

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**  
**Zoning Commission**



March 31, 2014

ANC 6D  
1101 4<sup>th</sup> Street, SW: Suite W 130  
Washington, DC 20024

Commissioner David Garber  
ANC/SMD 6D07  
[6D07@anc.dc.gov](mailto:6D07@anc.dc.gov)

**Re: Notice of Receipt of Z.C. Case No. 14-05 (Forest City Washington – Text Amendment to § 1803 of the Zoning Regulations)**

Dear ANC Chair & ANC/SMD Commissioner:

Pursuant to D.C. Official Code § 1-309.10 (b), the Zoning Commission for the District of Columbia hereby gives you notice of the receipt of a petition from Forest City Washington (the “Petitioner”) for approval of a text amendment to the Zoning Regulations at § 1803 for the western portion of The Yards development.

Pursuant to D.C. Official Code § 1-309.10(d)(2), the Zoning Commission must wait thirty days, excluding Saturdays, Sundays, and holidays before it can make its decision on this petition. However, as a practical matter, the Commission cannot make a decision that soon, because it must first hold a public hearing and the National Capitol Planning Commission is thereafter given thirty days to review the petition.

You will also receive notice of the hearing date at least 40 calendar days in advance. If your ANC wishes to participate, then the written report must be received no later than seven days prior to the hearing date and contain the information required by 11 DCMR § 3012.5. Form 129 – Advisory Neighborhood Commission (ANC) Report, which is attached for your convenience, is the preferred mechanism to complete this Report. In the alternative, you can review § 3012.5, which states the required information for the written report, a copy of which is included at the bottom of this letter. Any written report received prior to the close of the record in this case that contains that information will be given “great weight”.

Great weight does not mean that the Zoning Commission must defer to an ANC’s view, but instead requires acknowledgement of the ANC as the source of the recommendations and explicit reference to each of the ANC’s issues and concerns. It is therefore important that the written report not only indicate whether the ANC supports or opposes the application, but that it also identify each issue and concern that led to the recommendation made.

**ZONING COMMISSION**  
**District of Columbia**

Telephone: (202) 727-6311

441 4<sup>th</sup> Street, N.W., Suite 200-S, Washington, D.C. 20001  
Facsimile: (202) 727-6072

E-Mail: [dcoz@dc.gov](mailto:dcoz@dc.gov)

CASE NO. 14-05  
**ZONING COMMISSION**  
Web Site: [www.dcoz.dc.gov](http://www.dcoz.dc.gov)  
**EXHIBIT NO.** 6  
CASE NO. 14-05  
EXHIBIT NO. 6

If you have any questions, please do not hesitate to contact me at (202) 7-311.

Sincerely,



Sharon S. Schellin  
Secretary to the Zoning Commission  
Attachment

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## 11 DCMR 3012.5

3012.5 If an Advisory Neighborhood Commission (ANC) wishes to participate in a contested case under § 3022, the ANC shall file a written report with the Zoning Commission at least seven (7) days in advance of the hearing. In a rulemaking under § 3021, there shall be no filing deadline as long as the record in that case is open. All written reports shall contain the following:

- (a) An identification of the application or petition;
- (b) When the public meeting of the ANC to consider the application or petition was held;
- (c) Whether proper notice of that meeting was given by the ANC;
- (d) The number of members of the ANC that constitute a quorum and the number of members present at the meeting;
- (e) The issues and concerns of the ANC about the application or petition, as related to the standards against which the application or petition shall be judged;
- (f) The recommendation, if any, of the ANC as to the disposition of the application or petition;
- (g) The vote on the motion to adopt the report to the Commission;
- (h) The name of the person who is authorized by the ANC to present the report; and
- (i) The signature of the ANC chairperson or vice-chairperson.

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA**  
**NOTICE OF FILING**  
**Z.C. Case No. 14-05**  
**(Forest City Washington – Text Amendment to § 1803 of the Zoning Regulations)**  
**March 31, 2014**

**THIS CASE IS OF INTEREST TO ANC 6D**

On March 27, 2014, the Office of Zoning received a petition from Forest City Washington (the “Petitioner”) to amend § 1803 of the Zoning Regulations in order to permit more density and height for the western portion of The Yards development (“Yards West”).

