

Text Amendments to SEFC Zones

GENERAL COMMENT: We propose to a map of the SEFC Zones, with labels for the various elements with the SEFC area that are called out and referenced in the text. The 2016 Regulations allow for such maps to be included.

200 GENERAL PROVISIONS

200.3 The SEFC-1 ~~zone provides~~ zones provide for high-density mixed-use development with ground floor retail, ~~and~~ with bonus density and height for development proximate to the Navy Yard Metrorail Station and the proposed 1 1/2 Street, and with review of the relationship of new buildings to the M Street, S.E. corridor and the adjacent Washington Navy Yard. The SEFC-1 zones consist of the SEFC-1-A zone, which permits high-density commercial or residential use with ground floor retail on Parcels A, F, and G near the Navy Yard Metrorail Station entrance, and the SEFC-1-B zone, which promotes a mix of high-density residential and medium-density commercial development with ground floor retail on Parcels D, E, K, H, and I.

201 DEVELOPMENT STANDARDS (SEFC-1)

201.1 The development standards in Subtitle K §§ 202 through 210 control the bulk of structures in the SEFC-1 ~~zone~~ zones.

202 DENSITY – FLOOR AREA RATIO (FAR) (SEFC-1)

202.1 The maximum permitted floor area ratio (FAR) for ~~building~~ buildings in the SEFC-1-A zone (i.e. Parcels A, F, and G) shall be 6.0 ~~with a maximum of 3.0 FAR for non-residential uses~~; except that a ~~building within Parcels A, F, G, H, and I shall be permitted a~~ maximum density of 7.0 FAR, ~~provided that:~~ shall be permitted, if reviewed and approved by the Zoning Commission pursuant to the standards and procedures of Subtitle K §§ 237.4 and 241.

~~(a) The additional 1.0 FAR is devoted solely to residential uses, which for the purposes of this subsection does not include a hotel; and~~

~~(b) —~~

(a) To the extent that the additional 1.0 FAR is devoted to residential uses, a minimum of ~~ten~~ eight percent (~~10~~ 8%) of the additional density gained pursuant to this section shall be devoted to three (3) bedroom units, provided that ~~such units may be located anywhere within the residential building.~~ (i) such units may be located anywhere within the residential building; (ii)

such units shall be set aside for households earning 50% or less of the Median Family income for a term of not less than thirty years beginning on the date that certificate of occupancy is issued; and (iii) such units may also serve as units that are set aside as affordable units pursuant to the terms of any land disposition or other agreement with the District of Columbia that mandates the provision of affordable housing. 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.

~~202.2 Combined lot development of two (2) or more lots within the SEFC-1 zone, whether contiguous or non-contiguous, is permitted for the purpose of allocating density for residential and non-residential uses, regardless of any other limitation on floor area by uses as established in this chapter, in accordance with Subtitle K § 240, provided that:~~

- ~~(a) The aggregate residential and non-residential floor area shall not exceed the matter of right maximum height or density of the SEFC-1 zone;~~
- ~~(b) A site that is permitted a height of one hundred thirty feet (130 ft.) is permitted a maximum non-residential density of 6.5 FAR through combined lot development; and~~
- ~~(c) Ground floor area required for ground-floor street-oriented preferred uses required in accordance with Subtitle K § 237.5 may not be transferred to any other lot through combined lot development.~~

202.2 The maximum permitted FAR for buildings in the SEFC-1-B zone shall be 6.0 with a maximum of 3.0 FAR for non-residential uses; except a maximum density of 7.0 FAR shall be permitted on Parcels H or I only, if reviewed and approved by the Zoning Commission, pursuant to the standards and procedures of Subtitle K §§ 237.4 and 241, provided that:

- (a) The additional 1.0 FAR is devoted solely to residential uses, which for the purposes of this subsection does not include a hotel; and
- (b) A minimum of eight percent (8%) of the additional density gained pursuant to this section shall be devoted to three (3) bedroom units, provided that (i) such units may be located anywhere within the residential building; (ii) such units shall be set aside for households earning 50% or less of the Median Family income for a term of not less than thirty years beginning on the date that certificate of occupancy is issued; and (iii) such units may also serve as units that are set aside as affordable units pursuant to the terms of any land disposition or other agreement with the District of Columbia that mandates the provision of affordable housing. 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.

203 HEIGHT (SEFC-1)

203.1 The maximum permitted building height, not including the penthouse, in the SEFC-1 ~~zone~~zones shall be one hundred and ten feet (110 ft.), except ~~as set forth below~~that:

- (a) ~~(a) — A site that has 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., Parcel A~~ is permitted a maximum height of one hundred thirty feet (130 ft.); and
- ~~(b) — For a site within Parcels A, F, G, or~~and H ~~utilizing the bonus density permitted pursuant to Subtitle K § 202.1,~~ the maximum permitted building height shall be ~~that permitted by the Act to Regulate the Height Act.~~
- (b) ~~A site that has 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., is permitted a maximum height of one hundred thirty feet (130 ft.).~~ if reviewed and approved by the Zoning Commission pursuant to the standards and procedures of Subtitle K §§ 237.4 and 241.

