts;
- (b) CG, Capital Gateway (except CG-1);
- (c) D, Downtown (except D-1);
- (d) HE, Hill East;
- (e) MU, Mixed-Use;
- (f) NC, Neighborhood Mixed-Use;
- (g) RC, Reed-Cooke (except RC-1);
- (h) SEFC, Southeast Federal Center;
- (i) StE, Saint Elizabeths East Campus;
- (j) USN, Union Station North; ~~and~~
- (k) WR, Walter Reed; ~~and~~ and
- (l) NHR, Northern Howard Road.

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### Subtitle A, § 204

204 USE PERMISSIONS

204.1 Subtitle U contains use permissions for R, RF, RA, MU, ARTS, D, and PDR zones, and Special Purpose zones as noted in those individual zones. Use permissions for all other zones are contained in their respective subtitles.

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**Subtitle C, § 1001.2**

1001.2 Except as provided in Subtitle C § 1001.5, the requirements and modifications of this chapter shall apply to developments meeting the following criteria:

- (a) Are mapped in the R-2, R-3, R-10, R-13, R-17, R-20, RA-1 through RA-4, RA-6, RA-7, RA-8, or RA-9 zone; any RF, ARTS, CG, RC, USN, [NHR](#), STE, SEFC, or HE zone; the NC-1 through NC-5 or NC-7 through NC-13 zone; the MU-1 through MU-10 or MU-12 through MU-26, MU-28, MU-29 or MU-30 zone; or the D-2 or D-4 zone;

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**Subtitle U, § 500.2**

500.2 Use groups for the MU zones are as follows:

TABLE U § 500.2 MU-USE GROUPS

MU-Use Group A	MU-Use Group B	MU-Use Group C	MU-Use Group D	MU-Use Group E	MU-Use Group F	MU-Use Group G
MU-1 MU-2 MU-15 MU-16 MU-23	MU-11	MU-12 MU-13 MU-14 CG-5 CG-6 CG-7	MU-3	MU-4 MU-5 MU-6 MU-17 MU-18 MU-19 MU-24 MU-25 MU-26 MU-27 CG-2	MU-7 MU-8 MU-9 MU-20 MU-21 MU-28 CG-3 MU-30 <a href="#">NHR</a>	MU-10 MU-22 MU-29 CG-4