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, AICP
Secretary to the Zoning Commission

DATE: June 28, 2004

SUBJECT: Publication for the Office of Zoning

Please publish the following in the D.C. Register on April 16, 2004:

1. Z.C. Notice of Final Rulemaking & Order No. 03-06 (Case No. 03-06).

The rulemaking is also provided on diskette. Please note that only the rulemaking is provided on the disk; the attachments are attached to the hardcopy provided.

Linda Jenkins
Received By

6-28-04
Date

Attachments

ZONING COMMISSION
District of Columbia
CASE NO. 03-06
EXHIBIT NO. 67

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ZONING COMMISSION
District of Columbia
CASE NO.03-06
EXHIBIT NO.67

RULEMAKING TRANSMITTAL FORM

DATE AND TIME RECEIVED
Office of Documents use only

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

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 and text amendments to create a new Overlay District, the Southeast Federal Center Overlay District ("SEFC"); also conforming amendments necessitated by the new 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If this rulemaking action will amend or repeal existing rules, give a complete citation to the rules being amended or repealed: Title 11 (Zoning) Section 106 (Zoning Map of the District of Columbia), 105.1, 631.2, 3010.2, 3011.1, 3012.1, 3015.4, 3022.1, 3027.4, all being amended. New Chapter 18, with new sections 1800 through 1810, being added.

FINAL RULES ONLY: Give the D.C. REGISTER citation and date of publication of the Notice of Proposed Rulemaking for these rules: 50 DCR 10154 DATE: NOVEMBER 28, 2003

COMPLETE CITATION to the statute, regulation, or other legal authority which specifically authorizes the issuance of the substance of these rules: Sections 1 and 3 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797, 798), D.C. Official Code §§ 6-641.01 and 6-641.03.

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: MAY 4, 2004 SIGNED: Alan Beyntin 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. Sections 1 and 3 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797, 798), D.C. Code §§ 6-641.01 and 6-641.03.

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

DATE OF APPROVAL OF VOTE: 1/12/04

APPROVAL OF ATTEST: Alberto T. 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 FINAL RULEMAKING
and
ORDER NO. 03-06
ZC Case No. 03-06
(Text and Map Amendments – 11 DCMR)
(Map Amendment & Southeast Federal Center Overlay District)
March 8, 2004

The Zoning Commission for the District of Columbia, pursuant to its authority under §§ 1 and 3 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797, as amended; D.C. Official Code §§ 6-641.01 and 6-641.03); having held a public hearing as required by § 3 of the Act (D.C. Official Code § 6-641.03); and having referred the proposed amendments to the National Capital Planning Commission for a 30-day period of review pursuant to of § 492 of the District of Columbia Home Rule Act, hereby gives notice of a map and text amendment to map the Southeast Federal Center ("SEFC") Overlay District and related zoning over a portion of the SEFC site, and to establish the text for a new SEFC Overlay District. This new SEFC Overlay District will allow for the development of a vibrant, mixed-used, waterfront neighborhood, offering a combination of uses that will attract residents, office workers, and visitors from across the District and beyond.

A Notice of Proposed Rulemaking was published on November 28, 2003 at 50 DCR 10154. No comments were received.

The Commission took final action to adopt the text and map amendments at a public meeting on January 12, 2004 and amended that final action at a public meeting on March 8, 2004.

This final rulemaking is effective upon publication in the *D.C. Register*.

Setdown Proceeding

On February 14, 2003, the United States General Services Administration ("GSA") filed a Petition requesting that the Zoning Commission establish zoning for approximately 42 acres of the Southeast Federal Center (the "Property"). The GSA initiated this rulemaking in response to the Southeast Federal Center Public-Private Partnership Act of 2000, which authorized the GSA to dispose of the SEFC site and to encourage non-governmental uses such as residential and retail.

This Petition also resulted from numerous area planning initiatives affecting the SEFC, including the Anacostia Waterfront Initiative (AWI) and the Near Southeast Target Area Plan, and reflects several themes of the AWI, which recommended mixed-use development that would create new waterfront neighborhoods while enhancing existing neighborhoods, as well as zoning along the water's edge that would allow for open space and waterfront-enhancing uses.

During its public meeting on February 24, 2003, the Zoning Commission voted to set down the proposed rulemaking for public hearing. By letter dated March 7, 2003, GSA requested permission to supplement the record with additional materials not later than 20 days prior to the hearing, which was scheduled for June 19, 2003, by Notice of Public Hearing dated May 2, 2003, and published at 50 DCR 3443. At a Special Public Meeting on June 5, 2003, however, the Commission rescheduled the hearing for September 4, 2003 and a new Notice of Public Hearing, advertising the SEFC map and text amendments, was published on June 27, 2003 at 50 DCR 5174.[1] The Pre-Hearing Statement was filed by GSA on August 15, 2003.

Included in GSA's pre-hearing submission was a version of the SEFC Overlay text, which differed somewhat from the version published in the Notice of Public Hearing. The Commission used this new modified text version as the basis of discussion at the public hearing. The modified version had been crafted by GSA, working with the Office of Planning ("OP"), both of whom, during the hearing, indicated that the changes to the advertised text were minor and intended only to clarify the text. One of these changes, which was later amended by the Commission on March 8, 2004, was language intended to clarify that college or university uses would not be permitted within the SEFC Overlay.

Description of Text and Map Amendment

The proposed SEFC Overlay District will be a new zoning district, mapped in conjunction with the underlying zones of CR, R-5-E, R-5-D, and W-0. It will add stability and predictability to long-term decision-making and will facilitate 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.

