03-06

The proposed language to amend the Zoning Regulations is as follows:

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1. Amend Chapter 1, section 105.1, to add a new subsection (q) to read as follows:

(q) SOUTHEAST FEDERAL CENTER (SEFC) OVERLAY DISTRICT

2. Amend Chapter 6, Mixed Use Districts, and §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 that was added by the adoption of the CG Overlay District. The language in bold underline is the proposed language to be added with the adoption of the SEFC Overlay District.)

3. Add a new Chapter 18, Southeast Federal Center Overlay District, to read as follows:

CHAPTER 18 SOUTHEAST FEDERAL CENTER OVERLAY DISTRICT

1800 PREAMBLE

1800.1 The Southeast Federal Center (SEFC) Overlay District is applied to an approximately 42-acre portion of the SEFC site that 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: Squares 743, 744, 802, 826, 853, portions of Squares 771 and 801, and a portion of land south of 771 and 802 bounded by the District of Columbia Water and Sewer Authority ("WASA") facility to the west, the Washington Navy Yard to the east, and the Anacostia River to the south. The site is bounded generally by M Street~~,~~ S.E. to the north; the Anacostia River to the south; 1st Street, S.E. and WASA to 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-0 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~~ of 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

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uses that will attract residents, office workers, and visitors from across the District and beyond.

1802 SEFC OVERLAY DISTRICT OBJECTIVES

1802.1 The following subsections set forth the objectives of the Southeast Federal Center Overlay District.

1802.2 Assure development of the area with a mixture of residential and commercial uses and a suitable height, bulk, and design of buildings, as generally identified in the Comprehensive Plan and ~~in consideration of~~ in recognition of the objectives of the Anacostia Waterfront Initiative and the Near Southwest Urban Design Framework Plan.

1802.~~2~~3 Encourage high-density residential development with a pedestrian-oriented streetscape through flexible zoning parameters.

1802.~~3~~4 Encourage a variety of support and visitor-related uses, such as retail, service, entertainment, cultural, and hotel or inn uses.

1802.~~4~~5 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 to provide for continuous publicly accessible open space along the waterfront.

1802.~~5~~6 Require suitable ground-level retail and service uses near the Navy Yard Metrorail station; along M Street~~,~~ S.E.~~,~~; ~~near the Navy Yard Metrorail station,~~ near the ~~waterfront park~~SEFC/W-0 District ~~,~~referenced in §1802.7~~,~~; and at other key pedestrian locations.

1802.~~6~~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.~~7~~8 Establish zoning incentives and restrictions to provide for the development of 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-0 District.

1803 SEFC/CR ZONING DISTRICT

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

(a) College or university; and

(b) Parking lot or garage as a principal use located on or above grade, except as a temporary use as permitted by special exception in section 1803.2.

1803.2 ~~Notwithstanding §§601 and 602 of this title, within~~ Within the SEFC/CR District, the following buildings, structures, and uses are permitted only ~~by special exception~~ if approved by the Zoning Commission, in accordance with the standards specified in §1808 and procedures specified in §1809 of this title:

(a) Art gallery;

(b) Automobile, truck, or motorcycle accessory sales, including installation;

(c) Automobile rental agency, provided the use has no exterior automobile storage area;

(d) Cabaret;

(e) Dental lab;

(f) Department store;

(g) Gas station;

(h) Hotel/inn;

(i) International organization;

(j) Library;

(k) Museum;

(l) Place of worship, which may include a parsonage, vicarage, rectory, or Sunday school building, as well as any related programs associated with the place of worship in accordance with §216;

(m) School, private, public, or trade;

(n) All buildings and structures that have frontage along M Street S.E.;

(o) Temporary parking lot or garage, for a maximum approval period of 5 years which may be renewed by the Zoning Commission, as a principal use located at or above grade; and

(p) Solid, freestanding walls and/or security gates exceeding a height of four feet, including structural supports.

1803.3 In accordance with the procedures outlined in §1810, two or more lots, whether 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 density of the underlying zone districts, as may have been modified by the Overlay.

