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ZONING COMMISSION
District of Columbia
CASE NO.96-3
EXHIBIT NO.69A2

ZONING COMMISSION OF THE DISTRICT OF COLUMBIA
NOTICE OF FINAL RULEMAKING
CASE NO. 81-17

The Zoning Commission of the District of Columbia, pursuant to the authority set forth in the Zoning Act (D.C. Code, Section 5-413, et seq.), having held a public hearing as required, hereby gives notice of the adoption of amendments to the Zoning Regulations of the District of Columbia. The amendments that were adopted regulate the treatment of non-conforming uses, structures, and land in the District of Columbia. Notice of proposed rulemaking was published in the D.C. Register on May 20, 1983 at 30 DCR 2377. These amendments were adopted by the Zoning Commission as a final action at its public meeting held on July 18, 1983. The specific amendments are as follows:

1. In Section 1202, delete the existing definition for "nonconforming use" and replace it with the following new definition:

Nonconforming use: Any use of land or of a structure or of a structure and land in combination, lawfully in existence at the time these regulations or any amendment thereto become effective, which does not conform to the use provisions for the district in which such use is located. A use lawfully in existence at the time of adoption or amendment of these regulations which would thereafter require special exception approval from the Board of Zoning Adjustment shall not be deemed a nonconforming use. Such a use shall be considered a conforming use, subject to the further provisions of Paragraph 8207.21.

2. In section 1202, delete the existing definition for "nonconforming structure" and replace it with the following new definition:

Nonconforming structure: A structure, lawfully existing at the time these regulations or any amendment thereto become effective, which does not conform to all provisions of these regulations or such amendment other than use, parking, loading and roof structure requirements. Regulatory standards which create nonconformity of structures include but are not limited to height of building, lot area, width of lot, floor area ratio, lot occupancy, yard, court and residential recreation space requirements.

3. Delete all of existing Article 71, regarding nonconforming uses and structures, and replace it with a new Article 71, as follows:

ARTICLE 71

NONCONFORMING USES AND NONCONFORMING STRUCTURES

SECTION 7101 - STATEMENT OF PURPOSE

7101.1 These regulations establish separate districts, each of which is an appropriate area for the location of uses and structures permitted therein. Within the districts established by these regulations, or amendments that may later be adopted, there exist structures, uses of land, and uses of structures, which were lawful before these regulations were adopted or amended, but which would be prohibited, regulated, or restricted under the terms of these regulations or future amendments thereto. It is the intent of these regulations that nonconformities shall not be enlarged upon, expanded or extended, nor be used as a basis for adding other structures or uses prohibited elsewhere in the same district. It is necessary and consistent with the establishment of these districts that all uses and structures incompatible with permitted uses or structures be regulated strictly and permitted only under rigid controls, to the extent permitted by the Zoning Act of June 20, 1938, as amended.

SECTION 7102 - APPLICATION OF PROVISIONS

7102.1 Any nonconforming use of a structure or of land, or any nonconforming structure lawfully existing on the effective date of these regulations which remains nonconforming and any use or structure lawfully existing which becomes nonconforming on the effective date of these regulations or any subsequent amendment thereto, may be continued, operated, occupied, or maintained subject to the provisions of this Article.

SECTION 7103 - USE CLASSIFICATION

7103.1 Nonconformities are regulated in the following categories:

7103.11 Nonconforming use of land, including land use with a structure incidental to the use of the land.

7103.12 Nonconforming structure devoted to conforming use.

7103.13 Nonconforming use within a structure, whether the structure is conforming or non-conforming.

SECTION 7104 - NONCONFORMING USE OF LAND

7104.1 A nonconforming use of land or of land with structures incidental to the use of the land, may neither be extended in land area nor changed to any use except a use permitted in the district in which the property is located.

SECTION 7105 NONCONFORMING STRUCTURES DEVOTED TO CONFORMING USES

7105.1 The following restrictions apply to a nonconforming structure devoted to a conforming use.

7105.11 Ordinary repairs, alterations and modernizations, including structural alterations, are permitted to such structure.

7105.12 Enlargements or additions may be made to such structure provided such structure is conforming as to percentage of lot occupancy, and further provided that the addition or enlargement itself is conforming as to use and structure, does not increase or extend any existing nonconforming aspect of the structure, and does not create any new nonconformity of structure and addition combined.

7105.13 Should a nonconforming structure be destroyed by fire, collapse, explosion, or Act of God to an extent of more than seventy-five percent of the cost of reconstructing the entire structure, such nonconforming structure shall not be restored or reconstructed except in conformity with all provisions of the Zoning Regulations, provided that:

7105.131 If such casualty or Act of God results in damage to an extent of more than seventy-five per cent, and if the structure is nonconforming only as to percentage of lot occupancy, lot area and/or width of lot the structure may be reconstructed or restored to its previous condition or to a more conforming condition, even if that condition does not comply with the applicable percentage of lot occupancy, lot area and/or width of lot requirements.

7105.132 If such casualty or Act of God results in damage to an extent of seventy-five per cent or less of the cost of reconstructing the entire structure, such structure may be restored or reconstructed to its previous condition or to a more conforming condition, provided that such reconstruction or restoration is started within twenty-four months of the date of the destruction and is diligently continued to completion.

7105.133 In the event that there is a dispute between the property owner and the Zoning Administrator as to whether the structure has been destroyed to the extent of seventy-five percent of reconstruction cost, the costs of restoration and of reconstruction shall be determined by the average of the estimates furnished by three independent qualified contractors, one of whom shall be selected by the owner, one of whom shall be selected by the Zoning Administrator, and one of whom shall be selected by the first two mentioned contractors. Such estimates shall be prepared and submitted according to a standard procedure and format established by the Zoning Administrator and the cost of estimates shall be at the expense of the property owner.

7105.134 Notwithstanding the restrictions of Paragraph 7105.13, a nonconforming structure which is a historic landmark or which is certified by the State Historic Preservation Officer to be a structure which contributes to the character of the historic district within which it is located, may be restored or reconstructed regardless of the extent of destruction of the structure, subject to the provisions of the Historic Landmark and Historic District Protection Act and all other municipal laws and regulations.

7105.135 The twenty-four month period provided in Sub-paragraph 7105.132 may be extended for as long as it takes to apply for and receive any governmental approvals necessary to accomplish the reconstruction or restoration, including but not limited to approvals from the Board of Zoning Adjustment, the Historic Preservation Review Board and the Mayor's Agent for the Historic Landmark and Historic District Protection Act.

SECTION 7106 - NONCONFORMING USES WITHIN STRUCTURES

7106.1 The restrictions of this Section apply to nonconforming uses within structures, whether the structure is conforming or nonconforming. Where the nonconforming use occupies only a portion of the structure the restrictions of this Section shall apply only to that part of the structure devoted to the nonconforming use.

7106.11 If approved by the Board of Zoning Adjustment as authorized in Section 8207 and subject to the conditions enumerated in the following Sub-paragraphs, a nonconforming use may be changed to a use which is permitted as a matter of right in the most restrictive district in which the existing nonconforming use is permitted as a matter-of-right, provided that:

7106.111 The proposed use will not adversely affect the present character or future development of the surrounding area in accordance with these regulations. Such surrounding area shall be deemed to encompass the existing uses and structures within at least 300 feet in all directions from the nonconforming use.

7106.112 The proposed use will not create any deleterious external effects, including but not limited to noise, traffic, parking and loading considerations, illumination, vibration, odor, and design and siting effects.

7106.113 When an existing nonconforming use has been changed to a conforming or more restrictive use, it shall not be changed back to a nonconforming use or less restrictive use.

7106.114 In Residential Districts, the proposed use shall be either a dwelling, flat, apartment house or a neighborhood facility.

7106.115 For the purpose of this Paragraph the districts established by these regulations are listed in the following order of decreased use restriction: R-1-A, R-1-B, R-2, R-3, R-5-A, R-4, R-5-B, R-5-C, R-5-D, SP-1, SP-2, C-1, C-2-A, C-2-B, C-2-C, C-3-A, C-3-B, C-3-C, C-4, C-5 (PAD), W-1, W-2, W-3, CR, C-M-1, C-M-2, C-M-3, M.

