

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

TIME AND PLACE: **Thursday, January 10, 2008, @ 6:30 p.m.**
 Office of Zoning Hearing Room
 441 4th Street, N.W., Suite 220-South
 Washington, D.C. 20001

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

CASE NO. 07-11 (Map and Text Amendment – Southeast Federal Center Overlay District)

THIS CASE IS OF INTEREST TO ANC 6D

On April 4, 2007, the Office of Zoning received an application from Forest City SEFC, LLC, on behalf of the U.S. General Services Administration (the “Applicant”). The Applicant requested approval of map and text amendments to the Southeast Federal Center Overlay District. The Office of Planning provided its report on June 29, 2007, and the Zoning Commission set down the case for public hearing on July 9, 2007. The Applicant provided a pre-hearing submission as part of its application on September 28, 2007.

PROPOSED MAP AMENDMENTS

The proposed amendments to the Zoning Map reflect adjustments to the property lines, to:

- Adjust the eastern boundary of the eastern SEFC/CR zone district to accommodate a request by the U.S. Navy to shift the property line between the Navy Yard and the subject property; and
- Adjust the southern boundary line of the SEFC/R-5-E zone district, the northern boundary of the SEFC/R-5-D zone district and the northern boundary of the SEFC/W-0 zone district to correspond with the realignment of proposed Water Street.

PROPOSED TEXT AMENDMENTS

In addition to various technical corrections, the proposed text amendments clarify requirements of the SEFC Overlay District and correct technical errors. Specifically, the text amendments would:

- Clarify the preferred retail requirements for the SEFC/CR, SEFC/R-5-D and SEFC/R-5-E zone districts and modify the locations in which preferred retail is required;
- Reduce ceiling height requirements for retail space from fifteen feet (15 ft.) to fourteen feet (14 ft.);

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- Permit 100% lot occupancy for buildings with ground floor preferred retail which are located within the SEFC/CR, SEFC/R-5-D and SEFC/R-5-E zone districts;
- Clarify the requirements associated with combined lot development within the SEFC/CR zone district;
- Permit the creation of a record lot with respect to the parcel on which Building 167 is located;
- Clarify the application of the public space requirements of § 633 within the SEFC/CR District;
- Clarify the Zoning Commission review and approval requirements for buildings and structures that abut the W-0/Open Space Area; and
- Permit two or more principal buildings or structures to be located on a single subdivided lot within the SEFC/W-0 District in accordance with the requirements of § 2517.

The following amendments to title 11 of the District of Columbia Municipal Regulations (ZONING) are proposed:

(New text is shown in **bold** and deleted text is shown with ~~striketrough~~):

1. Section 1803 is amended as follows:

A. By repealing paragraphs 1803.2(a) and 1803.2(d) as follows:

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

...

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

B. By amending subsection 1803.3 to read 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), pPreferred 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

C. By amending subsection 1803.4 to read 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.

D. By amending subsection 1803.13 to read 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.

E. By inserting new subsections 1803.14 and 1803.15 to read 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.

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).

2. Section 1804 is amended as follows:

A. By amending paragraph 1804.2(f) to read 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., east of Third St., S.E., and south of Tingey Street, S.E.).**

B. By amending subsection 1804.3 to read as follows:

1804.3(a) Any building or structure facing onto ~~4th-Tingey~~ Street, S.E. **or** the SEFC/W-0 District 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 (~~50~~**75**%) 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 the building,** not including parking, parking access, mechanical **and fire control** rooms, and other non-public spaces.

1804.3(b) **In addition to the locations in which preferred uses are required pursuant to §1804.3(a), P**preferred uses may be provided on the ground floor level of buildings or structures ~~that do not face 4th Street or the SEFC/W-0 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.

C. By inserting a new subsection 1804.6 to read 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.

3. Section 1805 is amended as follows:

A. By amending subsection 1805.3 to read 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~~.

B. By amending subsection 1805.9 to read as follows:

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

C. By amending subsection 1805.10 to read 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.

D. By inserting a new subsection 1805.12 to read 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.

Proposed amendments to the Zoning Regulations and Map of the District of Columbia are authorized pursuant to the Zoning Act of June 20, 1938, (52 Stat. 797), as amended, D.C. Official Code § 6-641.01 (2001), et seq.

The public hearing on this case will be conducted as a rulemaking in accordance with the provisions of Section 3021 of the District of Columbia Municipal Regulations, Title 11, Zoning. Pursuant to that section, the Commission will impose time limits on testimony presented to it at the public hearing.

All individuals, organizations, or associations wishing to testify in this case should file their intention to testify in writing. Written statements, in lieu of personal appearances or oral presentations, may be submitted for inclusion in the record.

Information should be forwarded to Sharon Schellin, Secretary of the Zoning Commission, Office of Zoning, Suite 200, 441 4th Street, N.W., Washington, D.C., 20001. Please include the number of this particular case and your daytime telephone number. **FOR FURTHER INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311.**

ANTHONY J. HOOD, GREGORY N. JEFFRIES, CURTIS ETHERLY, JR., JOHN G. PARSONS, AND MICHAEL G. TURNBULL, ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA, BY JERRILY R. KRESS, FAIA, DIRECTOR, AND BY SHARON S. SCHELLIN, SECRETARY TO THE ZONING COMMISSION.