Major objectives of the Southeast Federal Center Overlay District include:

- 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 the objectives of the Anacostia Waterfront Initiative and the Near Southeast Target Area Plan;
- Encourage high-density residential development with a pedestrian-oriented streetscape through flexible zoning parameters;
- Encourage a variety of support and visitor-related uses, such as retail, service, entertainment, cultural, and hotel or inn uses;

[1]The June 27, 2003 Notice of Public Hearing stated an incorrect hearing date and a corrected Notice of Public Hearing was published on July 11, 2003, at 50 DCR 5558.

- 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;
- Require suitable ground-level retail and service uses along M Street, S.E., near the Navy Yard Metrorail Station, near the waterfront, and at other key pedestrian locations;
- 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; and
- 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 underlying W-0 District.

The SEFC Overlay District will be applied to land that is federally-owned and currently unzoned, but which the GSA intends to be privately developed and used. The zoning proposed by GSA and supported by the District of Columbia Office of Planning, meets all of the required criteria for a zoning map amendment. The proposed map amendment will further the health, safety, and general welfare of the District of Columbia. The proposed zoning will facilitate development of a mixed-use urban neighborhood. Historic resources will be considered, new streets will provide access through the site and to the waterfront, and a vibrant mix of uses will be introduced to a site that was, until recently, designated as a federal enclave.

Relationship to the Comprehensive Plan and Planning Initiatives

The 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 zoning proposed by GSA and supported by OP is consistent with the Comprehensive Plan. It supports the Land Use Element by enhancing neighborhoods (§ 1100.2(a)), increasing the significance of the District's waterfronts and shorelines (§ 1100.6), promoting the vitality of the District's commercial areas (§ 1105.1), and providing an opportunity for joint public and private development of publicly-owned land (§ 1115.1). Specifically, the SEFC Overlay reflects the vision for 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 envisioned in the AWI and Near Southeast Target Area Plan.

The proposal also supports the Transportation Element and the Housing Element, because it will lay the foundation for a development pattern that simplifies and economizes transportation services through mixed-use zones, promoting higher density residential development at locations near appropriate Metrorail stations (see §§ 502.2(a), 302.2(d)). The Petition promotes the Urban Design Element, because the plan recognizes and enhances the relationships between the District's waterfront areas and District residents (§ 700.2). It also will promote recreational use of the waterfront (§ 706). In addition, the proposal is consistent with the provisions of the Ward 6 Plan in that it will encourage a range of commercial services, provide housing opportunities, and stimulate private investment (§§ 1705, 1706). Finally, the proposed zoning will not result in

the overcrowding of land, undue concentration of population, or greater congestion in the streets. To the contrary, the proposed zoning will attract an appropriate and reasonable amount of mixed-use development in immediate proximity to the Metrorail.

The zoning also reflects the AWI and the Near Southeast Target Area Plan, the District planning initiatives for the area, and the Southeast Federal Center Public-Private Partnership Act of 2000, which authorized the GSA to dispose of the SEFC site and to encourage non-governmental uses, such as residential and retail.

Public Hearing

The Commission held a public hearing on this case on September 4, 2003. Commission members present were Chairman Carol J. Mitten, Vice Chairman Anthony J. Hood, and Commissioners James Hannaham, Peter May, and John Parsons.

In her testimony, Pat Daniels, Senior Project Manager of GSA, outlined GSA's request for a map amendment of Squares 743, 744, 771, 802, 826, 853, portions of Squares 770 and 801, and a portion of land south of Squares 771 and 802 bounded by the Water and Sewer Authority ("WASA") Pumping Station to the west, the Anacostia Navy Yard to the east, and the Anacostia River to the south, which is necessary in order to develop the SEFC. GSA's presentation on the background of the project and planning process, the current state of the areas, and the proposed zoning overlay was as follows:

- Overview of other revitalization efforts in the area, including new office buildings along M Street, the Arthur Capper-Carrollsburg Hope VI project, and the Capitol Gateway Overlay;

- Overview of the property as it currently exists, including former Navy buildings used for storage and administrative uses; a Washington Metropolitan Area Transit Authority ("WMATA") tunnel; 9 other buildings (7 of which are eligible for the National Historic Register), 6 of which are vacant and 3 of which are occupied; GSA has abated and demolished 10 buildings and abated the 6 that are vacant, remediated over 15 sites, cleaned all the storm drains, and replaced the seawall;

- Description of the 1992 Master Plan for the development of a federal enclave, which was approved by NCPC, but resulted in no development, and the Southeast Federal Center Public-Private Partnership Act of 2000 approved by Congress, as impetus for this stage of planning;

- Overview of the current planning process, working with OP and NCPC to develop a vision and goals for SEFC. This was followed by sharing plans with the community, and integrating their ideas, including public spaces and streets to develop a new vision: a viable mixed-use community with densities, streets, and structures that reflects the NCPC Legacy Plan and the AWI;

- Discussion of GSA's work with the development community, request for qualifications and developers' opinions on the project, noting the importance of a zoning scheme to the overall development of the area;

- Discussion of GSA's work with OP on developing categories, uses, and densities (a maximum of 1.8 million square feet for office uses, 2,000-3,000 residential units, up to 500,000 square feet of retail, and 100,000 square feet of cultural use space); and

- Brief discussion of plans to create new parks so that residents and neighbors can access the river's edge through a new river-walk and bicycle paths.

