

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING



RECEIVED
D.C. OFFICE OF ZONING
2009 DEC 24 AM 11:58

MEMORANDUM

TO: District of Columbia Zoning Commission
FROM: Travis Parker, Zoning Review Project Manager
DATE: December 14, 2009
SUBJECT: Public Hearing Report for ZC #08-06-11
Proposed Amendments to Zoning Regulations – Mixed & Other (Waterfront)

I. OVERVIEW OF RECOMMENDATIONS

Based on a public working group, public comment period, and input from the Zoning Review Taskforce, the Office of Planning (OP) recommends conceptual changes to the zoning regulations covering waterfront areas. Issues addressed by these recommendations include:

- Allowing additional height [not density] in waterfront areas through a PUD process;
- Establishing waterfront-specific criteria for PUD's;
- Allowing surface parking by special exception only in W zones;
- Updating performance standards for light industrial special exception review;
- Establishing visual access to the water, generally based on surrounding relevant street grid; and
- Establishing a minimum setback from the waterfront of 75 feet for matter-of-right projects, with space for approved trail connections.

II. ZONING REVIEW PROCESS

The 2006 Comprehensive Plan for the District of Columbia states that "The Zoning Regulations...need substantial revision and reorganization, ranging from new definitions to updated development and design standards and even new zones."¹ It goes on to note that "a

¹ Comprehensive Plan, §2504.2

ZONING COMMISSION
District of Columbia
CASE NO. 08-06-11
EXHIBIT NO. 5

major revision to the Zoning Regulations is planned for 2007-2009.”² The Office of Planning (OP) has designed a three-year process to produce recommended changes to update, clarify and simplify the current Regulations. The overall goal of the Zoning Review process is to improve the relevance, clarity and ease of use of the zoning code.

Regulations are currently being reviewed by subject area, with up to twenty subject areas to be covered over the course of the process. Each subject area will be reviewed in consultation with a public working group that will discuss issues identified in the Comprehensive Plan as well as issues arising from the existing Zoning Regulations. Recommended changes are then forwarded to the 24-member Task Force for further review and input. Finally, recommendations for each subject area are made available for public review including a public hearing before the Zoning Commission. After the conclusion of public review for all subject areas, OP will work with the Office of the Attorney General to draft zoning language to reflect the proposed policy changes.

The recommendations for all subject areas, including waterfront, will come forward to the Commission as recommended changes and policies. After all topics have been heard by the Commission, those policies will be unified into proposed zoning text that will be the subject of a second public review process.

III. WATERFRONT SUBJECT AREA PROCESS

The Waterfront working group met three times between June and July 2009 to review the strengths and weaknesses of the existing regulations as well as look at best practices from around the country. Throughout the autumn, OP did further research and development of concepts to improve the usability of the regulations and their effectiveness in implementing Comprehensive Plan policies, as presented in this report. Working group participants included developers, lawyers, residents, land use professionals, and others with an interest in waterfront zoning issues. The extensive comments and insights provided by the working group were critical to forming OP's recommendations.

Following the last working group meeting, the preliminary recommendations were sent to the Taskforce for member review and comment at the September 23, 2009 Taskforce meeting. Draft recommendations were posted online thereafter for public review and comment prior to presenting them to the Zoning Commission.

² *ibid*

IV. BACKGROUND OF RECOMMENDATIONS

Through the waterfront working group process, OP has examined the zoning structure for currently held public (non-Federal) and privately held areas abutting the Potomac and Anacostia Rivers. This area currently includes a large part of Georgetown, the Southwest waterfront, Southeast waterfront, and Kingman and Liberty Islands. OP has included for consideration waterfront areas that may come under District control in the future, such as Boathouse Row and Poplar Point.

