

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

TIME AND PLACE: **Thursday, December 12, 2024, @ 4:00 p.m.**
Via WebEx: <https://dcoz.dc.gov/ZC23-27> (to participate & watch)
Via Telephone: 1-650-479-3208 Access code: 2304 897 2214 (audio participation & listen)
Via YouTube: <https://www.youtube.com/c/DCOfficeofZoning> (to watch)
Instructions : <https://dcoz.dc.gov/release/virtual-public-hearings>
Witness Sign Up: <https://dcoz.dc.gov/service/sign-testify>

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

Z.C. Case No. 23-27 (Office of Planning – Zoning Text and Map Amendment to Create the Navy Yard East Zone – NYE Zone; and to zone the unzoned Navy Yard East site with IZ in Squares 955, 979, and 979S, and portions of Square 1001S, and the portion of land extending south of Squares 955 and 979 to the Anacostia River pierhead lines, and the southeast portion of Reservation 14 containing Navy Yard Building 70 and the south portion of Reservation 14 containing the public pathway adjacent closed streets to the Anacostia River)

THIS CASE IS OF INTEREST TO ANCS 8F & 6B

Oral and Written Testimony

- All who wish to testify in this case are **strongly encouraged** to sign up to do so **at least 24 hours prior to the start of the hearing** on OZ's website indicated above. Also, see below: *How to participate as a witness – oral statements*. **On the day of the hearing – by 3:00 p.m.**, call 202-727-0789 to sign up to testify.
- All written comments and/or testimony **must be submitted to the record at least 24 hours prior to the start of the hearing** – see below: *How to participate as a witness – written statements*.

On December 4, 2023, the Office of Planning (OP) filed a report that served as a petition requesting amendments to the Zoning Regulations and Map. The area covered by the proposed text and map amendments is unzoned land owned by the United States Department of the Navy (Navy) and consists of approximately 15 acres (approximately 653,400 square feet) in the southeast corner of the Washington Navy Yard. The area generally includes the area south of O Street, S.W., west of 11th Street, S.W., east of Sicard Street, S.E., north of the Anacostia River, and including the waterfront walkway to The Yards to the west. The area that would be zoned includes Square 0955, 0979, 0979S, and 1001S, although much of the land for future private development is currently Federal land, and not within a defined Square.

At its December 14, 2023 public meeting, the Zoning Commission (Commission) voted to set down the proposed text and map amendment for a public hearing as a rulemaking case. The OP Report served as the Pre-hearing Filing required by Subtitle Z § 501.

The OP Report dated December 4, 2023, noted the Navy's coordination of a land exchange to obtain land outside the Tingey Gate to construct a new National Museum of the U.S. Navy. To complete the exchange, a private developer would receive approximately 15-acres of property in

the southeast corner of the Washington Navy Yard that is the subject of this text and map amendment.

The OP Report states that the proposed zoning would be not inconsistent with the Comprehensive Plan, including when viewed through a racial equity lens, as well as the Anacostia Waterfront Initiative, and the Washington Navy Yard Southeast Corner Master Plan (Master Plan), and is intended to facilitate development of the site with mixed use development, an urban-style street grid, varied building heights to protect views and to complement historic buildings and landscapes, and to protect certain open spaces.

After the original petition was setdown on December 14, 2023, OP continued its collaboration with the Navy, the National Capital Planning Commission (NCPC) and the District of Columbia to finalize the Master Plan, and to refine the zoning text to be consistent with the approved Master Plan and the Section 106 Programmatic Agreement.

On April 22, 2024, the Navy, NCPC, and the District entered into a Memorandum of Understanding (MOU) which outlines the Master Plan and the zoning process to ensure that all legal authorities are met, and that the Navy has a predictable process for updating the Master Plan and implementing the development through zoning.

On September 12, 2024, the Commission setdown OP's request for amendments to the original petition including amendments to the text based on the MOU. The amendments are submitted in the OP supplemental report and the accompanying MOU. (Exhibit [Ex.] 2A, 4) The full text included in the MOU is noted herein as the **PROPOSED TEXT AMENDMENT**.

Current Zoning

The current unzoned status of the combined parcels of Navy Yard East (NYE) is due to Federal ownership of the land which typically is not zoned until such land becomes available for private development.

Proposed Zoning

The purpose of the NYE zone is to provide for development of the area with a mixture of residential and commercial uses, and a suitable height, bulk, and design of buildings, consistent with the objectives of the Comprehensive Plan, the Anacostia Waterfront Initiative, the Lower Anacostia Waterfront and Near Southwest Area Element and the Master Plan as outlined in the OP Report. (See Ex. 2)

The permitted density in the NYE zone would be 7.0 FAR, up to a maximum FAR of 8.0, if the additional 1.0 FAR is devoted solely to residential uses. The maximum permitted building height, not including a penthouse or rooftop structure, would be the height permitted under the Heights of Buildings Act, except that no additional height shall be allowed on Buildings 68, 70, and 123. Any portion of a building or structure that exceeds one hundred and ten feet (110 ft.) in height shall provide a one-to-one (1:1) step-back from the building lot line along Parsons Avenue, S.E. The maximum permitted lot occupancy would be eighty percent (80%) for residential uses. A waterfront setback of seventy-five feet (75 ft.) minimum would be required, with minor encroachments permitted. Building design and ground floor use requirements are intended to

ensure an activated and inviting waterfront. Use permissions would be those included in Subtitle U, Chapter 5, Use Group F.

