Government of the District of Columbia
OFFICE OF ZONING

MEMORANDUM

TO: Arnold R. Finlayson, Administrator
Office of Documents and Administrative Issuance

FROM: Alberto P. Bastida
Secretary to the Zoning Commission

DATE: November 20, 2003

SUBJECT: Publication for the Office of Zoning

Please publish the following in the *D.C. Register* on November 28, 2003:

1. Z.C. Case No. 03-06 Notice of Proposed Rulemaking (Southeast Federal Center).

Received By

11/20/03
Date

Attachments

ZONING COMMISSION
District of Columbia
Case 03-06
Exhibit 56

441 4th Street, N.W., Suite 210-S, Washington, D.C. 20001
Tel: (202) 727-6311 • Fax: (202) 727-6072
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ZONING COMMISSION
District of Columbia
CASE NO.03-06
EXHIBIT NO.56

OFFICE OF DOCUMENTS AND ADMINISTRATIVE ISSUANCES

PM 4: 52

RULEMAKING TRANSMITTAL FORM

TYPE OF RULEMAKING ACTION: [ ] EMERGENCY RULES [ ] FINAL RULES [x] PROPOSED RULES [ ] COMBINED

DATE AND TIME RECEIVED
Office of Documents use only

AGENCY: OFFICE OF ZONING

AGENCY REPRESENTATIVE: MR. ALBERTO BASTIDA

ADDRESS: 441 4th Street, N.W., Suite 210 South TELEPHONE: (202) 727-0330

TITLE AND DESCRIPTION OF RULES: Map & Text Amendment -- Southeast Federal Center Overlay District

If this rulemaking action will amend or repeal existing rules, give a complete citation to the rules being amended or repealed: Title 11 (Zoning) Sections 105.1, 631.2 (amend) and add a new chapter 18, new §§ 1800 - 1810.

FINAL RULES ONLY: Give the D.C. REGISTER citation and date of publication of the Notice of Proposed Rulemaking for these rules: DCR _____ DATE: _____

COMPLETE CITATION to the statute, regulation, or other legal authority which specifically authorizes the issuance of the substance of these rules: Section 1 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797, 799); D.C. Official Code § 6-641.01.

LEGAL CERTIFICATION: I certify that I have reviewed the attached rulemaking and, in my opinion, the substance of the text of the rules is legally sufficient.
DATE: NOVEMBER 19, 2003 SIGNED: a for PHONE: (202) 442-9777

✓	FINAL		CONDITIONAL	NAME:	ROBERT SPAGNOLETTI	TITLE: CORPORATION COUNSEL

PROMULGATOR: Name and title of the person legally authorized to adopt and promulgate these rules (or the name of the board or other body authorized to adopt rules by vote)
Zoning Commission For The District Of Columbia Title:

COMPLETE CITATION to the statute, regulation, order, or other legal authority that specifically authorizes this person or agency to adopt and promulgate these rules. Section 1 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797, 799); D.C. Official Code § 6-641.01.

SIGNATURE OF THE PERSON AUTHORIZED TO ADOPT RULES OR ATTEST TO THE ADOPTION OF RULES

DATE OF APPROVAL OF VOTE: 10/20/03

APPROVAL OF ATTEST: Alberto P. Bastida

TITLE: Secretary to the Zoning Commission PHONE: (202) 727-0330

Office of Documents use only: THIS NOTICE PUBLISHED AT: VOL: DCR: DATE:

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF PROPOSED RULEMAKING
ZC Case No. 03-06
(Map Amendment & Southeast Federal Center Overlay District)

The Zoning Commission for the District of Columbia, pursuant to its authority under §§ 1, 3 and 8 of the Zoning Act of 1938, approved June 20, 1938, (52 Stat. 797, as amended; D.C. Official Code §§ 6-641.01, 6-641.03 and 6-641.07) hereby gives notice of its intent to amend the text of the Zoning Regulations (Title 11 DCMR) and to amend the Zoning Map of the District of Columbia so as to establish the Southeast Federal Center Overlay District. The proposed overlay district is to be applied to currently unzoned land that is Federally-owned, but which the United States General Services Administration intends to be privately developed and used. Final rulemaking action shall be taken in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

The Zoning Commission specifically requests comments on proposed new § 1803.13, which would permit a building in the proposed SEFC/CR District to occupy 100% of its lot, even though the building contains both residential and non-residential uses. Without this provision, a building in the proposed SEFC/CR Zone District that is devoted to residential uses would be subject to 11 DCMR § 634, which limits lot occupancy for such buildings to 75%, calculated at the lowest level where the residential use begins.