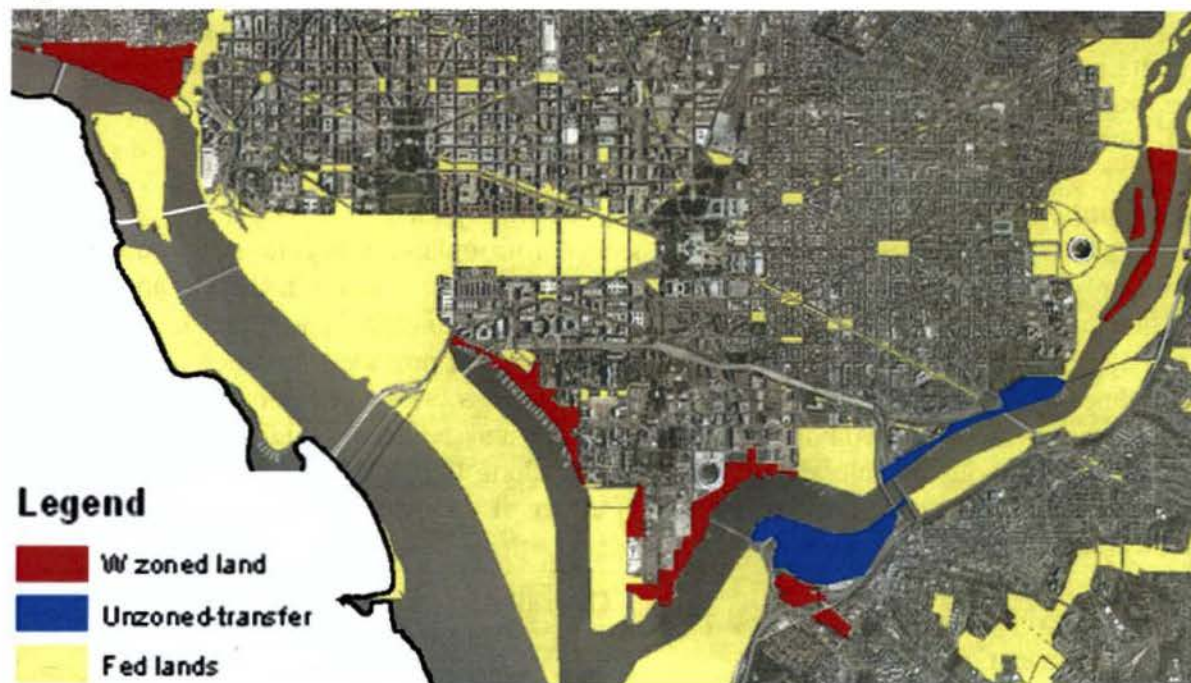


Figure 1: Study Area

Figure 1 identifies two W zoned areas that are not adjacent to the waterfront: properties in Anacostia and properties adjacent to the east side of Fort McNair. The properties adjacent to Fort McNair have been purchased by the federal government and are therefore not subject to zoning. The properties adjacent to Historic Anacostia are inland and do not impact the river directly.

Based on interpretation of the Zoning Act, the Office of Attorney General has confirmed that the Zoning Commission has jurisdiction to establish zoning for structures under, over, on, or in water. Additionally, development in these areas is potentially subject to review by numerous other city or federal agencies.

Although these and other comments have informed OP's recommendations, they *do not necessarily represent a consensus of the opinions of the Working Group or the Taskforce, nor of the opinions of individual members. The recommendations in this document are OP's.*

V. PLANNING FRAMEWORK

Comprehensive Plan

The “waterfront” area is defined in the Comprehensive Plan as “the parts of the District that abut the Anacostia and Potomac Rivers, in some cases referring to the shoreline itself and in other cases referring to the city blocks and neighborhoods along the river.”³ The Comprehensive Plan offers direction for waterfront areas and strongly encourages incentives for the fulfillment of District policy, including land use regulations and design standards “that ensure that the waterfront is developed as attractive pedestrian-oriented neighborhoods, with high-quality architecture and public spaces.”⁴ Further, many sections of the Comprehensive Plan - specifically those contained within the Land Use, Environment, Parks, and Urban Design elements – state specific waterfront-related objectives. These objectives consistently promote several distinct areas of consideration, each of which will be discussed in turn.

