

## **MEMORANDUM**

**TO:** District of Columbia Zoning Commission

**FROM:** Karen Thomas, Development Review Specialist

*JLS* Joel Lawson, Associate Director, Development Review

Jennifer Steingasser, Deputy Director, Development Review & Historic Preservation

**DATE:** August 23, 2024

**SUBJECT:** ZC Case 23-27 – Amendments to the Setdown Report – Proposed Zoning Text and Zoning Map Amendment for the Navy Yard East (NYE) Zone

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### **I. RECOMMENDATION**

The Office of Planning (OP) requests the Commission accept the amendments to the original OP petition to create a new Navy Yard East (NYE) zone in ZC Case 23-27 ([Exhibit 2](#)), as noted in this submission.

### **II. BACKGROUND**

These proposed changes reflect the unique dual jurisdiction of this site. The underlying ownership remains with the U.S Department of the Navy (Navy) and is subject to master plan approval by the National Capitol Planning Commission (NCPC). The use of the property will be for private development and is subject to District zoning.

In April 2024, NCPC, the Navy and the OP entered into a Memorandum of Understanding (MOU) that outlines the master planning and zoning process for this area to ensure that all legal authorities are met, and that Navy has a predictable process for updating the master plan and implementing the private development through zoning. Per the MOU, NCPC reviews and approves the master plan as a guide for zoning. The zoning is coordinated through OP and submitted to the DC Zoning Commission. This process resembles similar processes used for Southeast Federal Center and the Armed Forces Retirement Home. The MOU is filed as a separate exhibit.

Subsequent to the original petition setdown on December 14, 2023, OP continued its collaboration with NCPC and the Navy to finalize the Washington Navy Yard Master Plan (Master Plan), and to refine the zoning text to be consistent with the approved Master Plan, the Section 106 Programmatic Agreement, and the Memorandum of Understanding.

Further, since setdown OP has engaged with the Navy and its development partner, Redbrick, to craft a community outreach process to the surrounding community within a one-half mile radius of the subject area proposed to be zoned, including ANC8F, ANC6B and related community organizations within the jurisdictions, discussed in Section III of this report.

## **What's Changed Between Setdowns**

<b>December 2023 Setdown</b>	<b>September 2024 Proposed Setdown</b>
<ul style="list-style-type: none"><li>• IZ = IZ Plus 20%</li><li>• 1:1 step-back at 90 feet</li><li>• Projections = 4 feet deep</li><li>• Projections Clearance= 20 feet</li></ul>	<ul style="list-style-type: none"><li>• IZ Rental = Base IZ at 8% gfa at 60% MFI</li><li>• 1:1 step-back at 110 feet</li><li>• Projections = 15 feet deep</li><li>• Projections and open balconies clearance = 40 feet</li><li>• Includes a reference to the Master Plan</li><li>• Other clarifications</li></ul>

## **III. PROPOSED TEXT AMENDMENTS**

In summary, the proposal includes the following zoning text amendments:

Proposal at Setdown December 2023	Subsequent Amendments based on the MOU
a. Amend Subtitle A § 101, Interpretation and Application, to add the proposed new NYE zone to the list mixed use zones;	No Change
b. Amend Subtitle B Chapter 18 Rules of Measurement for Rear Yards, to reference the proposed new NYE zone;	No Change
c. Amend Subtitle C Chapter 10 Inclusionary Zoning to add appropriate references to the proposed new NYE zone to the Inclusionary Zoning provisions;	<b>Amend Subtitle C</b> Change in IZ requirement. <a href="#">See 1003.2</a> to exclude NYE from IZ Plus and clarify it is subject to base IZ for rental; The MOU includes an additional 7% rental IZ subject to LIHTC and/or HPTF funding; and 8% of ownership GFA shall be set aside for Disabled Veterans outside of the IZ program.
d. Amend Subtitle K Chapter 13 – the proposed new NYE zoning;	<b>Amend Subtitle K:</b> <b>§ 1300.2 (a)</b> ... Reference to the Master Plan <b>§ 1301.2</b> ... portion of a building that exceeds 110 feet shall provide a 1:1 setback.... <b>§ 1302.3</b> – ... <a href="#">IZ at 8%</a> of GFA for rental units <b>§§ 1306.2, 1306.3</b> changes projection clearance from 20 feet to <a href="#">40 feet</a> minimum; and projections and open and closed balconies projections from 4 feet deep to <a href="#">15 feet</a> deep.

	1311.1 1311.4 Changes requests for relief “shall be advertised...” to “ <b>may</b> be advertised...”
e. Amend Subtitle W § 124, Specific Zone Boundaries, to add a description of the area where the zone would be applied; and	No Change
f. Amend Subtitle X § 502, Inclusionary Zoning Plus, to add the appropriate reference to the proposed new NYE zone within areas going from unzoned to zoned.	Amend <b>Subtitle X § 502.2 (b)</b> , Inclusionary Zoning Plus, to remove the requirement of IZ Plus to a map amendment “that ...is to a <b>NYE</b> zone.” This clarifies that the “mitigating circumstances” analysis under Sec. X-502.2(c) isn’t necessary because NYE is to be included in the IZ+ exclusions of Sec. X-502.2(b)
g. Subtitle K § 1309, 1310	Minor clarifications in the text as highlighted.