Counsel for GSA, Allison Prince, supplemented the GSA presentation and:

- Addressed the advertisement issue, stating that the changes to the advertised text requested by GSA and OP were minor and did not affect the height or density of the land included in the zoning proposal.

- Noted the main features of the proposed zoning categories:

  - Densities permitted in the SEFC Overlay are generally consistent with the densities permitted in the underlying zones; the Overlay provides height allowances that will provide desired flexibility in design;

  - The predominant zone category of CR will allow for extensive mixed-use opportunities within the Overlay;

  - The 130-foot height permitted on Parcel A is appropriate given that the site faces New Jersey Avenue, is located directly across the street from a Metro station, and is across the street from buildings that are developed to a height of 130 feet. Otherwise, within the SEFC/CR area, a height of 110 feet would be permitted, except adjacent to the Washington Navy Yard where the height of 110 feet would only be possible with approval of the Zoning Commission;

  - The SEFC Overlay also includes a high-density residential core of R-5-E zoning. Sites are permitted to be developed to a height of 110 feet and a density of 6.0 FAR and 0.5 FAR of retail. The residential parcel closest to the water would be R-5-D, to provide a lower density of 3.5 FAR and 0.5 FAR of retail and a lower height of 90 feet;

  - The 5-acre W-0 component includes a portion that will be predominantly retail and the remainder will be designated as open space with highly limited waterfront-dependent uses; and

  - The general approach is highly consistent with the Capitol Gateway Overlay District to the west and the desired development pattern in the area.

Andrew Altman, Director, and Joel Lawson, Development Review Specialist from the Office of Planning, also presented a report on the project. Mr. Altman spoke first, providing some context for the SEFC Overlay:

- Collaboration among GSA, the District, and the community, which included hundreds of hours of work and discussion. In the process, OP has taken into consideration and sought to address the needs of the federal government and the objectives of the District. The establishment of zoning at this time is critical, because GSA has begun the request for proposals ("RFP") process;

- The proposal would assist in achieving multiple District goals simultaneously:

  - Augment the overall network of parks: the goal is to create 100 acres of new waterfront parks to serve the neighborhood and the city; the new park along the river will provide a vital component of the Riverwalk connecting the Navy Yard, through the Southeast Federal Center, to the Buzzard Point area;

  - Create a new waterfront neighborhood without displacing residents, and the zoning of areas to accommodate new high-density neighborhoods, with the Near Southeast being an appropriate place to accommodate higher density development. In particular, the proximity to the river and new parkland provides opportunities to encourage high rise development;

  - Promote mixed-use development by providing new office, residential, retail, cultural, and recreational uses in the creation of a new neighborhood, and to support the existing surrounding neighborhood; and

  - Map the W-0 Zone: ideal open space zone along the riverfront.

Joel Lawson then noted that the version of the SEFC Overlay included in the GSA Prehearing Statement dated August 15, 2003 is identical in intent and similar in content to the one advertised, but incorporates a number of refinements resulting from discussion at, and following, the setdown meeting. Most were minor changes for the sake of clarity - the GSA prehearing statement and the OP Report of August 25, 2003 detail these recommended changes. OP is supportive of the Overlay as drafted and recommended only minor wording clarifications, primarily to the waterfront area. OP recommended the following zone categories and regulations, as reviewed by the Commission at the setdown meeting:

- CR along and adjacent to M Street to permit medium- to high-density mixed office, retail and residential development;

- R-5-E at the center of the site to permit high-density residential development;

- R-5-D, between the R-5-E zone district and the W-0 zone district, to permit moderate-density development and a transition between the higher density residential development and the narrowest portion of the waterfront park;

- W-0 along the public waterfront area to permit park and open space as well as a low density of waterfront-oriented retail, recreational, and cultural uses;

- A new SEFC Overlay to establish overall objectives and site-specific regulations pertaining to the use, density, and siting of buildings, in order to provide a balance of design flexibility and guidance;

- Establish building heights that conform to surrounding development, provide design flexibility, create a stepping down of building heights toward the waterfront, and provide development opportunities giving consideration to view sheds, ground level retail, and open space;

- Permit combined lot development within the CR district to vary the distribution of office and residential uses, and concentrate waterfront park-enhancing retail and the open space recreational park within the W-0 district;

- Require retail frontage along major streets and adjacent to the waterfront park to serve the new residents, workers, and visitors, and to provide streetscape vitality;

- Permit the transfer within the SEFC/CR area of up to 0.5 FAR of commercial use to the site at the intersection of M Street and New Jersey Avenues, S.E. (Parcel "A");

- Require Zoning Commission approval of all buildings fronting on M Street or facing directly on the waterfront park open space, similar to the Capitol Gateway Overlay District;

- Establish basic review standards and guidelines for use by the Zoning Commission in its review of development applications;

- GSA submission also included a survey map showing zone district boundaries. OP requested additional information from the Applicant that will make more detailed review of this map possible; anticipates minor adjustments in the boundary lines to ensure that they correspond to overall objectives and anticipated road locations; and

- Summary: The proposal is a product of thoughtful, deliberate planning, lengthy, but valuable discussions within GSA, and community participation through the Near Southeast and AWI workshops, and other public meetings.

In response to this report, the Commission questioned why GSA and OP did not propose a different zone designation to allow greater height, rather than achieve additional height through the Overlay. Mr. Altman responded by explaining that the proposal represents a careful balancing of a number of factors and this proposal is most appropriate from a planning perspective.