All proposed uses, new buildings or exterior renovation to an existing building, the waterfront park and walkway, and any structures on or over the water would be subject to review and approval by the Commission.

Comprehensive Plan Maps

The Generalized Policy Map (GPM) designates the area as Federal and within a Resilience Focus Area (RFA). The Federal designation includes lands owned by the federal government. The RFA is defined by South Capitol Street SE, I-695, and 11th Street, S.E. The Navy Yard RFA is in Ward 8 on the west side of the Anacostia River. The area is rapidly developing into a large mixed-use and commercial area. As a result, most of the buildings are constructed to newer construction codes and are less vulnerable to flooding. The Navy Yard RFA has significant riverine (one hundred [100]- and five hundred [500]-year) and tidal inundation flooding due to its location along the Anacostia River.

The Future Land Use Map (FLUM) designates the area as Federal, which includes land and facilities owned, occupied and used by the federal government. Thus, the “Federal” category generally denotes federal ownership and use. Land with this designation is generally not subject to zoning. However, the category notes that in the event federal interests on any given federal site terminate and the land be made available for private development, zoning for these areas should be established in a manner that is consistent with Comprehensive Plan policies.

Comprehensive Plan Lower Anacostia Waterfront and Near Southwest Area Element

The area is in the Lower Anacostia Waterfront and Near Southwest Area Element which includes the Washington Navy Yard. The Area Element outlines planning and development priorities, including the provision of new waterfront neighborhoods, new waterfront commercial development, and the provision of pedestrian amenities along the waterfront. The proposed NYE zone would allow for more housing to support businesses, and would create zoning to incorporate the Area Element guidelines, including encouraging a vibrant waterfront in this area of the Anacostia Riverfront.

Comprehensive Plan Citywide Elements

The proposed NYE zone would implement many Citywide Element policies of the Comprehensive Plan including policies related to Land Use, Housing, Economic Development, Transportation and Environmental Protection. The proposed text and map amendment would allow for housing and affordable housing where none currently exists, while accommodating a mix of uses to serve the new community.

The production of affordable housing is a Comprehensive Plan priority and would be implemented through the proposed NYE zone, which would permit new housing and affordable housing production in a high-cost waterfront area, and on the large approximately 15-acre site. The proposed NYE zone would support neighborhood retail uses to better meet the demand for basic goods and services for new residents and nearby residential neighborhoods, and to ensure an active

streetscape. The text amendment would encourage both the preservation of existing historic building façades and the development of currently underdeveloped parcels.

2003 Anacostia Waterfront Initiative

The Anacostia Waterfront Initiative lays out a strategy for improving water quality, restoring habitat, and improving shoreline parks so that the waterfront becomes the centerpiece for new and revitalized communities. The objective is to connect the east and west shorelines along a restored river. The proposed zoning text and map amendment would further the Initiative by allowing for more housing and affordable housing along the waterfront, providing for a connected riverfront and public open space, extending the city street grid to the waterfront, and connecting residents to the waterfront.

The complete record in the case can be viewed online at the Office of Zoning's Interactive Zoning Information System (IZIS), at <https://app.dcoz.dc.gov/CaseReport/CaseSearch.aspx>.

PROPOSED TEXT AMENDMENT

The proposed amendments to the text of the Zoning Regulations are as follows (proposed changes to current Zoning Regulations are shown in **bold and underlined text**, and deletions from existing text are shown in **bold and strikethrough text**):

I. Amend § 101.10 of Subtitle A § 101, Interpretation and Application as follows:

101 INTERPRETATION AND APPLICATION

101.10 The following zones districts are considered mixed-use zones, commercial zones, or special purpose zones:

(a) ARTS, Mixed-Use Uptown Arts;

...

(f) NYE, Navy Yard East

(g) NC, Neighborhood Mixed-Use;

...

II. Amend § 318.7 of Subtitle B Chapter 18 RULES OF MEASUREMENT FOR REAR YARD as follows:

318.7 In the case of a corner lot in the MU-1, MU-2, MU-8, MU-9, MU-15, MU-16, MU-20, MU-21, MU-23, MU-30, NC-13, CG-3, ~~and AFRH, and NYE~~ zones, a court complying with the width requirements for a closed court as applicable for each zone may be provided in lieu of a rear yard. For the purposes of this section, the required court shall be provided above a horizontal plan beginning not more than twenty feet (20 ft.) above the curb grade opposite the center of the front of the building and the width of the court shall be computed for the entire height of court.