203.2 Sites fronting on M Street, S.E., east of 4th Street, S.E., are restricted to a height of ninety feet (90 ft.).

- (a) For Parcels D and E1, a building height of one hundred ten feet (110 ft.) maximum is permitted if reviewed and approved by the Zoning Commission pursuant to the procedures of Subtitle K § ~~241~~241. For the purposes of this review, the Zoning Commission shall consider the relationship of the new building to the Navy Yard to the east ~~and~~as well as the report and recommendations of the United States Navy provided pursuant to Subtitle K § 242.3, and the Commission may require graduated height and/or design features because of the building's proximity to the Navy Yard.
- (b) For Parcels E2, E3, and E4, the maximum building height of ninety feet (90 ft.) may be increased to a building height of one hundred ten feet (110 ft.) only for a building that will be occupied by a federal use as a primary use, if such height is reviewed and approved by the Zoning Commission pursuant to the procedures of Subtitle K § 241. For the purposes of this review, the Zoning Commission shall consider the relationship of the new building to the Navy Yard to the east as well as the report and recommendations of the United States Navy provided pursuant to Subtitle

K § 242.3, and the Commission may require graduated height and/or design features because of the building's proximity to the Navy Yard.

~~203.2~~203.3 The maximum permitted height of a penthouse shall be twenty feet (20 ft.), and the maximum number of stories within the penthouse shall be one (1) plus a mezzanine, except that a second story for penthouse mechanical space shall be permitted.

Sections 204 through 212—change SEFC-1 zone to SEFC-1 zones.

237 USE PERMISSIONS

237.4 Within the SEFC-1 ~~zone~~zones, the following buildings, structures, and uses are permitted only if reviewed and approved by the Zoning Commission, in accordance with the standards specified in Subtitle K § 241 and procedures specified in Subtitle K § 242:

(a) All buildings and structures that have frontage along M Street, S.E. ~~;~~ or utilizes additional density or height pursuant to Subtitle K §§ 202 or 203; subject also to the applicant proving that the architectural design, site plan, landscaping, and sidewalk treatment of the proposed building:

(1) Are of superior quality;

(2) For buildings on Parcel A, accommodate the design of the 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 for the below:

(A) If the applicant 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; and

(B) 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;

(3) Ensure the provision of 1½ Street, S.E. and N Street, S.E. as open and uncovered multimodal circulation routes; and

~~(a)~~(4) Provide three (3) bedroom dwelling units as required pursuant to Subtitle K § 202.1~~;~~

~~240 COMBINED LOT DEVELOPMENT PROCEDURES (SEFC 1 AND SEFC 4)~~

~~240.1 Combined lot development is permitted within the SEFC 1 zone in accordance with Subtitle K § 202.3, and in the SEFC 4 zone in accordance with Subtitle K §§ 230.6 and 230.7.~~

~~240.2 No allocation of gross floor area shall be effective unless an instrument, legally sufficient to effect such a transfer, is filed with the Zoning Administrator in accordance with this section.~~

~~The instrument shall bind the present and future owners of the respective SEFC 1 lots so as to permanently devote residential and non-residential gross floor area on site equal to that square footage transferred or received, and shall specify the allocation of residential and non-residential uses among the lots.~~

~~240.3 The instrument shall bind the present and future owners of the SEFC 4 lots that are situated within the open space area, as described in Subtitle K § 200.8(b), to permanently forego the development of such square footage as was transferred to a lot in the development area and shall specify the amount of square footage transferred.~~

~~240.4 The Office of the Attorney General shall certify the instrument for legal sufficiency. The instrument shall also contain a certification by the Office of Planning attesting to:~~

~~(a) The lots' eligibility to send and receive allocated residential and non-residential uses; and~~

~~(b) The accuracy of the computations with respect to the amount of residential and non-residential uses or density reallocated or transferred.~~

~~The District of Columbia need not be made a party to the instrument if the instrument provides that it shall neither be modified nor terminated without the express permission of the Zoning Commission of the District of Columbia.~~

~~240.5 The instrument shall be recorded for all affected lots in the Office of Recorder of Deeds, so that the notice of restrictions and transfer shall run with the title and deed to each affected lot and so that the land records that pertain to each affected lot accurately reflect the amount and type of density associated with the lots.~~

~~240.6 A certified copy of the recorded instrument shall be filed with the Zoning Administrator before approval of any building permit application that is affected by such allocation of uses or density.~~

241 ZONING COMMISSION REVIEW STANDARDS (SEFC)

Add the following clause to Section 241.2:

241.2 In evaluating the application, the Zoning Commission also may consider

...

(h) For development on Parcel E, the Zoning Commission may consider the impact of the proposed development on the Navy Yard, including the report and recommendations of the United States Navy made pursuant to Subtitle K § 242.3.

242 ZONING COMMISSION REVIEW PROCEDURES (SEFC)

Add the following Section 242.3:

242.3 At the time of filing an application with the Zoning Commission for design review of development located on Parcel E, any such application shall be referred by the Office of Zoning to the United States Navy for review and report, and shall specifically request an assessment of the impact of the proposed development on the security and operations of the Washington Navy Yard, as well as recommendations for specific measures to be applied to the development and operation of the proposed project that is the subject of the application.

Finally, in Subtitle Z, add the following Section 405.2(d):

405.2 As to those applications for which set down is not required, as soon as an application is accepted for filing by the Director, a copy of the application shall be referred to the Office of Planning and other appropriate agencies for review and comment. A copy shall also be sent for review and comment to:

...

(d) The United States Navy, for those applications for approval pursuant to Subtitle K