Government of the District of Columbia
Office of Zoning

Z.C. CASE NO.: 04-02

As Secretary to the Zoning Commission, I herby certify that on APR 16 2004 copies of this Z.C. Notice of Public Hearing were mailed first class, postage prepaid or sent by inter-office government mail to the following:

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ZONING COMMISSION
District of Columbia

CASE NO. 04-02
EXHIBIT NO. 5

ZONING COMMISSION
District of Columbia
CASE NO.04-02
EXHIBIT NO.5

16. Ken Laden, DDOT

17. Zoning Administrator

18. Corporation Counsel

19. 30 copies to MLK Library
(Sheryl D. Thorpe)

ATTESTED BY: _____
Alberto P. Bastida, AICP
Secretary to the Zoning Commission

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF PUBLIC HEARING

TIME AND PLACE: **Thursday, June 17, 2004 @ 6:30 P.M.**
Office of Zoning Hearing Room
441 4th Street, N.W. - Suite 220
Washington, D.C. 20001

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

Case No. 04-02 (Map and Text Amendment – East M Street SE, Capital Gateway Overlay II)

THIS CASE IS OF INTEREST TO ANC 6B:

On January 6, 2004, the Office of Zoning received a request from the Office of Planning requesting a map and text amendment. This case was set down for hearing on February 6, 2004. The Office of Planning's report constituted its prehearing statement.

The area subject to this application, referred to as the East M Street area, as noted in the Office of Planning report includes Squares 1000, 1001S, 1024, 1025E, 1048, 1048S, 1067, and 1080; portions of Squares 1025, 1025S, 1079SE, 1080E and 1080S. Subsequent to the report, Squares 1079SE, 1080E and 1080S were removed from the application, as they were positively determined to be National Park Service (NPS) lands not subject to zoning. This area is referred to as the **East M Street CG Overlay II area**.

Within this area, the Office of Planning proposes to:

1. Rezone the subject properties from M, C-M-1 and C-M-2 to W-3 (lands originally proposed to be rezoned to W-0 have been removed from the application as they are NPS lands not subject to zoning);

2. In the alternative, the Zoning Commission is advertising the rezoning of Squares 1025S, 1025E, and 1048S from M to W-2; and

3. Map the Capital Gateway (CG) Overlay District to the East M Street CG Overlay II area, and

4. Amend the CG Overlay District as it would apply to the East M Street CG Overlay II area only, to:

    (a) Require Zoning Commission review of land within the CG/W-3 District;

(b) Limit CG/W-3 density and height to that permitted under the base zone;

(c) Note that specific requirements of the CG Overlay District for M Street SE, including one related to setback, preferred retail, and parking access, do not apply within the East M Street CG Overlay II portion of the Overlay; and

(d) Encourage retail and other active uses along Virginia Avenue SE.

The Office of Planning also proposes to amend the text of the CG Overlay District, as it would apply to all lands within the Overlay, including the aforementioned East M Street CG Overlay II portion, to:

1. Establish a minimum floor to ceiling height of 14' for required areas of preferred retail uses.

The existing M District permits development of general industry uses to a maximum FAR of 6.0, and a maximum height of 90 feet.

The existing C-M-1 District permits development of low bulk commercial and light manufacturing uses to a maximum FAR of 3.0, and a maximum height of 40 feet with standards of external effects; new residential uses are prohibited.

The existing C-M-2 District permits development of low bulk commercial and light manufacturing uses to a maximum FAR of 4.0, and a maximum height of 60 feet with standards of external effects; new residential uses are prohibited.

The proposed W-3 District permits development of high density mixed residential-commercial uses to a maximum FAR of 6.0, and a maximum height of 90 feet.

The proposed W-2 District permits development of medium density mixed residential-commercial uses to a maximum FAR of 4.0, and a maximum height of 60 feet.

The proposed language to amend the Capital Gateway Overlay District within **Chapter 16, CAPITOL GATEWAY OVERLAY DISTRICT** of the Zoning Regulations is as follows (proposed new text in **bold**):

1. In Section 1600 Preamble, add a new subsection 1600.2 as follows and renumber subsequent subsections accordingly:

"1600.2 The CG Overlay District is also applied to the East M Street Area, referred to as GC Overlay District II. The following squares and portions of squares in the Southeast quadrant of the District of Columbia are included in the East M Street CG Overlay II area: Squares 1000, 1001S, 1024, Squares 1025 (lots 811, 812 and 813); 1025E; 1025S (lot 11); 1048; 1048S; 1067; and 1080."