III. Amend §§ 1002.3 and 1003.2 of Subtitle C Chapter 10 INCLUSIONARY ZONING as follows:

- Chapter 10 § 1002.3 Modification of Development Standards and Bonuses to Incentivize Inclusionary Zoning as follows:

1002.3 Inclusionary Developments except those located in the BF, HE, NHR, **NYE**, R, RF, SEFC, StE, and WR zones, may construct up to twenty percent (20%) more gross floor area than permitted as a matter of right (“bonus density”) as reflect in the zone-specific development standards and subject to all other zoning requirements (as may be modified by the zone) and the limitations established by the Height Act.

- Chapter 10 § 1003, Set-Aside Requirements as follows:

1003.2 Except as provided in Subtitle C § 1003.11 **and Subtitle K § 1302.3** an Inclusionary Development other than an IZ Plus Inclusionary Development that employs Type I construction as classified in Chapter 6 of the District of Columbia Building Code (Title 12-A DCMR) to construct a majority of dwelling units, or which is located in a zone with a by-right height limit, exclusive of any bonus height, that is greater than eighty-five feet (85 ft.), shall set aside for Inclusionary Units the sum of the following:

IV. Amend Subtitle K to add a new Chapter 13, NAVY YARD EAST as follows:

CHAPTER 13 – NAVY YARD EAST (NYE) ZONE

1300 GENERAL PROVISIONS (NYE)

1300.1 The Navy Yard East (NYE) zone is intended to be applied to approximately 14-acres of land that is currently designated for “federal use” in the Comprehensive Plan for the National Capital, and which historically has been part of the Washington Navy Yard but is to be privately used and subject to zoning. The following squares and portions of squares in the southeast quadrant of the District of Columbia are intended to be included in the NYE Zone District: Squares 955, 979, 979S, and 1001S, and the portion of land extending south of Squares 955 and 979 to the Anacostia River pierhead lines, and the southeast portion of Reservation 14 containing Navy Yard Building 70 and the south portion of Reservation 14 containing the public pathway adjacent to the Anacostia River.

1300.2 The purposes of the NYE zone are to:

(a) Provide for development of the site in a manner that is consistent with the development guidelines for the Washington Navy Yard Southeast Comer Master Plan (WNY SE Master Plan), as reviewed by the U.S. Department of the Navy in accordance with the National Defense Authorization Act of Fiscal Year 2019, 115 Public Law 232, 132 Stat.

1636 (Aug. 13, 2018) and approved by the National Capital Planning Commission in consultation with the Office of Planning. The WNY SE Master Plan can be found in the record in Zoning Commission Case No. 23-27;

- (b) Assure development of the area with a mixture of residential and commercial uses, and a suitable height, bulk and design of buildings consistent with the objectives of the Comprehensive Plan, the Anacostia Waterfront Initiative, the Near Southeast Urban Design Framework Plan, and the Southeast Boulevard Planning Study;
- (c) Provide for a height and density associated with increased affordable housing and the delivery of new housing;
- (d) Provide for vibrant and active continuous publicly accessible open space along the waterfront with frequent public access points;
- (e) Ensure the design and development of properties in a manner that is compatible with and appropriate for the historic context of which the NYE zone is a part and immediately adjacent to, including the National Historic Landmark (NHL) and National Register of Historic Places listed Navy Yard Historic District and the Navy Yard Eastern Extension Historic Eligible District;
- (f) Recognize that Buildings 68 and 70, the Marine Railway and Dry Dock (Structure 308), the remaining piers (Structures 301 and 302) and the associated bulkhead are contributing elements of the Navy Yard NHL Historic District;
- (g) Recognize that Building 166 is a contributing element of the National Register Eligible Navy Yard Eastern Extension Historic District;
- (h) Ensure that contributing elements of historic districts are treated consistently with the reviews conducted in accordance with the National Environmental Policy Act (NEPA) and Section 106 of the National Historic Preservation Act;
- (i) Encourage a variety of visitor-related uses, such as retail, service, and entertainment;
- (j) Provide for the development along the Anacostia River and 11th Street S.E. as active, pedestrian-oriented frontages with active ground floor uses that preserve Anacostia River viewsheds;
- (k) Ensure development preserves views to the Anacostia River which align with the streets that pass through the Navy Yard East zoned land;

- (l) Ensure development of the area meets a high level of environmental performance and incorporates sustainability best practices; and
- (m) Ensure the use of climate-adaptive and resilient design for new development and infrastructure projects.

1300.3 Penthouses and rooftop structures shall be subject to the regulations of Subtitle C, Chapter 15 and the height and story limitations specified in this chapter.

1300.4 Development in the NYE zone shall be in accordance with the development standards found in this chapter.

1300.5 Where there are conflicts between this chapter and other chapters or subtitles of this title, the provisions of the NYE zone shall govern.

