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2003 FEB 14 PM 3:00

CHAPTER 18 SOUTHEAST FEDERAL CENTER OVERLAY DISTRICT

1800 PREAMBLE

1800.1 The Southeast Federal Center (SEFC) Overlay District is applied to a 44 acre portion of the Southeast Federal Center Site which is designated for "Federal Use" and "Parks, Recreation and Open Space" in the Comprehensive Plan for the National Capital. The following squares and portions of squares in the Southeast quadrant of the District of Columbia are included in the SEFC Overlay District: 743, 744, 771, 802, 826, 853, a portion of 801, and an unidentified portion of land south of 771 and 802 bounded by WASA to the west and Reservation 14 to the east and part of Reservation 14, including unsubdivided lands formerly part of the Washington Navy Yard. The site is bound generally by M Street, S.E. to the north; the Anacostia River to the south; 1st Street, S.E. and the District of Columbia Water and Sewer Authority facility on the west; and the Washington Navy Yard to the east.

1800.2 The SEFC Overlay District and the underlying CR, R-5-E, R-5-D, and W-O Zoning Districts shall constitute the Zoning Regulations for the geographical areas referred to in §1800.1. Where there are conflicts between this chapter and the underlying zoning, the provisions for the SEFC Overlay District shall govern.

1801 SEFC OVERLAY DISTRICT STATEMENT OF INTENT

1801.1 The SEFC Overlay District is intended to provide for the development of a vibrant, urban, mixed-use waterfront neighborhood, offering a combination of uses that will attract residents, office workers, and visitors from across the District and beyond.

1802 SEFC OVERLAY DISTRICT OBJECTIVES

1802.1 Assure development of the area with a mixture of residential and commercial uses and a suitable height, bulk, and design of buildings, as generally required by the Comprehensive Plan and planning studies of the area.

1802.2 Encourage high-density residential development through flexible zoning parameters.

1802.3 Encourage a variety of support and visitor-related uses, such as retail, service, entertainment, cultural, and hotel or inn uses.

1802.4 Provide for a reduced height and bulk of buildings along the Anacostia riverfront in the interest of ensuring views over and around waterfront buildings, and provide for continuous public open space along the waterfront with frequent public access points.

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District of Columbia
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Exhibit 3

1802.5 Require suitable ground-level retail and service uses and adequate sidewalk width along M Street, S.E., near the Navy Yard Metrorail station.

1802.6 Encourage the design and development of properties in the district to be consistent with the Downtown Streetscape Standards enumerated in 24 DCMR Chapter 11.

1802.7 Encourage the design and development of properties in a manner that is sensitive to the adjacent Navy Yard and the historically significant buildings within the SEFC.

1802.8 Provide a publicly accessible park referred to as the Waterfront Park along the Anacostia River and encourage uses in that park as permitted in the W-O zone.

1803 SEFC/CR ZONING DISTRICT

1803.1 Within the SEFC/CR District, the following buildings, structures, and uses are not permitted:

(a) chancery

(b) embassy

(c) parking lot or garage located on or above grade

1803.2 Within the SEFC/CR District, the following buildings, structures, and uses are permitted only if approved by the Zoning Commission, in accordance with the standards specified in §§1805.8 through 1805.12 of this title:

(a) automobile, truck, or motorcycle accessory sales, including installation

(b) automobile rental agency, provided the use has no exterior automobile storage area

(c) department store

(d) gas station

(e) hotel / inn

(f) international organization

(g) library

(h) museum

(i) place of worship which may include a parsonage, vicarage, rectory, Sunday school building

(j) school, private, public, or trade

(k) all buildings and structures that face onto M Street

1803.3 Within the SEFC/CR District, designated ground floor street oriented retail, service, entertainment or arts uses, listed in §1807, shall be provided in accordance with the following:

(a) Designated ground floor street oriented retail, service, entertainment or arts uses, shall comprise a minimum of 75% of the frontage and a minimum of 50% of the net usable ground floor area of any building or structure facing onto M Street and New Jersey Avenue.

(b) Not less than 50% of the surface area of the street-wall shall be devoted to display windows having clear or low emission glass and to entrances to commercial uses or to the building.

(c) Designated ground floor street oriented retail, service, entertainment, or arts uses area may not be transferred through Combined Lot Development to any other lot.

(d) Designated ground floor street oriented retail, service, entertainment, or arts uses shall provide direct exterior access to ground level.

(e) Minimum floor-to-floor height of designated ground floor street oriented retail, service, entertainment, or arts uses shall be 14 feet.