The Commission also voiced concern that only office and hotel uses might be developed, rather than residential uses. OP explained that there is a strong emphasis on residential development in the first phase of planning, that the RFP process is already underway, and that there are plans for

a critical mass of residential development. Unlike the CR zoning in the West End, hotels cannot count as a residential part of CR. In the SEFC Overlay, hotels will only be able to occupy commercial density. Pat Daniels from GSA also noted that GSA is controlling the RFP process and the phases of development to ensure that residential will be built first.

The Commission also asked GSA to solicit responses from the Police and Fire Departments.

No other District government department or agency testified before the Commission.

The Council Member for Ward 6, Sharon Ambrose, wrote a letter of unequivocal support. Julie Olson from Advisory Neighborhood Commission ("ANC") 6-B also submitted a letter in support of the application. While supporting the application, Ms. Olson voiced concern that the new neighborhood will be isolated from the communities to the north and that the Capitol Hill community will be cut off from the Southeast waterfront. She recommended that the Zoning Commission be required to review buildings along 4th Street and that special attention be given to encouraging primarily residential use in the areas along 4th and 5th Streets (Blocks D and E) so as to create a residential corridor.

ANC 6-D, which includes waterfront land in the Southwest and Near Southeast areas of the District, noted qualified support for the concept of the SEFC Overlay Zone in its submission to, and testimony before, the Zoning Commission, but opposed proposed SEFC Overlay height and density provisions and had adopted a motion to recommend rejection of the proposed text amendments. The ANC representative also raised concerns regarding the fact that the ANC has not been consulted about plans for the signature building across from the Navy Yard Metro Station.

Robert Siegel, a Single Member District Commissioner from ANC 6-D and the Single Member District Commissioner for the area including the SEFC, provided written comments and voiced his support in favor of the petition.

No other ANC provided written comments or testimony regarding this proposal.

Diana Dascalu, the Anacostia Project Director for the Natural Resources Defense Council, voiced qualified support for the SEFC proposal. She encouraged the Commissioners to implement environmentally-friendly low-impact development, including an adequate system to keep excess stormwater off the property, and river restoration.

John Imparato, Commandant, Naval District Washington, voiced the Navy's support for and desire to participate in the project. The Navy is interested in community building and amenities such as schools, post offices, and libraries. It is also particularly concerned with security along the western boundary of the Navy Yard and discussed the idea of Navy personnel using the area. There was also a brief discussion about access to the riverwalk from the Navy Yard.

Steve McCoy, Executive Director of the Arthur Capper-Carrollsburg on the Hill Community Development Center, voiced support for the SEFC's zoning proposals because of the potential economic, employment, and business opportunities for his constituents and the area.

There was no other testimony or submissions in favor of, or opposed to, this proposal.

The Commission left open the public hearing record for the receipt of additional information from the Office of Planning and other District agencies, as well as a clarified survey of proposed zone district boundaries. In its supplemental report dated September 22, 2003, the Office of Planning noted:

- Concerns regarding the placement of zone boundary lines on the survey map prepared by GSA, noting that, for consistency, zone boundary lines should be located in the center of the street rights-of-way. OP and DDOT also provided comments on the proposed road layout as shown on the survey plan, but noted that additional review of road alignment will occur as the developer brings forward detailed plans for street openings;

- No additional comments, other than those of DDOT, had been received from other District agencies or departments.

Proposed Rulemaking

Following the public hearing, the Commission took proposed action pursuant to 11 DCMR § 3027.2 at a special meeting on October 20, 2003. Commission members present were Chairperson Carol J. Mitten, Vice Chairperson Anthony J. Hood, and Commissioners Peter May and John Parsons.

The Zoning Commission recommended a number of modifications to the proposed text, in response to concerns and issues raised at the Public Hearing and by the Office of the Corporation Counsel, including minor wording modifications for clarification, reordering of sections, refinement of text, and defining of terms. These revisions were incorporated into the Notice of Proposed Rulemaking published in the *D.C. Register* on November 28, 2003, at 50 DCR 10154.

In its Notice of Proposed Rulemaking, the Zoning Commission specifically requested 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 entirely or partially 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. The only comment regarding § 1803.13 was received on December 29, 2003 from counsel for GSA, who endorsed that section's 100% lot occupancy maximum.

Bernard H. Berne, a local resident, submitted comments on December 29, 2003 in opposition to the SEFC Overlay and recommended that the entire SEFC site be developed to the maximum permissible heights and the maximum permissible commercial densities, with certain exceptions.

The Consortium of Universities of the Washington Metropolitan Area ("Consortium") filed comments with the Office of Zoning on December 23, 2003. The Consortium recommended removal of the provision listing universities and colleges among the uses not permitted in the Overlay. The Consortium made several arguments in favor of permitting college and university

uses in the Overlay, but did not include any discussion of the parameters within which such uses should be permitted.

The proposed rulemaking was referred to the National Capital Planning Commission (NCPC) in accordance with the provisions of § 492 of the District of Columbia Home Rule Act. NCPC reviewed this proposal at its meeting of January 8, 2004, and by report dated January 8, 2004, found that the text and map amendments to create the SEFC Overlay would not adversely affect the federal interest. NCPC also recommended that it be included as a referral agency in the SEFC Overlay Zoning Commission approval process.