1301 DEVELOPMENT STANDARDS (NYE)

1301.1 The maximum permitted density in the NYE zone is 7.0 FAR. The Zoning Commission may, at its discretion, grant an additional 1.0 FAR, up to a maximum FAR of 8.0, if such additional 1.0 FAR is devoted solely to residential uses, which, for the purposes of this subsection, does not include hotel uses, subject to the applicant addressing to the satisfaction of the Zoning Commission the objectives and guidelines of this section and the standards of Subtitle K § 1310.3, as applicable.

1301.2 The maximum permitted building height, not including a penthouse or rooftop structure, in the NYE zone shall be the height as permitted under the Height Act, except that no additional height shall be allowed on Buildings 68, 70, and 123 and any portion of a building or structure that exceeds one hundred and ten feet (110 ft.) in height shall provide a one-to-one (1:1) step-back from the building lot line along Parsons Avenue, S.E.

1301.3 The maximum permitted height of a penthouse or rooftop structure in the NYE zone 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.

1301.4 The height and density limits of Subtitle K § 1301 shall serve as the maximum permitted under a planned unit development.

1301.5 The maximum permitted lot occupancy in the NYE zone shall be eighty percent (80%) for residential uses.

1301.6 No side yard is required for a principal building; however, any side yard provided on any portion of the principal building shall be at least two inches (2 in.) per one foot (1 ft.) of height, and no less than five feet (5 ft.).

1301.7 A minimum rear yard of two and one-half inches (2.5 in.) per one foot (1 ft.) of vertical distance from the mean finished grade at the middle of the rear of a structure to the highest point of the main roof or parapet wall, but not less than twelve feet (12 ft.) shall be provided, subject to the following conditions:

- (a) A horizontal plane may be established at twenty feet (20 ft.) above the mean finished grade at the middle of the rear of the structure for the purpose of measuring rear yards;
- (b) A rear yard is not required to be provided below a horizontal plane as described in Subtitle K §1301.7(a);
- (c) Where a lot abuts an alley, the rear yard may be measured from the center line of the alley to the rear wall of the building or other structure; and
- (d) Where a lot does not abut an alley, the rear yard shall be measured from the rear lot line to the rear wall of the building or other structure.

1301.8 In the case of a lot fronting on one or more public or private streets, a court complying with the width requirements for a closed court may be provided in lieu of a rear yard. For the purposes of this section, the required court shall be provided above a horizontal plane beginning not more than twenty feet (20 ft.) above the curb grade opposite the center of the front of the building and the width of the court shall be computed for the entire height of the court.

1301.9 A court is not required in the NYE zone, but where it is provided, it shall have the following minimum dimensions:

<u>Type of Structure</u>	<u>Minimum Width Open Court</u>	<u>Minimum Width Closed Court</u>	<u>Minimum Area Closed Court</u>
<u>Residential, more than 3 units</u>	<u>4 in./ft. of height of court; 10 ft. minimum</u>	<u>4 in./ft. of height of court; 15 ft. minimum</u>	<u>Twice the square of the required width of court dimension; 350 sq. ft. minimum</u>
<u>Non-Residential and Lodging</u>	<u>2.5 in./ft. of height of court; 6 ft. minimum</u>	<u>2.5 in./ft. of height of court; 12 ft. minimum</u>	<u>Twice the square of the required width of court dimension; 250 sq. ft. minimum</u>

1301.10 The minimum required GAR for the NYE zone shall be 0.3.

1302 INCLUSIONARY ZONING (NYE)

1302.1 Inclusionary zoning development standards for the NYE zone are as specified in Subtitle C, Chapter 10, except as modified in this section.

1302.2 No bonus density, as made available in Subtitle C § 1002, shall be available in the NYE zone.

1302.3 In the NYE zone, the following gross floor area shall be set aside for IZ units:

- (a) Eight percent (8%) of the gross floor area dedicated to residential rental dwelling units, as defined in Subtitle B § 200.2, excluding residential for-sale use and penthouse habitable space; and
- (b) The equivalent of eight percent (8%) of the gross floor area of any residential penthouse habitable space.

1303 VEHICLE PARKING (NYE)

1303.1 Vehicle parking in accordance with the requirements Subtitle C, Chapter 7 shall be provided, except:

- (a) At least twenty percent (20%) of the total provided parking spaces, including those parking spaces in the existing parking garage and excluding any parking spaces within the NYE zone dedicated to Federal use (which shall not exceed eight hundred [800] parking spaces), shall have access to electric vehicle charging infrastructure;
- (b) At least five percent (5%) of the total provided parking spaces, including those spaces in the existing parking garage and excluding any parking spaces within the NYE zone dedicated to Federal use (which shall not exceed eight hundred [800] parking spaces), shall have access to electric vehicle charging stations;
- (c) The cumulative total of all parking spaces built within the NYE zone, including below-grade, surface, on-street, and above-grade structured parking, shall not exceed a total of one thousand five hundred fifty (1,550) parking spaces, inclusive of any spaces dedicated to Federal use within the NYE zone. Each application to the Department of Buildings shall provide an accounting for the total number of parking spaces within the NYE zone;
- (d) There shall be no minimum vehicle parking requirement in the NYE zone;
- (e) No building or structure in the NYE zone may provide more than double the parking requirement of Subtitle C § 701.5, as calculated without the parking reduction found in Subtitle C § 702.1, including below-grade, surface, on-street, and above-grade structured parking; and

- (f) Required parking spaces need not be located on the same lot as the building or buildings they are intended to serve but must be located on a lot within the NYE zone.