Final rulemaking action shall be taken in not less than thirty (30) days from the date of publication of this notice in the D.C. Register.

The following rulemaking action is proposed:

A. Amend the Zoning Map of the District of Columbia as follows:

1. Zone from unzoned to SEFC/CR the area described in the attached metes and bounds descriptions entitled "Description of: Proposed "C-R" Zone 13.23 acres Part of Southeast Federal Center" and "Description of: Proposed "C-R" Zone 11.89 acres Part of Southeast Federal Center."

2. Zone from unzoned to SEFC/R-5-E the area described in the attached metes and bounds description entitled "Description of: Proposed "R-5-E" Zone 9.21 acres Part of Southeast Federal Center."

3. Zone from unzoned to SEFC/R-5-D the area described in the attached metes and bounds description entitled "Description of: Proposed "R-5-D" Zone 2.48 acres Part of Southeast Federal Center."

4. Zone from unzoned to SEFC/W-0 the area described in the attached metes and bounds description entitled "Description of: Proposed "W-0" Zone Waterfront Open Space 5.41 acres Part of Southeast Federal Center." This is the Open Space Area, which is described by proposed § 1805.2.

5. Zone from unzoned to SEFC/W-0 the area described in the attached metes and bounds description entitled "Description of: Part of Proposed "W-0" Zone (Development Area) 0.97 acres Part of Southeast Federal Center." This parcel is the Development Area, which is described by proposed § 1805.2

6. Apply the SEFC Overlay District, as established by proposed new 11 DCMR Chapter 18, over all the land described in the attached metes and bounds description entitled "Description of: Total Area to be Zoned Southeast Federal Center 42.22 acres, more or less," which includes all the land described in numbers 1 through 5, above.

B. Title 11, DCMR, is amended as follows.

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 nacostia 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 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 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 recognition of the objectives of the Anacostia Waterfront Initiative and the Near Southwest Urban Design Framework Plan.

1802.3 Encourage high-density residential development with a pedestrian-oriented streetscape through flexible zoning parameters.

1802.4 Encourage a variety of support and visitor-related uses, such as retail, service, entertainment, cultural, and hotel or inn uses.

1802.5 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.

1802.6 Require suitable ground-floor level retail and service uses near the Navy Yard Metrorail station; along M Street S.E.; near the SEFC/W-0 District; and at other key pedestrian locations.

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 Establish zoning incentives and restrictions to provide for the development of a publicly-accessible 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 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 § 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 Within the SEFC/CR District, "preferred uses" listed in § 1807.2 of this title shall be permitted in accordance with the following:

(a) 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, for so long as the wall remains.

(b) Preferred uses may be provided on the 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 §§ 1803.3(a), (e), (g), and (h);

(c) In addition to the preferred uses listed in § 1807.2, the preferred use space requirement of § 1803.3(a) may also be met by any use listed in § 1803.2, other than those listed in §1803.2 (b), (g), or (o), if approved by the Zoning Commission in accordance 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 § 1803.3(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

1803.3 (a) and (b) 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 floor level devoted to preferred uses shall be fifteen (15) feet.

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

1803.4 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 purpose 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.

1803.5 The maximum building height in the SEFC/CR District shall not exceed 110 feet, unless the site has frontage on 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. if approved by the Zoning Commission pursuant to the procedures set forth in § 1809 herein. 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.

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 In the SEFC/CR District, a building occupied by both residential and non-residential uses shall be permitted 100% lot occupancy.

