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ZONING COMMISSION
District of Columbia

CASE NO. 07-11
EXHIBIT NO. 12

MEMORANDUM

TO: Zoning Commission for the District of Columbia
FROM: Jennifer Steingasser, Deputy Director *JS*
DATE: June 29, 2007
SUBJECT: Zoning Commission Case 07-11 - **Setdown** Report for Map and Text Amendments to the SEFC Overlay.

RECOMMENDED ACTION

The Office of Planning (OP) recommends that the Zoning Commission setdown for public hearing the map and text amendments to the SEFC Overlay District.

BACKGROUND

The Southeast Federal Center (SEFC) site is located in the Near Southeast area and is bound generally by M Street, SE to the north; 1st Street, SE to the west; the Anacostia River to the south; and the Washington Navy Yard to the east. The site is approximately 44 acres not including an 11 acre parcel on M Street, SE which is the site of the new Department of Transportation (USDOT) Headquarters (ZC Case #03-05). The Navy Yard Metro Station is located next to the SEFC site at the corner of New Jersey Avenue and M Street, SE. The 44 acre site is currently federally owned and administered by the GSA, which has been granted the authority to plan for and contract for private uses on the site, thus making it subject to District zoning. GSA has selected Forest City SEFC, LLC as the master developer for the site.

There were numerous area planning initiatives affecting the SEFC, including the Anacostia Waterfront Initiative (AWI) which recommended mixed-use development that would create new waterfront neighborhoods as well as zoning along the water's edge that would allow for open space and waterfront-enhancing uses. There is an existing SEFC land use plan mutually agreed upon by GSA and OP.

Through these planning efforts came the SEFC Overlay District, mapped in conjunction with the underlying zones of CR, R-5-E, R-5-D, and W-0, which was planned to add stability and predictability to long-term decision-making and help facilitate the development of a vibrant, urban, mixed-use waterfront neighborhood, offering a combination of uses that will attract residents, office workers, and visitors from across the District and beyond.

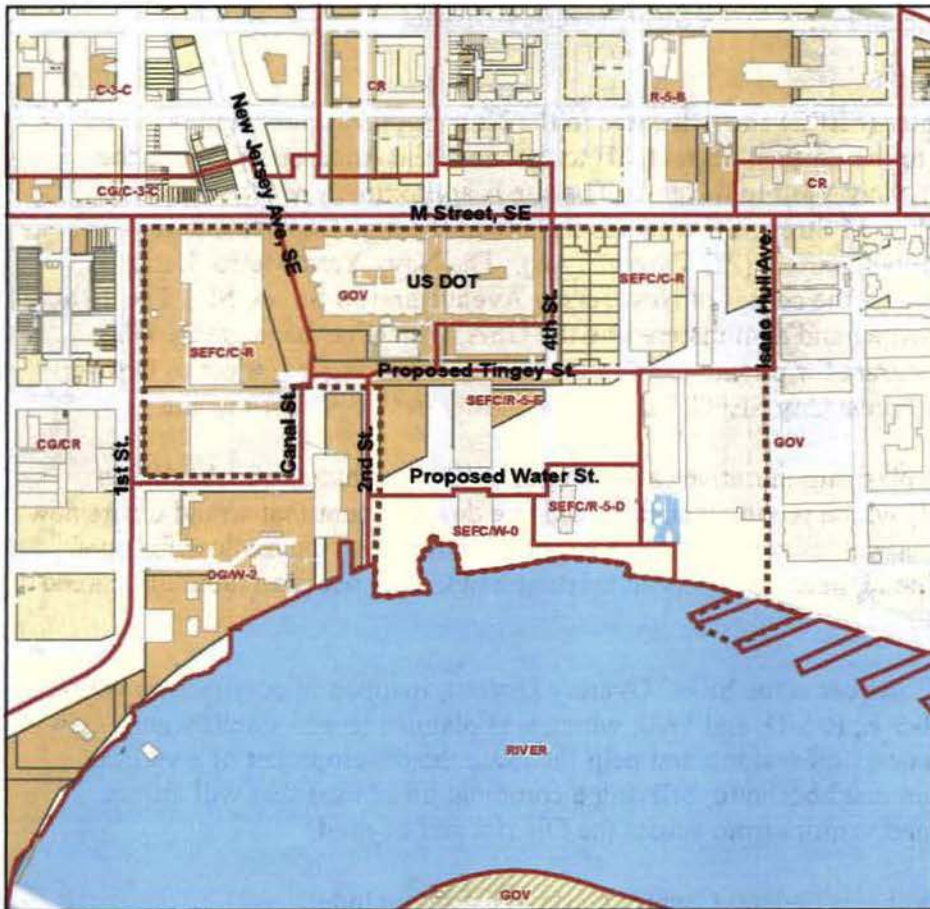
Major objectives of the Southeast Federal Center Overlay District include:

- Assure development of the area with a mixture of residential and commercial uses and a suitable height, bulk, and design of buildings, as generally identified in the Comprehensive Plan and in consideration of the objectives of the Anacostia Waterfront Initiative and the Near Southeast Target Area Plan;
- Encourage high-density residential development with a pedestrian-oriented streetscape through flexible zoning parameters;

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- Encourage a variety of support and visitor-related uses, such as retail, service, entertainment, cultural, and hotel or inn uses;
- Provide for a reduced height and bulk of buildings along the Anacostia riverfront in the interest of ensuring views over and around waterfront buildings, and to provide for continuous publicly-accessible open space along the waterfront;
- Require suitable ground-level retail and service uses along M Street, S.E., near the Navy Yard Metrorail Station, near the waterfront, and at other key pedestrian locations;
- Encourage the design and development of properties in a manner that is sensitive to the adjacent Navy Yard and the historically significant buildings within the SEFC; and,
- Establish zoning incentives and restrictions to provide for the development of a publicly accessible park along the Anacostia River and encourage uses in that park as permitted in the underlying W-0 District.

The Zoning Commission took final action to adopt the SEFC text and map amendments at a public meeting on January 12, 2004 and amended that final action on March 8, 2004.



Location Map and Zoning

PROPOSAL

Forest City SEFC, LLC, on behalf of the U.S. General Services Administration is requesting Zoning Commission approval of map and text amendments to the Southeast Federal Center Overlay District. Although the Office of Planning is recommending that the Zoning Commission setdown the proposed map and text amendments for public hearing, the Office of Planning has concerns regarding some of the proposed text amendments and will continue to work with the applicant to refine the proposal.

The proposed map and text amendments are listed below.

Proposed Map Amendments:

1. The boundary lines of the SEFC/C-R District that is located immediately west of the Navy Yard and bordered on the north by M Street, S.E., on the west by 3rd Street, S.E. (closed), on the south by Tingey Street, S.E. and on the east by Isaac Hull Avenue, S.E. are proposed to be revised as described and depicted in the metes and bounds description and plan in the application.

Rationale: Adjusting the eastern boundary of the of the SEFC/CR zone district would accommodate a request by the U.S. Navy to shift the property line between the Navy Yard and the SEFC Site.

OP Comment: OP concurs with this revision.

2. The boundary lines of the SEFC/R-5-E District are proposed to be revised as described and depicted in the metes and bounds description and plan in the application.

Rationale: Adjusting the southern boundary line of the SEFC/R-5-E zone district would correspond with the realignment of proposed Water Street. The realignment of proposed Water Street is a result of a desire of Forest City to position certain rights-of-way so that views of historic structures on the SEFC Site will be accentuated as recommended by the SHPO.

OP Comment: OP concurs with this revision.

3. The boundary lines of the SEFC/R-5-D District are proposed to be revised as described and depicted in the metes and bounds description and plan in the application.

Rationale: Adjusting the SEFC/R-5-D zone's northern boundary would correspond with the realignment of proposed Water Street. Proposed River Street, along the southern boundary of the SEFC/R-5-D zone, is also repositioned at a slight angle which relates to the edge of the Anacostia River. The SEFC/R-5-D zone's southern boundary is also adjusted to correspond with the realigned street.

OP Comment: OP concurs with this revision.

4. The boundary lines of the SEFC/W-0 District and of the Development Area are proposed to be revised as described and depicted in the metes and bounds description and plan in the application.

Rationale: Revising the northern boundary of the SEFC/W-0 zone would respond to the realignment of proposed Water and River Streets as discussed above in items 2 and 3. Additionally, the property line between the Navy Yard and the SEFC Site has been adjusted and a slight adjustment is made in the eastern boundary of the Development Area to reflect a minor adjustment in the right-of-way of 4th Street.

OP Comment: OP concurs with this revision.

Proposed Text Amendments (with all new text in **bold underline** font):

The applicant has indicated that the proposed text amendments address site development issues clarify the requirements of the SEFC Overlay District and correct technical errors. The proposed changes are as follows:

1. Amend Section 1803.2 as follows:

1803.2 (a) ~~Art gallery;~~ **[repealed]**

1803.2 (d) ~~Cabaret;~~ **[repealed]**

Rationale: "Art gallery" and "cabaret" are already included as "preferred uses" within the SEFC under Section 1807.2. This is essentially a technical correction.

OP Comment: OP concurs with this revision.