1803.4 Within the SEFC/CR District, ~~designated ground-floor street-oriented uses (~~"preferred uses"~~)~~ listed in §1807.2 of this title shall be permitted in accordance with the following:

(a) ~~Each new building~~Any building or structure with frontage on M Street S.E. or New Jersey Avenue S.E. shall provide preferred uses comprising a minimum of seventy five percent (75%) of the frontage and a minimum of fifty percent (50%) of the gross floor area of the ground floor, not including parking, parking access, mechanical rooms, and other non-public spaces. This requirement shall not apply to buildings directly south of the historic wall along M Street S.E. between 4th Street S.E. and the Washington Navy Yard, ~~in the event that the wall is retained~~for so long as the wall remains.

(b) Preferred uses may be provided on the ~~ground level~~ground floor level of buildings without frontage on M Street S.E. or New Jersey Avenue S.E., but are not required. If provided, the preferred use area shall conform to the requirements of §§1803.4(a), (e), (g), and (h);

(c) In addition to the permitted uses listed in §1807.2, any use listed in §1803.2, other than a gas station or a temporary parking lot, shall be permitted as a preferred use if approved ~~by special exception~~ by the Zoning Commission, in accordance with the standards specified in §1808 and procedures specified in §1809 of this title;

(d) For good cause shown, the Commission may authorize interim occupancy of the preferred use space required under §1803.4(a) by other uses permitted in the SEFC Overlay District for up to a five (5) year period; provided that the ground-floor space is suitably designed for future occupancy by preferred uses.

(e) Not less than fifty percent (50%) of the surface area of the street wall, including building entrances, of those properties described in subsections 1804.3 (a) and (b) shall be devoted to doors or display windows having clear or low emissivity glass.

(f) Ground floor area required for preferred uses may not be transferred to any other lot through Combined Lot Development.

(g) Preferred uses shall provide direct, exterior access to the ground level.

(h) The minimum floor-to-ceiling height for portions of the ~~ground level~~ground floor level devoted to preferred uses shall be fifteen (15) feet.

1803.5 The maximum building height in the SEFC/CR District shall not exceed 110 feet, unless the site has frontage on any portion of ~~all or any portion of~~ New Jersey Avenue S.E. that is south of and within 322 feet of M Street~~,~~ S.E., in which case a maximum height of 130 feet is permitted.

1803.6 Notwithstanding §1803.5, a height of greater than 90 feet and no more than 110 feet shall be permitted for sites fronting on M Street S.E. east of 4th Street S.E. ~~only with special exception approval from~~if approved by the Zoning Commission pursuant to the procedures set forth in §1809 herein. ~~In considering a new building east of 4th Street with a height of more than 90 feet and up to the 110 foot maximum, t~~The Commission shall consider the relationship of the new building to the Navy Yard to the east and may require graduated height, and/or design features because of the building's proximity to the Navy Yard.

1803.7 The maximum permitted density in the SEFC/CR District shall be 6.0 FAR overall with a maximum commercial density of 3.0 FAR, except that a site that is permitted a height of 130 feet is permitted a maximum commercial density of 6.5 FAR through combined lot development, in accordance with the provisions outlined in §1810.

1803.8 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 architectural design, site plan, landscaping, and sidewalk treatment of the proposed building are of superior quality, pursuant to the standards set forth in §1808 and procedures set forth in §1809.

1803.9 The streetwall of each new building along M Street~~,~~ S.E. shall be set back for its entire height and frontage along M Street S.E. not less than fifteen (15) feet measured from the face of the adjacent curb along M Street S.E.

1803.10 The streetwall of each new building along the east side of 4th Street, S.E. shall be set back for its entire height and frontage along 4th Street, S.E. not less than twenty (20) feet measured from the face of the adjacent curb along 4th Street, S.E. ~~A minimum setback along the east side of 4th Street, S.E. of twenty (20) feet measured from the curb line shall be provided for the entire length and frontage of each new building, except where historically designated buildings or structures prohibit compliance.~~

1803.11 No driveway may be constructed or used from M Street S.E. to required parking spaces or loading berths in or adjacent to a new building.

