

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
Office of Zoning



Z.C. CASE NO.: 14-16

NOV 17 2014

As Secretary to the Commission, I hereby certify that on \_\_\_\_\_ 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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3	Gottlieb Simon ANC 1350 Pennsylvania Avenue, N W Washington, D C 20004	9	MLK Library (30 Copies)
4	All Councilmembers (see attached)		
5.	Office of Planning (Jennifer Steingasser)		
6	DDOT (Jamie Henson)		

ATTESTED BY:

  
Sharon S. Schellin  
Secretary to the Zoning Commission  
Office of Zoning

ZONING COMMISSION  
District of Columbia

CASE NO. 14-16

EXHIBIT NO. 4

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**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA  
NOTICE OF PUBLIC HEARING**

**TIME AND PLACE:** **Thursday, February 12, 2015, @ 6:30 p.m.**  
**Jerrily R. Kress Memorial Hearing Room**  
**441 4<sup>th</sup> Street, N.W., Suite 220-South**  
**Washington, D.C. 20001**

**FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:**

**CASE NO. 14-16 (Text and Map Amendment to Create and Implement the C-2-B-1 Zone District)**

**THIS CASE IS OF INTEREST TO ALL ANCs<sup>1</sup>**

On September 5, 2014, the Office of Planning filed a report that served as a petition requesting amendments to the Zoning Regulations and Map. The proposed text and map amendments would create and implement the C-2-B-1 Zone District, which would be identical to the existing C-2-B Zone District but with an allowable matter-of-right height of 75 feet instead of 65. The district would first be mapped generally within the triangle formed by New York Avenue, Montana Avenue, and Bladensburg Road, on the specific lots and parcels noted below.

The Zoning Commission set down this case for a public hearing on September 15, 2014. The Office of Planning report served as its supplemental filing required by 11 DCMR § 3014.

**PROPOSED MAP AMENDMENT**

Rezone from C-M-1 to C-2-B-1 the following lots and parcels

- Square 4268, Lots 2, 5, 6, 8, 10, 11, 12, 14, 800, 801, 804, 811, and 815; and
- Parcels 153/26, 153/83, 153/105, 153/113, 153/123, 153/150, 153/152, and 153/153.

**PROPOSED TEXT AMENDMENT**

Title 11 DCMR (Zoning) is proposed to be amended as follows:

***1. AMEND SECTION 105, ZONE DISTRICTS, AS FOLLOWS:***

105.1(d)(2) C-2 community business center, subdivided as follows:

- (A) C-2-A medium density,

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<sup>1</sup> ANC 5C would be considered the affected ANC as to the specific map amendment proposed. However, because the new zone district could also be mapped in other District areas, all ANCs are considered to be affected with respect to the general question of whether the new zone district should be created.

- (B) C-2-B medium-high density; ~~and~~
- (C) C-2-B-1 medium-high density; and
- ~~(C)(D) C-2-C high density.~~

**2. AMEND SECTION 720, COMMUNITY BUSINESS CENTER DISTRICTS (C-2), AS FOLLOWS:**

**720 COMMUNITY BUSINESS CENTER DISTRICTS (C-2)**

720.1 The Community Business Center (C-2) District is divided into C-2-A, C-2-B, C-2-B-1, and C-2-C Districts.

720.2 The C-2-A District is designed to provide facilities for shopping and business needs, housing, and mixed uses for large segments of the District of Columbia outside of the central core.

720.3 The C-2-A Districts shall be located in low and medium density residential areas with access to main highways or rapid transit stops, and shall include office employment centers, shopping centers, and medium-bulk mixed use centers

720.4 The C-2-A District shall permit development to medium proportions.

720.5 The C-2-A District shall accommodate a major portion of existing commercial strip developments.

720.6 The C-2-B and C-2-B-1 Districts ~~are~~ is designated to serve commercial and residential functions similar to the C-2-A District, but with high-density residential and mixed uses

720.7 The C-2-B and C-2-B-1 Districts shall be compact and located on arterial streets, in uptown centers, and at rapid transit stops

720.8 In the C-2-B and C-2-B-1 Districts, building use may be entirely residential or a mixture of commercial and residential uses.

720.9 The C-2-C District is designed to serve commercial and residential functions similar to the C-2-A District, but with higher density residential and mixed uses.

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720.10 The C-2-C District is also designated for those areas previously zoned C-2-B, where the Zoning Commission had permitted a maximum floor area ratio of six (6.0)

720.11 The C-2-C Districts shall be compact and located in or near the Central Employment Area.

720.12 In the C-2-C District, buildings may be entirely residential, or may be a mixture of commercial and residential uses.