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) One-family dwelling or flat;

(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

(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 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;

(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, "preferred uses" listed in § 1807.2 are permitted in accordance with the following:

(a) Any building or structure facing onto 4th Street or the SEFC/W-0 District 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) Preferred uses may be provided on the ground floor level of buildings or structures that do not face 4th Street S.E. or the 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(c) is used to provide non-required preferred uses, the preferred use area must be dedicated to preferred uses for the life of the building;

(c) The density associated with preferred uses shall be in addition to otherwise permitted FAR, and shall not exceed 0.5 FAR;

(d) For good cause shown, the Commission may authorize interim occupancy of the preferred use space required under § 1804.3(a) by other uses permitted in the SEFC/R-5-D and R-5-E Districts 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 streetwall, including building entrances, of those properties described in subsections 1804.3 (a) and (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 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 it shall be 90 feet.

1804.5 For the purposes of § 2511 of this title and for the purpose of achieving the height permitted in § 1804.4, 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

(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.

1805.3 The SEFC/W-0 Development Area consists of the northeastern portion of the 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.

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

(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:

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

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

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

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

(e) Marina, not including floating homes;

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

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

(h) Other publicly-accessible maritime uses normally requiring direct access to the water.

1805.7 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 § 1805.8.

1805.8 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.

1805.9 The gross floor area of existing Building 171 shall not count toward any FAR computation.

1805.10 The minimum floor to ceiling height for the 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 review and approval by the Zoning Commission, in accordance with the standards specified in § 924 and procedures specified in § 925 of this title, 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 PREFERRED USES

1807.1 Preferred uses (ground-floor street-oriented retail, service, entertainment, or arts uses), are permitted or required in accordance with §§ 1803.**3** and 1804.3.

1807.2 Preferred uses are the following:

(a) Antique store;

(b) Apparel and accessories shop;

(c) Art gallery;

(d) Art supply store;

(e) Artist gallery;

(f) Auction house;

(g) Bakery;

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

(i) Bar/cocktail lounge;

(j) Barber/beauty shop;

(k) Bicycle rental or repair;

(l) Bicycle shop;

(m) Boat/marine sales;

(n) Book store;

(o) Bowling alley;

(p) Cabaret;

(q) Camera/photo sales;

(r) Candy store;

(s) Catering establishment;

(t) Cobbler/shoe repair;

(u) Cosmetic/toiletries sales;

(v) Drug store;

(w) Dry cleaning or laundry;

(x) Dry goods;

(y) Electric appliance sales;

(z) Fabric store;

(aa) Film exchange;

(bb) Fish monger;

(cc) Flower stand or florist shop;

(dd) Food or grocery store;

(ee) Furniture store;

(ff) Gift shop;

(gg) Hardware store;

(hh) Hobby shop;

(ii) Home furnishings;

(jj) Interior decorating;

(kk) Jewelry store;

(ll) Leather goods;

(mm) Legitimate theatre;

(nn) Locksmith;

(oo) Music store;

(pp) Musical instruments;

(qq) Newsstand;

(rr) Notions/novelties;

(ss) Office supplies and equipment;

(tt) Off-premises alcohol sales;

(uu) Optical goods;

(vv) Optical lab;

(ww) Optician and optometrist;

(xx) Paint store;

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

(zz) Pet shop;

(aaa) Photo studio;

(bbb) Physician or dentist office;

(ccc) Picture framing studio/shop;

(ddd) Pool hall;

(eee) Precision instruments;

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

(ggg) Second-hand store or consignment shop;

(hhh) Shoe store;

(iii) Sporting goods;

(jjj) Stationery;

(kkk) Tailor/dressmaker;

(lll) Ticket office;

(mmm) Tobacco products;

(nnn) Toy store;

(ooo) Travel agency;

(ppp) Variety store;

(qqq) Videotape or DVD rental for general public and family; and

(rrr) 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 **of** 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 §§ 1803.3 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**/or** R-5-E portion of the SEFC; and

(g) For development within or adjacent to the 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 At the time the Commission is considering an application for Zoning Commission approval authorized by this Chapter, it may hear and decide any additional requests for **zoning** relief needed for the subject property.