1304

BICYCLE PARKING (NYE)

1304.1

Bicycle parking in accordance with the requirements of Subtitle C, Chapter 8 shall be provided, except:

- (a) Twenty percent (20%) of the required long term bicycle spaces shall have access to electrical sources for charging electrical bikes;
- (b) A minimum of five percent (5%) of the required long term bicycle parking spaces shall be designed for larger sized or over-sized cargo/tandem bikes;
- (c) The number of long-term bicycle parking spaces required for residential, multiple dwelling unit, use shall be one (1) for each two and one-half (2.5) dwelling units; and
- (d) The bicycle parking reduction allowed in Subtitle C § 802.2 shall not apply in the NYE zone.

1305

LOADING (NYE)

1305.1

Loading in accordance with the requirements of Subtitle C, Chapter 9 shall be provided, except required loading berths and facilities need not be located on the same lot as the building or buildings they are intended to serve, but must be located on a lot within the NYE zone.

1306

WATERFRONT (NYE)

1306.1

The waterfront requirements shall apply to the NYE zone as specified in Subtitle C, Chapter 11, as modified by this chapter. Where there is a conflict between the provisions of Subtitle C, Chapter 11 and this chapter, the provision of this chapter shall govern.

1306.2

The seventy-five-foot (75 ft.) waterfront setback required under Subtitle C § 1102.1(a), shall be open to the sky or have a minimum clearance of forty feet (40 ft.), above which projections and open and unenclosed balconies, may project to a depth of no more than fifteen feet (15 ft.).

1306.3

Notwithstanding Subtitle C § 1102.1, enclosed projections of no more than fifteen feet (15 ft.) in depth for no more than fifty percent (50%) of the building façade width facing the waterfront shall be permitted to be constructed.

- 1306.5 Notwithstanding Subtitle C § 1102.1(e), for portion of the bulkhead linear frontage located west of the Admiral's Barge Slipway, the public pedestrian and bicycle trail required under Subtitle C § 1102.1(e) may be reduced in width to account for existing or required security fencing owned or required by the US Federal Government, provided the remaining width of the pedestrian and bicycle trail is not less than eighteen feet (18 ft.) and provided further that any bridge or other crossing element over the Admiral's Barge Slipway or marine railway shall not be limited by Subtitle C § 1102.1(e).
- 1307 **SUSTAINABILITY (NYE)**
- 1307.1 Each building constructed or substantially improved shall earn a minimum certification at the LEED v4.1 Gold level or a more recent comparable standard and certification level thereof.
- 1307.2 Each building constructed or substantially improved shall achieve: (i) at least two (2) points under the LEED v4.1 "Renewable Energy" credit in addition to the certification requirement in Subtitle K § 1307.1, or (ii) compliance with the Energy Conservation Code, whichever would require a greater level of renewable energy.
- 1307.3 Each building constructed or substantially improved shall be designed to withstand future climate change impacts projected for the expected lifespan of the building, including sea level rise, increased precipitation, and increased heat exposure, as per the District's Resilient Design Guidelines.
- 1307.4 Each building shall, as part of the Design Review process be required pursuant to Section K § 1310, provide a sustainability and green building plan to be forwarded to the Department of Energy and Environment for review and comment which addresses issues such as building energy efficiency and renewable energy production, net-zero certification, stormwater management, climate resilience, and floodplain management.
- 1308 **USE PERMISSIONS (NYE)**
- 1308.1 The use permissions in this section include uses permitted as a matter of right, as a special exception, and uses not permitted.
- 1308.2 Use permissions for the NYE zone are as specified in Subtitle U, Chapter 5, Use Group F.
- 1308.3 Buildings, structures and uses with frontage on the Designated Frontages of Subtitle K § 1309.1 shall provide specified ground floor uses in accordance with the requirements and provisions of Subtitle K § 1309.2.

1309

DESIGNATED FRONTAGE (NYE)

1309.1

For the purpose of this chapter, a “Designated Frontage” means the shoreline or bulkhead line along the Anacostia River waterfront.