2. Amend Section 1803.3 as follows:

1803.3(a) Any building or structure with frontage on M Street, S.E. ~~or New Jersey Avenue, S.E. or N Street, S.E.~~ shall provide preferred uses comprising a minimum of seventy-five (75%) of the frontage **on M Street, S.E. or N Street, S.E.** and a minimum of **fifty seventy-five percent (5075%) of that portion of** the gross floor area of the ground floor **within a depth of fifty (50) feet from the exterior façade of the front of building,** not including parking, parking access, mechanical **and fire control** rooms and other non-public spaces. This requirement shall not apply to **(i) buildings directly south of the historic wall along M Street, S.E. between 4th Street, S.E. and the Washington Navy Yard, for so long as the wall remains or (ii) any addition to a building with frontage on M Street, S.E. or N Street, S.E. if the addition to such building has no frontage on such streets but, as allowed pursuant to § 1803.3(b) below, preferred uses may be provided on the ground floor level of such buildings;**

1803.3(b) **In addition to the locations in which preferred uses are required pursuant to §1803.3(a), preferred uses may be provided on the ground floor level of buildings without frontage on M Street, S.E. or New Jersey Avenue, S.E. in other areas within the**

SEFC/CR District, but are not required. If provided, ~~the~~ **such** preferred use area shall **not be required to conform** to the requirements of §§ 1803.3(a), (e), (f), and (g);

1803.3(e) Not less than fifty percent (50%) of the surface area of the street wall, including building entrances, of those ~~properties~~ **building frontages** described in §§ 1803.3(a) ~~and (b)~~ shall be devoted to doors or display windows having clear or low emissivity glass;

1803.3(g) The minimum floor-to-ceiling height for portions of the ground floor level devoted to preferred uses shall be ~~fifteen (15)~~ **fourteen (14)** feet; and

Rationale: According to the regulations of the SEFC Overlay, "preferred uses" must be provided on the ground floor of certain buildings and structures within the SEFC/CR zone.

A reading of the record of the SEFC Overlay District case indicates that the intent of this provision was to require preferred uses along two specified streets (i.e., M Street, S.E. and New Jersey Avenue, S.E.). However, the text of Section 1803.3(a) imposes a requirement that is much more far-reaching. Thus, this section requires, perhaps inadvertently, preferred uses on many other streets. Specifically, it requires that "preferred uses" must be located on seventy-five percent of each of a building's façades, not just the M Street, S.E. and/or New Jersey Avenue, S.E. facades.

Revising Section 1803.3 would remove the "preferred uses" requirement from buildings with frontage on New Jersey Avenue, S.E. and to apply the requirement to those buildings with frontage on N Street, S.E. within the SEFC/CR zone. With the development of the Ball Park, which occurred subsequent to adoption of the SEFC Overlay, the areas targeted for retail have been revised to better complement the neighboring development.

The revision would also: 1) apply the "preferred use" requirements to specified elevations of buildings fronting M Street, S.E. and N Street, S.E., and specified depths of portions of ground floors of such buildings; 2) eliminate the application of the requirement to any addition to a building if such addition does not itself front M Street, S.E. or N Street, S.E.; and, 3) reduce the minimum floor-to-ceiling height from fifteen feet (15 ft.) to fourteen feet (14 ft.), as required in the adjacent Capitol Gateway Overlay District.

OP Comment: OP concurs with these revisions.

3. Amend Section 1803.4 as follows:

1803.4 In accordance with the procedures outlined in § 1810, two or more lots, whether contiguous or non-contiguous **and whether located in the same square or other squares**, within the SEFC/CR District may be combined for the purpose of allocating residential and non-residential uses regardless of the normal limitation on floor area by uses on each lot, provided that the aggregate residential and non-residential floor area shall not exceed the

matter-of-right maximum ~~height or~~ density of the underlying zone districts, as may have been modified by the Overlay.

Rationale: Revising Section 1803.4 would clarify the requirements associated with combined lot development within the SEFC/CR zone. *The applicant has indicated in subsequent discussions that they would support retaining the wording "height of".*

OP Comment: OP agrees with the addition of the wording "and whether located in the same square or other squares," however, OP does not support deletion of the words "height or". The matter-of-right maximum height of the underlying zone districts needs to be retained in order to be consistent with the intent of the SEFC Overlay District. This intent was to ensure that heights of buildings would taper down to the waterfront and down to the Navy Yard. Additional height was allowed along New Jersey Avenue south of M Street, SE.

4. Amend Section 1803.13 as follows:

1803.13 In the SEFC/CR District, a building occupied by both residential and non-residential uses or a building anywhere within the SEFC/CR District which includes preferred uses in compliance with the requirements of §1803.3(a) shall be permitted 100% lot occupancy.