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 instrument 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.

All persons desiring to comment on the subject matter of this proposed rulemaking action should file comments in writing no later than thirty (30) days after the date of publication of this notice in the *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.

The metes and bounds descriptions follow.

Description of:

PROPOSED "C-R" ZONE
13.23 acres
Part of Southeast Federal Center
(Former Washington Navy Yard Annex)
All of Squares 743 and 744
Together with
Portions of 1st Street, S.E., M Street, S.E.,
New Jersey Avenue (Closed), S.E., N Street (Closed), S.E.,
Canal Street, S.E., and N Place, S.E.,
District of Columbia.

13.23 acres of land in southeast Washington, District of Columbia, containing all of **Square 743** and **744** as shown among the Records of the Office of the Surveyor of the District of Columbia, together with portions of **1st Street, S.E., M Street, S.E., New Jersey Avenue (Closed), S.E., N Street (Closed), S.E., Canal Street, S.E.**, and **N Place, S.E.** as shown among said Records; said 13.23 acres of land proposed to be Zoned "C-R" and being more particularly described as a single, consolidated perimeter outline, in the Record bearing meridian of the Office of the Surveyor, D.C., as follows:

BEGINNING at the intersection of the centerline of M Street, S.E. (90 feet wide) and the centerline of 1st Street, S.E. (1 10 feet wide), as the same are shown among said Records; thence departing 1st Street, S.E. and running with said centerline of M Street, S.E.

1) **Due EAST, 481.91 feet**; thence departing said centerline and running

2) **Due SOUTH, 45.00 feet** to the south line of M Street, S.E.; thence departing said street and running within New Jersey Avenue (Closed), S.E. (originally 160 feet wide)

3) **South 15° 41' 37" East, 608.06 feet** to a point on the north line of Canal Street, S.E. (80 feet wide per Record); thence running with said line

4) **Due WEST, 22.71 feet** to the centerline of said Canal Street, S.E.; thence running with said centerline

5) **Due SOUTH, 359.70 feet** to intersect the centerline of N Place, S.E. (60 feet wide); thence departing Canal Street, S.E. and running with said centerline of N Place, S.E.

6) **Due WEST, 623.68 feet** to intersect the centerline of aforementioned 1st Street, S.E.; thence departing N Place, S.E. and running with said centerline of 1st Street, S.E.

7) **Due NORTH, 990.09 feet** to the place of beginning, containing **576,270 square feet** or **13.23 acres** of land, more or less.

NOTE: The northerly **397.54 feet** by full width of the above-described proposed "C – R" Zone (being the northerly **4.8 acres**), is intended to be subject to a height limitation of **130 feet**, whereas the southerly **592.55 feet** by full width of said proposed "C – R" Zone (being the southerly **8.43 acres**) is intended to be subject to a height limitation of **110 feet.**

Description of:

PROPOSED "C-R" ZONE
11.89 acres
Part of Southeast Federal Center
(Former Washington Navy Yard Annex)
Part of U.S. Reservation 14
And Including Part of M Street, S.E.
District of Columbia.

11.89 acres of former Washington Navy Yard Annex, U.S. Reservation 14, as transferred from U.S. Department of the Navy to U.S. General Services Administration, for use as Southeast Federal Center, by agreement effective October 1, 1963; together with a portion of M Street, S.E. (90 feet wide); said 11.89 acres of land proposed to be Zoned "C-R" and being more particularly described as a single consolidated perimeter outline, in the Record bearing meridian of the Office of the Surveyor, D.C., as follows:

BEGINNING at a point on the centerline of M Street, S.E. (90 feet wide), said point lying DISTANT **Due SOUTH, 45.0 feet** from the southwest corner of existing Square 825 and also lying DISTANT **Due NORTH, 45.0** feet from the northwest corner of original Square 826 (now part of Southeast Federal Center), both as shown among the Records of the Office of the Surveyor, D.C.; thence running with the centerline of M Street, S.E.