1309.2

A building, structure, or use with frontage on a Designated Frontage shall devote seventy-five percent (75%) of its ground floor frontage, excluding any residential entrance, lobby, and support areas, along the Designated Frontage, except for space devoted to building entrances or required for fire control, to the following preferred use categories:

- (a) Arts, design, and creation;**
- (b) Eating and drinking establishments;**
- (c) Entertainment, assembly, and performing arts;**
- (d) Medical care;**
- (e) Retail;**
- (f) Service, general or financial. provided a bank or financial institution shall not be located at the intersection of a street and the waterfront;**
- (g) Animal care, sales, and boarding provided there is no overnight boarding of dogs except for convalescence at a veterinary hospital; and**
- (h) Marine.**

1309.3

Buildings and structures with frontage on a Designated Frontage must comply with the following design requirements:

- (a) The ground floor shall have a minimum clear floor-to-ceiling height of fourteen feet (14 ft.) for a continuous depth of at least thirty-six feet (36 ft.);**
- (b) The ground story shall have at least fifty percent (50%) of the surface area facing a Designated Frontage, excluding any residential entrances, devoted to display windows or pedestrian entrances having clear low-emissivity glass, and ensure that the view through the display windows and pedestrian entrances is not blocked for at least ten feet (10 ft.) in from the building face. If located on a corner, wrap around the corner to a minimum depth of twenty feet (20 ft.) on the side street;**
- (c) Ground-floor pedestrian entrances, or areas where a future ground-floor entrance could be installed without structural changes, shall be located no more than an average distance of forty feet (40 ft.) apart on**

the façade facing the Designated Frontage, and shall be level with the sidewalk or street directly in front of the entrance; and

- (d) No direct vehicular garage or loading entrance or exit shall be permitted to a new building or structure along a Designated Frontage.

1310 ZONING COMMISSION REVIEW OF BUILDINGS, STRUCTURES, AND USES (NYE)

1310.1 The provisions of this section apply to properties within the NYE zone.

1310.2 With respect to those properties described in Subtitle K § 1310.1, all proposed uses, buildings, and structures, any proposed exterior renovation to any existing buildings or structures that would result in an alteration of the exterior design, and the waterfront park and any structures on or over the water shall be subject to review and approval by the Zoning Commission in accordance with Subtitle X § 301 and the following provisions.

1310.3 In addition to proving that the proposed use, building, structure, waterfront park, or structures on or over the water meets the standards set forth in Subtitle X § 604 and the relevant provisions of this chapter, an applicant requesting approval under this section shall prove that the proposed building or structure, including the siting, architectural design, site plan, landscaping, sidewalk treatment, and operation, will:

- (a) Help achieve the objectives of the Navy Yard East defined in Subtitle K § 1300.1;**
- (b) Help achieve the desired use mix, with the identified preferred uses specifically being residential, office, entertainment, retail, recreation, or service uses;**
- (c) Provide publicly accessible open space and amenities along the waterfront;**
- (d) Provide for safe and convenient movement to and through the site, including to the Anacostia River, and minimize conflict between vehicles, bicycles, and pedestrians;**
- (e) Minimize unarticulated blank walls adjacent to public spaces through facade articulation;**
- (f) Minimize detrimental impact on the environment: incorporate sustainability best practices, such as the provision of onsite renewable energy; achieve LEED or net-zero certification; reduce building life cycle impacts, especially embodied carbon; manage stormwater on site; incorporate future climate projection scenarios into building design;**

and design for the one hundred (100)- and five hundred (500)-year floodplains;

(g) Promote safe and active streetscapes through building articulation, landscaping, and the provision of active ground level uses; and

(h) The application shall include a view analysis that assesses openness of views and vistas, including views along and toward the waterfront and a minimum of two (2) site sections through the building, including a minimum of one (1) section extending from the north property line through the building to the waterfront.

1310.4 Each application for design review under this section will be referred to the Office of Planning, DC State Historic Preservation Office, Department of Transportation, Department of Energy and Environment, and other District agencies deemed appropriate for review and comment.

1310.5 The Zoning Commission may hear and decide any additional requests for special exception or variance relief needed for the subject property. Such requests shall be advertised, heard, and decided together with the application for Zoning Commission review and approval.

1310.6 At the time of filing an application with the Zoning Commission, the applicant shall pay the filing fee specified in Subtitle Z, plus such fees as apply to any additional zoning relief requested.

1311 RELIEF FROM REQUIRED DEVELOPMENT STANDARDS, USE PERMISSIONS, AND DESIGNATED FRONTAGE REQUIREMENTS FOR NAVY YARD EAST (NYE) ZONES

1311.1 The Zoning Commission may grant relief from certain development standards of this chapter, Subtitle K §§1301.5 through 1301.10 and from the use and design standards of this chapter, Subtitle K §§ 1308 through 1309, subject to the standards of Subtitle X, Chapter 9, the specific standards of this section, and provided that the applicant demonstrates the special exception relief would result in a design that still complies with the purposes of this chapter.

1311.2 Requests for relief that do not comply with the applicable conditions or limitations for a special exception as set forth in Subtitle K § 1311.1 shall be processed as a variance.