Final Rulemaking

The Commission took final action to adopt the rulemaking at its regularly scheduled public meeting on January 12, 2004. The rulemaking included conforming amendments to allow the use of the Zoning Commission's rules of procedure when it undertakes reviews of buildings, structures, and uses required by these rules. During the meeting, the Commission members discussed the comments from the Consortium of Universities. The Commission noted that college and university uses may be acceptable within the SEFC Overlay, provided they conform to the objectives and review standards for uses that require Zoning Commission review. At the time, however, the Commission voted to approve the map and text amendments as drafted.

Attached to the Notice of Final Rulemaking and incorporated into it are the metes and bounds descriptions of the entire SEFC Overlay and each of the zone districts within the Overlay. These descriptions are necessary because much of the land is not subdivided into squares and lots. Once the land is subdivided, the Commission anticipates that either the Petitioner or OP will offer an amendment that will describe the Overlay and its components in terms of lots and squares.

Amendments to Final Rulemaking

On January 30, 2004, the Consortium wrote to the Commission requesting immediate action to amend the SEFC Final Rulemaking to permit college or university uses as a special exception in the Overlay. In a later, March 3, 2004, letter, the Consortium stated that its January 30th letter was not a formal petition for amendment, but the Commission decided to modify the text of the Overlay to address the concerns of the Consortium and to remove any chance of misinterpretation.

The Consortium claimed that the prohibition on college and university uses was not in the originally advertised text, but appeared in the modified text on which the public hearing was based. The specific prohibitory language did not appear in the advertised text, but the actual prohibition was in place by virtue of the fact that the advertised text omitted college or university uses from its list of uses subject to Zoning Commission review. Therefore, even under the advertised text, these uses, like any other omitted uses permitted as special exceptions in the underlying zones, would not have been permitted within the SEFC Overlay.

OP prepared a report addressing the Consortium's concerns, including draft text language to permit college and university uses within clearly defined parameters. Since the final action on the Overlay had not yet been published, the Commission decided to reconsider as part of the original case an amendment to the SEFC Overlay text to permit such uses as uses permitted with Zoning Commission approval. At its public meeting on March 8, 2004, the Commission decided to adopt the text language proffered by OP. Within the SEFC/CR, SEFC/R-5-D, and SEFC/R-5-E Districts, this language permits college or university uses if approved by the Zoning Commission, subject to certain further limitations.

It appears, from the position taken by the Consortium, that there may have been some confusion as to the status in the Overlay of uses permitted as special exceptions in the underlying zones. Such uses are not permitted in the Overlay unless specifically listed as a use subject to Zoning Commission review and approval. The Commission, at the recommendation of the Office of the Corporation Counsel, added clarifying language to §§ 1803.1, 1804.1(d), and 1805.5 to remove any ambiguity in this regard.

Similarly, in order to avoid ambiguity, the Commission has deleted the prohibition on a parking lot or garage as a principal use in the SEFC/CR District, because parking lots are already prohibited in the underlying CR zone by § 602.1(j). Specifically calling out one already-prohibited use as prohibited in the Overlay could have implied that all other already-prohibited uses might be permitted, or at least treated differently in the Overlay.

The Office of the Corporation Counsel has determined that this rulemaking meets its standards of legal sufficiency and that no re-advertisement or re-publication of the proposed rule is required by virtue of the changes made.

Based on the above, the Commission finds that the proposed amendments to the Zoning Regulations are in the best interests of the District of Columbia, consistent with the purpose of the Zoning Regulations and Zoning Act, and not inconsistent with the Comprehensive Plan for the National Capital.

In consideration of the reasons set forth herein, the Zoning Commission hereby **APPROVES** the following: 1) amendments to the Zoning Map to zone the unzoned site to the CR, R-5-E, R-5-D, and W-0 Districts; 2) a text amendment to create a new SEFC Overlay District; and 3) a further map amendment to map the SEFC Overlay District over the site so as to establish a new SEFC Overlay District.

The following rulemaking action is taken:

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 § 1805.4.

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 § 1805.3.

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.

(In provisions 1 through 3 below, the language in italics is the language added by the adoption of the CG Overlay District. The language in bold and underlined is the proposed language to be added with the adoption of the SEFC Overlay District.)

1. Amend Chapter 1, § 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 16 of this Title* **or the Southeast Federal Center Overlay District established by chapter 18 of this Title**.]

3. Amend Chapter 30, Zoning Commission Rules of Practice and Procedure, as follows:

a. Section 3010.2 is amended to read as follows:

3010.2 Contested cases are adjudicatory in nature; present issues for resolution at a public hearing that potentially will affect a relatively small number of persons or properties; and involve primarily questions of fact applicable to a small number of persons or properties, while broader issues of public policy are secondary concerns. Contested cases include, without limitation, the following:

(a) Planned unit developments filed according to chapter 24 of this title;

(b) Requests for zoning map amendments filed by the property owner or owners for a single property or for multiple properties that are contiguous or are only separated by a street or alley;

(c) Applications for air space development; and

*(d) Applications for Zoning Commission review and approval pursuant to Chapter*s *16* **and 18** *of this Title.*

b. Section 3011.1 is amended to read as follows:

3011.1 As soon as an application or petition is accepted for filing by the Director of the Office of Zoning, the Director shall place a copy of the application or petition in the public record of the Commission and refer a copy to the D.C. Office of Planning for review and recommendation on whether the matter should be processed further, *except that applications for Zoning Commission review and approval filed pursuant to Chapter*s *16* **and 18** *of this Title, which are deemed complete by the Director, shall be immediately scheduled for hearing consistent with the notice provisions of this chapter.*

c. Section 3012.1 is amended to read as follows:

3012.1 As soon as an application or petition is set down for a public hearing, the matter shall be referred to the D.C. Office of Planning and any other public agencies that may be requested to provide information and assistance, depending on the nature of the case. *As soon as an application requesting Zoning Commission review and approval pursuant to Chapter 16* **or 18** *of this Title is accepted for filing by the Director of the Office of Zoning, a copy of the application shall be referred to the D.C. Office of Planning and other appropriate agencies, as well as to the National Capital Planning Commission, for review and comment.*

d. Section 3015.4 is amended to read as follows:

3015.4 When a Zoning Map amendment, planned unit development, ~~or~~ air space development, *or Zoning Commission review and approval pursuant to Chapter 16* **or 18** *of this Title* is requested by a property owner for the property owned, the applicant shall give additional notice of the public hearing by posting the property with notice of hearing at least forty (40) days in advance of the hearing.

e. Section 3022.1 is amended to read as follows:

3022.1 The procedures set forth in D.C. Official Code § 2-509 (2001), and this section shall apply to applications for a change in the Zoning Map pursuant to § 102 and to applications for planned unit developments, air space developments, and similar plan review activities of the Commission, *including those required by Chapters 16* **and 18** *of this Title,* except as otherwise provided in § 3010.7.

f. Section 3027.4 is amended to read as follows:

3027.4 The Commission need not take proposed action with respect to an application for Zoning Commission review and approval pursuant to Chapters 16 **and 18** *of this Title, but may take final action in accordance with § 3028, either at the close of the hearing or at a subsequent public meeting.*

4. 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, 771, 802, 826, 853, portions of Squares 770 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. Where there are any inconsistencies between the above description of the Overlay and the descriptions set out in the metes and bounds descriptions attached to the Notice of

Final Rulemaking published in the *D.C. Register* on JUL - 9 2004, the latter shall govern.

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 Southeast 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 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 Uses subject to special exception review in the underlying CR zone district that are not listed in § 1803.2 as being subject to Zoning Commission review and approval, are not permitted within the SEFC/CR District.

1803.2 Within the SEFC/CR District, the following buildings, structures, and uses are permitted only if reviewed and 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 five (5) years, which may be renewed by the Zoning Commission, as a principal use located at or above grade;

(p) Solid, freestanding wall and/or security gate exceeding a height of four (4) feet, including structural supports; and

(q) College or university, subject also to the regulations of § 615. For the purposes of the determination of FAR, floor area for all non-dormitory uses directly associated with "university or college" shall be considered non-residential, and not part of the retail required under § 1803.3.

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), (f), and (g);

(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 reviewed and approved 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 § 1803.3(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; and

(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 reviewed and 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 In the SEFC/CR District, the maximum permitted density shall be 6.0 FAR overall, not more than 3.0 FAR of which may be used for other than residential purposes, except that a site that is permitted a height of 130 feet is permitted a maximum non-residential 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 and approval 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 wherein 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) One-family dwelling or flat;

(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 § 1804.2;

(c) Sanitarium; and

(d) Uses subject to special exception review in the underlying R-5-D or R-5-E zone districts that are not listed in § 1804.2 as being subject to Zoning Commission review and approval.

1804.2 Within the SEFC/R-5-D and R-5-E Districts, the following buildings, structures, and uses are permitted only if reviewed and 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, or 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, for a maximum approval period of five (5) years, which may be renewed by the Zoning Commission, as a principal use, located at or above grade;

(h) Solid, freestanding wall and/or security gate exceeding a height of four (4) feet; and

(i) University or college, subject also to the regulations of § 210.

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, S.E. 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 use area 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 street wall, including building entrances, of those properties described in §§ 1804.3(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; and

(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 buildings, structures, and uses indicated in § 901.5 of this title are permitted. Any use not described in § 901.5, or that is not made subject to Zoning Commission review pursuant to § 1805.6, is not permitted within the SEFC/W-0 District.

1805.6 Within the SEFC/W-0 Open Space Area, only the following buildings, structures, and uses are permitted if reviewed and approved by the Zoning Commission, in accordance with the standards specified in § 927 and procedures specified in § 928 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 (4) feet, not including structural supports;

(e) Marina, not including floating homes;

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

(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 single 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 § 927 and procedures specified in § 928 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's studio;

(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) Fishmonger;

(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 store;

(jj) Interior decorating shop;

(kk) Jewelry store;

(ll) Leather goods store;

(mm) Legitimate theatre;

(nn) Locksmith;

(oo) Music store;

(pp) Musical instruments store;

(qq) Newsstand;

(rr) Notions/novelties store;

(ss) Office supplies and equipment sales;

(tt) Off-premises alcohol sales;

(uu) Optical goods store;

(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 sales;

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

(ggg) Second-hand store or consignment shop;

(hhh) Shoe store;

(iii) Sporting goods store;

(jjj) Stationery store;

(kkk) Tailor/dressmaker;

(lll) Ticket office;

(mmm) Tobacco products store;

(nnn) Toy store;

(ooo) Travel agency;

(ppp) Variety store;

(qqq) Video or DVD sales/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 that provide 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 that promote the achievement of sustainable development goals;

(c) Facade 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 § 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(h) and 1803.7, and in the SEFC/W-0 District in accordance with §§ 1805.7 and 1805.8.

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 Attorney General 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.