7106.116 The Board may require the provision of or direct changes, modifications, or amendments to any design, plan, screening, landscaping, type of lighting, nature of any sign, pedestrian or vehicular access, parking and loading, hours of operation, or any other restriction or safeguard it may deem necessary to protect the value, utilization, or enjoyment of property in the neighborhood.

7106.12 A nonconforming use may not be extended to portions of a structure not devoted to such use at the time of enactment or amendment of these regulations, or to another structure.

7106.13 Ordinary repairs, alterations or modernizations may be made to a structure or portion thereof devoted to a nonconforming use. Structural alterations are not allowed except those required by other municipal law or regulations, provided that structural alterations are permitted to a lawfully existing non-conforming flat or apartment house located within a Residential District.

7106.14 A structure devoted to a nonconforming use may not be enlarged, except if such enlargement is to be

devoted to a conforming use. A new structure may not be erected to house a nonconforming use.

7106.15 Should a structure devoted to a nonconforming use be destroyed by fire, collapse, explosion, or Act of God to an extent of more than fifty percent of the cost of reconstructing the entire structure, it shall not be restored or reconstructed except in conformity with all provisions of the Zoning Regulations, provided that:

7106.151 If such casualty or Act of God results in damage to an extent of fifty percent or less of the cost of reconstructing the entire structure, such structure may be restored or reconstructed to its previous condition or to a more conforming condition, provided that such reconstruction or restoration is started within twenty-four months of the date of the destruction and is diligently continued to completion.

7106.152 In the event that there is a dispute between the property owner and the Zoning Administrator as to whether the structure has been destroyed to the extent of fifty percent of reconstruction cost, the costs of restoration and of reconstruction shall be determined by the average of the estimates furnished by three independent qualified contractors, one of whom shall be selected by the owner, one of whom shall be selected by the Zoning Administrator, and one of whom shall be selected by the first two mentioned contractors. Such estimates shall be prepared and submitted according to a standard procedure and format established by the Zoning Administrator and the cost of estimates shall be at the expense of the property owner.

7106.153 Notwithstanding the restrictions of Paragraph 7106.15, a structure devoted in whole or in part to a nonconforming use and which is also a historic landmark or which is certified by the State Historic Preservation Officer to be a structure which contributes to the character of the historic district within which it is located, may be restored or reconstructed regardless of the extent of destruction, subject to the provisions of the Historic Landmark and Historic District Protection Act and all other municipal laws and regulations. The nonconforming use may be resumed and continued as before.

7106.154 The twenty-four month period provided in Sub-paragraph 7106.151 may be extended for as long as it takes to apply for and receive any governmental approvals necessary to accomplish the reconstruction or restoration, including but not limited to approvals from the Board of Zoning Adjustment, the Historic Preservation Review Board and the Mayor's Agent for

the Historic Landmark and Historic District Protection Act.

SECTION 7107 - DISCONTINUANCE

7107.1 Discontinuance for any reason of a nonconforming use of a structure or of land, except where governmental action impedes access to the premises, for a period of more than three years, shall be construed as prima facie evidence of no intention to resume active operation as a nonconforming use. Any subsequent use shall conform to the regulations of the district in which the use is located.

4. Add a new Paragraph 8207.21, as follows:

8207.21 In the case of a use that was originally permitted and lawfully established as a matter-of-right and for which the regulations now require special exception approval from the Board of Zoning Adjustment, any extension or enlargement of such use shall require special exception approval from the Board of Zoning Adjustment. In determining whether to approve any extension or enlargement, the Board shall apply the standards and criteria of the Zoning Regulations to the entire use, rather than just the proposed extension or enlargement.

5. Delete from the SP District regulations all of existing Sub-section 4101.7 and all of existing Section 4307.

6. Delete from the W District regulations all of existing Sub-sections 4402.5 and 4402.6.

7. Delete from the CR District regulations all of existing Sub-sections 4502.5 and 4502.6.

8. Delete from the Commercial District regulations all of existing Article 54.

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Government of the District of Columbia
ZONING COMMISSION

ZONING COMMISSION ORDER NO. 103
CASE NO. 73-20
November 20, 1974

Pursuant to notice, a public hearing of the Zoning Commission were held on August 6, 7, 8, and 9, 1973, to consider an amendment to the text of the Zoning Regulations. Thereafter, having met in Executive Session, the Commission hereby ORDERS the adoption of the following amendments to the text of the Zoning Regulations:

TEXT CHANGE INSTRUCTIONS

1. Add a new Paragraph 2101.15 - Waterfront Zone District as follows:

2101.15 - Waterfront Zone Districts:

W - Mixed uses subdivided into:

W-1 Low Density

W-2 Medium Density

W-3 High Density

2. Revise the title for Chapter 4 to read as follows:

Use, Height, Area, and Bulk Regulations for Special Purpose and Waterfront Districts

3. Add a new Article 44 as follows:

Article 44 - Waterfront Zone Districts

Section 4401 - Preamble

4401.1 - The Waterfront (W) zone districts are applied to waterfront areas which have one or more of the following characteristics: (1) geographically, historically or locationally unique; (2) adjacent to well-established residential areas; (3) are undergoing transition from light and heavy industrial uses to office and commercial uses; and (4) where the public health, safety, general welfare and amenity would be promoted and protected by the encouragement of mixed uses. The district is subdivided into W-1, W-2, and W-3 Districts. The W-1 District permits only a low height and density, the W-2 allows a medium height and density and the W-3 allows the greatest height and density of the three districts.

The purpose of the Waterfront (W) zone districts is to encourage a diversity of compatible land uses at various densities, including combinations of residential, offices, retail, recreational and other miscellaneous uses. Such districts are also intended to be relatively self-contained by

supplying a variety of housing, service, employment, and recreational opportunities in one location. This characteristic allows one area to serve many different needs of a single population and thereby reduce the amount of vehicular traffic generated by the uses in these districts.

Section 4402 - Use Regulations

4402.1 - Except as provided in Article 72 and Subsections 4402.5 and 4402.6 of these regulations, in the Waterfront Districts, no building or premises shall be used and no building shall be erected or altered which is arranged, intended or designed to be used except as specified in Subsections 4402.2, 4402.3, and 4402.4.

4402.2 - The following uses are permitted as a matter of right:

4402.21 - Dwelling, flat or multiple dwelling

4402.22 - Rooming or boarding house

4402.23 - Community center, social service center or halfway house

4402.24 - Hotel or motel

4402.25 - Church or other place of worship

4402.26 - Convalescent home, nursing home or personal care home

4402.27 - Philanthropic or eleemosynary institution

4402.28 - Retail sales or services not specified in Subsections 4402.3 and 4402.4

4402.29 - Office

4402.210 - Restaurant or private club

4402.211 - Artist's studio

4402.212 - Private or public theater

4402.213 - Boat club or marina

4402.214 - Swimming pool

4402.215 - Recreational building or use

4402.216 - Park or open space

4402.217 - Library

4402.218 - Museum

4402.219 - Accessory use (including parking), building or structure customarily incidental and subordinate to the principal uses permitted above.

4402.3 - The following uses are permitted as Special Exceptions when authorized by the Board of Zoning Adjustment, if the Board considers that they are appropriate in furthering the objectives of the Waterfront Districts, subject to the provisions of Subsection 8207.2, and in addition, the further considerations specified in this article in each case:

4402.31 - Hospital or Clinic provided that:

a. Such facility is so designed as to enhance the visual and recreational opportunities offered by the Waterfront.

b. Such use is located so that it is not likely to become objectionable to surrounding and nearby property because of noise, traffic or parking.

c. There is a demonstrated need for the facility.

d. The applicant shall submit to the Board a detailed plan for the hospital or clinic and accessory facilities; showing location, height and bulk of all improvements including but not limited to buildings, parking and loading facilities, screening, signs, and

public utility facilities, and a description of the activities to be carried on at the hospital or clinic, including the capacities of the various facilities within the hospital or clinic.

e. Before taking final action on an application for such use, the Board shall refer the application to the Office of Planning and Management for coordination, review and report, said report to include reports and recommendations from all appropriate District of Columbia agencies.

4402.32 - Electric substation, natural gas regulator station, public utility pumping station or telephone exchange, provided that:

a. Requirement for setbacks, screening be established by the Board.

b. The Board shall establish other safeguards, as deemed necessary for protection of the neighborhood.