720.13 Except as provided in chapters 20 through 25 of this title, in a C-2 District, no building or premises shall be used and no building shall be erected or altered that is arranged, intended, or designed to be used except for one (1) or more of the uses listed in §§ 721, 722, and 726 through 734

**3. AMEND SECTION 721, USES AS A MATTER OF RIGHT(C-2), AS FOLLOWS:**

721 3(j) Fast food establishment or food delivery service, only in a C-2-B, C-2-B-1, or C-2-C District; provided

**4. AMEND SECTION 770, HEIGHT OF BUILDINGS OR STRUCTURES (C), AS FOLLOWS:**

770 1 Except as provided in this section and in chapters 17 and 20 through 25 of this title, the height of a building or structure in a Commercial District shall not exceed that set forth in the following table:

ZONE DISTRICT	MAXIMUM HEIGHT (Feet)	MAXIMUM HEIGHT (Stories)
C-1	40	3
C-2-A	50	No Limit
C-2-B,C-3-A	65	No Limit
C-3-B	70	6
<u>C-2-B-1</u>	<u>75</u>	<u>No Limit</u>
C-2-C,C-3-C	90	No Limit
C-4	110	No Limit
C-5(PAD)	130	No Limit

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**5. AMEND SECTION 771, FLOOR AREA RATIO(C), AS FOLLOWS:**

771.2 For a building or structure for which an application for a building permit was filed on or after November 17, 1978, the maximum permitted floor area ratio shall be as set forth in the following table:

ZONE DISTRICT	APARTMENT HOUSE OR OTHER RESIDENTIAL USE OR PUBLIC SCHOOL	OTHER PERMITTED USE	MAXIMUM PERMITTED (FAR)
C-1	1 0	1 0	1 0
C-2-A	2.5	1 5	2 5
<b>C-2-B, <u>C-2-B-1</u></b>	3 5	1 5	3 5
C-2-C	6 0	2 0	6 0
C-3-A	4 0	2 5	4 0
C-3-B	5 0	4 0	5 0
C-3-C	6 5	6 5	6 5
C-4	8 5	8 5	8 5
C-5 (PAD)	10 0	10 0	10 0

**6. AMEND SECTION 772, PERCENTAGE OF LOT OCCUPANCY(C), AS FOLLOWS:**

772.1 In a Commercial District, no building or portion of a building devoted to a residential use, including accessory buildings but excluding hotels, shall occupy the lot upon which it is located in excess of the percentage of lot occupancy in the following table:

ZONE DISTRICT	MAXIMUM PERCENTAGE OF LOT OCCUPANCY
C-1	60%
C-2-A	60%
C-3-A	75%
<b>C-2-B, <u>C-2-B-1</u>, C-2-C</b>	80%
<b>C-3-B, C-3-C, C-4, C-5 (PAD)</b>	100%

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**7. AMEND SECTION 774, REAR YARDS(C), AS FOLLOWS:**

774.1 Except as provided in this section, a rear yard shall be provided for each structure located in a Commercial District, the minimum depth of which shall be as prescribed in the following table.

<b>ZONE DISTRICT AND STRUCTURE</b>	<b>MINIMUM DEPTH OF REAR YARD</b>
C-1 All structures	20 feet
C-2-A, C-2-B, <u>C-2-B-1</u> , C-2-C All structures	15 feet
C-3-A, C-3-B, C-3-C, C-4, C-5 (PAD) All structures	2-1/2 inches per foot of vertical distance from the mean finished grade at the middle of the rear of the structure to the highest point of the main roof or parapet wall, but not less than 12 feet

**8. AMEND SECTION 2003, CHANGING USES WITHIN STRUCTURES, AS FOLLOWS:**

2003.6(c) C-1, C-2-A, C-2-B, C-2-B-1, C-2-C, C-3-A, C-3-B, C-3-C, C-4, and C-5 (PAD);

**9. AMEND SECTION 2101, SCHEDULE OF REQUIREMENTS FOR PARKING SPACES, AS FOLLOWS:**

<u>Office - General, including television and radio broadcast studio:</u>	
C-1, C-2-A, C-3-A	In excess of 2,000 ft.2, 1 for each additional 600 ft 2 of gross floor area and cellar floor area
W, C-2-B, <u>C-2-B-1</u> , C-2-C, C-3-B, C-3-C, SP, CR	In excess of 2,000 ft 2, 1 for each additional 1,800 ft.2 of gross floor area
C-4 For a building or structure built on a lot having an area of 10,000 ft <sup>2</sup> or less	No requirement
For a building or structure built on a lot having an area of more than 10,000 ft <sup>2</sup>	In excess of 2,000 ft 2, 1 for each additional 1,800 ft 2 of gross floor area