At a special public meeting on October 20, 2003, the Zoning Commission voted 4-0-1 to APPROVE the proposed rulemaking (John G. Parsons, Anthony J. Hood, Carol J. Mitten, and Peter G. May to approve; James H. Hannaham, not present, not voting).

At a public meeting on January 12, 2004, the Zoning Commission voted 4-0-1(John G. Parsons, Anthony J. Hood, Carol J. Mitten, and Peter G. May to approve; James H. Hannaham, not present, not voting) to take final rulemaking action and amended that final action at a public meeting on March 8, 2004 by a vote of 4-0-1 (Anthony J. Hood, Carol J. Mitten, and Kevin L. Hildebrand to approve; John G. Parsons to approve by absentee ballot; James H. Hannaham, not present, not voting).

In accordance with the provisions of 11 DCMR § 3028.9, this order shall become effective upon publication in the *D.C. Register*; that is, on _____.

A MORTON THOMAS AND ASSOCIATES, INC.
CONSULTING ENGINEERS

ESTABLISHED 1955

99-0249.55
March 20, 2003
Revised: August 14, 2000

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

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12750 TWINBROOK PARKWAY ROCKVILLE, MARYLAND 20852-1700

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, 111.49 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

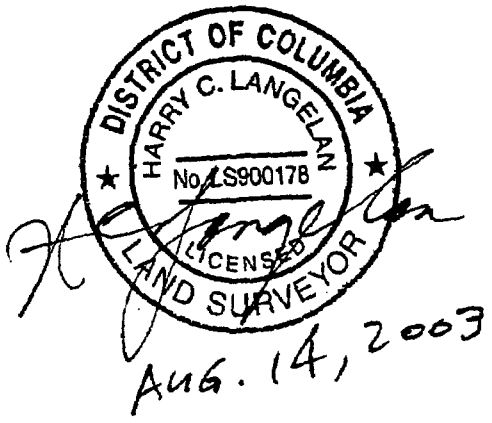
19) **Due EAST, 234.86 feet;** thence

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.



Aug. 14, 2003

A MORTON THOMAS AND ASSOCIATES, INC.
CONSULTING ENGINEERS

ESTABLISHED 1955

99-0249.55
August 14, 2003

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. (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

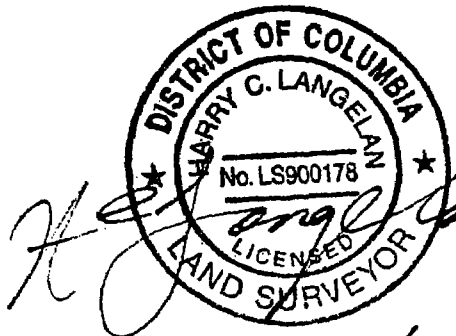
5) **Due SOUTH, 359.70 feet** to intersect the centerline of N Place, S.E. (60 feet wide); thence departing Canal Street, S.E. and running with said centerline of N Place, S.E.

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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.**



AUG. 14, 2003

AMT

A MORTON THOMAS AND ASSOCIATES, INC.
CONSULTING ENGINEERS

ESTABLISHED 1955

99-0249.55
August 14, 2003

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

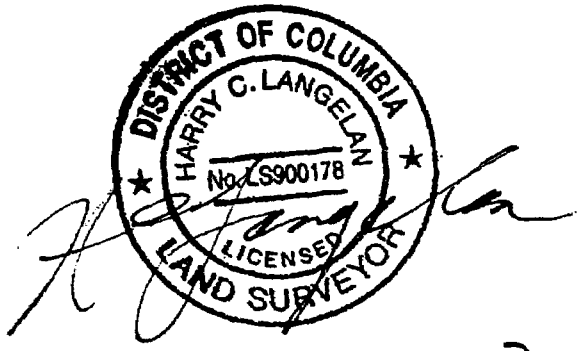
7) **Due WEST, 702.84 feet;** thence

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12750 TWINBROOK PARKWAY ROCKVILLE, MARYLAND 20852-1700

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.



Aug. 14, 2003

A. Morton Thomas and Associates, Inc.
Consulting Engineers

99-0249.55
August 14, 2003
Revised January 12, 2004

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, 115.99 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 **108,235 square feet** or **2.48 acres** of land, more or less.

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A MORTON THOMAS AND ASSOCIATES, INC.
CONSULTING ENGINEERS

ESTABLISHED 1955

99-0249.55
August 14, 2003

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

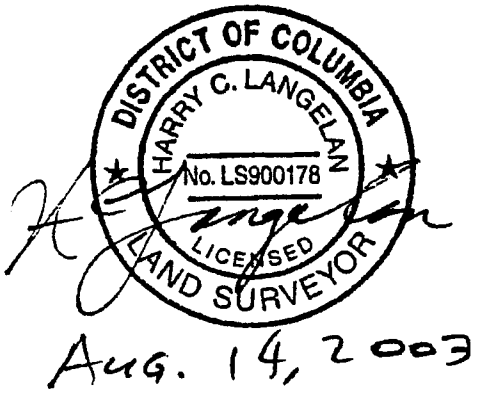
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12750 TWINBROOK PARKWAY ROCKVILLE, MARYLAND 20852-1700

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.



Aug. 14, 2003

AMT

A MORTON THOMAS AND ASSOCIATES, INC.
CONSULTING ENGINEERS
ESTABLISHED 1955

99-0249.55
August 14, 2003

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-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 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 of the 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.