Promoting public access to, and connectivity along the waterfront

The term “public access” refers to waterfront access from upland connections, be they public rights of way or private easements. The term “connectivity” is defined in the Comprehensive Plan as “the degree to which one area is connected or joined to another” and in this context refers to connection along the waterfront. The Comprehensive Plan provides guidance to “recognize the importance of the city’s waterfronts for... public access...” by “develop[ing] open space linkages between the Anacostia and Potomac Rivers and adjacent neighborhoods...”⁵ and encouraging “continuous bicycle and pedestrian trails along the waterfront and new pedestrian crossings on the upper reaches of the river...”⁶ Further, it specifies the need for “promot[ing] continuous public access along the rivers...”⁷

Allowing the development of mixed use in a context-sensitive way

The Comprehensive Plan contains a great amount of planning direction speaking to creating places that are conducive to pedestrian activity, provide a sense of safety, and create visual interest. One way to draw people to the water is to encourage a mix of uses. The Comprehensive Plan encourages “design approaches, densities, and mixes of land uses that enliven waterfront sites.”⁸

Overall direction of planning guidance:

- Public Access to waterfront
- Connectivity along waterfront
- Mixed use – context sensitive
- Visual Access to waterfront
- Open Space along waterfront
- Environmental considerations
- Surface parking control

³ Glossary, Comprehensive Plan, 2006 (G-43)

⁴ Policy LU-1.1.5: Urban Mixed Use Neighborhoods, Comprehensive Plan, 2006

⁵ Policy PROS-3.2.1: Protecting Waterfront Open Space, Comprehensive Plan, 2006

⁶ Action PROS-3.2.A: Anacostia River Park Improvements, Comprehensive Plan, 2006

⁷ Policy UD-1.3.2: Waterfront Public Space and Access, Comprehensive Plan, 2006

⁸ Policy UD-1.3.6: “Activating” Waterfront Spaces, Comprehensive Plan, 2006

Ensuring the retention of visual access to the waterfront

The term “visual access” refers to the ability of upland passersby to gain river views as they move parallel to the waterfront. It is also used in the sense of preserving views to federal monuments from sensitive waterfront locations. The Comprehensive Plan urges the “protect[ion] and enhance[ment] [of] river views in the design of buildings, bridges, and pedestrian walkways on or near waterfront sites. Such space should... take full advantage of site topography and waterfront views.”⁹

Establishing viable open space along waterfront

The provision of open space is critically important to the fulfillment of several planning policies. In some contexts, open space encourages direct interactions with the waterfront. In other situations, it offers environmental protections to sensitive waterfront areas in the form of a passive buffer. It is also a dependable means by which visual access is ensured. The Comprehensive Plan urges the provision of “public gathering spaces along the waterfronts, including promenades, [and] viewpoints...”¹⁰ and the development of “open space linkages between the Anacostia and Potomac Rivers and adjacent neighborhoods...”¹¹

Providing for environmental considerations

Waterfront areas along the Potomac and Anacostia rivers represent some of the most environmentally-sensitive and valuable land in the city. The Comprehensive Plan urges the “improve[ment] [of] environmental conditions along the Anacostia River and other water bodies...”¹², and to “retain environmentally fragile areas such as wetlands and riparian areas along the Anacostia and Potomac Rivers as open space or parkland.”¹³

Setting responsive surface parking controls

Areas that contain a great deal of surface parking can negatively affect environmentally-sensitive waterfront areas through excessive runoff and river contamination. Further, a preponderance of surface parking creates a substandard pedestrian environment. The Comprehensive Plan urges the use of discretion regarding the development of surface parking, particularly in Southeast and Southwest waterfront areas. Several citations address the issue: “Enhance pedestrian connections from the Southwest neighborhood and L’Enfant Plaza area to the Washington Channel by... reducing surface parking...”¹⁴ and “support the redevelopment of the Southwest Waterfront with... improved open space and parking.”¹⁵ Also: “improve shoreline access and movement to and through the Near Southeast by... reducing the amount of land occupied by surface parking and industrial uses...”¹⁶

Anacostia Waterfront Initiative

The Anacostia Waterfront Initiative (AWI), signed in 2000, states in its preamble that “the Waterfront Revitalization Endeavor envisions a new, energized waterfront for the next

⁹ Policy UD-1.3.2: Waterfront Public Space and Access, Comprehensive Plan, 2006

¹⁰ Policy UD-1.3.2: Waterfront Public Space and Access, Comprehensive Plan, 2006

¹¹ Policy PROS-3.2.2: Connecting Neighborhoods to the Rivers, Comprehensive Plan, 2006

¹² Policy E-1.2.2: Waterfront Habitat Restoration, Comprehensive Plan, 2006

¹³ Policy E-1.2.3: Retention of Environmentally Sensitive Areas as Open Space, Comprehensive Plan, 2006

¹⁴ Policy AW-2.1.3: Connecting to the Southwest Waterfront, Comprehensive Plan, 2006