1803.12 Notwithstanding §635.3, within the SEFC/CR District, an area equal to a minimum of five percent (5%) of the gross floor area devoted to residential purposes shall be provided as private residential recreation space. The requirement may be met anywhere within the square that the residential building is located.

1803.13 For mixed-commercial and residential use ~~commercial and residential~~ buildings in the SEFC/CR District,- 100% lot occupancy shall be permitted.

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

1804.1 Within the SEFC/R-5-D and R-5-E Districts, the following buildings, structures, and uses are not permitted:

(a) College or university;

~~(b)Museum;~~

~~(c)~~(b) One-family dwelling or flat;

~~(d)~~(c) Parking lot or garage as a principal use located on or above grade, except as a temporary use as permitted by special exception in §1804.2; and

~~(e)~~(d) Sanitarium.

1804.2 Within the SEFC/R-5-D and R-5-E Districts, the following buildings, structures, and uses are permitted only if approved ~~by special exception~~ by the Zoning Commission, in accordance with the standards specified in §1808 and procedures specified in §1809 of this title:

(a) Arts, cultural or hotel use, subject to an overall cap of 1.0 FAR ~~within the R-5-D and R-5-E Districts~~;

(b) Hospital;

(c) Place of worship, which may include parsonage, vicarage, rectory, and Sunday school building, as well as any programs associated with the place of worship in accordance with §216;

(d) Private club, lodge, fraternity house, sorority house, dormitory;

(e) School, private, public, or trade;

(f) All buildings and structures that abut the Open Space Area, as described in §1805.4, whether or not a street intervenes;

(g) Temporary parking lot or garage as a principal use located on or above grade; and

(h) Solid, freestanding walls and/or security gates exceeding a height of four feet.

1804.3 Within the SEFC/R-5-D and R-5-E Districts, ~~designated ground-floor street-oriented retail, service, entertainment, or arts uses (~~"preferred uses"~~)~~ listed in

§1807.2 are permitted and ~~shall be provided~~ in accordance with the following ~~requirements~~:

(a) Any building or structure facing onto 4th Street or the ~~waterfront park~~SEFC/W-0 District~~, as described in §1805.3,~~ shall provide preferred uses comprising a minimum of seventy five percent (75%) of the frontage and a minimum of fifty percent (50%) of the gross floor area of the ground floor, not including parking, parking access, mechanical rooms, and other non-public spaces;

(b) For good cause shown, the Commission may authorize interim occupancy of the preferred use space required under §1804.3(a) by ~~any~~ other uses permitted in the SEFC/R-5-D and R-5-E Districts ~~SEFC~~ for up to a five (5) year period; provided that the ground floor space is suitably designed for future occupancy by preferred uses;

(c) Preferred uses may be provided on the ground floor level of ~~in~~ buildings or structures that do not face 4th Street or the ~~waterfront park~~SEFC/W-0 District, but are not required. If provided, the preferred uses shall conform to the requirements of §1804.3(a), (e), (f), and (g). If the bonus density authorized pursuant to §1804.3(d) is used to provide non-required preferred uses, the preferred use area must be ~~reserved for or~~ dedicated to preferred retail use for the life of the building;

(d) The density associated with preferred uses ~~areas~~ shall be in addition to otherwise permitted FAR, and shall not ~~. The amount of preferred use area shall not~~ exceed 0.5 FAR;

(e) Not less than fifty percent (50%) of the surface area of the streetwall, including building entrances, of those properties described in subsections 1804.3 (a) or (c) shall be devoted to doors or display windows having clear or low emissivity glass;

(f) Preferred uses shall provide direct, exterior access to the ground level;

(g) The minimum floor to ceiling height for portions of the ~~ground level~~ground floor level devoted to preferred uses shall be fifteen (15) feet.