1803.4 The maximum building height in the SEFC/CR Zone shall not exceed 110 feet, unless the site has frontage on both New Jersey Avenue and M Street in which case a maximum height of 130 feet is permitted. Further, a height of 110 feet shall be permitted for sites fronting on M Street east of 4th Street only with special exception approval from the Zoning Commission pursuant to the standards set forth in Section 1808 herein.

1803.5 The maximum permitted density in the SEFC/CR Zone shall be 6.0 overall with a maximum commercial FAR of 3.0, except that a site that is permitted a height of 130 feet may contain an FAR of 6.5 commercial through combined lot development, in accordance with 1809.

1804 SEFC/R-5-D AND R-5-E ZONING DISTRICTS

1804.1 Other than as described below, permitted uses, density, height and setbacks shall be as in the underlying Zoning District.

1804.2 Within the SEFC/R-5-D and R-5-E Districts, the following buildings, structures, and uses are not permitted:

(a) chancery

(b) embassy

(c) mass transit facility

(d) museum

(e) parking lot or garage located on or above grade

(f) sanitarium

1804.3 Within the SEFC/R-5-D and R-5-E Districts, the following buildings, structures, and uses are permitted only if approved by the Zoning Commission, in accordance with the standards specified in §§1805.8 through 1805.12 of this title:

(a) arts or cultural use south of Water Street only

(b) hospital

(c) hotel south of Water Street only

(d) place of worship, which may include parsonage, vicarage, rectory, Sunday school building

(e) private club, lodge, fraternity house, sorority house, dormitory

(f) school, private, public, or trade

(g) all buildings and structures that abut the Waterfront Park, whether or not a street intervenes

1804.4 Within the SEFC/R-5-D and R-5-E Districts, designated ground floor street oriented retail, service, entertainment or arts uses, as listed in §1807, shall be provided in accordance with the following regulations:

(a) Designated ground floor street oriented retail, service, entertainment, or arts uses shall comprise a minimum of 75% of the frontage and a minimum of 50% of the net usable ground floor area of any building or structure facing onto 4th Street and the Waterfront Park.

(b) Additional designated ground floor retail up to a 0.5 FAR may be provided in buildings or structures that do not face 4th Street or the Waterfront Park, but is not required.

(c) Designated ground floor street oriented retail, service, entertainment, or arts uses FAR shall be in addition to otherwise permitted FAR.

(d) Designated ground floor street oriented retail, service, entertainment, or arts uses may not be transferred through Combined Lot Development to any other lot.

(e) For designated ground floor street oriented retail, service, entertainment, or arts uses, not less than 50% of the surface area of the street wall shall be devoted to display windows having clear or low emission glass and to entrances to commercial uses or the building.

(f) Designated ground floor street oriented retail, service, entertainment. or arts uses shall provide direct exterior access to the street at ground level.

(g) Minimum floor-to-floor height of designated ground floor street oriented retail, service, entertainment or arts uses shall be 14 feet.

1804.5 The maximum permitted residential density in the SEFC/R-5-E Zone shall be 6.0 and the SEFC/R-5-D Zone should be 3.5.

1804.6 The maximum permitted height in the SEFC/R-5-E Zone shall be 110 feet and in the SEFC/R-5-D Zone shall be 90 feet.

1805 SEFC/W-O ZONING DISTRICT

1805.1 The purpose of the W-O Zone within the SEFC is to:

(a) encourage open space;

(b) promote a lively, interactive waterfront environment; and

(c) discourage parking.

1805.2 The maximum density in the W-O Zone is 0.5 FAR for all permitted uses. Unused density from the Waterfront Park may be used in the building area as long as a total FAR of 0.5 for all W-O zoned property is not exceeded.

1805.3 The minimum height for the ground floor of buildings in the SEFC/W-O Zone is 14 feet if the ground floor is devoted to retail, service, entertainment or arts uses.

1805.4 Other than as described herein, permitted uses, density, height and setbacks shall be as in the underlying Zoning District.

1805.5 Area within existing structures in the W-O Zone does not count toward the 0.5 FAR limit.

1805.6 New development is to be concentrated in, but not limited to, the W-O building area. The balance of the property in the W-O Zone is considered the Waterfront Park in which development consistent with the W-O zone is permitted.

1805.7 All proposed structures in the SEFC/W-O District, or any proposed exterior renovation to any existing buildings or structures in the SEFC/W-O District that would result in an alteration of the exterior design and all buildings or structures that face the Waterfront Park whether or not a street intervenes, shall be subject to

review and approval by the Zoning Commission. The standards for such review are set forth in §§ 1805.7 through 1805.10 below. These standards also apply to the Zoning Commission review of certain uses as set forth in §§1803.2 and 1804.3.