¹⁵ Policy AW-2.1.1: Mixed Use Development, Comprehensive Plan, 2006

¹⁶ Policy AW-2.3.2: Near Southeast Shoreline Access, Comprehensive Plan, 2006

millennium that will unify diverse waterfront areas of the District of Columbia into a cohesive and attractive mixture of recreational, residential, and commercial uses by capitalizing on one of the City's greatest natural assets, its shoreline.”¹⁷ Further, it promotes five distinct themes including: promoting a clean and active river, eliminating barriers and gaining access, linking a great waterfront park system, building strong waterfront neighborhoods, and cultivating cultural destinations of distinct character. These themes informed many of the Comprehensive Plan updates adopted in the 2006 iteration.

Waterfront zones

Approximately 90 percent of the land directly adjacent to the waterfront is federally owned and is not subject to zoning. The remaining 10 percent is privately or District-owned and is zoned W (Waterfront). There are four Waterfront zones: W-0 (low intensity), W-1 (moderate intensity), W-2 (medium intensity), and W-3 (high intensity).

The W-1, W-2, and W-3 zones were created in 1974 to facilitate the revitalization of Georgetown. The stated goal of the Waterfront zoning classification was to “encourage new residential uses, reduce commercial density, and control building heights in waterfront areas.”¹⁸ The zone encouraged redevelopment of the area, providing for a range of densities and a use mix that facilitated the southern portion of Georgetown’s transition from its industrial character to a mixed use area.

The W-0 zone was created in 2004 in response to the need for a very low density waterfront zone and recommendations of the AWI. The zone features very low densities, long setbacks, and limited permitted uses. The stated goal of the W-0 zone is to “provide waterfront recreation areas with related waterfront-oriented or waterfront-enhancing uses, to serve local and regional open space recreation needs.”¹⁹

Waterfront-area Overlays

There are two overlays in the waterfront area: the Capitol Gateway Overlay (CG) and the Southeast Federal Center Overlay (SEFC). The CG Overlay area includes land along the Anacostia Riverfront within a few zones, including the W-2 District. For the waterfront, the CG Overlay encourages the provision of:

- “continuous public open space along the waterfront with frequent public access points”
- “suitable connections to adjacent public space along the waterfront...”
- a “mixture of residential and commercial uses...”
- “views over and around waterfront buildings”
- “suitably designed public open space along the waterfront”
- “minimiz[ing the] impact on the environment.”²⁰

The SEFC Overlay was established in coordination with multiple base zones including the W-0 along the Anacostia Riverfront. The SEFC Overlay supports:

- continuous and publicly-accessible open space along the waterfront

¹⁷ Anacostia Waterfront Initiative

¹⁸ Zoning Commission Order, Case 73-21

¹⁹ Zoning Commission Order, Case 02-42

²⁰ DCMR Title 11, Chp.16, Sec. 1600.2

- continuous and publicly-accessible pedestrian and bicycle trails along and adjacent to the waterfront
- lively, interactive waterfront environment...
- ensuring views over and around waterfront buildings...
- encouraging open space
- improving the natural ecology
- discouraging parking²¹

Both overlays contain elements of the specific waterfront-related objectives contained within the Comprehensive Plan, as discussed above.

The following recommendations seek to implement the policy guidance provided in the Comprehensive Plan and AWI, and carry forward the intentions of the regulations stated in the waterfront zones and waterfront-area overlays.

VI. WATERFRONT RECOMMENDATIONS

1. Provide additional flexibility in the provision of Comprehensive Plan policies by allowing additional height [not density] in the W-1, W-2, and W-3 zones through a PUD process

Existing Practice

Unlike other zone districts, the W-0, W-2, and W-3 zones do not offer the possibility of additional height through a Planned Unit Development (PUD) to meet broader District goals and objectives. W-1 is the exception; 45 feet is permitted as a matter of right and 60 feet is the PUD maximum.

Issues

The waterfront zones and overlays contain waterfront-specific regulations and review processes which forward the goals of the Comprehensive Plan. However, the lack of additional PUD incentives could inhibit good waterfront development. In the past, to achieve appropriate development levels, applicants have requested PUD-related map amendments to other non-W zones which do not contain important waterfront-specific design review criteria. A PUD option in W zones could more effectively ensure the fulfillment of waterfront-specific Comprehensive Plan policies without diminishing land development rights by providing an alternative to rezoning property to non-Waterfront zoning.