4402.33 - Bowling Alley, provided that:

a. The use shall not be within 25 feet of a residential district unless separated therefrom by a street or alley.

b. Soundproofing to the extent deemed necessary for the protection of adjoining and nearby property shall be required.

c. Before taking final action on an application for such use, the Board shall refer the application to the Office of

Planning and Management for coordination, review and report, said report to include the recommendations of all appropriate District of Columbia agencies.

d. The Board may impose requirements pertaining to design, appearance, screening, lighting, signs and such other requirements as it shall deem necessary for the protection of neighboring or adjacent property.

4402.34 - Light manufacturing, processing, fabricating or milling establishment, provided that:

a. Such facility is so designed as to enhance the visual and recreational opportunities offered by the Waterfront.

b. Such use shall comply with the standards of external effects for C-M Districts contained in Subsection 6101.5 and, further, shall have no adverse effects on other uses on the same or adjoining properties.

c. Such use will not result in dangerous or otherwise objectionable traffic conditions.

d. There is adequate off-street parking for trucks and other service vehicles.

e. There is no outdoor storage of materials.

f. The Board may impose requirements pertaining to design, appearance, screening, and such other requirements as it shall deem necessary for the protection of neighboring or adjacent properties.

g. Before taking final action on an application for such use, the Board shall refer the application to the Office of Planning and Management for coordination, review and report, said report to include the recommendations of all appropriate District of Columbia agencies.

4402.35 - Warehouse or wholesale use, subject to the conditions of Paragraph 4402.34, above.

4402.36 - Building service trade, including but not limited to, plumber, electrician, exterminator, or air-conditioning mechanic,

subject to the conditions specified in Paragraph 4402.34, above.

4402.37 - Private school, trade school, college or university, provided that:

a. Such facility is so designed as to enhance the visual and recreational opportunities offered by the Waterfront.

b. Such use is so designed and located that it is not likely to become objectionable because of noise, traffic, number of students or other conditions.

c. In the case of a college or university, the applicant shall submit to the Board a plan for developing the campus as a whole showing the location, height and bulk, where appropriate, of all present and proposed improvements, including but not limited to, buildings, parking and loading facilities, screening, signs, streets and public utility facilities, athletic and other recreational facilities, and a description of all activities conducted or to be conducted therein,

and the capacity of all present and proposed campus development.

d. Before taking final action on an application for such use, the Board shall refer the application to the Office of Planning and Management for coordination, review and report, said report to include the recommendations of appropriate agencies of the District of Columbia Government.

4402.38 - Other uses not specified in Subsections 4402.2 or 4402.4, provided that:

a. Such facility is so designed as to enhance the visual and recreational opportunities offered by the Waterfront.

b. Such use will not adversely affect the present character or future development of the neighborhood.

c. No dangerous or otherwise objectionable traffic conditions shall result from the establishment of such use.

d. The Board may impose requirements pertaining to the design, appearance, screening and such other requirements as it shall

deem necessary for the protection of neighboring or adjacent property.

e. Before taking final action on an application for such use, the Board shall refer the application to the Office of Planning and Management for coordination, review and report, said report to include the recommendations of appropriate agencies of the District of Columbia Government.

4402.39 - Wherever the provisions of Subsection 4402.3 require referral of an application to the Office of Planning and Management for coordination, review and report, said report shall consider:

1. Whether the proposed use furthers the objectives of the Waterfront Districts.

2. The relationship of the proposed use to other planning considerations for the area and the District of Columbia as a whole, including the plans, programs and policies of other departments and agencies of the District Government.

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- Whenever the Office of Planning
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and parking facilities.
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)2 - Whenever the Office of Planning
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on 4402.3, the report shall consider
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The following uses are specifically
d in Waterfront Districts:

- Animal hospital or veteri-

- Automobile or motorcycle sales
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- Car wash

- Chemical manufacturing, storage
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- Drive-in establishment (any
ent where goods or services are
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4402.46 - Enameling, plating or painting (except artist's studio) as a principal use

4402.47 - Gasoline service station

4402.48 - Material salvage

4402.49 - Outdoor advertising or billboard

4402.410 - Outside material storage

4402.411 - Packing or crating operation

4402.412 - Parking lot

4402.413 - Smelting or rendering

4402.414 - Carting, express, moving or hauling terminal or yard

4402.415 - Any industrial use prohibited in the M District

4402.5 - All uses in existence on the effective date of the designation of a Waterfront District which have a valid certificate of occupancy or uses intended to occupy a building or structure for which a valid building permit has been issued on the effective date of the designation of a Waterfront District and which are permitted

in a Waterfront District as a special exception under Subsection 4402.3 shall be considered as conforming uses. Any expansion of such use or the introduction of any additional uses must be approved by the Board of Zoning Adjustment in accordance with the applicable Paragraph of Subsection 4402.3. All uses in existence on the effective date of the designation of of a Waterfront District which have a valid certificate of occupancy or uses intended to occupy a building or structure for which a valid building permit has been issued and which are prohibited in a Waterfront District under Subsection 4402.4 shall be considered as non-conforming uses and shall be governed by the applicable provisions of Article 71 of these Regulations.

4402.6 - Existing Structures - All structures in existence or under construction pursuant to a valid building permit on the effective date of the designation of a Waterfront

District and which do not otherwise conform to the applicable standards of a Waterfront District shall be considered as conforming structures. All such structures may be renovated, remodeled, altered or expanded provided there shall be no increase in height, floor area, lot occupancy, yard, court or roof structure requirements above those normally allowed in said Waterfront District.

Section 4403 - Heights of Buildings and Structures

4403.1 - Except as provided below, the height of buildings and structures shall not exceed that given in the following table:

W-1	-	40 feet
W-2	-	60 feet
W-3	-	90 feet

In the Waterfront Districts, the height of buildings and structures shall be measured as provided in Section 1202 (definition of "building, height of"), except that height shall be measured to the highest point of roof, excluding parapets not exceeding five feet in height.

4403.2 - A spire, tower, dome, pinnacle or minaret serving as an architectural embellishment, a radio or television tower, a chimney or smokestack may be erected to a height in excess of that authorized in Subsection 4403.1.

4403.3 - If erected or enlarged as provided in Section 4407, housing for mechanical equipment, or a stairway or elevator penthouse may be erected to a height in excess of that authorized in the district in which located, provided such housing or penthouse is set back from all lot lines of the lot upon which such structure is located a distance equal to their respective heights above the roof of the top story.

Section 4404 - Floor Area Ratio

4404.1 - In the W-1 District, the floor area ratio of all buildings and structures on a lot shall not exceed 2.5, not more than 1.0 of which may be used for other than residential purposes.

4404.2 - In the W-2 District, the floor area ratio of all buildings and structures on a lot shall not exceed 4.0, not more than 2.0 of which may be used for other than residential purposes.

4404.3 - In the W-3 District, the floor area ratio of all buildings and structures on a lot shall not exceed 6.0, not more than 5.0 of which may be used for other than residential purposes.

4404.4 - For the purposes of this section "residential purposes" shall include dwellings, flats, multiple dwellings, rooming and boarding houses, hotels and motels.

Section 4405 - Off-Street Parking and Loading

4405.1 - All buildings and structures in a Waterfront District shall be provided with at least the number of off-street parking spaces specified in the following parking schedule. All such parking spaces shall conform to the provisions of Sections 7204, 7205, 7206, and 7207, except Paragraph 7207.17.

USE	MINIMUM NUMBER OF PARKING SPACES
Single-family Dwelling or Flat	1 dwelling unit
Multiple Dwelling	1/4 dwelling units
Hotel or Motel	1/4 sleeping rooms or suites
Hospital or Nursing Home	1/8 beds
Retail Sales or Service	1/750 square feet of gross floor area
Office or Clinic	None
Boat Club or Marina	1/4 berths or slips
Recreational Building or Use	1/2,000 square feet of gross floor area
Manufacturing, processing, fabricating, milling, wholesale use, or building service trade	None
Warehouse	None
Theater or Place of Public Assemblage	None
All others	None

4405.2 - The Board of Zoning Adjustment is authorized to reduce the minimum number of required parking spaces. Such reduction shall be governed by the provisions of Subsections 7203.2 and 7203.3.