1804.4 The maximum permitted height in the SEFC/R-5-E District shall be 110 feet and in the SEFC/R-5-D District shall be 90 feet.

1804.5 For the purposes of §2511 of this title, the SEFC/R-5-D and R-5-E Districts are considered "Mixed-Use" districts.

1805 SEFC/W-0 ZONING DISTRICT

1805.1 The purpose of the SEFC/W-0 District is to:

(a) encourage open space;

(b) promote a lively, interactive waterfront environment;

(c) discourage parking;

(d) provide a Development Area for retail and cultural uses;

(e) provide an Open Space Area, intended to be the site of open space recreation use as well as limited uses that are directly waterfront dependent; and

~~(e)~~(f) allow for a continuous publicly accessible pedestrian and bicycle trail along and adjacent to the waterfront as part of the Anacostia Waterfront Trail system.

1805.2 The SEFC/W-0 District is divided into two geographic areas to be known as the Development Area and the Open Space Area. ~~These areas are jointly referred to as the waterfront park~~.

1805.3 The SEFC/W-0 Development Area ~~of the W-0 District~~ consists of the northeastern portion of the ~~waterfront park~~SEFC/W-0 District, specifically the existing Building 171 and that portion of the SEFC/W-0 District located directly to the east of Building 171, north of a line extending east from the south elevation of Building 171.

1805.4 The SEFC/W-0 Open Space Area consists of all property within the SEFC/W-0 District that is located outside of the Development Area~~, and is intended to be the site of open space recreation use as well as limited uses that are directly waterfront dependent~~.

1805.5 Within the SEFC/W-0 Open Space Area, only the following buildings, structures, and uses are permitted:

~~Uses within the Open Space Area shall be limited to:~~

(a) Buildings, structures, and uses permitted in §901.5 of this title.

1805.6 Within the SEFC/W-0 Open Space Area, only the following buildings, structures, and uses are permitted if approved by the Zoning Commission, in accordance with the standards specified in §924 and procedures specified in §925 of this title, and the standards specified in §1808 and procedures specified in §1809 of this title:

~~(b) Notwithstanding §917, only the following buildings, structures, and uses are permitted by Zoning Commission special exception approval, in accordance with the standards and procedures specified in §923 of this title, and the standards specified in §1808 and procedures specified in §1809 of this title:~~

(i) Boat launching facility, dock, wharf or pier for use by the general public;

(ii) Boat rental facility for non-motorized water vessels;

(iii) Cruise line operation, including necessary associated dock and land facilities;

(iv) Solid, freestanding wall and/or security gate exceeding a height of four feet, not including structural supports;

(v) Marina, not including floating homes;

(vi) Public food concession stand / kiosk(s) to a maximum of 3,000 square feet gross;

(vii) Water taxi information / ticket booth and passenger shelter; and

(viii) Other maritime uses normally requiring direct access to the water.

~~1805.5 With respect to a building or structure to be constructed on a lot that is subject to the waterfront setback requirement of §935 of this title, 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 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.~~6~~7 In accordance with the procedures outlined in §1810, two or more lots, whether contiguous or non-contiguous, within the SEFC/W-0 District may be combined for the purposes of allocating density as provided and limited by §1805.7.

1805.~~7~~8 A lot or lots in the Development Area may receive and use density allocated from a lot or lots in the Open Space Area, subject to all other applicable area restrictions. If a lot is included within both geographic areas, the portion of the lot in the Development Area may use the unused density from the portion of the lot in the Open Space Area.

~~1805.8 The aggregate density of all buildings and structures in the SEFC/W-0 District shall not exceed 0.5 FAR for all permitted uses, except as permitted in §1805.9.~~

1805.9 ~~Notwithstanding §1805.8, g~~Gross floor area within structures in the SEFC/W-0 District in existence as of February 14, 2003, does not count toward the 0.5 FAR limit.

1805.10 The minimum floor to ceiling height for the ~~ground level~~ground floor level of buildings in the SEFC/W-0 District shall be fifteen (15) feet.