Rationale: Revising Section 1803.13 would permit buildings which include preferred uses pursuant to the requirements of §1803.3(a) to occupy one hundred percent (100%) of their lot. Permitting 100% lot occupancy for such building will better accommodate pedestrian-friendly ground floor retail which can be brought to the sidewalk and reflects more appropriate urban design for the development of the SEFC Site.

OP Comment: The Office of Planning generally supports the applicant's proposal to allow for 100% lot occupancy in certain circumstances. However, the 100% lot occupancy should only be allowed for the first two floors, including the ground floor, and only for floors occupied by preferred uses. By limiting the use of 100% lot occupancy in this way, the pedestrian-scale of the new development will be reinforced by strengthening the street wall and scaling back the height of the remainder of the building. In addition, the overall site densities and bulk were already established during the planning process with GSA.

5. Add a new subsection 1803.14 as follows:

1803.14 A record lot may be created with respect to the parcel on which Building 167 is located, notwithstanding other requirements of this title. Any enlargements or additions to Building 167 shall comply with all requirements of this title.

Rationale: The dimensions of the parcel of land on which Building 167 is located is an existing condition that is reflective of the construction of the DOT building and the location of Tingey Street, S.E. and 4th Street, S.E. The proposed

amendment to this section will allow this existing lot to be subdivided without regard for yard or court requirements.

OP Comment: OP concurs with this revision.

6. Add a new subsection 1803.15 as follows:

1803.15 In the SEFC/CR District, the public space requirements of §633 shall not be applicable to a building anywhere within the SEFC/CR District which includes preferred uses in compliance with the requirements of §1803.3(a).

Rationale: Proposed Section 1803.15 would eliminate the public space requirements as required within the CR zone under Section 633 of the Zoning Regulations for buildings which include preferred uses pursuant to the requirements of §1803.3(a). Such requirement is inconsistent with the one hundred percent (100%) lot occupancy permitted within the SEFC/CR zone and runs contrary to the development of pedestrian-friendly ground-floor retail.

OP Comment: The public open space requirements of the SEFC/CR District should not be applicable only in areas where preferred uses are required.

7. Amend Section 1804.2(f) as follows:

1804.2(f) All buildings and structures that abut the Open Space Area, as described in §1805.4, whether or not a street intervenes **but excluding buildings and structures that abut the Development Area, including existing Building 160 and any additions thereto and any building or structure to be constructed immediately to the east of Building 160 (i.e., north of Water Street, S.E., west of 4th Street, S.E. and south of Tingey Street, S.E.).**

Rationale: A diminutive portion of Building 160 may be interpreted to face or abut the Open Space Area of the SEFC/W-0 district. Proposed revisions to Section 1804.2(f) are intended to clarify that existing Building 160 and the parcel to the east of Building 160 do not abut Open Space for the purpose of Section 1804.2 Zoning Commission review. *In subsequent discussions the applicant has expressed their concurrence with the OP position stated below.*

OP Comment: The Office of Planning is generally supportive of this amendment except that the description of the area should also include the delineation of "east of 3rd Street, SE.

8. Amend Section 1804.3 as follows:

1804.3(a) Any building or structure facing onto ~~4th~~ **Tingey Street, S.E. west of 4th Street, S.E., or the SEFC/W-0 District west of 3rd Street, S.E.,** shall provide preferred uses comprising a minimum of seventy-five (75%) of the frontage **facing Tingey Street, S.E. or**

the SEFC/W-O District and a minimum of fifty seventy-five percent (5075%) of that portion of the gross floor area of the ground floor within a depth of fifty (50) feet from the exterior facade of the front of the building, not including parking, parking access, mechanical and fire control rooms, and other non-public spaces. This requirement shall not apply to (i) existing Buildings 160 or (ii) any addition to a building with frontage facing onto Tingey Street, S.E. west of 4th Street, S.E., or the SEFC/W-O District west of 3rd Street, S.E. if the addition to the building has no frontage facing Tingey Street, S.E. or the SEFC/W-O District but, as allowed pursuant to § 1804.3(b) below, preferred uses may be provided on the ground floor level of such buildings;

1804.3(b) In addition to the locations in which preferred uses are required pursuant to §1804.3(a), preferred uses may be provided on the ground floor level of buildings or structures that do not face 4th Street or the SEFC/W-O District in other areas within the SEFC/R-5-D and SEFC/R-5-E Districts, but are not required. If provided, the such preferred use area shall not be required to conform to the requirements of §§ 1804.3(a), (e), (f), and (g). If the bonus density authorized pursuant to § 1804.3(e) is used to provide non-required preferred uses, the preferred use area must be dedicated to preferred uses for the life of the building;

1804.3(e) Not less than fifty percent (50%) of the surface area of the street wall, including building entrances, of those properties building frontages dedicated to preferred uses described in §§ 1804.3(a) ~~and (b)~~ shall be devoted to doors or display windows having clear or low emissivity glass;

1804.3(g) The minimum floor-to-ceiling height for portions of the ground floor level devoted to preferred uses shall be ~~fifteen (15)~~ fourteen (14) feet.