4405.3 - All buildings and structures in a Waterfront District shall be provided with at least the number of off-street loading berths specified in the following schedule:

USE	MINIMUM NUMBER OF LOADING BERTHS
Multiple dwelling with more than 50 units	1
Hotel - for each 200 rooms	1
Office	
20,000 to 50,000 square feet of gross floor area	1
50,000 to 100,000 square feet of gross floor area	2
Over 100,000 square feet of gross floor area	3
Retail	
5,000 to 10,000 square feet of gross floor area	1
10,000 to 50,000 square feet of gross floor area	2
For each additional 100,000 square feet	1

Warehouse, Wholesale & Manufacturing	
5,000 to 20,000 square feet of gross floor area	1
20,000 to 100,000 square feet of gross floor area	2
For each additional 100,000 square feet	1
All others	None

All such berths shall conform to the requirements of Subsections 7302.2 and 7302.3, Sections 7303 and 7305 and Paragraphs 7306.11 and 7306.12 and shall be located within the building or in the rear or side yard of the building.

Section 4406 - Yards, Courts and Open Space Requirements

4406.1 - Percentage of Lot Occupancy

4406.11 - No building or portion thereof devoted to residential use including accessory buildings, shall occupy the lot upon which it is located in excess of the percentage of lot occupancy prescribed in the following table:

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Government of the District of Columbia

ZONING COMMISSION

Zoning Commission Order No. 104
Case No. 73-21
NOvember 20, 1974

Pursuant to public notice, a public hearing was held on August 6, 7, 8 and 9, 1973, to consider the following amendment to the Zoning Map which would zone the Georgetown Waterfront Area, according to the Waterfront Zone Districts (W-1, W-2 and W-3), described as that area bounded by the Potomac River on the south, Rock Creek Park on the east, M Street, N.W. on the north, and 37th Street, N.W. extended to the Potomac River on the west; also including those portions of Squares 1202 and 1203 zoned C-M-2 immediately prior to these changes. Unless otherwise specified, all zoning boundaries shall be along street center-lines between squares, or alley center-lines or property lines within squares. All property descriptions are from the Baist Atlas, Volume III, Maps 1 and 2 on file in the Offices of the Zoning Commission of the District of Columbia.

Said zoning of the Georgetown Waterfront Area is as follows:

MAP CHANGE INSTRUCTIONS

1. Existing C-2-A shall remain as mapped, in addition, all property now in Squares 1202 and 1203 zoned C-M-2 shall be rezoned to C-2-A.

2. W-3 shall be mapped for property as follows: all that property in Square 1173 excluding lots 800, 802, 808, 811, 812; all that property in Square 1190 excluding lots 69, 70, 71, 72, 835, 839, 840, and a strip of land measured 20 feet south of the boundary of National Park property containing the Chesapeake and Ohio Canal; in all of Square 1191 excluding a strip of land measured 20 feet south of the boundary of National Park property containing the Chesapeake and Ohio Canal.

3. W-2 shall be mapped as follows: all that property in Square 1192; all that property in Square 1195 excluding all that property now zoned C-2-A; all that property in Square 1196 excluding all that property now zoned C-2-A; all that property in Square 1166* excluding lots 800, 801, 802; in Square 1200, lots

*The Surveyor's Office lists this Square as 1186.

819, 820, 821, 835, 848 and those parts of lot 818 lying within 90 feet of M Street; all that property in Square 1183 south of the boundary of the National Park containing the Chesapeake and Ohio Canal; all that property in Square 1185 excluding lot 802 and a strip of land 20 feet south of the boundary of the National Park containing the Chesapeake and Ohio Canal; all that property in Square 1187, all that property in Square 1184 excluding lots 12, 13, 46, 47, 48, 804, 806, 820, 821, 832, 833 and a strip of land 20 feet south of the boundary of the National Park containing the Chesapeake and Ohio Canal; all that property in Squares 1171 and 1172; in Square 1173 lots 800, 802, 808, 811, 812

4. W-1 shall be mapped on all other property within the boundaries of the Georgetown Waterfront as described above.

WALTER E. WASHINGTON

JOHN A. NEVIUS

STERLING TUCKER

GEORGE M. WHITE

RICHARD L. STANTON

ATTEST: Martin Klauber
Martin Klauber
Executive Secretary

Commissioner Stanton respectfully dissents from this Order.

STATEMENT OF REASONS

Zoning Commission Case Nos. 73-20 and 73-21
New Waterfront Zones and their Application to
The Georgetown Waterfront Area
December 20, 1974

The District of Columbia's waterfront areas include significant amounts of private property that are mostly blighted, declining industrial areas. Their uses date back to when freight was hauled over water and they experienced their greatest prosperity prior to the development of modern warehousing and material handling techniques.

Typically, these waterfront areas in the District and in other cities were envisaged in the past as places of commerce and industry. The industrial imperative often precluded their use for residential and recreational purposes. In Washington, D. C., such areas were zoned M and C-M, industrial-commercial zones, in which new residential developments are prohibited. With declining industrial use, relatively high density office use actually is encouraged in these zones. This was the condition of the waterfront areas in the District of Columbia that the Zoning Commission, after a public hearing, addressed on October 4, 1972, when it issued Order No. 52 directing its staff to study the zoning of waterfront areas, including Georgetown, and to develop new zoning proposals for Commission consideration. The order directed the staff to prepare zoning alternatives to encourage new residential uses, to reduce potential commercial density and to control building heights in waterfront areas.

to reduce potential commercial density and to control building heights in waterfront areas.

As a result of the staff study of waterfront areas, and with particular reference to the Georgetown Waterfront where construction activity was underway for two office building complexes, this Commission held a public hearing on August 6, 7, 8, and 9, 1973. The hearing was held on:

1. A staff proposal to amend the zoning regulations to create a new mixed-use waterfront zone district, with three levels of density, W-1, W-2, and W-3 (Case 73-20).

2. Amendments of the zoning maps rezoning the Georgetown Waterfront area from the existing M and C-M-2 industrial zones to the proposed new waterfront zones (case 73-21).

Testimony was received from staff, consultants retained by the parties, citizen witnesses, property owners and the staff of the National Capital Planning Commission which jointly with the District of Columbia had commissioned a study by a consulting team, the Georgetown Planning Group (GPG). Two phases of the GPG three-phase study were published and pre-

sented at the hearing. Third phase documents were made available in final draft form to the Commission and staff during the deliberations of the Commission on the text amendment and map changes.

It has been evident that the existing M and C-M-2 industrial zoning of the Georgetown Waterfront area is obsolete. The complex matter of eliminating this obsolete zoning and replacing it with zoning that is more compatible with the needs of this special area has evoked considerable discussion. The Commission's task has been to evaluate the differing testimony of traffic and economic experts and city planners, as well as the views of residents and property owners, concerning the type and intensity of development that is desirable for the Georgetown Waterfront area.

Some property owners requested that there be no change in the existing industrial zoning other than to permit residential development. To support that position, the argument was made that existing zoning permits the types of development that are appropriate to the area. Under this view, the restraint of market factors and the architectural and aesthetic controls of the Fine Arts Commission are adequate to prevent adverse development. We were also presented with the position of

some citizens who would allow no more commercial development in favor of low-density luxury-type townhouses.

In our view, in planning and zoning for this special area, the operation of the market cannot serve as the main constraint on adverse development. We believe that sound planning calls for a mixture of uses in this area under strict controls. We believe that the needed controls are provided by the new waterfront zone districts, which give a range of heights and densities and allow a mixture of uses. These zones, as applied in the mapping of the area provide for reductions in commercial development potential under a framework designed to encourage the desired residential development, while taking full account of the natural and historic features of the area.

Such a mixed use area will provide for compatible blending of office and retail activities with residential units of various kinds including townhouses and apartments, in harmony with existing structures of architectural and historic significance which include small townhouses areas and large and interesting warehouses. Under strict limitations as to bulk and density, retail stores, offices, restaurants, and places of entertainment, as well as residences, provide the benefit

of 24-hour activity to the area. An added amenity will be the opening up of the waterfront itself to public use for park and recreation purposes. (Approximately 90 per cent of the riverfront itself is publicly-owned by the District of Columbia).