Recommendation 1

Allow additional height [not density] in W-1, W-2, and W-3 through a PUD process. Maintain existing height limits for matter-of-right projects, but allow flexibility under PUD review for heights in excess of the matter-of-right standards.

²¹ DCMR Title 11, Chp. 18, Sec. 1802

Discussion

Increasing the height of a building while keeping the floor area ratio (FAR) fixed can encourage a lower lot occupancy and more open space on the site. The nature and location of this open space would be evaluated through the PUD process to ensure maximum benefit. This would provide a greater opportunity for visual access to or along the water, as well as direct environmental benefits through a reduction in impervious space and less runoff. Further, by allowing more possible height, the W-1, W-2, and W-3 zones would become more consistent with other zones which provide a height option through a PUD. Also, PUD-related design review can work to account for a range of Comprehensive Plan policies that are difficult to regulate directly, such as public access and connectivity considerations.

Staff is not recommending any PUD-related changes to any areas zoned W-0, as these areas are intended for very low development and generally not appropriate for PUD-scale development. In addition, the needs of the “emerging waterfront” - the Southwest and Southeast waterfronts, as well as any lands the city may control in the future - may be somewhat different from areas which have already undergone redevelopment and are now established. Therefore, this option of additional height through a PUD may be more appropriate in the emerging waterfront than in established areas such as Georgetown.

One Taskforce comment (attached as Appendix A) speaks to flexibility in the ratio of commercial to residential FAR in PUD projects. OP notes that the W-1, W-2, and W-3 zones allow different ratios now (33% commercial, 50% commercial, and 83% commercial respectively). The Office of Planning will examine the overall ratio issue in more detail as we analyze the PUD process and review all mixed-use and commercial zones in regard to the overall residential and non-residential ratios.

2. Establish Waterfront-Specific Criteria for PUD's

Existing Practice

Private and District-owned lands along the waterfront currently have zoning that furthers the fulfillment of various Comprehensive Plan goals. These zones and overlays contain regulations which specify various form and use requirements, such as setbacks. Additionally, the overlays contain design-review processes which specify certain waterfront-specific criteria relating to public access, connectivity, mixed use, visual access, open space, environmental considerations, and in some instances, surface parking controls.

The design review criteria contained in the CG and SEFC overlays seek to satisfy Comprehensive Plan policies, but do so in slightly different ways. In the CG Overlay, the “view and vista analysis” (1610.4) states: “The application shall include a view analysis that assesses openness of waterfront views and vistas, and views and vistas toward the Capitol Dome, other federal monumental buildings, existing neighborhoods...”²² The SEFC Overlay has a similar criterion which reads: “The proposed building or structure shall be designed with a height, bulk, and siting that provide for openness of view and vistas to and from the waterfront and, where feasible, shall maintain views of federal monuments...”²³ While both criteria seek to satisfy

²² DCMR Title 11, Chp. 16, Sec. 1610.4

²³ DCMR Title 11, Chp. 18, Sec. 1808.1

visual access considerations, the former requires the submission of a formal analysis while the latter does not.

Issues

The issues associated with every site on the waterfront are unique, and the PUD process is recommended to provide flexible criteria. The current design review criteria contained in the two waterfront-area overlays provide direction toward the fulfillment of Comprehensive Plan policies which are sometimes difficult to regulate directly.

Recommendation 2

Establish waterfront-specific criteria for PUD's.

Discussion

With no waterfront-specific requirements, a PUD applicant in the W-1 to W-3 zones would simply be required to meet the minimum requirements laid out in Chapter 24. Better urban design can be achieved along the waterfront by establishing consistent design review criteria for new PUDs, resulting in more predictable execution of waterfront-specific Comprehensive Plan policies and making the regulations easier to use. The establishment of consistent design review criteria for waterfront PUD's would work to ensure that waterfront-specific Comprehensive Plan policies could be applied along the entire District-held and privately-held waterfront area. Further, these changes would be consistent with the three prongs of the zoning update process in establishing clarity, ease of use, and relevance in the zoning regulations.