1) **Due EAST, 734.23 feet**; thence departing said centerline of M Street, S.E. and running

2) **Due SOUTH, 85.00 feet** to a point in Isaac Hull Avenue, S.E. (width varies); thence running still within said Isaac Hull Avenue, S.E.

3) **Due EAST, 20.00 feet** to the centerline of said Isaac Hull Avenue, S.E.; thence running with said centerline

4) **South 00° 49' 46" East, 507.07 feet**; thence departing Isaac Hull Avenue, S.E. and running with the common dividing line between Washington Navy Yard and Southeast Federal Center

5) **Due WEST, 473.47 feet**; thence departing Washington Navy Yard and running into, through, over and across Southeast Federal Center, so as to include a portion thereof

6) **Due NORTH, 7.08 feet**; thence

7) **Due WEST, 702.84 feet**; thence

8) **Due NORTH, 176.97 feet**; thence

9) **Due EAST, 414.74 feet**; thence

10) **Due NORTH, 407.97 feet** to the place of beginning, containing **518,034 square feet** or **11.89 acres** of land, more or less.

Description of:

PROPOSED "R-5-E" ZONE
9.21 acres
Part of Southeast Federal Center
(Former Washington Navy Yard Annex)
Part of U.S. Reservation 14
District of Columbia.

9.21 acres of former Washington Navy Yard Annex, U.S. Reservation 14, as transferred from U.S. Department of the Navy to U.S. General Services Administration, for use as Southeast Federal Center, by agreement effective October 1, 1963; said 9.21 acres of land proposed to be Zoned "R-5-E" and being more particularly described as a single consolidated perimeter outline, in the Record bearing meridian of the Office of the Surveyor, D.C., as follows:

BEGINNING at the southwest corner of original Square 770 as shown among the abovesaid Records, said point being also the northeast corner of the Public Space occupied, at the date hereof, by the main District of Columbia Sewer Pumping Station operated by D.C. WASA, and being also a point on the southerly outline of the 11.05 acre parcel intended to become U.S. Department of Transportation's main headquarters site; and thence departing the lands of D.C. WASA's Main Sewer Pumping Station and running into, through, over and across Southeast Federal Center, so as to include a portion thereof

1) **North 46° 43' 30" East, 33.75 feet**; thence

2) **Due EAST, 234.86 feet**; thence

3) **Due NORTH, 21.87 feet**; thence

4) **Due EAST, 702.84 feet**; thence

5) **Due SOUTH, 7.08 feet**; thence

6) **South 00° 50' 08" East, 341.65 feet**; thence

7) **Due WEST, 335.69 feet**; thence

8) **Due SOUTH, 115.99 feet**; thence

9) **Due WEST, 209.23 feet**; thence

10) **Due NORTH, 21.56 feet**; thence

11) **Due WEST, 125.01 feet**; thence

12) **Due SOUTH, 21.56 feet**; thence

13) **Due WEST, 297.37 feet** to the easterly line of the aforementioned Public Space of D.C. WASA's Main Sewer Pumping Station; thence running with said easterly line

14) **Due NORTH, 419.68 feet** to the place of beginning, containing **400,990 square feet** or **9.21 acres** of land, more or less.

Description of:

PROPOSED "R-5-D" ZONE
2.48 acres
Part of Southeast Federal Center
(Former Washington Navy Yard Annex)
Part of U.S. Reservation 14
District of Columbia.

2.48 acres of former Washington Navy Yard Annex, U.S. Reservation 14, as transferred from U.S. Department of the Navy to U.S. General Services Administration, for use as Southeast Federal Center, by agreement effective October 1, 1963; said 2.48 acres of land proposed to be Zoned "R-5-D" and being more particularly described as a single consolidated perimeter outline, in the Record bearing meridian of the Office of the Surveyor, D.C., as follows:

BEGINNING at a point lying DISTANT the following **two** courses and distances from the southwest corner of original Square 770, as shown among the abovesaid Records of the Office of the Surveyor, D.C., said point being also the northeast corner of the Public Space occupied by D.C. WASA's Main Sewer Pumping Station and also being a point on the southerly outline of the 11.05 acre parcel intended for future use as U.S. Department of Transportation's main headquarters; thence departing original Square 770 and USDOT's future headquarters site, and running with the easterly line of D.C. WASA's Main Sewer Pumping Station