New private sector investment in the privately-held land areas of the Georgetown Waterfront is essential to make the desired mixture of uses a reality. The reduction of development capacity from the level of existing zoning is designed not only to meet environmental constraints, but to provide the ambience that the mixed use concept demands. Nevertheless, there must be sufficient development density to encourage the construction of new facilities as well as the renovation and reuse of older buildings.

The Commission believes it has found the appropriate level for the proper development of the Georgetown area between M Street and the Potomac River. The flexible mixed use zones adopted will serve Georgetown and other waterfront areas by encouraging private development within limits calculated to end obsolete land usage and they will also respect the unique geographical constraints of waterfront areas. Through the mixed use concept, incentives are provided to eliminate existing

waterfront industrial blight while encouraging harmonious development.

The Commission recognizes its responsibilities set forth in the Zoning Act of Section 5-414 of the D.C. Code as follows:

> "Such regulations shall be made in accordance with a comprehensive plan and designed to lessen congestion in the street, to secure safety from fire, panic, and other dangers, to promote health and the general welfare, to provide adequate light and air, to prevent the undue concentration of population and the overcrowding of land, and to promote such distribution of population and of the uses of land as would tend to create conditions favorable to health, safety, transportation, prosperity, protection of property, civic activity, and recreational, educational, and cultural opportunites, and as would tend to further economy and efficiency in the supply of public services. Such regulations shall be made with reasonable consideration, among other things, of the character of the respective districts and their suitability for the uses provided in the regulations, and with a view to encouraging stability of districts and of land values therein."

Meeting the requirements of the statute obliges the Commission to weigh carefully the sometimes competing statutory criteria and the sometime conflicting interests of all diverse parties including the concerns of the City itself. It must be recognized that many complex factors including public action affect the appreciation and depreciation of land values.

Having considered all of the facts, interests and claims presented to it, and after carefully deliberating upon and balancing them, the Commission, to fulfill its statutory responsibilities, has weighed the following considerations, in connection with the mapping of the Georgetown Waterfront area in accordance with the adopted Waterfront Zone Districts:

1. Removal of existing industrial blight. The Georgetown Waterfront area has suffered too long from industrial blight. The area needs revitalization to serve residents and visitors and to enhance its natural and historic features. Under the former industrial zoning (M and C-M-2) of the Georgetown Waterfront area, the "highest and best uses" of property were for commercial office buildings, either 90 feet in height with a floor area ratio (FAR) of 6.0 or 60 feet with 4.0 FAR, depending on the specific zone. It was not permissible under the former industrial zoning to construct residential buildings.

We believe that greater reductions in height and density than are adopted herein would limit the economic opportunities for the redevelopment of this area. There would be this paradox: industrial property owners might hold on to marginal

operations rather than redevelop the area to remove blighted conditions. Ugly industrial structures and parking lots could remain if there is no incentive for redevelopment.

2. Encouragement of residential development. Interested parties and consultants have recommended that residential development be permitted. Differences exist concerning the extent and density of such development and the type of residential development desired. We believe that residential development should not be limited to luxury townhouses sold at prices that only the very wealthy can afford. Such townhouses would result under rowhousing zoning categories. Apartment units of various sizes should also be available to broaden the housing opportunities. Moreover, the District of Columbia needs new residential population to offset a population decline. The new zoning text contains provisions that permit a higher level of density for residential use than for commercial use in a mixed use context, thereby providing an economic incentive for residential construction. Residential development has a lesser impact on the environment and on traffic conditions that does commercial development.

3. The Georgetown Waterfront should be a "mixed use" zone. As we noted at the outset, the Georgetown Waterfront is an appropriate place to institute the mixed use zoning concept.

Such an approach is being proposed elsewhere for the revitalization of urban areas. Similar concepts have been suggested for the C-M-2 area in the West End, and are under consideration for other declining waterfront industrial areas. A balanced combination of residential, office, retail and recreational uses, with varying heights and densities, provides greater design flexibility and opportunities to enhance the quality of life than more traditional single-use ("Eucludian") zones. Such combinations can help to reduce traffic by bringing residential, commercial and recreational activities close together.

4. The significant natural features of the Waterfront should be respected and enhanced. In accordance with substantial testimony at the hearing and the recommendations of GPG, the zoning text that we have adopted and mapped provides for the 40 foot lowest density W-1 zone in the areas long most of the C & O Canal, the bulk of the riverfront and the vista to the Potomac River from M Street down Wisconsin Avenue, about half of the total area of the Georgetown Waterfront. Apart from the W-3 area mapped in the lower eastern portion of the Waterfront area, where the topography and road access system can accommodate the greatest height and bulk, and where the

Fine Arts Commission has already approved initial private development plans, the remaining portions of the Waterfront, including the area adjacent to Rock Creek and along K Street, have been zoned to a medium density 60-foot W-2 zone.

5. Historic structures should be preserved or adapted to new uses. The new zoning imposes the low density W-1 zone for certain existing enclaves of townhouses to encourage their preservation and continued use and encourages re-use of existing vacant structures for new activities. In certain areas, of the waterfront, moderate levels of development are necessary to provide the economic basis to preserve historic structures. This is particularly true of certain warehouses and other industrial buildings, which can be adapted for new activities. This was done in Canal Square and is underway at the old Dodge Warehouse and the Duvall Foundry. Other such structures where similar development is possible in the Georgetown Waterfront are the old Flour Mill, the Waring Barrel Factory and the Bomford Mill.

6. Reductions in height can accomplish stated objectives in certain areas, but may be counterproductive if imposed too broadly. At the hearings, differing views were presented on the issue of building heights. We have weighed these views carefully.

The greatest limitations in height were applied to such specific areas as the riverfront and the canal where a lower building profile is essential to protect unique physical characteristics. On the other hand, it was felt that a uniform height limit throughout the waterfront area would tend to foster a box-type development. Such a result would, in our view, be less desirable than an arrangement which would encourage variations in land coverage and height as well as variations in use.

Overall, the rezoning results in a significant reduction from the heights allowed under the former industrial zoning. The proposed mapping drops the matter-of-right height limit on half the waterfront area to 40 feet. The areas covered by 60 foot and 90 foot heights are strictly limited in total area and location. We believe we have proposed a solution to the difficult judgmental questions on the height issue by tailoring the heights to meet the needs of certain identified special areas while providing flexibility in other areas in the interest of a more attractive community.

7. Traffic constraints in Georgetown require a reduction of commercial development potential. Traffic experts at the

1972 and 1973 hearings recognized that the traffic circulation system in Georgetown cannot now handle the total potential development permitted by the existing industrial zoning. There were variations in the testimony concerning the nature and extent of the traffic problems to be faced and the amount of the reduction in development potential that is necessary or appropriate to meet traffic constraints.

The new zoning for the Waterfront area provides for a reduction in traffic generating potential from approximately 6.5 million square feet of commercial space to the equivalent of 3.7 million square feet. The latter figure has been adjusted to reflect the lower level of traffic generation of residential development. We view the result as a balanced one which takes into account the many varying analyses presented at hearings and in supporting staff reports including the GPG papers and drafts.

There is an evident need to solve the traffic circulation problems of this area and to remove the Whitehurst Freeway which, in itself, contributes to the atmosphere of industrial blight in the area. The zoning adopted with its greatly lowered traffic-trip generating potential as compared to the

former industrial zoning, will be an important factor in resolving these problems. In the same vein, we have prohibited surface parking lots and have lowered the minimum parking requirements for most facilities in the Waterfront districts.

8. Viable economic development should be encouraged if appropriate limits and controls on growth are to be provided. The District needs new economic development to generate increased economic opportunities for its citizens and to broaden its tax base. The economic consultants agreed that the Georgetown Waterfront is a viable area which can be developed to compete successfully with other parts of the Metropolitan region for new residents and shoppers. To prohibit reasonable amounts of such development in favor of exclusive townhouse zoning would not be in the best interests of Georgetown or the District as a whole. It is noteworthy that the GPG studies accept this view.

The point has been stressed that reductions in potential commercial development are needed to preserve the ambience and stability of the entire Georgetown area. We agree basically with this view and have reacted to it by sharply reducing the potential for the construction of large office buildings. It would be wholly inappropriate for the waterfront to develop as an extension of the central business district.