1311.3 Relief from the rear yard requirements of Subtitle K § 1301.7 may be permitted if approved by the Zoning Commission as a special exception pursuant to the conditions of Subtitle K §1311.1, Subtitle X, Chapter 9, and subject to the following conditions:

- (a) No apartment window shall be located within forty feet (40 ft.) directly in front of another building;
- (b) No office window shall be located within thirty feet (30 ft.) directly in front of another office window, nor eighteen feet (18 ft.) in front of a blank wall;
- (c) In buildings that are not parallel to the adjacent buildings, the angle of sight lines and the distance of penetration of sight lines into habitable rooms be considered in determining distances between windows and appropriate yards; and
- (d) Provision shall be included for service functions, including parking and loading access and adequate loading areas.

1311.4 Requests for relief may be advertised, heard, and decided together with the application for Zoning Commission review and approval.

V. Amend Subtitle W SPECIFIC ZONE BOUNDARIES to add a new Chapter 124 NAVY YARD EAST as follows:

124 NAVY YARD EAST

124.1 The Navy Yard East (NYE) zone is to be applied to Squares 955, 979, and 979S, and portions of Square 1001S, and the portion of land extending south of Squares 955 and 979 to the Anacostia River pierhead lines, and the southeast portion of Reservation 14 containing Navy Yard Building 70 and the south portion of Reservation 14 containing the public pathway adjacent closed streets to the Anacostia River.

VI. Amend § 502.20 of Subtitle X GENERAL PROCEDURES as follows:

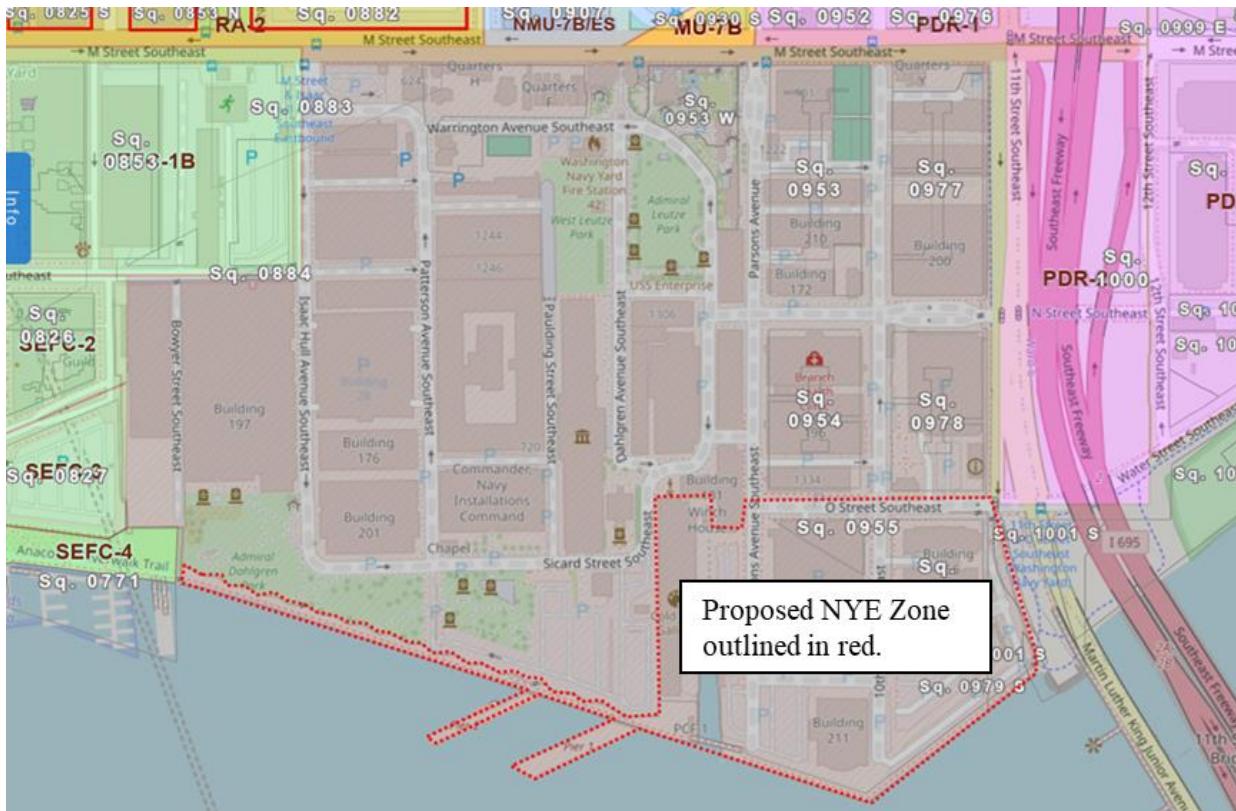
502 INCLUSIONARY ZONING PLUS

502.2 The requirements of this section ...

- (b) Is to a BF, HE, NHR, NYE, SEFC, StE, USN, or WR zone;

...