#### IV. COMMUNITY ENGAGEMENT

Commitment to public involvement by both the Office of Planning and the U.S. Department of the Navy through its future development partners (Redbrick) is integral to the signed MOU and is intended to provide information to and comments from the community throughout the OP zoning process.

OP’s outreach includes meetings with the Advisory Neighborhood Commissions (ANCs) and the community, providing targeted information through emails and flyers to community organizations and residents, within a half-mile radius of the unzoned area of Navy Yard East. The target area is included as [Attachment II](#).

To introduce the zoning, OP attended regularly scheduled public meetings with the affected ANC 8F on July 23, 2024 and the abutting ANC 6B on July 9, 2024.

Subsequently, on July 24, 2024 OP held two virtual meetings to gather community comments and concerns about the map amendment and related text, which was recorded and can be accessed on OP’s dedicated web page - [Washington Navy Yard New Zone Text and Map Amendment](#).

The web page provides information for the public as the zoning process continues. Comments can also be submitted to a dedicated email at [NavyYardEastZoning@dc.gov](mailto:NavyYardEastZoning@dc.gov)

The following information is provided on the OP webpage:

- [Navy Yard Zoning Overview Flyer](#)
- [Washington Navy Yard Master Plan \(Approved May 2, 2024\)](#)
- [Washington Navy Yard Memorandum of Understanding April 22, 2024](#)

- [National Capital Planning Commission Staff Report on Washington Navy Yard Southeast Corner Master Plan](#) (includes presentation starting on page 18)
- [Department of the Navy Record of Decision and Environmental Impact Statement for the Proposed Land Acquisition](#)

Throughout Fall 2024, and subsequent to setdown of the amendments, OP intends to continue its engagement with the ANCs and community organizations to provide updates and answer any questions or concerns regarding the proposed text and map amendment.

**V. Attachments**

- I. Full Amended Text since original setdown
- II. Area of Community Engagement

## ATTACHMENT I

### PROPOSED AMENDMENTS TO DECEMBER 14, 2023 SETDOWN TEXT- NAVY YARD EAST (NYE) ZONE

The text below represents the changes to the text setdown in December 2023. Text to be deleted is marked with **strikethrough** and new text is shown in **blue, bold and underlined**.

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:

**Subtitle K new Chapter 13, NAVY YARD EAST as follows:**

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;**

Change the subsection letters as needed.

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 **subsection 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 **ninety feet (90 ft.) one-hundred ten feet (110 ft.)** in height shall provide a one-to-one (1:1) step-back from the building lot line along Parsons Avenue, SE

**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 **subsection section**.

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

(a) ~~Twenty percent (20%) of the gross floor area dedicated to residential use, as defined in Subtitle B § 200.2, excluding penthouse habitable space; and~~ 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~~ dedicated to residential rental dwelling units located in penthouse habitable space.

## 1306 WATERFRONT (NYE)

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 ~~twenty feet (20 ft.) forty feet (40 ft.)~~, above which projections and open and unenclosed balconies, may project to a depth of no more than ~~eight feet (8 ft.) fifteen feet (15 ft.)~~.

1306.3 Notwithstanding Subtitle C § 1102.1, enclosed projections of no more than ~~four (4) fifteen (15)~~ feet in depth for no more than 50% of the building façade width facing the waterfront shall be permitted to be constructed.

## 1309 DESIGNATED FRONTAGE (NYE)

Delete 1309.1 (c) as it is a duplicate of 1309.1 (b) and change the subsection letters as needed.

(e) ~~The ground story shall have at least fifty percent (50%) of the surface area facing a Designated Frontage 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 front of 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;~~

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

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.

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

~~The Zoning Commission may grant relief from the development standards of Subtitle K § 1301 and the designated frontage provisions of Subtitle K § 1309 as a special exception pursuant to Subtitle X, Chapter 9 and to the applicable conditions of this chapter and provided that the applicant demonstrates the special exception relief would result in a design that still complies with the purposes of this chapter.~~

**1311.1** 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.

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

**Subtitle X GENERAL PROCEDURES:**

Move the NYE from §502.1 to §502.2

**502 INCLUSIONARY ZONING PLUS**

**502.1** Except as provided in Subtitle X § 502.2, the requirements of this section shall apply to:

(a) A map amendment that rezones a property:

(1) . . .

(3) From unzoned to an AFRH, ARTS, CG, D, MU, ~~NYE~~, R, RA or RF zone; or

**502.2** The requirements of this section shall not apply to a map amendment that:

(a) Is related to a PUD application;

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

. . .

**Attachment II. COMMUNITY ENGAGEMENT RADIUS**