Yards West, the property that is the subject of this petition, consists of Parcel A, which fronts on M Street, S.E., and Parcels F, G, H, and I, which are south of Parcel A and between 1<sup>st</sup> Street, S.E. and Canal Street SE. The property is zoned SEFC/CR Zone District.

The SEFC Overlay predates the approval of the Ballpark and the CG Overlay, so the SEFC Overlay permits less height and density than is permitted on neighboring properties. The Applicant proposes amendments to the SEFC Overlay as follows:

Section 1803.7(b): Permit a 1.0 floor area ratio (“FAR”) bonus for residential use in the SEFC/CR Zone District;

Section 1803.5(b): Allow a height permitted by the 1910 Height Act for any property that utilizes the residential bonus density described above;

Section 1803.8: Require Zoning Commission design review for any property utilizing bonus height and density for residential use; and

Section 1803.3(i): Authorize deviations from the ground-floor preferred use requirements only after approval from the Zoning Commission.

For additional information, please contact Sharon S. Schellin, Secretary to the Zoning Commission at (202) 727-6311.



**FORM 129 – ADVISORY NEIGHBORHOOD COMMISSION (ANC) REPORT**

**Before completing this form, please review the instructions on the reverse side.**

Pursuant to §§ 3012.5 and 3115.1 of Title 11 DCMR Zoning Regulations, the written report of the Advisory Neighborhood Commission (ANC) shall contain the following information:

**IDENTIFICATION OF APPEAL, PETITION, OR APPLICATION:**

Case No.:		Case Name:	
Address or Square/Lot(s) of Property:			
Relief Requested:			

### ANC MEETING INFORMATION

Date of ANC Public Meeting:		/		/		Was proper notice given?:	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
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Description of how notice was given:	
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Number of members that constitutes a quorum:		Number of members present at the meeting:	
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## MATERIAL SUBSTANCE

The issues and concerns of the ANC about the appeal, petition, or application as related to the standards of the Zoning Regulations against which the appeal, petition, or application must be judged (*a separate sheet of paper may be used*):

The recommendation, if any, of the ANC as to the disposition of the appeal, petition, or application (*a separate sheet of paper may be used*):

## AUTHORIZATION

ANC		Recorded vote on the motion to adopt the report (i.e. 4-1-1):	
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Name of the person authorized by the ANC to present the report:

Name of the Chairperson or Vice-Chairperson authorized to sign the report:

Signature of Chairperson/ Vice-Chairperson:		Date:	
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**ANY APPLICATION THAT IS FOUND TO BE INCOMPLETE MAY NOT BE ACCORDED "GREAT WEIGHT" PURSUANT TO 11 DCMR §§ 3012 AND 3115.**

**INSTRUCTIONS**

Pursuant to 11 DCMR §§ 3012.6 and 3115.2, the Zoning Commission and Board of Zoning Adjustment shall give "*great weight*" to the written report of the affected Advisory Neighborhood Commission (ANC), as required by the Comprehensive Advisory Neighborhood Commissions Reform Amendment Act of 2000.

1. All ANC reports shall be made pursuant to this form. If additional space is necessary, use separate sheets of 8½" x 11" paper to complete the form.
2. Present this form and supporting documents to the Office of Zoning at 441 4<sup>th</sup> Street, N.W., Suite 200-S, Washington, D.C. 20001.
3. Submission deadlines are as follows:

**For Zoning Commission:**

- a. ANCs must file this form at least seven (7) calendar days in advance of the hearing, if they wish to participate in a contested case under § 3022.
- b. ANCs may file this form as long as the case record is open, if they wish to participate in a rulemaking case under § 3021.

**For Board of Zoning Adjustment:**

- a. ANCs must file this form at least seven (7) calendar days in advance of the hearing.



If you need a reasonable accommodation for a disability under the Americans with Disabilities Act (ADA) or Fair Housing Act, please complete a Form 155 - Request for Reasonable Accommodation.

District of Columbia Office of Zoning

441 4th Street, N.W. Ste. 200-S, Washington, D.C. 20001

(202) 727-6311 \* (202) 727-6072 fax \* [www.dcoz.dc.gov](http://www.dcoz.dc.gov) \* [dcoz@dc.gov](mailto:dcoz@dc.gov)