It is also our view, however, that the adopted zoning will provide a moderate level of the desired mixed use development including apartments, offices, shops, hotels, and restaurants, as well as townhouses, giving the Georgetown Waterfront a distinct and special 24 hour character.

9. The need for a timely decision. Because of the importance of this case, the Commission has considered this matter for a lengthy period of time. There have been lengthy planning studies, public hearings, discussions, and reviews. We are aware of the burdens imposed thereby upon all interested parties as well as the general public.

It should be pointed out that this proceeding is neither the first, nor will it be the last review by the Zoning Commission of zoning in this area of the city. There will be subsequent opportunities for interested parties to request the Commission to further refine or modify the zoning of the George town Waterfront through sectional development plans, planned unit developments and other proceedings.

We believe that we have considered all relevant information and have received all the expressed viewpoints of interested parties and the citizenry. It is now time, in our view, to

decide the issue of waterfront zoning and its application to Georgetown.

10. Environmental and open space considerations are significant factors. The Commission recognizes that additional development in any area of the District may impact adversely on the environment, particularly in terms of traffic, air and noise. We are persuaded that the significant reductions in density provided by the new zoning will contribute to the resolution of these environmental problems. The development that could have proceeded as a matter of right under the former industrial zoning had the potential of creating unacceptable adverse environmental effects. In addition, the existing industrial blight in the waterfront area generates traffic, air and noise pollution problems, discourages the development of more suitable new facilities and impedes historic preservation.

There is a need to provide public open space in all areas of the city and to encourage the establishment of private open space. We have lowered the potential for development bulk and density in the W-1 district and mapped this district along the riverfront, along both sides of the C & O Canal and down the Wisconsin Avenue slopes. We expect that there will be development in these areas of uses related to the water including

recreational uses, outdoor cafes, plazas and market areas, sailing marinas and docks and simple landscaped trails and and open space. The combination of height, bulk and density controls in the W-2 and W-3 areas will also serve to encourage developers to provide open space as part of their designs.

In reaching the decision in this case, we must acknowledge the significant contribution of the GPG consulting team. While we have not accepted their recommendations or technical analysis in full, the proposed zoning amendments that were noticed for the August 1973 hearings and the modifications of those proposals which were developed following the hearings reflect this Commission's adoption and approval of much of the GPG product.

The GPG final plan and program and sectional development plan will be useful for certain other kinds of public action - public space improvements, changes in traffic patterns, historic preservation, review of individual projects by the Fine Arts Commission, as well as by this Commission, in connection with Article 75 applications. It is our hope that the Planning Commission will identify such opportunities as it gives further attention to the final GPG drafts now at hand.

CONCLUDING STATEMENT

• In adopting the new Waterfront Zone District text amendment, and mapping the Georgetown Waterfront, this Commission has sought to recognize the needs of this unique and historic area of the Capital city.

• The Waterfront Zone District provides for the introduction of residential uses in this area including apartments and townhouses while paying due regard to the need for historic preservation and the desirability to protect and enhance the amenities of the area, including the riverfront and the canal.

• A moderate level of development at varying heights and densities has been authorized and mixed uses have been encouraged.

• As mapped, the new Georgetown Waterfront area will emerge as an attractive living place for our people, including shops and offices with provisions for recreation and entertainment for residents and visitors.

• The zoning controls proposed are designed to assure that development will harmonize with the area and be of significant benefit to Georgetown and to the District of Columbia as a whole.

WALTER E. WASHINGTON

JOHN A. NEVIUS

STERLING TUCKER

GEORGE M. WHITE

ATTEST:

Martin Klauber
Executive Secretary

DISSENTING OPINION OF RICHARD L. STANTON, MEMBER, D.C. ZONING COMMISSION

Cases No. 73/20-21-Georgetown Waterfront

The present C-M-2 and M zoning districts on the Georgetown Waterfront are, in my opinion, obsolete and not in the public interest. Present allowable building bulks and heights comprising a zoning envelope of 6.5 million square feet of development capacity are excessive. In addition, the industrial uses allowed under present zoning are no longer appropriate. The evidence presented at public hearings held in August 1973 in these cases supports this view. The National Capital Planning Commission, the Zoning Advisory Council, the Fine Arts Commission, the C&O Canal Historical Park Commission, the State Historic Preservation Officer, the National Trust for Historic Preservation, the Georgetown Citizens Association and many individuals agree with this opinion. The Zoning Commission itself, in Order No. 48, adopted on June 29, 1972, recognized this possibility and resolved that an emergency existed and down zoned the Georgetown Waterfront as follows:

> 1. From C-M-2 to C-2-A all lots fronting on both sides of M Street, N.W., and located between Wisconsin Avenue on the east and 37th Street on the west and not already zoned C-2-A.
>
> 2. Changed from C-M-2 and M to R-4 all lots in the area bounded by M Street, N.W., Rock Creek Park, the Potomac River and 37th Street, N.W., extended and not changed to C-2-A in No. 1, above.

This action took into account the fact that the National Capital Planning Commission, the Department of Transportation, the Department of the Interior, and the Department of Housing and Urban Development were funding an extensive study of the Georgetown Waterfront at a cost of $270,000. The contract for a consultant study was executed on January 26, 1972, to study and recommend appropriate forms of development for the Georgetown Waterfront Area to provide for the harmonious development of public, commercial, and residential facilities.

The Zoning Commission was also concerned that then current proposals for the Dodge Center and the first phase of the Inland Steel project would move forward without the benefit of an opportunity to verify and consider the preliminary findings of the study task force on matters dealing with capacity of the transportation system, the opportunity and need to preserve historic buildings, and the need to preserve orderly and harmonious development of the area. In my opinion, the Commission acted in a responsible manner in adopting this emergency action under its authority contained in the Zoning Act of June 20, 1938, as amended. Following hearings on September 28, 1972, this order was terminated.

Four days of hearings were held in August 1973 on proposals to establish regulations for waterfront districts and accompanying mapping. The findings of Phase IIA of the GPG report were presented at this hearing.

The zoning envelope contemplated under the advertised text amendments provided for 5.475 million square feet of development capacity, a reduction of only about one million square feet under the present C-M-2 and M zoning categories. The overwhelming evidence at the August 1973 hearings supported my view that the overall theoretical building envelope of 5.475 million square feet capacity, as advertised, was too great and cannot be served adequately either by the existing or the proposed improved street system for the Georgetown Waterfront. This is particularly important since the movement system peculiar to the Georgetown Waterfront is a major constraint to viable development in this area. This view was held by both the District of Columbia Department of Highways and Traffic and the Transportation Consultant for the Georgetown Planning Group (GPG study). In addition, the 60 foot height limits in the W-1 and W-2 districts and the 90 foot heights proposed in the W-3 districts were, in my opinion, clearly beyond the heights appropriate for the scale and integrity of the Georgetown Waterfront, particularly along the C&O Canal and the land area adjoining the river.

On November 8 and 15, 1974, the Office of Planning and Management (OPM) staff offered a final draft of a suggested amended text and suggested mapping for the W-1, W-2, and W-3 zoned districts for the Waterfront. The suggested revisions were, in some ways, an improvement over the advertised text and mapping in that the W-1, W-2, and W-3 districts provided for 40, 60, and 80 foot height limits, respectively, as a matter of right and the mapping proposed an abundance of W-1 with 40 foot heights along most of the C&O Canal but the overall density for the Georgetown Waterfront, as contemplated in the revised text "B" is still excessive.

The suggested revised text "B" still provided for a development capacity which, in my opinion, is no significant departure from the capacity in the advertised text and mapping, text "B" being merely a reconfiguration of the envelope. The GPG study, to this point, suggests a zoning envelope having about 3.3 million square feet of development capacity, a considerable reduction.