Rationale: According to the terms of the SEFC Overlay, "preferred uses" must be provided on the ground floor of certain buildings and structures within the SEFC/R-5-D and R-5-E zones. However, as provided in the SEFC/C-R zone, such preferred uses are required on street frontages not intended to be regulated by this provision. Thus, this section requires retail and other preferred uses on streets not identified by the Office of Planning or GSA for this purpose.

Revising Section 1804.3 would:

- Remove the "preferred uses" requirement of buildings with frontage on 4th Street, S.E. and apply the requirement to those buildings with frontage on Tingey Street, S.E. within the SEFC/CR zone.
- Clarify those portions of Tingey Street, S.E. and the SEFC/W-0 District along which "preferred uses" are required and eliminate the application of the requirement to Building 160 or any addition to a building if such addition does not itself front Tingey Street, S.E. or the SEFC/W-0 District.
- Clarify the elevations and ground floor depths of buildings fronting the SEFC/W-0 zone that are subject to the preferred uses requirements of the section. With the construction of the Ball Park, the areas targeted for retail have been revised to better complement the neighboring development.

- Reduce the minimum floor-to-ceiling height from fifteen feet (15 ft.) to fourteen feet (14 ft.), as required in the nearby Capitol Gateway Overlay District.

OP Comment: The Office of Planning is generally supportive of portions of this change except: in Section 1804.3 (a) OP strongly recommends preferred uses should be provided along both Tingey Street and Water Street west of 4th Street, SE. Therefore, OP strongly recommends that the added language “west of 3rd Street, S.E.” be deleted.

OP does not support the proposed last phrase, “This requirement shall not apply to (i) existing Buildings 160 or (ii) any addition to a building with frontage facing onto Tingey Street, S.E. west of 4th Street, S.E., or the SEFC/W-O District west of 3rd Street, S.E. if the addition to the building has no frontage facing Tingey Street, S.E. or the SEFC/W-O District but, as allowed pursuant to § 1804.3(b) below, preferred uses may be provided on the ground floor level of such buildings;” and recommends that it not be setdown for hearing because this phrase would possibly negate the requirement for preferred uses on Tingey Street west of 4th Street and Water Street west of 4th Street.

Section 1804.3 (b): The Office of Planning is generally supportive of this change except that in order to ensure that preferred uses continue to activate the street for the life of the project these uses must be dedicated for the life of the building. Therefore, OP does not support deletion of the last sentence.

OP supports the revisions in Sections 1804.3 (e) and 1804.3 (g).

9. Add a new subsection 1804.6 as follows:

1804.6 In the SEFC/R-5-D and R-5-E Districts, a building occupied by both residential and non-residential uses or a building anywhere within the SEFC/R-5-D and R-5-E Districts which includes preferred uses in compliance with the requirements of §1804.3(a) shall be permitted 100% lot occupancy.

Rationale: Revising Section 1804.6 would permit both residential buildings and buildings occupied by both residential and non-residential uses and buildings within the SEFC/R-5-D/R-5-E zone which include preferred uses pursuant to the requirements of §1804.3(a), one hundred percent (100%) lot occupancy to bring the SEFC/R-5-D/R-5-E zone in harmony with the SEFC/CR zone. Permitting 100% lot occupancy for all building types will better accommodate pedestrian-friendly ground floor retail which can be brought to the sidewalk.

OP Comment: The Office of Planning generally supports the applicant’s proposal to allow for 100% lot occupancy in certain circumstances. However, the 100% lot occupancy should only be allowed for the first two floors, including the ground floor, and only for floors occupied by preferred uses. By limiting the use of 100% lot occupancy in this way, the pedestrian-scale of the new development

will be reinforced by strengthening the street wall and scaling back the height of the remainder of the building. In addition, the overall site densities and bulk were already established during the planning process with GSA.

10. Amend Section 1805.3 as follows:

1805.3 The SEFC/W-0 Development Area consists of the northeastern portion of the SEFC/W-0 District, specifically the existing Building ~~173 171~~ and that portion of the SEFC/W-0 District located directly to the east of Building ~~173 171~~, north of a line extending east from the southern facade elevation of Building ~~173 171~~.