A) **Due SOUTH, 419.68 feet**; thence departing D.C. WASA's Main Sewer Pumping Station and running

B) **Due EAST, 589.11** to the True Point of Beginning for the "R-5-D" Zone; thence continuing with the outline of said "R-5-D" Zone

1) **Due EAST, 42.50 feet**; thence

2) **Due NORTH, 1 15.99 feet**; thence

3) **Due EAST, 335.69 feet**; thence

4) **South 00° 50' 08" East, 297.55 feet**; thence

5) **Due WEST, 382.53 feet**; thence

6) **Due NORTH, 181.53 feet** to the place of beginning, containing **108,184 square feet** or **2.48 acres** of land, more or less.

Description of:

PROPOSED "W-O" ZONE
Waterfront Open Space
5.41 acres
Part of Southeast Federal Center
(Former Washington Navy Yard Annex)
Part of U.S. Reservation 14
District of Columbia.

5.41 acres of former Washington Navy Yard Annex, U.S. Reservation 14, as transferred from U.S. Department of the Navy to U.S. General Services Administration, for use as Southeast Federal Center, by agreement effective October 1, 1963; said 5.41 acres of land proposed to be Zoned "W-O," Waterfront Open Space and being more particularly described as a single consolidated perimeter outline, in the Record bearing meridian of the Office of the Surveyor, D.C., as follows:

BEGINNING at a point on the easterly outline of the Public Space occupied, at the date hereof, by the Main District of Columbia Sewer Pumping Station, operated by D.C. WASA, said point of beginning lying **Due SOUTH, 419.68 feet** from the southwest corner of original Square 770 as shown among the Records of the Office of the Surveyor, D.C.; and thence departing the Public Space of D.C. WASA's Main Sewer Pumping Station and running into, through, over and across Southeast Federal Center, so as to include a portion thereof

1) **Due EAST, 297.37 feet**; thence

2) **Due NORTH, 21.56 feet**; thence

3) **Due EAST, 125.01 feet**; thence

4) **Due SOUTH, 21.56 feet**; thence

5) **Due EAST, 166.73 feet**; thence

6) **Due SOUTH, 181.53 feet**; thence

7) **Due EAST, 504.64 feet** to the common dividing line between Southeast Federal Center and Washington Navy Yard; thence running with said line

8) **Due SOUTH, 129.15 feet** to the established north Seawall Line of the Anacostia River; thence departing Washington Navy Yard and running with said Seawall Line the following eight (8) courses and distances:

9) **North 83° 02' 12" West, 399.43 feet**; thence

10) **South 80° 32' 44" West, 434.01 feet**; thence

11) **North 15° 53' 39" West, 28.00 feet**; thence

12) **North 74° 06' 21" East, 34.01 feet**; thence

13) **North 15° 53' 39" West, 86.01 feet**; thence

14) **South 89° 58' 38" West, 78.99 feet**; thence

15) **South 00° 01' 22" East, 111.49 feet**; thence

16) **South 74° 06' 20" West, 199.31 feet** to the aforementioned easterly line of D.C. WASA's Main Sewer Pumping Station; thence departing said Anacostia River Seawall Line and running with said easterly line of D.C. WASA's Main Sewer Pumping Station

17) **Due NORTH, 380.70 feet** to the place of beginning containing **235,511 square feet** or **5.41 acres** of land, more or less.

Description of:

PART OF PROPOSED "W-O" ZONE (Development Area)
0.97 acres
Part of Southeast Federal Center
(Former Washington Navy Yard Annex)
Part of U.S. Reservation 14
District of Columbia.