1805.8 In addition to proving that the proposed use, building or structure meets the standards set forth in §3104.1, the applicant shall further demonstrate that the use, building or structure:

(a) Will help achieve the desired mix of uses in the SEFC Overlay District as set forth in §1802, with the identified preferred uses specifically being arts and arts-related, entertainment, retail or service uses; and

(b) In the case of waterfront lots, provides suitably designed public open space along the waterfront, as specified in §1802.3.

1805.9 With respect to a building or structure to be constructed on a lot that faces or abuts the Anacostia River the application shall include a plan for suitable open space treatment of the setback area for such uses as walkway and bikeway, passive or active recreational use, and including provisions assuring private maintenance of the space, convenient and permanent public access to the space, and suitable connections to adjacent public space along the waterfront.

1805.10 With respect to all applications, the proposed building or structure shall be designed with a height, bulk and siting so as to provide for openness of view and vistas to and from the waterfront and, where practical, maintain views of federal monumental buildings.

1805.11 The Commission may hear and decide any additional requests for special exception or variance relief needed for the subject property. Such requests shall be advertised, heard, and decided together with the application for Zoning Commission review and approval.

1805.12 At the time of filing an application with the Commission, the applicant shall pay the filing fee specified in §3180.1(b)(16) plus such fees as apply to any additional zoning relief requested. The provisions of §3181 relating to the administration of fees shall apply, except that the applicant may appeal any decision of the Director regarding the fee schedule to the Commission, which shall decide the appeal at a meeting or hearing as a preliminary matter to hearing the application.

1806 PLANNED UNIT DEVELOPMENT

1806.1 In the SEFC Overlay District, the matter-of-right height and floor area ratio limits shall serve as the maximum permitted height and floor area ratio for a planned unit development (PUD).

1807 DESIGNATED GROUND FLOOR STREET ORIENTED RETAIL, SERVICE, ENTERTAINMENT OR ARTS USES

1807.1 Designated ground floor street oriented retail, service, entertainment or arts uses include the following:

Retail Establishments

- antique store
- art gallery
- art supply store
- auction house
- bakery
- bar / cocktail lounge
- boat / marine sales
- book store
- camera / photo sales
- cosmetic / toiletries sales
- drug store
- dry goods
- electric appliance sales
- florist
- grocery store
- furniture sales
- gift shop
- hardware store
- hobby shop
- home furnishing sales
- jewelry store
- leather goods
- liquor store
- music store
- musical instruments
- news stand

Service/Entertainment Establishments

- bank/financial institution, provided that the use is not located on the intersection of two streets
- barber / beauty shop
- bicycle rental or repair
- blueprinting service
- bowling alley
- catering establishment
- clinic
- cobbler / shoe repair
- dental lab
- doctor, dentist, optician office
- dry cleaning or laundry
- electric appliance repair
- film developing
- interior decorating
- locksmith
- optical lab
- photo studio
- pool hall
- shoeshine parlor
- tailor / dressmaker
- theatre / motion picture theatre
- ticket office
- veterinary hospital
- other similar service uses

Retail Establishments

- notions / novelties
- office supplies and equipment
- off-premises alcohol sales
- optical goods
- paint store
- pet shop
- picture framing studio / shop
- precision instruments
- restaurant
- sporting goods
- stationary
- tobacco products
- toy store
- variety store
- watch repair shop
- other similar retail uses

1808 DESIGN STANDARDS FOR BUILDINGS AND STRUCTURES ON M STREET, S.E.

1808.1 Any proposed building that has frontage along M Street, S.E. shall be subject to review by the Zoning Commission. An applicant requesting approval under this section must prove that the proposed building's architectural design, site plan, landscaping and sidewalk treatment are of a superior quality, pursuant to the design and use requirements set forth in §§ 1808.2 through 1808.6.

1808.2 The streetwall of each new building shall be set back for its entire height and frontage along M Street not less than fifteen feet (15) measured from the face of the adjacent curb along M Street, S.E.

1808.3 A setback along the east side of 4th Street SE of 20 feet minimum measured from the curb line shall be provided for the entire length and frontage of each building, except where landmarked buildings or structures prohibit this.

1808.4 Each new building shall devote not less than fifty percent (50%) of the gross floor area of the ground floor to retail, service, entertainment arts or arts-related uses ("preferred uses") as permitted in §§ 701.1 through 701.5 and §§ 721.1 through 721.6 of this title; Provided, that the following uses shall not be permitted: automobile laundry, drive through accessory to any use, gasoline service stations, and office uses (other than those accessory to the administration, maintenance, or leasing of the building). Such preferred uses shall occupy 100% of the building's street frontage along M Street, except for space devoted to building entrances or required to be devoted to fire control.

