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Executive Director

Marcel C. Acosta

IN REPLY REFER TO:
NCPC FILE No ZC 14-05

MAR 10 2015

Zoning Commission of the
District of Columbia
2nd Floor, Suite 210
441 4th Street NW
Washington, DC 20001

Members of the Commission.

Pursuant to delegations of authority adopted by the Commission on August 6,

1999, I found that the proposed text amendment to the Zoning Regulations.

Chapter 18, Sections 1803.3, 1803.5, 1803.7, 1803.8, to allow additional future
development flexibility (heights, densities, and uses) on Parcels A, F, G, H, and I

in the Southeast Federal Center Overlay/Mixed Use Commercial Residential

District, would not be inconsistent with the Comprehensive Plan for the National

Capital. A copy of the Delegated Action of the Executive Director is enclosed.

Sincerely,

Marcel C. Acosta
Executive Director

Enclosure

cc: Eric Shaw, Acting Director, DC Office of Planning
Anthony Hood, Chairman, Zoning Commission

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ZONING COMMISSION
District of Columbia

CASE NO. 14-05

EXHIBIT NO. 31

ZONING COMMISSION
District of Columbia
CASE NO. 14-05
EXHIBIT NO. 31



Delegated Action of the Executive Director

PROJECT

Text Amendment Related to Residential Development within the SEFC/CR Overlay District (Forest City Washington) Washington, DC

NCPC FILE NUMBER

ZC 14-05

NCPC MAP FILE NUMBER

41 11(06 00)44051

REFERRED BY

Zoning Commission of the District of Columbia

DETERMINATION

Approval of report to the Zoning Commission of the District of Columbia

REVIEW AUTHORITY

Advisory

per 40 U S C § 8724(a) and DC Code § 2-1006(a)

The Zoning Commission of the District of Columbia has taken a proposed action to amend the text of the Zoning Regulations to allow greater development flexibility within the western portion of The Yards (Southeast Federal Center Overlay/Mixed Use Commercial Residential) district. The petition was filed by Forest City, LLC as the master planner for the district, which is located on land previously owned by the federal government as the Southeast Federal Center. The amendment will adjust the Southeast Federal Center Overlay's code to enable development that is more responsive to the current local real estate market along M Street. The Overlay District was established prior to the construction of Nationals Park (2006-2008), at a time when local real estate demand for higher density development was significantly less than present-day conditions.

The creation of the Southeast Federal Center Overlay (SEFC) zone district was the result of a GSA petition that requested the Zoning Commission establish zoning for the formerly un-zoned and federally-owned property for the purposes of encouraging non-governmental uses, including residential and retail. The action by the Zoning Commission to establish the SEFC zone district allows and encourages the development of a mixed-use, waterfront neighborhood to include residential and commercial uses, together with a large waterfront park and open space. The SEFC zone district was adopted by the Zoning Commission and became effective on July 9, 2004 (ZC Order 03-06). The zone district was amended on May 16, 2008 (ZC Order 07-11), November 13, 2009 (ZC Order 09-09) and September 12, 2011 (ZC Order 11-05).

The amendment will allow increased height and density to encourage residential development on parcels A, F, G, H and I, as well as flexibility from the ground floor preferred use requirements with approval from the Zoning Commission. Additional changes suggested by the District Office of Planning (DCOP) are intended to ensure preservation of circulation connections between Parcels F and G, and well as H and I, as well as the provision of an entrance to the Navy Yard Metrorail Station. As indicated in the Pre-Hearing statement, the Applicant is amenable to the DCOP requests. The proposed text amendment is shown in the following excerpts from a DCOP memorandum (dated October 6, 2014) to the District of Columbia Zoning Commission:

The proposed amendments to the Zoning Regulations, Title 11 DCMR, are as follow:

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

- 1 Amend § 1803.3 by adding a new subsection 1803.3(i), authorizing deviations from ground-floor preferred use requirements with Zoning Commission approval

1803.3 Within the SEFC/CR District, "preferred uses" listed in § 1807.2 of this Title shall be permitted in accordance with the following:

- (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 Zoning Commission in accordance with the standards specified in § 1808 and procedures specified in § 1809.

- 2 Amend § 1803.5 to allow for height permitted by the 1910 Height Act for certain parcels within the SEFC/CR Zone District that utilizes the residential density bonus in the SEFC/CR Zone District

1803.5 The maximum building height in the SEFC/CR District shall not exceed 110 feet, except as set forth below

- (a) ~~unless the For sites with~~ 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

- (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.

- 3 Amend § 1803.7 to allow a 1.0 FAR bonus for residential uses on certain parcels within the SEFC/CR Zone District

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) ~~That a~~ A site that is permitted a height of 130 feet 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.

- (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.

- 4 *Amend § 1803.8 to require Zoning Commission design review for any property utilizing bonus height and density for residential use, and specify certain additional standards for such review*

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 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

- (a) Facilitate the provision of a public entrance to the Navy Yard Metrorail Station;
- (b) Ensure the provision of 1½ Street SE and N Street SE as open and uncovered multimodal circulation routes; and
- (c) Are of superior quality, pursuant to the standards set forth in § 1808 and procedures set forth in § 1809

The SEFC/CR zone allows for a mix of uses, including commercial and residential uses, and additional development density will enable future development that is similar in scale to other nearby properties along M Street and within the vicinity of the Washington Nationals Ballpark. The proposal will change the maximum allowable building heights and Floor-to-Area Ratios as applied to Parcels A, F, G, H, and I, with maximum height increases from 110 to 130 feet for Parcels F, G, and H.

Matter of Right and Proposed Height and Density for Yards West				
Parcel	Current MOR Height	Proposed Height	Current MOR FAR	Proposed FAR (residential bonus)
A	130 feet	130 feet	6.5	7.0
F	110 feet	130 feet	6.0	7.0
G	110 feet	130 feet	6.0	7.0
H	110 feet	130 feet	6.0	7.0
I	110 feet	110 feet	6.0	7.0

NCPC staff reviewed the proposal against the Southeast Federal Center Master Plan, Comprehensive Plan for the National Capital, and the Height of Buildings Act of 1910 (also known as the 1910 Height Act), and determined that the text amendment will not adversely impact the federal interest. The allowable development under the proposal would not be inconsistent with the Comprehensive Plan for the National Capital, and the proposed maximum building height (130 feet) is consistent with the 160-foot historic right-of-way (ROW) width for New Jersey Avenue (fronting along Parcel G) and 110-foot historic ROW width for First Street, which fronts Parcels G and H.

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Pursuant to delegations of authority adopted by the Commission on August 6, 1999 and 40 U S C § 8724(a) and DC Code § 2-1006(a), I find that the proposed text amendment to the Zoning Regulations: Chapter 18, Sections 1803.3, 1803 5, 1803 7, 1803.8, to allow additional future development flexibility (heights, densities, and uses) on Parcels A, F, G, H, and I in the Southeast Federal Center Overlay/Mixed Use Commercial Residential District would not be inconsistent with the Comprehensive Plan for the National Capital



Marcel Acosta
Executive Director

2/27/15

[Date]