DISTRICT OF COLUMBIA
HARRY C. LANGELAN
No. LS900178
LICENSED
LAND SURVEYOR
AUG. 14
2003

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12750 TWINBROOK PARKWAY ROCKVILLE, MARYLAND 20852-1700

A. Morton Thomas and Associates, Inc.
Consulting Engineers

99-0249.55
August 14, 2003
Revised January 12, 2004

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

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12750 TWINBROOK PARKWAY ROCKVILLE, MARYLAND 20852-1700

8) **Due SOUTH, 129.15 feet** to the established north Bulkhead Line of the Anacostia River; thence departing Washington Navy Yard and running with said Bulkhead 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

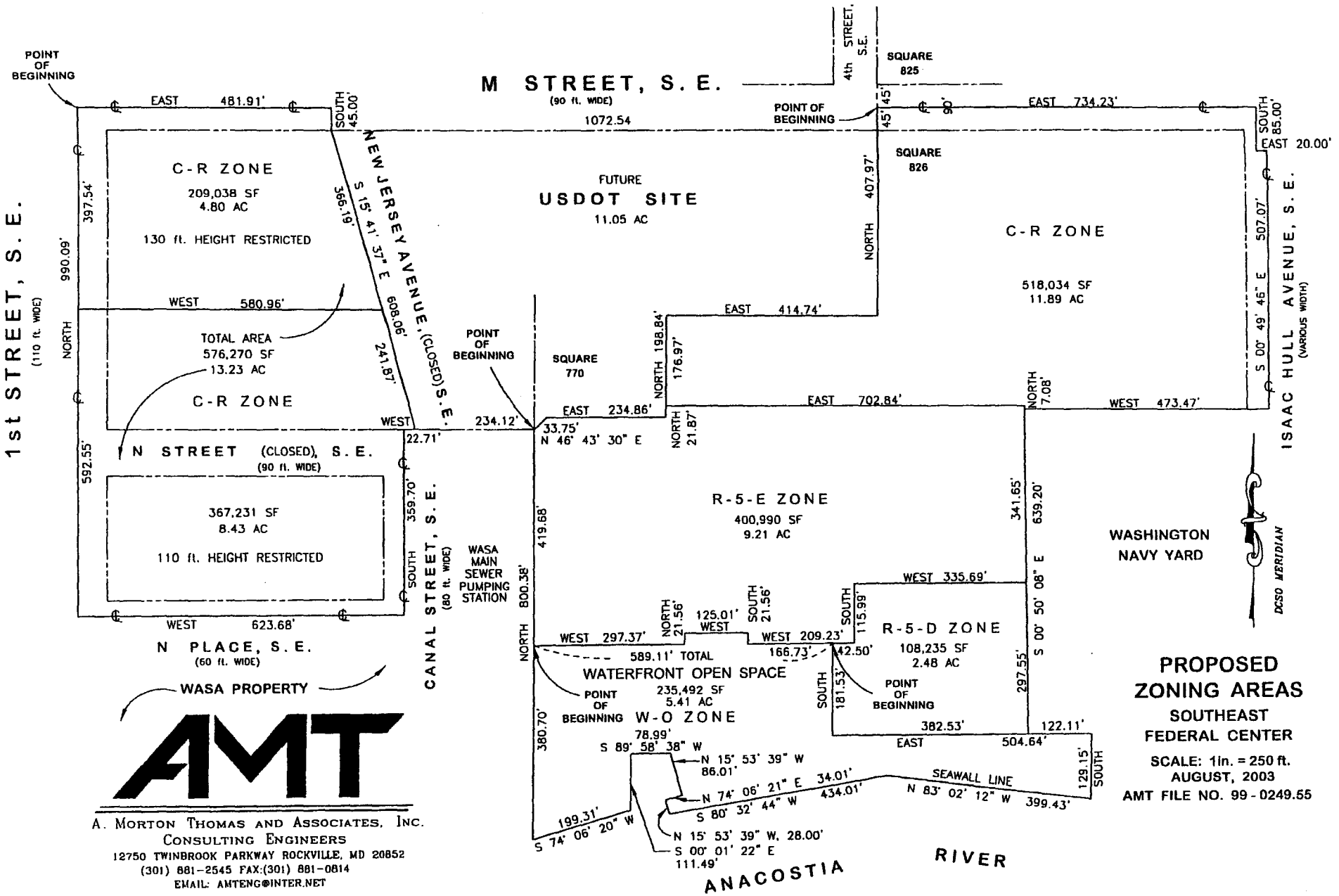
13) **North 15° 53' 39" West, 86.01 feet;** thence

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 Bulkhead 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 **235,492 square feet** or **5.41 acres** of land, more or less.



PROPOSED ZONING AREAS

SOUTHEAST FEDERAL CENTER

SCALE: 1in. = 250 ft.
AUGUST, 2003
AMT FILE NO. 99-0249.55

AMT

A. MORTON THOMAS AND ASSOCIATES, INC.
CONSULTING ENGINEERS
12750 TWINBROOK PARKWAY ROCKVILLE, MD 20852
(301) 881-2545 FAX:(301) 881-0814
EMAIL: AMTENG@INTER.NET

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF FINAL RULEMAKING
and
ORDER NO. 03-06
ZC Case No. 03-06
(Text and Map Amendments – 11 DCMR)
(Map Amendment & Southeast Federal Center Overlay District)
March 8, 2004

The full text of this Zoning Commission order is published in the "Final Rulemaking" section of this edition of the *D.C. Register*.