0.97 acres of former Washington Navy Yard Annex, U.S. Reservation 14, as transferred from U.S. Department of the Navy to U.S. General Services Administration, for use as Southeast Federal Center, by agreement effective October 1, 1963; said 0.99 acres of land being part of the area proposed to be Zoned "W-0" and being more particularly described as a single consolidated perimeter outline, in the Record bearing meridian of the Office of the Surveyor, D.C., as follows:

BEGINNING at a point lying DISTANT the following **two** courses and distances from the southwest corner of original Square 770, as shown among the abovesaid Records of the Office of the Surveyor, D.C., said point being also the northeast corner of the Public Space occupied by D.C. WASA's Main Sewer Pumping Station and also being a point on the southerly outline of the 11.05 acre parcel intended for future use as U.S. Department of Transportation's main headquarters; thence departing original Square 770 and USDOT's future headquarters site, and running with the easterly line of D.C. WASA's Main Sewer Pumping Station

A) **Due SOUTH, 419.68 feet**; thence departing D.C. WASA's Main Sewer Pumping Station and running

B) **Due EAST, 297.37** to the True Point of Beginning; thence following the outline area proposed to be zoned "W-O"

1) **Due NORTH, 21.56 feet**; thence

2) **Due EAST, 125.01 feet**; thence

3) **Due SOUTH, 21.56 feet**; thence

4) **Due EAST, 166.73 feet**; thence

5) **Due SOUTH, 135.00 feet**; thence departing the outline of proposed "W-O" Zone, and running into, through, over and across said proposed "W-O" Zone, so as to include a portion thereof

6) **Due WEST, 291.74 feet**; thence

7) **Due NORTH, 135.00 feet** to the true place of beginning, containing **42,080 square feet** or **0.97 of an acre of land**, more or less.

Description of:

Total Area to be Zoned
SOUTHEAST FEDERAL CENTER
42.22 acres, more or less,
Parts of former WASHINGTON NAVY YARD ANNEX;
Together with Portions of M Street, S.E., 1st Street, S.E., N Place, S.E., New Jersey Avenue (Closed), S.E., Canal Street, S.E., and Isaac Hull Avenue, S.E.
Ward 6
District of Columbia.

42.22 acres, more or less, of **Southeast Federal Center**, formerly part of the Washington Navy Yard Annex, as transferred from the U.S. Department of the Navy to the U.S. General Services Administration, for use as Southeast Federal Center by agreement effective October 1, 1963; together with portions of **M Street, S.E., 1st Street, S.E., N Place, S.E., New Jersey Avenue (Closed), S.E., Canal Street, S.E.**, and **Isaac Hull Avenue, S.E.** to zoned or re-zoned out to their respective centerlines; all of the above **42.22 acres** of land being more particularly described, as two non-contiguous perimeter outlines, in the record bearing meridian of the Office of the Surveyor, D.C. and in reliance upon a survey prepared for GSA by Currie & Associates, dated May 22, 1995, as follows:

PARCEL ONE -13.23 ACRES

13.23 acres of land in southeast Washington, District of Columbia, containing all of **Squares 743** and **744** as shown among the Records of the Office of the Surveyor of the District of Columbia, together with portions of **1st Street, S.E., M Street, S.E., New Jersey Avenue (Closed), S.E., N Street (Closed), S.E., Canal Street, S.E.** and **N Place, S.E.** as shown among said Records; said 13.23 acres of land proposed to be Zoned "C-R" and being more particularly described as a single, consolidated perimeter outline, in the Record bearing meridian of the Office of the Surveyor, D.C., as follows:

BEGINNING at the intersection of the centerline of M Street, S.E. (90 feet wide) and the centerline of 1st Street, S.E. (110 feet wide), as the same are shown among said Records; thence departing 1st Street, S.E. and running with said centerline of M Street, S.E.

1. **Due EAST, 481.91 feet**; thence departing said centerline and running

2. **Due SOUTH, 45.00 feet** to the south line of M Street, S.E.; thence departing said street and running within New Jersey Avenue (Closed), S.E. (originally 160 feet wide)

3. **South 15° 41' 37" East, 608.06 feet** to a point on the north line of Canal Street, S.E. (80 feet wide per Record); thence running with said line

4. **Due WEST, 22.71 feet** to the centerline of said Canal Street, S.E.; thence running with said centerline

5. **Due SOUTH, 359.70 feet** to intersect the centerline of N Place, S.E. (60 feet wide); thence departing Canal Street, S.E. and running with said centerline of N Place, S.E.