GPG Study The Zoning Commission recognized the importance of the GPG study in its Emergency Order No. 48, adopted on June 29, 1972. It is unfortunate that the GPG study has been delayed for one reason or another; however, the Executive Director of the National Capital Planning Commission informed the Zoning Commission of NCPC's anticipation that the GPG consultants will submit by the first week in December their final draft of the Sectional Development Plan for the Georgetown Waterfront. The Executive Director goes on to point out that soon thereafter the plan would be forwarded to the Georgetown Waterfront Coordinating Committee for review and comment. This Coordinating Committee includes representation from the District of Columbia

Government, both from the Office of Planning and Management and the Department of Highways and Traffic. After the Coordinating Committee's comments, consultants would be instructed to complete a final development plan and program (Phase IIB) and a final draft Sectional Development Plan (Phase III). Thereafter, the material would be submitted to the NCPC, the Executive Director anticipating this to occur by January 15, 1975. Thus, the final plan and program would be available for presentation to the NCPC at its February 6, 1975, meeting. It would be anticipated that the Commission would authorize circulation of both the plan and program and the draft Sectional Development Plan for review and comment by the appropriate Federal and District agencies and citizen groups. This timing further contemplates that at the NCPC meeting on April 3, 1975, a recommended Sectional Development Plan would be offered to the Zoning Commission. The Sectional Development Plan would contain recommended zoning changes in keeping with the development plan and program for the Georgetown Waterfront Area. Thus, the GPG plan could, in its totality, be made fully available for review and final recommendations in the next several months. The Sectional Development Plan which would result from this process would be the first under the amendments to the zoning regulations adopted September 27, 1975, by the Zoning Commission relating to Sectional Development Plans. Although it is the opinion of the majority of the members of the Zoning Commission that no significant findings will come out of the Phase III report that are not available now in the material published so far, I believe that the Sectional Development Plan and zoning proposal is the most significant component of the GPG study and should be available, along with final recommendations, before a decision is made to zone the Georgetown Waterfront. This $270,000 study represents a considerable investment of public money. It has been 15 months since the August 1973 hearings and the public expects and has a right to expect that the Zoning Commission will wait 3 or 4 more months for the plan's end product I am informed by District officials that there have been no requests for building permits on the Georgetown Waterfront since the August 1973 hearings and it is apparent that no emergency exists at the time of this writing. It, therefore, seems essential to me that the Zoning Commission should wait for the publication and coordination of Phase III of the GPG study as it might suggest to the OPM staff and the members of the Commission that the modified text B and modified mapping which is offered for adoption today might not be the most appropriate plan for the Georgetown Waterfront. In addition, there is another important issue, that of keeping faith with the public which has encouraged and expected the Zoning Commission not to make a decision until Phase III is completed and made available to the Zoning Commission.

GPG Study as it relates to Section 7502-Sectional Development Plans

There is a further reason why a delay in the Georgetown Waterfront case should be withheld until final publication of the Phase III GPG report.

The Zoning Commission unanimously adopted Sectional Development Plan Regulations (Order No. 97, Case No. 73-17, September 27, 1974). The

intent of these regulations, in my opinion, is clear, to provide, as stated at 7502.1, areawide, detailed approaches to the implementation of major development goals and objectives of the citizens of the District of Columbia. A reading of the Sectional Development Plan Regulations shows me that the Georgetown Waterfront qualifies for consideration under the intent of the new regulations. A further reading of the regulations leaves no question in my mind that the Zoning Commission now puts great emphasis on the initiation and preparation of Sectional Development Plans. Although the Office of Planning and Management has sought inputs from the public since the August 1973 hearings, the Sectional Development Plan Regulation, as adopted by this Zoning Commission would seem to require, at least by intent, that the major planning input, the GPG study, should be recognized in its totality and precede any zoning actions, barring an emergency situation.

Public Law 808 (Old Georgetown Act), approved September 22, 1950, makes it clear, in my opinion, that all lands in the District identified as "Old Georgetown" as described in the act must receive an extraordinary amount of consideration as land use and development decisions are made. The text B amendment and modified mapping offered for consideration to the Zoning Commission today is not fully sensitive to the intent and spirit of this act. Already it appears that the Inland Steel complex will tend to overpower the Waterfront Area.

I am not unmindful of the fact that the makeup of the Zoning Commission will change on January 2, 1975, and that yet another hearing on the Georgetown Waterfront may be required if the present Zoning Commission does not act on Cases No. 73/20-21. I am also aware that it is prudent for public officials to make decisions, large or small, within reasonable time frames. In this case, however, I believe that the public interest can be best served by delay as the delay is reasonable and justified.

For the above reasons, I am unable to vote favorably on the suggested text B amendment and the amended zoning map. I, therefore, respectfully dissent from the opinion of the majority of the Zoning Commission.

Richard L. Stanton

Richard L. Stanton

Washington, D.C.
November 20, 1974

ATTEST: Martin Klauber

Martin Klauber
Executive Secretary

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(b) There shall be adequate, appropriately located and screened off-street parking sufficient to provide for the needs of the maximum number of occupants, employees, congregants and visitors who can use the facility at one time; Provided, that the following requirements are met:

(1) The number of parking spaces provided shall be not less than the number required by chapter 21 of this title and shall be located and designed so that they have the least objectionable effects on contiguous or nearby property because of noise, traffic or other objectionable conditions;

(2) Parking spaces and driveways providing access to them shall not be located in a required side yard, or on the lot between the principal building and a street right-of-way, nor in public space abutting the lot;

(3) If five (5) or more open parking spaces are provided, the parking spaces shall be screened from all contiguous residential property by a wood fence or a wall made of brick or stone at least twelve inches (12 in.) thick and forty-two inches (42 in.) high, or by evergreen hedges or evergreen growing trees which are thickly planted and maintained and are at least forty-two inches (42 in.) in height when planted; and

(4) Any lighting used to illuminate open parking spaces shall be so arranged that all direct rays of lighting are confined to the surface of the paved area devoted to parking; any lighting provided shall be the minimum necessary for reasonable visibility by drivers and for security purposes.

1553.3 Any expansion, renewal of time limits or other changes to an existing use permitted by special exception in the R-1 district provisions shall continue to be governed by the R-1 provisions rather than those of this overlay district.

SOURCE: Final Rulemaking published at 41 DCR 5045, 5047 (July 29, 1994).

1554 - 1560 [RESERVED]

1561 FORT TOTTEN OVERLAY DISTRICT (FT)

1561.1 The Fort Totten Overlay District (FT) is established to allow existing industrial businesses to remain and expand and to propose land use control policies to further implement the Comprehensive Plan for the National Capital.

1561.2 The FT is applied to the area that is immediately north and south of Fort Circle Park (also known as Fort Drive Park), and shall be mapped in combination with the C-3-A, CR, C-M-1 and M Zone Districts.

(a) North of Fort Circle Park:

(1) The zone boundaries of the FT/C-3-A Zone District shall begin at the intersection of First place and Riggs Road, N.E., and proceed as follows:

West along the centerline of Riggs Road to the north/south alley that is immediately west of and parallel to First Place; south along the centerline of that alley to Ingraham Street; east along the centerline of Ingraham Street to First Place; south along the centerline of First Place to the north property line of Parcel 124/141; east along the north property line of Parcel 124/141 and then continue east along the north property line of Parcel 124/140 (also known as Lot 804 in Square 3700); east along an imaginary line that represents the easterly extension of the north property line of Parcel 124/140; continue east along that imaginary line until it intersects a second imaginary line that represents the westerly extension of the property line between Lots 5 and 808 of Square 3767; continue east along the second imaginary line and the property line between Lots 5 and 808 to the alley in Square 3767; north along the center-line of that alley to Kennedy Street; west, north and then east along the perimeter of an existing R-5-A Zone District boundary line that encompasses Parcel 137/78 (also known as Lots 3, 4 and 800 in Square 3766) to South Dakota Avenue; north along the centerline of South Dakota Avenue and then northwesterly along the centerline of the vehicular ramp (which connects Riggs Road and South Dakota Avenue) to Riggs Road; west along the centerline of Riggs Road to the point of origin; and

(2) The zone boundaries of the FT/CR Zone District shall be the boundaries of the existing C-M-1 Zone District that is immediately north of Fort Circle Park and south of the FT/C-3-A Zone District as described in §1561.2(a) (1).

(b) South of Fort Circle Park:

(1) The zone boundaries of the FT/M Zone District shall be the identical boundaries of the existing M Zone District that is immediately south of and contiguous to Fort Circle Park; and

(2) The zone boundaries of the FT/C-M-1 Zone District shall be the identical boundaries of the existing C-M-1 Zone District that is immediately south of and contiguous to Fort Circle Park.