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C-5 (PAD)	No requirement
C-M, M	In excess of 2,000 ft <sup>2</sup> , 1 for each additional 800 ft <sup>2</sup> of gross floor area and cellar floor area devoted to that use
<b><u>Retail or service establishment except gasoline service station and repair garage:</u></b> C-1, C-2-A, C-3-A, C-M-1, M	In excess of 3,000 ft <sup>2</sup> , 1 for each additional 300 ft <sup>2</sup> of gross floor area and cellar floor area
W, CR, C-2-B, <b><u>C-2-B-1</u></b> , C-2-C, C-3-B, C-3-C, C-M-2, C-M-3	In excess of 3,000 ft <sup>2</sup> , 1 for each additional 750 ft <sup>2</sup> of gross floor area
C-4	In excess of 30,000 ft <sup>2</sup> , 1 for each additional 3,000 ft <sup>2</sup> of gross floor area
C-5 (PAD)	No requirement

**10. AMEND SECTION 2201, SCHEDULE OF REQUIREMENTS FOR LOADING BERTHS, LOADING PLATFORMS, AND SERVICE/DELIVERY LOADING SPACES, AS FOLLOWS:**

Office Building in W, CR, C-2-B, <b><u>C-2-B-1</u></b> , C-2-C, and C-M-1 Districts			
With 20,000 to 50,000 ft <sup>2</sup> of gross floor area	1 @ 30 feet deep	1 @ 100 ft <sup>2</sup>	1 @ 20 feet deep
With more than 50,000 to 200,000 ft <sup>2</sup> of gross floor area	2 @ 30 feet deep	2 @ 100 ft <sup>2</sup>	1 @ 20 feet deep
With more than 200,000 ft <sup>2</sup> of gross floor area	3 @ 30 feet deep	3 @ 100 ft <sup>2</sup>	1 @ 20 feet deep

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<b>Grocery Store or Drug Store in W, CR, C-2-B, <u>C-2-B-1</u>, C-2-C, C-M-1, and C-M-2 Districts</b>			
With 5,000 to 20,000 ft <sup>2</sup> of gross floor area	1 @ 30 feet deep	1 @ 100 ft <sup>2</sup>	None
With more than 20,000 to 100,000 ft <sup>2</sup> of gross floor area	1 @ 30 feet deep 1 @ 55 feet deep	1 @ 100 ft <sup>2</sup> 1 @ 200 ft <sup>2</sup>	1 @ 20 feet deep
With more than 100,000 ft <sup>2</sup> of gross floor area	1 @ 30 feet deep 1 @ 55 feet deep	1 @ 100 ft <sup>2</sup> 2 @ 200 ft <sup>2</sup>	1 @ 20 feet deep

**11. AMEND SECTION 2405, PUD STANDARDS, AS FOLLOWS:**

2405 1 No building or structure shall exceed the maximum height permitted in the least restrictive zone district within the project area as indicated in the following table; provided, that the Commission may authorize minor deviations for good cause pursuant to § 2405.3.

ZONE DISTRICT	MAXIMUM HEIGHT (feet)
R-1-A, R-1-B, R-2, R-3, C-1, W-0	40
R-4, R-5-A, R-5-B, W-1, W-2, C-M-1	60
C-2-A	65
R-5-C, SP-1	75
R-5-D, R-5-E, SP-2, C-2-B, <u>C-2-B-1</u> C-2-C, C-3-A, C-3-B, W-3, C-M-2, C-M-3, M	90
CR	110
C-3-C, C4, C-5 (PAD)	130
C-5 (PAD) (Where permitted by the Building Height Act of 1910, D C. Official Code § 6-601 05(b) (formerly codified at D C Code §5-405(b) (1994 Repl )), along the north side of Pennsylvania Avenue)	160

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2405.2 The floor area ratio of all buildings shall not exceed the aggregate of the floor area ratios as permitted in the several zone districts included within the project area; provided, that the Commission may authorize minor deviations for good cause pursuant to § 2405.3:

FLOOR AREA RATIO (FAR)			
ZONE DISTRICT	RESIDENCE	COMMERCIAL, INCLUDING HOTELS AND MOTELS	TOTAL
R-1-A, R-1-B, R-2	0 4		0 4
R-3	0 6		0 6
R-4, R-5-A	1 0		1.0
R-5-B	3 0		3 0
R-5-C	4 0		4 0
R-5-D	4 5		4 5
R-5-E	6 0		6 0
SP-1	4 5	3.5	4 5
SP-2	6 5	4 5	6 5
CR	8 0	4 0	8 0
C-1	1 0	1 0	1 0
C-2-A	3 0	2 0	3 0
<u>C-2-B, C-2-B-1</u>	6 0	2 0	6 0
C-2-C	6.0	2 5	6 0
C-3-A	4 5	3 0	4 5
C-3-B	5.5	4 5	5 5
C-3-C	8 0	8 0	8 0
C-4	10.5	10.5	10 5
C-4 (facing a street at least 110 ft wide)	11 0	11 0	11 0
C-5 (PAD)	12 0	12 0	12 0
W-1	3 0	1 0	3 0

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W-2	4 0	2.0	4 0	
W-3	6 0	5 0	6 0	
C-M-1		3 0	3 0	
C-M-2		4 0	4 0	
C-M-3, M		6 0	6 0	
W-0		0 5	0 5	

**12. AMEND SECTION 2514, ZONE DISTRICT BOUNDARY LINE CROSSING A LOT, AS FOLLOWS:**

2514.3(c) C-1, C-2-A, C-2-B, C-2-B-1, C-2-C, C-3-A, C-3-B, C-3-C, C-4, and C-5 (PAD) Districts,

**13. AMEND SECTION 2603, SET-ASIDE REQUIREMENTS, AS FOLLOWS:**

2603 2 An inclusionary development of steel and concrete frame construction located in the zone districts stated in § 2603.1 or any development located in a C-2-B, C-2-B-1, C-2-C, C-3, CR, R-5-C, R-5-D, SP, USN, W-2, or W-3 Zone District shall devote the greater of eight percent (8%) of the gross floor area being devoted to residential use or fifty percent (50%) of the bonus density utilized for inclusionary units.

**14. AMEND SECTION 3401, APPLICABILITY OF GREEN AREA RATIO STANDARDS, AS FOLLOWS:**

3401 2 Except as provided in § 3401 3 and pursuant to the conditions and requirements of this chapter, properties in zones listed in the following table shall provide a GAR as specified in the following table:

ZONE DISTRICT	GREEN AREA RATIO
R-5-A and R-5-B	0 40
R-5-C, R-5-D and R-5-E C-1, C-2-A, C-2-B, <u>C-2-B-1</u> and C-2-C W-1, W-2, W-3 SP-1, SP-2	0 30

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C-3-A, C-3-B	0 25
C-3-C, C-4, C-5, CR and any property within the DDD overlay	0 20
CM-1 CM-2, CM-3 and M, • all structures except one story warehouses • one story warehouses	• 0 30 • 0 10

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, D.C. Official Code § 6-641.01, et seq.

The public hearing on this case will be conducted as a rulemaking in accordance with the provisions of § 3021.

**How to participate as a witness.**

Interested persons or representatives of organizations may be heard at the public hearing. The Commission also requests that all witnesses prepare their testimony in writing, submit the written testimony prior to giving statements, and limit oral presentations to summaries of the most important points. The applicable time limits for oral testimony are described below. Written statements, in lieu of personal appearances or oral presentation, may be submitted for inclusion in the record.

**Time limits.**

All individuals, organizations, or associations wishing to testify in this case are encouraged to inform the Office of Zoning of their intent to testify prior to the hearing date. This can be done by mail sent to the address stated below, e-mail ([donna.hanousek@dc.gov](mailto:donna.hanousek@dc.gov)), or by calling (202) 727-0789.

The following maximum time limits for oral testimony shall be adhered to and no time may be ceded:

1. Organizations	5 minutes each
2. Individuals	3 minutes each

Pursuant to § 3020.3, the Commission may increase or decrease the time allowed above, in which case, the presiding officer shall ensure reasonable balance in the allocation of time between proponents and opponents

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Written statements, in lieu of personal appearances or oral presentations, may be submitted for inclusion in the record. Written statements may also be submitted by mail to 441 4<sup>th</sup> Street, N.W., Suite 200-S, Washington, DC 20001, by e-mail to [zcsubmissions@dc.gov](mailto:zcsubmissions@dc.gov); or by fax to (202) 727-6072. Please include the case number on your submission. **FOR FURTHER INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311.**

**ANTHONY J. HOOD, MARCIE I. COHEN, ROBERT E. MILLER PETER G. MAY, AND MICHAEL G. TURNBULL ----- ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA, BY SARA A. BARDIN, DIRECTOR, AND BY SHARON SCHELLIN, SECRETARY TO THE ZONING COMMISSION.**