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12:50 PM

ZONING COMMISSION
District of Columbia
CASE NO. 14-05
EXHIBIT NO. 30

ZONING COMMISSION
District of Columbia
CASE NO.14-05
EXHIBIT NO.30

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA

NOTICE OF PROPOSED RULEMAKING

Z.C. Case No. 14-05

(Text Amendment – 11 DCMR)

(Text Amendments to the Yards West)

The Zoning Commission for the District of Columbia, pursuant to its authority under § 1 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat 797, as amended; D.C. Official Code § 6-641.01 (2012 Repl)), hereby gives notice of its intent to amend § 1803 of Chapter 18 (Southeast Federal Center Overlay District) of Title 11 (Zoning) of the District of Columbia Municipal Regulations (DCMR)

The proposed text amendments would allow for additional height, density, and flexibility intended to encourage residential development in the Yards West portion of the Southeast Federal Center Overlay District (SEFC)/CR Zone District. The proposed amendments would also require that buildings utilizing additional height and density devote a minimum of eight percent (8%) of the additional density gained to three (3)-bedroom units, based on issues raised by ANC 6D. In addition, the amendments would require the petitioner, as part of the Zoning Commission's review of each proposed building on Parcel A, to demonstrate proactive engagement with the Washington Metrorail Area Transit Authority to accommodate the design of a public entrance to the Navy Yard Metrorail Station on that parcel.

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

The following amendments to the Zoning Regulations are proposed:

Chapter 18, SOUTHEAST FEDERAL CENTER OVERLAY DISTRICT, § 1803, SEFC/CR ZONING DISTRICT, is amended as follows:

Subsection 1803.3 is amended by adding a new paragraph (i) so that the entire subsection reads as follows:

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 N Street, S E shall provide preferred uses comprising a minimum of seventy-five percent (75%) of the frontage on M Street, S.E. or N Street, S E and a minimum of seventy-five percent (75%) of that portion of the gross floor area of the ground floor within a depth of fifty feet (50 ft.) from the exterior façade of the front of building, not including parking, parking access, mechanical and fire control rooms, and other non-public spaces. This requirement shall not apply to (i) 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 or (11) any addition to a building with frontage on M Street, S E. or N Street, S E. if the addition to such building has no frontage on such streets but, as allowed pursuant to § 1803 3(b) below, preferred uses may be provided on the ground floor level of such buildings;

- (b) In addition to the locations in which preferred uses are required pursuant to §1803 3(a), preferred uses may be provided on the ground floor level of buildings in other areas within the SEFC/CR District, but are not required. If provided, such preferred use area shall not be required to 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 building frontages described in § 1803 3(a), 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 fourteen feet (14 ft.);
- (h) Ground floor area required for preferred uses may not be transferred to any other lot through combined lot development, and
- (i) Changes to the type, amount, and location of preferred uses required under § 1803 3(a) shall be permitted if reviewed and approved by the Commission in accordance with the standards specified in § 1808 and procedures specified in § 1809.

Subsection 1803.5 is amended by including within a new paragraph (a) the existing exception to the SEFC/CR District height limit and establishing a second exception within a new paragraph (b), so that the entire subsection reads as follows:

- 1803 5 The maximum building height in the SEFC/CR District shall not exceed one hundred ten feet (110 ft.), except as set forth below
- (a) For sites with frontage on any portion of New Jersey Avenue, S E. that is south of and within three hundred twenty-two feet (322 ft.) of M Street, S E , a maximum height of one hundred thirty feet (130 ft.) is permitted, and
 - (b) For sites within Parcels A, F, G, or H utilizing the bonus density permitted pursuant to § 1803.7(b), the maximum permitted building height shall be that permitted by the Act to Regulate the Height of Buildings in the District of Columbia, approved June 1, 1910

Subsection 1803.7 is amended to allow a 1.0 FAR bonus for residential uses on certain parcels within the SEFC/CR District and § 1803.8 is amended to require Zoning Commission design review for any property utilizing bonus height and density for residential use, and to specify certain additional standards for such review, so that both subsections will read as follows:

- 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 as set forth below.
- (a) A site that is permitted a height of one hundred thirty feet (130 ft) pursuant to § 1803 5(a) is permitted a maximum non-residential density of 6 5 FAR through combined lot development, in accordance with the provisions outlined in § 1810; and
 - (b) A building within Parcels A, F, G, H, and I shall be permitted a maximum density of 7.0 FAR, provided that the additional 1 0 FAR is devoted solely to residential uses, which for purposes of this subsection does not include a hotel
- 1803 8 Any proposed building that has frontage along M Street, S E or utilizes additional height and density pursuant to §§ 1803.5(b) and 1803 7(b) shall be subject to review and approval by the Commission. An applicant requesting approval under this section must prove that the architectural design, site plan, landscaping, and sidewalk treatment of the proposed building

- (a) Accommodates the design of a public entrance to the Navy Yard Metrorail Station on Parcel A. The applicant shall demonstrate proactive engagement with the Washington Metrorail Area Transit Authority (WMATA) in the planning and design of Parcel A as a part of the above design review as set forth below
 - (i) If the applicant moves forward with the design of Parcel A before WMATA is ready to construct the third entrance, the applicant shall demonstrate that it has coordinated with WMATA to determine how to ensure that the design of Parcel A accommodates the planned entrance, and
 - (ii) If WMATA moves forward with the construction of the third entrance before the applicant is ready to develop Parcel A, the applicant shall demonstrate that it has coordinated with WMATA to integrate the entrance into the design of Parcel A,
- (b) Ensures the provision of 1½ Street, S E and N Street, S E as open and uncovered multimodal circulation routes,
- (c) Are of superior quality, pursuant to the standards set forth in § 1808 and procedures set forth in § 1809, and
- (d) Devotes a minimum of eight percent (8%) of the additional density gained pursuant to § 1803 7(b) to three (3)-bedroom units, provided that such units may be located anywhere within the residential building. The reduction or elimination of this requirement may be permitted by the Commission upon a showing by the applicant that exceptional circumstances affecting the property make compliance with this requirement difficult or impossible.

All persons desiring to comment on the subject matter of this proposed rulemaking action should file comments in writing no later than thirty (30) days after the date of publication of this notice in the *D.C. Register*. Comments should be filed with Sharon Schellin, Secretary to the Zoning Commission, Office of Zoning, 441 4th Street, N W., Suite 200-S, Washington, D.C 20001. Ms. Schellin may also be contacted by telephone at (202) 727-6311 or by email at Sharon.Schellin@dc.gov. Copies of this proposed rulemaking action may be obtained at cost by writing to the above address.