1808.5 In considering a new building east of 4th Street with a height of over 90 feet and up to the 110 feet maximum, the Commission shall consider the relationship of the new building to the Navy Yard to the east and may require setbacks, graduated height and/or other design features because of the building's proximity to the Navy Yard.

1808.6 For good cause shown, the Commission may authorize interim occupancy of the preferred use space required by §1805.3 by non-preferred uses for up to a five (5) year period; Provided that the ground floor space is suitably designed for future occupancy by the preferred uses.

1808.7 Not less than fifty percent (50%) of the surface area of the streetwall of any new building along M Street shall be devoted to display windows having clear or low emissivity glass except for decorative accent, and to entrances to commercial uses or the building.

1808.8 Notwithstanding §2117.8(c)(1), no driveway may be constructed or used from M Street to required parking spaces or loading berths in or adjacent to a new building.

1808.9 The Commission may hear and decide any additional requests for special exception or variance relief needed for the subject property. Such requests shall be advertised, heard, and decided together with the application for Zoning Commission review and approval.

1808.10 At the time of filing an application with the Commission, the applicant shall pay the filing fee specified in §3180.1(b)(16) plus such fees as apply to any additional zoning relief requested. The provisions of §3181 relating to the administration of fees shall apply, except that the applicant may appeal any decision of the Director regarding the fee schedule to the Commission, which shall decide the appeal at a meeting or hearing as a preliminary matter to hearing the application.

1809 COMBINED LOT DEVELOPMENT

1809.1 Two or more lots, which are contiguous or non-contiguous, within the SEFC/CR District may be combined for the purposes of allocating residential and non-residential uses regardless of the normal limitation on floor area by uses on each lot, provided that the aggregate residential and non-residential floor area shall not exceed the matter-of-right maximum height or FAR of the underlying zone districts, as may have been modified by the overlay.

1809.2 No allocation of floor area shall be effective unless an instrument, legally sufficient to effect such a transfer is filed with the Zoning Administrator in accordance with this section.

1809.3 The instrument shall bind the present and future owners of the lots so as to permanently devote residential and non-residential area on site equal to that

square footage transferred or received, and shall specify the allocation of residential and non-residential uses among the lots.

1809.4 The Office of the Corporation Counsel shall certify the instrument for legal sufficiency. The instrument shall also contain a certification by the Office of Planning attesting to:

(a) The lots' eligibility to send and receive allocated residential and non-residential uses; and

(b) The accuracy of the computations with respect to the amount of residential and non-residential uses reallocated.

1809.5 The District of Columbia need not be made a party to the instrument if the instrument provides that it may neither be modified nor terminated without the express permission of the Zoning Commission of the District of Columbia.

1809.6 The document shall be recorded for all affected lots in the Office of Recorder of Deeds, so that the notice of restrictions and transfer shall run with the title and deed to each affected lot and so that each land record accurately reflects the maximum non-residential FAR available and the minimum residential FAR required for each lot.

1809.7 A certified copy of the recorded instrument shall be filed with the Zoning Administrator before approval of any building permit application that is affected by such allocation of uses.

1810 EXEMPTION FROM LARGE TRACT REVIEW PROCEDURES

1810.1 All properties located within the SEFC Overlay are exempt from the Large Tract Review Procedures as set forth in 10 DCMR, Chapter 23.

Additional Changes to the Zoning Regulations include:

1. Amend Chapter 6, Mixed Use Districts, section 631.2 to read as follows:

631.2 For the purposes of this section, the term "residential purposes" shall include dwellings, flats, multiple dwellings, rooming and boarding houses, community-based residential facilities, inns, guest room areas and service areas within hotels, *except that this term shall not include guest room areas and service areas within hotels located or proposed to be located on CR zoned property in the Capital Gateway Overlay District established by chapter 13 of this title,* ***or the Southeast Federal Center Overlay District established by chapter 18 of this title.***

The language in italics is the language added by the adoption of the CG Overlay District. The language in bold italics is the proposed language to be added with the adoption of the SEFC Overlay District.

All persons desiring to comment on the subject matter of this proposed rulemaking action should file comments in writing no late than thirty (30) days after the date of publication of this notice in three D.C. Register. Comments should be filed with Alberto P. Bastida, Secretary to the Zoning Commission, Office of Zoning, 441 4th Street, N.W., Suite 210-S, Washington, D.C. 20001. Copies of this proposed rulemaking action may be obtained at cost by writing to the above address.

Document #: 1279740 v.13