1561.3 The purposes of the FT shall be as follows:

(a) To encourage a scale of development and a mixture of building and land uses as generally required by the Comprehensive Plan;

(b) To encourage future residential and commercial development by means of the provisions of the underlying CR and C-3-A zones while enabling existing industries, which provide jobs, tax revenues and critical support functions for the development of the District of Columbia to remain; and

(c) To protect surrounding residential areas from the adverse impacts of existing industrial support uses by means of the buffering standards provided in this overlay district.

SOURCE: Final Rulemaking published at 43 DCR 2585, 2586 (May 26, 1995).

1562 GENERAL PROVISIONS

1562.1 The FT is mapped in combination with the underlying C-3-A, CR, C-M-1 or M zone districts and not instead of the underlying districts.

1562.2 Where there is a conflict between this chapter and the underlying zoning, the more restrictive provisions of this title shall govern.

SOURCE: Final Rulemaking published at 43 DCR 2585, 2586 (May 26, 1995).

1563 HEIGHT, BULK AND USE PROVISIONS

1563.1 An existing commercial or industrial use with a valid certificate of occupancy (C of O) as of the effective date of this overlay zone shall be deemed a conforming use.

1563.2 An existing business or industrial use as provided in §1563.1 shall be permitted to expand pursuant to the height, bulk and other area standards of the underlying zone district.

1563.3 A business or industrial use that expands pursuant to §1563.2 shall comply with the following yard and screening standards:

(a) If the lot line of the lot being developed coincides with the lot line of a property in a residential zone district, or is separated only by a street or alley from a property in a residential district, where the property is not owned by a business or industrial user, and the property is not being used for residential purposes, the following standards shall apply:

(1) A yard of twenty-five feet (25 ft.) shall be provided on the portion of the lot adjacent to the residential zone; Provided, that the requirements under paragraphs (a)(1) through (a)(5) of this subsection are met;

(2) Where there is a street or an alley between the residential lot and the lot subject to this overlay zone, the required yard shall be fifteen feet (15 ft.) measured from the lot line;

(3) The yard shall not be used for parking, loading, or accessory uses;

(4) The yard shall be landscaped with evergreen trees in a healthy growing condition which shall be a minimum of six feet to eight feet (6 ft. to 8 ft.) in height when planted; and

(5) Planting locations and soil preparation techniques shall be shown on a landscape plan submitted with the building permit application to the Department of Consumer and Regulatory Affairs for review and approval according to standards maintained by the Department's Soil Resources Branch, which may require replacement of heavy or compacted soils with top soil and drainage mechanisms as necessary; and

(b) A fence or wall shall be erected as a buffer between the residential lot(s) not owned by a business or industrial user that abut a lot affected by this overlay zone; Provided, that the fence or wall shall be no less than eight feet (8 ft.) and no more than ten feet (10 ft.) in height, and shall be either a solid, wood, board-on-board fence or a brick or stone wall.

1563.4 The maximum height and bulk of a new building for a newly established use in the underlying CR District shall be eighty-feet (80 ft.) in height inclusive of roof structure and 5.0 FAR.

1563.5 Buildings proposed to have a height in excess of sixty-five feet (65 ft.) shall provide special architectural features, roof parapet detailing and design consideration of roof top and penthouse structures to ensure that the views and vistas from the historic fortification of Fort Totten are not degraded or obstructed. The Office of Planning shall review and provide a report with recommendation.

SOURCE: Final Rulemaking published at 43 DCR 2585, 2588 (May 26, 1995).

1564 SPECIAL EXCEPTIONS

1564.1 The Board of Zoning Adjustment, after public hearing, may waive or vary the requirements of this chapter relating to building setback, landscaping, and fencing, as a special exception; Provided, that the proposed variations in standards are generally consistent with the chapter.

SOURCE: Final Rulemaking published at 43 DCR 2585, 2589 (May 26, 1995).

1599 DEFINITIONS

1599.1 When used in this chapter, the following term has the meaning ascribed:

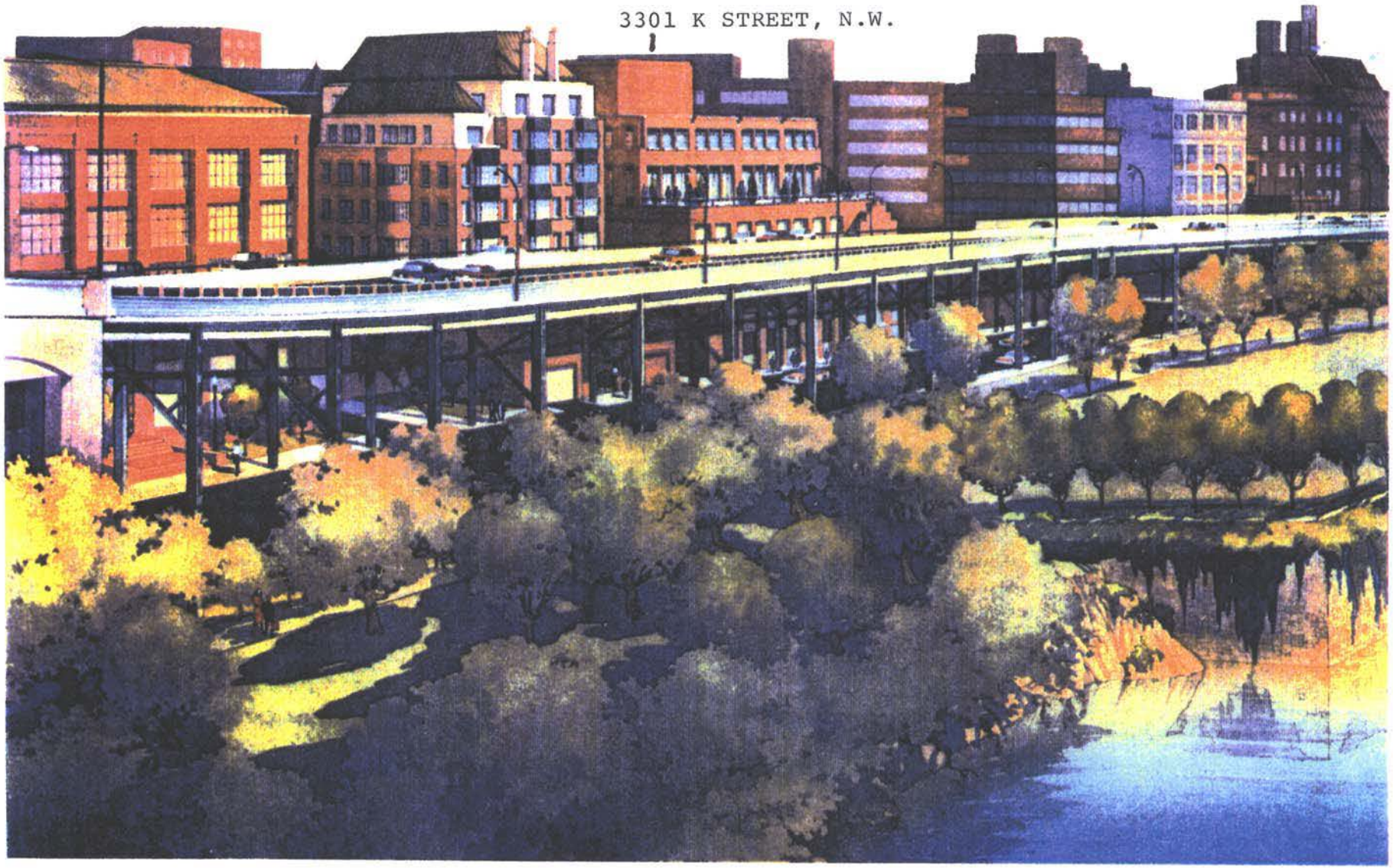
Nonresidential use - a permitted use in the R-1 District other than a single-family dwelling. (41 DCR 5048)

SOURCE: Final Rulemaking published at 41 DCR 5045, 5048 (July 29, 1994).

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NO OUTLET
NO OUTLET

J



3301 K Street
Washington, D.C.


SITE

K



L


PARK
DIPLOMAT PARKING
1956 - 1996
HOURLY DAILY MONTH PARKING

m



n



D