1805.11 All proposed structures in the SEFC/W-0 District, or any proposed exterior renovation to any existing buildings or structures in the SEFC/W-0 District that would result in an alteration of the exterior design, shall be subject to ~~special exception~~ review and approval by the Zoning Commission, in accordance with the standards specified in §924 and procedures specified in §925 of this title~~§923~~, and the standards set forth in §1808 and procedures set forth in §1809.

1806 PLANNED UNIT DEVELOPMENT

1806.1 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") in the SEFC Overlay District.

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

1807.1 Preferred uses (ground-floor street-oriented retail, service, entertainment, or arts uses), are permitted or required in accordance with §§1803.4 and 1804.3.~~Notwithstanding the requirements of the underlying zones, the following uses shall be permitted as "preferred uses" in accordance with §§1803.4 and 1804.3~~.

1807.~~2~~1 Preferred uses ~~Designated ground-floor street-oriented retail, service, entertainment, or arts uses ("preferred uses")~~ are the following:

(a) Animal hospital/veterinarian;

(b) Antique store;

(c) Apparel and accessories shop;

(d) Art gallery;

(e) Art supply store;

(f) Artist gallery;

(g) Auction house;

(h) Bakery;

(i) Bank/financial institution, provided that the use is not located at the intersection of two streets;

(j) Bar/cocktail lounge;

(k) Barber/beauty shop;

(l) Bicycle rental or repair;

(m) Bicycle shop;

(n) Blueprinting service;

(o) Boat/marine sales;

(p) Book store;

(q) Bowling alley;

(r) Cabaret;

(s) Camera/photo sales;

(t) Candy store;

(u) Catering establishment;

(v) Cobbler/shoe repair;

(w) Cosmetic/toiletries sales;

(x) Drug store;

(y) Dry cleaning or laundry;

(z) Dry goods;

(aa) Electric appliance sales;

(bb) Fabric store;

(cc) Film exchange;

(dd) Fish monger;

(ee) Flower stand or florist shop;

(ff) Food or grocery store;

(gg) Furniture store;

(hh) Gift shop;

(ii) Hardware store;

(jj) Hobby shop;

(kk) Home furnishings;

(ll) Interior decorating;

(mm) Jewelry store;

(nn) Leather goods;

(oo) Legitimate theatre;

(pp) Locksmith;

(qq) Music store;

(rr) Musical instruments;

(ss) Newsstand;

(tt) Notions/novelties;

(uu) Office supplies and equipment;

(vv) Off-premises alcohol sales;

(ww) Optical goods;

(xx) Optical lab;

(yy) Optician and optometrist;

(zz) Paint store;

(aaa) Pet care establishment, including sale of pet supplies, grooming, trimming and commercial pet walking, but not the overnight boarding of dogs;

(bbb) Pet shop;

(ccc) Photo studio;

(ddd) Physician or dentist office;

(eee) Picture framing studio/shop;

(fff) Pool hall;

(ggg) Precision instruments;

(hhh) Restaurant, not including drive-in or fast food;

(iii) Second-hand store or consignment shop;

(jjj) Shoe store;

(kkk) Shoeshine parlor;

(lll) Sporting goods;

(mmm) Stationery;

(nnn) Tailor/dressmaker;

(ooo) Ticket office;

(ppp) Tobacco products;

(qqq) Toy store;

(rrr) Travel agency;

(sss) Variety store;

(ttt) Videotape or dvd rental for general public and family; and

(uuu) Other similar retail or service uses.