Rationale: Revising Section 1805.3 would correct an error in the identification of the existing building located within the SEFC/W-0 zone

OP Comment: OP concurs with these revisions.

11. Amend Section 1805.9 as follows:

1805.9 The gross floor area of existing building Building 173 171 shall not count toward any FAR computation.

Rationale: Revising Section 1805.9 would correct an error in the identification of an existing building located within the SEFC/W-0 zone.

OP Comment: OP concurs with this revision.

12. Amend Section 1805.10 as follows:

1805.9 The minimum floor-to-ceiling height for the ground floor level of buildings in the SEFC/W-O District shall be fourteen (14) ~~fifteen (15)~~ feet.

Rationale: Revising Section 1805.10 would reduce the minimum floor-to-ceiling height from fifteen feet (15 ft.) to fourteen feet (14 ft.), as required in the adjacent Capitol Gateway Overlay District.

OP Comment: OP concurs with this revision.

13. Add a new Section 1805.12 as follows:

1805.12 Notwithstanding the requirements of §2517.1, two or more principal buildings or structures may be erected as a matter of right on a single subdivided lot within the SEFC/W-0 District provided that such principal buildings or structures comply with all other requirements of § 2517.

Rationale: The Development Area located on the eastern edge of the SEFC/W-0 zone, adjacent to the Navy Yard, will not have direct street frontage

since River Street will not be a dedicated public street. As such, it will need to share a lot with another structure.

OP Comment: OP concurs with this revision.

COMPREHENSIVE PLAN

Comprehensive Plan Generalized Policy Map

The SEFC site is within the Central Employment Area which is the business and retail heart of the District and the metropolitan area and has the widest variety of commercial uses, including but not limited to major government and corporate offices; retail, cultural, and entertainment uses; and hotels, restaurants, and other hospitality uses. The proposed map and text amendments are not inconsistent with the Comprehensive Plan Generalized Policy Map

Comprehensive Plan Future Land Use Map

The Future Land Use Map for the SEFC site indicates mixed-use High-density Residential and High-density Commercial as well as a separate area along the waterfront that is designated Parks, recreation, and Open Space. The proposed map and text amendments are not inconsistent with the Comprehensive Plan Future Land Use Map.

The proposed map and text amendments would also further numerous elements of the Comprehensive Plan including: redevelopment and infill opportunities addressed in Chapter 2; ensuring the efficient use of land resources in Chapter 3; expanding the housing supply in and furthering other housing goals in Chapter 5; improving access to parks and open space in Chapter 8; improving the public realm in Chapter 9; and, preserving and enhancing the unique cultural heritage and historic physical form of the city addressed in Chapter 10. The proposal would also be consistent with the general policies and actions included in the Lower Anacostia Waterfront/Near Southwest Area Element (Chapter 19) and the Anacostia Waterfront Initiative.

RECOMMENDATION

The Office of Planning is generally supportive of the proposed map and text amendments and will continue to work with the applicant to refine the changes. Areas of concern include:

- **Section 1803.4**
The Office of Planning does not support deletion of the words "height of". OP believes that the matter-of-right maximum height of the underlying zone districts needs to be retained in order to be consistent with the intent of the SEFC Overlay District. This intent was to ensure that heights of buildings would taper down to the waterfront and down to the Navy Yard. Additional height was allowed along New Jersey Avenue south of M Street, SE. *The applicant has indicated in subsequent discussions that they would support retaining the wording "height of".*
- **Section 1803.13**
The Office of Planning generally supports the applicant's proposal to allow for 100% lot occupancy in certain circumstances. However, the 100% lot occupancy should only be allowed for the first two floors, including the ground floor, and only for floors occupied by preferred uses. By limiting the use of 100% lot occupancy in this way, the pedestrian-

scale of the new development will be reinforced by strengthening the street wall and scaling back the height of the remainder of the building. In addition, the overall site densities and bulk were already established during the planning process with GSA.