2. In Section 1600 Preamble, amend renumbered subsection 1600.3, to add a new purpose statement as follows:

> **"(f) Provide for the development of Virginia Avenue S.E., within the East M Street CG Overlay II portion of the CG Overlay District, as a gateway to the river with an active mix of uses such as retail, service, entertainment, cultural and hotel or inn uses, and a strong connection to the waterfront park and Riverwalk."**

3. In Section 1600 Preamble, amend renumbered subsection 1600.4 to read as follows: (proposed new text in **bold**):

> 1600.~~3~~4 The CG Overlay District and the underlying CR, W-1, W-2, W-3, and C-3-C Districts shall constitute the Zoning Regulations for the geographic area referred to in §§1600.1 **and 1600.2**. Where there are conflicts between this chapter and the underlying zoning, the provisions of the CG Overlay District shall govern.

4. In Section 1601 Bonus Density and Height, amend subsection 1601.2 to read as follows:

> "1601.2 In the CG/CR and CG/W-3 districts, a building or combined lot development shall be allowed a maximum density of 7.0 FAR; Provided that the additional 1.0 FAR in excess of the matter-of-right maximum of 6.0 FAR shall be devoted solely to residential uses. **This bonus density provision shall not apply to CG/W-3 area within the East M Street CG Overlay II, described in §1600.2."**

5. Amend the title of Section 1604 Zoning Commission Review Of Buildings And Structures On M Street, S.E. to read as follows:

> 1604 ZONING COMMISSION REVIEW OF BUILDINGS AND STRUCTURES ON M STREET, S.E. **BETWEEN SOUTH CAPITOL STREET AND 4TH STREET, S.E."**

6. In Section 1604 Zoning Commission Review Of Buildings And Structures On M Street, S.E., Amend subsection 1604.4 to read as the follows:

> "1604.4 Each new building shall devote not less than fifty percent (35%) of the gross floor area of the ground floor to retail, service, entertainment or arts uses ("preferred uses") as permitted in §§701.1 through 701.5 and §§721.1 through 721.6 of this title; Provided, that the following uses shall not be permitted: automobile laundry, drive through accessory to any use, gasoline service stations, and office uses (other than those accessory to the administration, maintenance, or leasing of the building). Such preferred uses shall occupy 100% of the building's street frontage along M Street, except for space devoted to building entrances or required to be devoted to fire control. **The minimum floor to ceiling height for portions of the ground floor level devoted to such preferred uses shall be fourteen (14) feet."**

7. Add a new section 1605 as follows:

"1605 ZONING COMMISSION REVIEW OF BUILDINGS, STRUCTURES AND USES IN THE CG/W-3 DISTRICT

1605.1 Within the East M Street CG Overlay II, as described in §1600.2, all proposed uses, buildings, and structures in the CG/W-3 District, or any proposed exterior renovation to any existing buildings or structures in the CG/W-3 District that would result in an alteration of the exterior design, shall be subject to review and approval by the Zoning Commission.

1605.2 In addition to proving that the proposed use, building or structure meets the standards set forth in § 3104, the applicant shall further demonstrate that the use, building or structure:

(a) Will help achieve the desired mixture of uses in the CG Overlay District as set forth in §§ 1600.2(a) and (b), with the identified preferred uses specifically being residential, hotel or inn, cultural, entertainment, retail or service uses; and

(b) In the case of waterfront lots, provides suitably designed public open space along the waterfront, as specified in § 1603.3.

1605.3 With respect to a building or structure to be constructed on a lot that faces or abuts the Anacostia River:

(a) The building or structure shall be set back by no less than seventy-five (75) feet, unless the Commission finds that such setback creates an undue economic hardship for the owner of the lot and in no case less than fifty (50) feet from the bulkhead.

(b) The application shall include a plan for suitable open space treatment of the setback area for such uses as walkway and bikeway, passive or active recreational use, and including provisions assuring private maintenance of the space, convenient and permanent public access to the space, and suitable connections to adjacent public space along the waterfront.

1605.4 With respect to all applications, the proposed building or structure shall be designed with a height, bulk and siting so as to provide for openness of views and vistas to and from the waterfront and, where practical, maintain views of federal monumental buildings.

1605.5 The Commission may hear and decide any additional requests for special exception or variance relief needed for the subject property. Such requests shall be advertised, heard, and decided together with the application for Zoning Commission review and approval.

1605.6 At the time of filing an application with the Commission, the applicant shall pay the filing fee specified in § 3180.1(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."

8. Renumber existing sections 1605 and 1606 to new sections 1606 and 1607 respectively.

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

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

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

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

CAROL J. MITTEN, ANTHONY J. HOOD, JOHN G. PARSONS, KEVIN L. HILDEBRAND AND GREGORY N. JEFFRIES, ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA, BY JERRILY R. KRESS, FAIA, DIRECTOR, AND BY ALBERTO P. BASTIDA, AICP, SECRETARY TO THE ZONING COMMISSION.