1808 ZONING COMMISSION REVIEW STANDARDS

1808.1 In addition to proving that the proposed uses, buildings, or structures meet the standards set forth in §3104.1, the applicant for Zoning Commission approval of a use or structure within the SEFC Overlay District shall further demonstrate conformance to the following standards:

(a) The use, building, or structure will help achieve the objectives for the SEFC Overlay District as set forth in §1802;

(b) The proposed building or structure shall be designed with a height, bulk, and siting which provides for openness of view and vistas to and from the waterfront and, where feasible, shall maintain views of federal monumental buildings, particularly along the New Jersey Avenue S.E. corridor;

(c) On or above-grade parking adjacent to, or visible from, the street shall be limited. Where parking cannot be placed underground, other uses such as retail or residential shall separate parking areas from the street, or where this is not possible, green landscaping or architectural treatment of facades shall adequately screen parking from the street and adjacent development.

1808.2 In evaluating the application, the Commission also may consider:

(a) Compatibility with buildings in the surrounding area through overall massing, siting, details, and landscaping;

(b) Use of high standards of environmental design which promote the achievement of sustainable development goals;

(c) Façade articulation that minimizes or eliminates the visibility of unarticulated blank walls from public spaces;

(d) Landscaping which complements the building;

(e) For buildings that include preferred uses in accordance with §§1803.4 or 1804.3, the Commission may consider the balance and location of preferred uses;

(f) In connection with its review pursuant to Section 1804.2, the Commission may consider the effect of the proposed use on the predominantly residential character of the R-5-D and R-5-E portion of the SEFC.

(g) For development within or adjacent to the ~~waterfront park~~SEFC/W-0 District, the Commission may consider whether the project is consistent with the following goals:

(i) Providing a wide variety of active and passive recreational uses.

(ii) Encouraging uses that open to, overlook, and benefit the waterfront park.

(iii) Utilizing siting and design of buildings and uses to improve the natural ecology, to illustrate the importance of natural systems, and/or to interpret the historically important maritime context of the site.

1809 ZONING COMMISSION REVIEW PROCEDURES

1809.1 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.

1809.2 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.

1810 COMBINED LOT DEVELOPMENT PROCEDURES

1810.1 Combined lot development is permitted within the SEFC/CR District, in accordance with §§1803.3 and 1803.7; and in the SEFC/W-0 District in accordance with §§1805.6 and 1805.7.

1810.2 No allocation of gross 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.

1810.3 The instrument shall bind the present and future owners of the respective SEFC/CR lots so as to permanently devote residential and non-residential gross floor 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.

1810.4 The instrument shall bind the present and future owners of the SEFC/W-0 lots that are situated within the Open Space Area, as described in §1805.4, to permanently forego the development of such square footage as was transferred to

a lot in the Development Area and shall specify the amount of square footage transferred.

1810.5 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 or density reallocated or transferred.

1810.6 The District of Columbia need not be made a party to the instrument if the instrument provides that it shall neither be modified nor terminated without the express permission of the Zoning Commission of the District of Columbia.

1810.7 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 amount and type of density associated with the lots.

1810.8 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 or density.

Proposed amendments to the Zoning Regulations and Map of the District of Columbia are authorized pursuant to the Zoning Act of June 20, 1938 (52 Stat. 797), as amended, and §5-413 *et seq.*, D.C. Code, (1994 Repl).

The public hearing on this case will be conducted in accordance with the provisions of Section 3021 of the District of Columbia Municipal Regulations, Title 11, Zoning. Pursuant to Section 3020, the Commission may impose time limits on testimony presented to it at the public hearing.

All individuals, organizations, or associations wishing to testify in this case should file their intention to testify in writing. Written statements, in lieu of personal appearances or oral presentations, may be submitted for inclusion in the record.

Information should be forwarded to the Secretary to the Zoning Commission, Office of Zoning, Suite 210, 441 4th Street, N.W., Washington, D.C., 20001. Please include the case number of this particular case and your daytime telephone number. **FOR FURTHER INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311.**

CAROL J. MITTEN, ANTHONY J. HOOD, JOHN G. PARSONS, JAMES H. HANNAHAM, AND PETER G. MAY---------- ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA, BY JERRILY R. KRESS, FAIA, DIRECTOR, AND BY ALBERTO P. BASTIDA, AICP, SECRETARY TO THE ZONING COMMISSION.