6. **Due WEST, 623.68 feet** to intersect the centerline of aforementioned 1st Street, S.E.; thence departing N Place, S.E. and running with said centerline of 1st Street, S.E.

7. **Due NORTH, 990.09 feet** to the place of beginning, containing **576,270 square feet** or **13.23 acres of land**, more or less.

PARCEL TWO -28.99 ACRES

28.99 acres of **Southeast Federal Center**, former Washington Navy Yard Annex, U.S. Reservation 14, as transferred from U.S. Department of the Navy to U.S. General Services Administration, for use as Southeast Federal Center, by agreement effective October 1, 1963; together with portions of M Street, S.E. (90 feet wide)and Isaac Hull Avenue, S.E. (width varies); said 28.99 acres of land proposed to be Zoned "C-R," "R-5-D," "R-5-E" and "W-O" and being more particularly described as a single consolidated perimeter outline, in the Record bearing meridian of the Office of the Surveyor, D.C., as follows:

BEGINNING at a point on the centerline of M Street, S.E. (90 feet wide), said point lying DISTANT **Due SOUTH, 45.0 feet** from the southwest corner of existing Square 825 and also lying DISTANT **Due NORTH, 45.0 feet** from the northwest corner of original Square 826 (now part of Southeast Federal Center), both as shown among the Records of the Office of the Surveyor, D.C.; thence running with the centerline of M Street, S.E.

1) **Due EAST, 734.23 feet**; thence departing said centerline of M Street, S.E. and running

2) **Due SOUTH, 85.00 feet** to a point in Isaac Hull Avenue, S.E. (width varies); thence running still within said Isaac Hull Avenue, S.E.

3) **Due EAST, 20.00 feet** to the centerline of said Isaac Hull Avenue, S.E.; thence running with said centerline

4) **South 00° 49' 46" East, 507.07 feet**; thence departing Isaac Hull Avenue, S.E. and running with the common dividing line between Washington Navy Yard and Southeast Federal Center

5) **Due WEST, 473.47 feet**; thence

6) **South 00° 50' 08" East, 639.20 feet**; thence

7) **Due EAST, 122.11 feet**; thence

8) **Due SOUTH, 129.15 feet** to the established north Seawall Line of the Anacostia River; thence departing Washington Navy Yard and running with said Seawall Line the following eight (8) courses and distances:

9) **North 83° 02' 12" West, 399.43 feet**; thence

10) **South 80° 32' 44" West, 434.01 feet**; thence

11) **North 15° 53' 39" West, 28.00 feet**; thence

12) **North 74° 06' 21" East, 34.01 feet**; thence

13) **North 15° 53' 39" West, 86.01 feet**; thence

14) **South 89° 58' 38" West, 78.99 feet**; thence

15) **South 00° 01' 22" East, 11 1.49 feet**; thence

16) **South 74° 06' 20" West, 199.31 feet** to the easterly line of D.C. WASA's Main Sewer Pumping Station; thence departing said Anacostia River Seawall Line and running with said easterly line of D.C. WASA's Main Sewer Pumping Station

17) **Due NORTH, 800.38 feet** to the northeast corner of the Public Space used for D.C. WASA's Main Sewer Pumping Station, said point being also the southwest corner of original Square 770 as shown among the Records of the Office of the Surveyor, D.C.; thence departing the lands of D.C. WASA's Main Sewer Pumping Station and running into, through, over and across Southeast Federal Center, so as to include a portion thereof

18) **North 46° 43' 30" East, 33.75 feet**; thence

19) **Due EAST, 234.86 feet**; thence

20) **Due NORTH, 198.84 feet**; thence

21) **Due EAST, 414.74 feet**; thence

22) **Due NORTH, 407.97 feet** to the place of beginning, containing **1,262,719 square feet** or **28.99 acres of land**, more or less.

NOTE: The total area of Parcels One and Two is **42.22 acres** of land, more or less.