- **New Section 1803.15**
The Office of Planning believes that in the SEFC/CR District the public open space requirements should not be applicable only in areas where preferred uses are required.
- **Section 1804.2 (f)**
The Office of Planning is generally supportive of this amendment except that the description of the area should also include the delineation of “east of 3rd Street, SE. *In subsequent discussions the applicant has expressed their concurrence with the OP position stated below.*
- **Section 1804.3 (a)**
The Office of Planning is generally supportive of portions of this change except that OP strongly recommends preferred uses should be provided along both Tingey Street and Water Street west of 3rd Street, SE.
- **Section 1804.3 (b)**
The Office of Planning is generally supportive of this change except that in order to ensure that preferred uses continue to activate the street for the life of the project these uses must be dedicated for the life of the building. Therefore, OP does not support deletion of the last sentence.
- **New Section 1804.6**
The Office of Planning generally supports the applicant’s proposal to allow for 100% lot occupancy in certain circumstances. However, the 100% lot occupancy should only be allowed for the first two floors, including the ground floor, and only for floors occupied by preferred uses. By limiting the use of 100% lot occupancy in this way, the pedestrian-scale of the new development will be reinforced by strengthening the street wall and scaling back the height of the remainder of the building. In addition, the overall site densities and bulk were already established during the planning process with GSA.

These concerns notwithstanding, the proposal is generally consistent with the goals and objectives for the area as outlined in the Comprehensive Plan and as such, the Office of Planning recommends that this application be set down for public hearing as amended. Office of Planning changes including retention of existing language that the applicant proposed to delete or Office of Planning additions to the proposed changes are noted in **Yellow**. Office of Planning deletions of the applicant’s proposed language are noted in **Red**.

Proposed Map Amendments:

1. The boundary lines of the SEFC/C-R District that is located immediately west of the Navy Yard and bordered on the north by M Street, S.E., on the west by 3rd Street, S.E. (closed), on the south by Tingey Street, S.E. and on the east by Isaac Hull Avenue, S.E.

are proposed to be revised as described and depicted in the metes and bounds description and plan in the application.

2. The boundary lines of the SEFC/R-5-E District are proposed to be revised as described and depicted in the metes and bounds description and plan in the application.
3. The boundary lines of the SEFC/R-5-D District are proposed to be revised as described and depicted in the metes and bounds description and plan in the application.
4. The boundary lines of the SEFC/W-0 District and of the Development Area are proposed to be revised as described and depicted in the metes and bounds description and plan in the application.

Proposed Text Amendments (with all new text in **bold underline** font):

1. Amend Section 1803.2 as follows:

1803.2 (a) ~~Art gallery;~~ **[repealed]**

1803.2 (d) ~~Cabaret;~~ **[repealed]**

2. Amend Section 1803.3 as follows:

1803.3(a) Any building or structure with frontage on M Street, S.E. ~~or New Jersey Avenue, S.E. or N Street, S.E.~~ shall provide preferred uses comprising a minimum of seventy-five (75%) of the frontage ~~on M Street, S.E. or N Street, S.E.~~ and a minimum of ~~fifty~~ **seventy-five** percent (~~50~~**75**%) of ~~that portion of~~ the gross floor area of the ground floor **within a depth of fifty (50) feet from the exterior facade of the front of building**, not including parking, parking access, mechanical **and fire control** rooms and other non-public spaces. This requirement shall not apply to **(i) buildings directly south of the historic wall along M Street, S.E. between 4th Street, S.E. and the Washington Navy Yard, for so long as the wall remains or (ii) any addition to a building with frontage on M Street, S.E. or N Street, S.E. if the addition to such building has no frontage on such streets but, as allowed pursuant to § 1803.3(b) below, preferred uses may be provided on the ground floor level of such buildings;**

1803.3(b) **In addition to the locations in which preferred uses are required pursuant to §1803.3(a), preferred uses may be provided on the ground floor level of buildings without frontage on M Street, S.E. or New Jersey Avenue, S.E. in other areas within the SEFC/CR District, but are not required. If provided, the such preferred use area shall not be required to conform to the requirements of §§ 1803.3(a), (e), (f), and (g);**

1803.3(e) Not less than fifty percent (50%) of the surface area of the street wall, including building entrances, of those ~~properties~~ **building frontages** described in §§ 1803.3(a) ~~and (b)~~ shall be devoted to doors or display windows having clear or low emissivity glass;

1803.3(g) The minimum floor-to-ceiling height for portions of the ground floor level devoted to preferred uses shall be ~~fifteen (15)~~ **fourteen (14)** feet; and

3. Amend Section 1803.4 as follows:

1803.4 In accordance with the procedures outlined in § 1810, two or more lots, whether contiguous or non-contiguous **and whether located in the same square or other squares**, within the SEFC/CR District may be combined for the purpose of allocating residential and non-residential uses regardless of the normal limitation on floor area by uses on each lot, provided that the aggregate residential and non-residential floor area shall not exceed the matter-of-right maximum **height or** density of the underlying zone districts, as may have been modified by the Overlay.

4. Amend Section 1803.13 as follows:

1803.13 In the SEFC/CR District, a building occupied by both residential and non-residential uses **or a building anywhere within the SEFC/CR District which includes preferred uses in compliance with the requirements of §1803.3(a), (e), (f), and (g)** shall be permitted 100% lot occupancy, but in the latter case, only the ground floor and second floor shall be permitted 100% lot occupancy.