VI. AREA OF PROPOSED ZONING MAP AMENDMENT



This public hearing will be conducted in accordance with the rulemaking provisions of Subtitle Z, Chapter 5, of the Zoning Regulations as well as the text adopted by the Commission on October 15, 2020, in Z.C. Case No. 20-11, as published in the Notice of Final Rulemaking published in the *District of Columbia Register* on October 30, 2020.

How to participate as a witness – oral presentation

Interested persons or representatives of organizations may be heard at the virtual public hearing. All individuals, organizations, or associations wishing to testify in this case are **strongly encouraged to sign up to testify at least 24 hours prior to the start of the hearing** on OZ's website at <https://dc0z.dc.gov/> or by calling Ella Ackerman at (202) 727-0789 in order to ensure the success of the new virtual public hearing procedures.

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 Commission must base its decision on the record before them. 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 |

How to participate as a witness - written statements

Written statements, in lieu of personal appearances or oral presentation may be submitted for inclusion in the record, provided that **all written comments and/or testimony must be submitted to the record at least 24 hours prior to the start of the hearing, unless approved by the Commission upon request to be introduced at the public hearing.** The public is encouraged to submit written testimony through the Interactive Zoning Information System (IZIS) at <https://app.dcoz.dc.gov/Login.aspx>; however, written statements may also be submitted by e-mail to zcs submissions@dc.gov. Please include the case number on your submission. If you are unable to use either of these means of submission, please contact Ella Ackerman at (202) 727-0789 for further assistance.

"Great weight" to written report of ANC

Subtitle Z § 505.1 provides that the written report of an affected ANC shall be given great weight if received at any time prior to the date of a Commission meeting to consider final action, including any continuation thereof on the application, and sets forth the information that the report must contain. Pursuant to Subtitle Z § 505.2, an ANC that wishes for oral hearing testimony to be given great weight must file a written report supporting the testimony at least seven days in advance of the public hearing and provide the name of the person who is authorized by the ANC to represent it at the hearing.

FOR FURTHER INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311.

ANTHONY J. HOOD, ROBERT E. MILLER, TAMMY STIDHAM, GWEN MARCUS WRIGHT, AND JOSEPH S. IMAMURA ----- ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA, BY SARA A. BARDIN, DIRECTOR, AND BY SHARON S. SCHELLIN, SECRETARY TO THE ZONING COMMISSION.

Do you need assistance to participate? If you need special accommodations or need language assistance services (translation or interpretation), please contact Zee Hill at (202) 727-0312 or Zelalem.Hill@dc.gov five days in advance of the meeting. These services will be provided free of charge.

¿Necesita ayuda para participar? Si tiene necesidades especiales o si necesita servicios de ayuda en su idioma (de traducción o interpretación), por favor comuníquese con Zee Hill llamando al (202) 727-0312 o escribiendo a Zelalem.Hill@dc.gov cinco días antes de la sesión. Estos servicios serán proporcionados sin costo alguno.

Avez-vous besoin d'assistance pour pouvoir participer? Si vous avez besoin d'aménagements spéciaux ou d'une aide linguistique (traduction ou interprétation), veuillez contacter Zee Hill au (202) 727-0312 ou à Zelalem.Hill@dc.gov cinq jours avant la réunion. Ces services vous seront fournis gratuitement.

참여하시는데 도움이 필요하세요? 특별한 편의를 제공해 드려야 하거나, 언어 지원 서비스(번역 또는 통역)가 필요하시면, 회의 5일 전에 Zee Hill 씨께 (202) 727-0312 로 전화 하시거나 Zelalem.Hill@dc.gov 로 이메일을 주시기 바랍니다. 이와 같은 서비스는 무료로 제공됩니다.

您需要有人帮助参加活动吗？如果您需要特殊便利设施或语言协助服务（翻译或口译）· 请在见面之前提前五天与 Zee Hill 联系 · 电话号码 (202) 727-0312, 电子邮件 Zelalem.Hill@dc.gov 这些是免费提供的服务。

Quí vị có cần trợ giúp gì để tham gia không? Nếu quý vị cần thu xếp đặc biệt hoặc trợ giúp về ngôn ngữ (biên dịch hoặc thông dịch) xin vui lòng liên hệ với Zee Hill tại (202) 727-0312 hoặc Zelalem.Hill@dc.gov trước năm ngày. Các dịch vụ này hoàn toàn miễn phí.

ለማስተኞች ደርሱት ያስፈልግዎች ላይ? የተለየ እርሱት ከስፈላጊዎች ወይም የቋንቋ እርሱት አገልግሎቶች (ትርጉም ወይም ማስተኞች) ከስፈላጊዎች እስከዚ ከስተሰባው አምስት ቅናት በፈት እና ሂሳብ ቅጥር (202) 727-0312 ወይም በእኔናል Zelalem.Hill@dc.gov ይገኘኝ፡፡ እነዚህ አገልግሎቶች የሚሰጠት በላይ እው፡፡