5. Add a new subsection 1803.14 as follows:

1803.14 A record lot may be created with respect to the parcel on which Building 167 is located, notwithstanding other requirements of this title. Any enlargements or additions to Building 167 shall comply with all requirements of this title.

6. Add a new subsection 1803.15 as follows:

1803.15 In the SEFC/CR District, the public space requirements of §633 shall not be applicable where preferred use retail is required in accordance with Section 1803.3, to a building anywhere within the SEFC/CR District which includes preferred uses in compliance with the requirements of §1803.3(a).

7. Amend Section 1804.2(f) as follows:

1804.2(f) All buildings and structures that abut the Open Space Area, as described in §1805.4, whether or not a street intervenes **but excluding buildings and structures that abut the Development Area, including existing Building 160 and any additions thereto and any building or structure to be constructed immediately to the east of Building 160 (i.e., north of Water Street, S.E., east of 3rd Street, S.E., west of 4th Street, S.E. and south of Tingey Street, S.E.).**

8. Amend Section 1804.3 as follows:

1804.3(a) Any building or structure facing onto **4th Tingey Street, S.E. west of 4th Street, S.E., or the SEFC/W-0 District west of 3rd Street, S.E.,** shall provide preferred uses comprising a minimum of seventy-five (75%) of the frontage **facing Tingey Street, S.E. or the SEFC/W-O District** and a minimum of **fifty seventy-five percent (5075%) of that portion of** the gross floor area of the ground floor **within a depth of fifty (50) feet from the**

exterior facade of the front of the building, not including parking, parking access, mechanical **and fire control** rooms, and other non-public spaces. **This requirement shall not apply to (i) existing Buildings 160 or (ii) any addition to a building with frontage facing onto Tingey Street, S.E. west of 4th Street, S.E., or the SEFC/W-O District west of 3rd Street, S.E. if the addition to the building has no frontage facing Tingey Street, S.E. or the SEFC/W-O District but, as allowed pursuant to § 1804.3(b) below, preferred uses may be provided on the ground floor level of such buildings.**

1804.3(b) **In addition to the locations in which preferred uses are required pursuant to §1804.3(a), Ppreferred uses may be provided on the ground floor level of buildings or structures that do not face 4th Street or the SEFC/W-O District in other areas within the SEFC/R-5-D and SEFC/R-5-E Districts, but are not required. If provided, the such preferred use area shall not be required to conform to the requirements of §§ 1804.3(a), (e), (f), and (g). If the bonus density authorized pursuant to § 1804.3(c) is used to provide non-required preferred uses, the preferred use area must be dedicated to preferred uses for the life of the building;**

1804.3(e) Not less than fifty percent (50%) of the surface area of the street wall, including building entrances, of those **properties building frontages dedicated to preferred uses** described in §§ 1804.3(a) **and (b)** shall be devoted to doors or display windows having clear or low emissivity glass;

1804.3(g) The minimum floor-to-ceiling height for portions of the ground floor level devoted to preferred uses shall be **fifteen (15) fourteen (14)** feet.

9. Add a new subsection 1804.6 as follows:

1804.6 In the SEFC/R-5-D and R-5-E Districts, a building occupied by both residential and non-residential uses or a building anywhere within the SEFC/R-5-D and R-5-E Districts which includes preferred uses in compliance with the requirements of §1804.3(a), (e), (f), and (g) shall be permitted 100% lot occupancy, but in the latter case, only the ground floor and second floor shall be permitted 100% lot occupancy.

10. Amend Section 1805.3 as follows:

1805.3 The SEFC/W-0 Development Area consists of the northeastern portion of the SEFC/W-0 District, specifically the existing Building **173 171** and that portion of the SEFC/W-0 District located directly to the east of Building **173 171**, north of a line extending east from the **southern facade elevation** of Building **173 171**.

11. Amend Section 1805.9 as follows:

1805.9 The gross floor area of existing building **Building 173 171** shall not count toward any FAR computation.

12. Amend Section 1805.10 as follows:

1805.9 The minimum floor-to-ceiling height for the ground floor level of buildings in the SEFC/W-0 District shall be fourteen (14) ~~fifteen (15)~~ feet.

13. Add a new Section 1805.12 as follows:

1805.12 Notwithstanding the requirements of §2517.1, two or more principal buildings or structures may be erected as a matter of right on a single subdivided lot within the SEFC/W-0 District provided that such principal buildings or structures comply with all other requirements of § 2517.

JLS/djw