Examples of waterfront-specific design review criteria:

- **Public Access:** submission of plans indicating frequent public access points to waterfront
- **Connectivity:** submission of plans demonstrating connections to approved trails along waterfront
- **Mixed use:** favoring the context-sensitive provision of recreational, commercial, and residential uses adjacent to waterfront
- **Visual Access:** submission of a view and vista analysis
- **Open Space:** submission of plans demonstrating location of suitably-designed public open space adjacent to waterfront
- **Environmental considerations:** submission of an environmental impacts evaluation
- **Surface parking control:** submission of plan indicating underground parking, or green landscaping or architectural treatments/facades

Recommendations 3 through 6 lay out additional standards for matter-of-right projects in Waterfront zones. Recommendation 2 creates criteria for these same issues to be reviewed in a PUD format. This means that the standards in Recommendations 3 to 6 will apply strictly to matter-of-right projects while only serving as guidelines to PUD projects. The PUD projects will be reviewed for the above criteria with the intent of the guidelines below in mind.

3. Allow Surface Parking by Special Exception Only

Existing Practice

Many waterfront areas in the city are covered with impervious surfaces, and specifically surface parking lots. The Comprehensive Plan calls for limiting new surface parking in the Southeast and Southwest waterfronts.

Surface parking is currently restricted in some waterfront areas. For example, the W-0 zone permits parking lots by special exception only. In other areas, surface parking is subject to design review standards, such as in the SEFC Overlay.

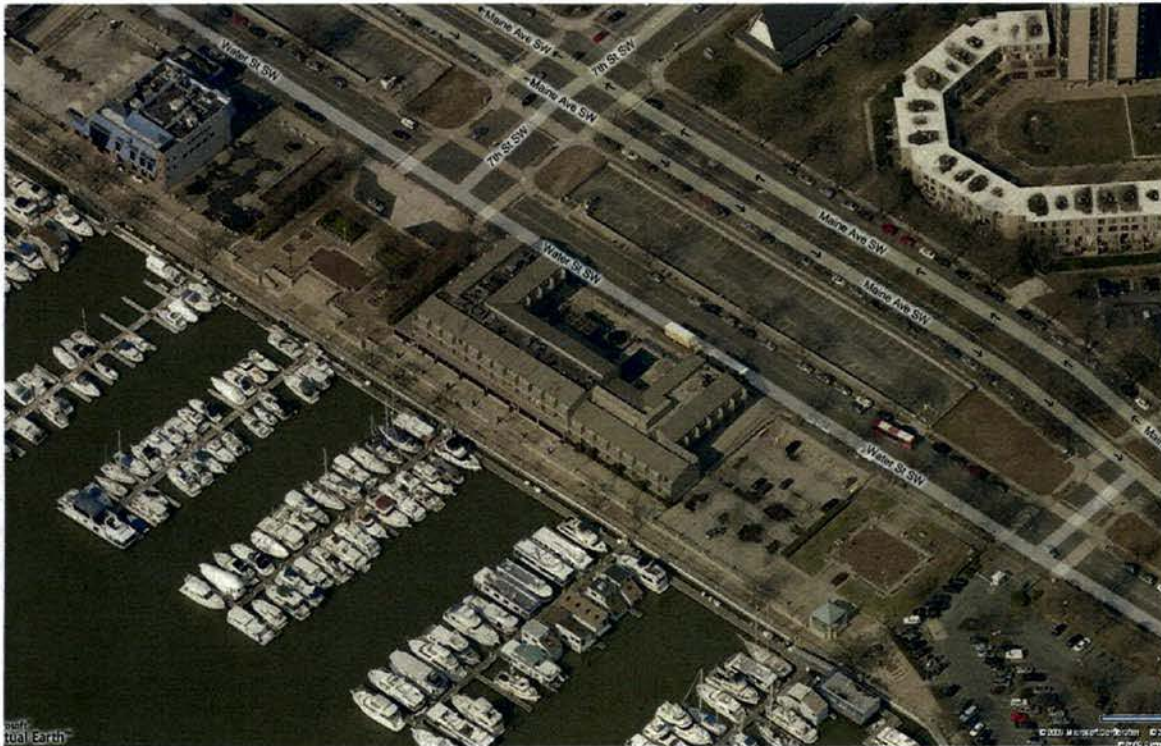


Figure 2: Impervious surfaces in Southwest waterfront

Issues

While small accessory parking areas may be appropriate in some circumstances, excessive amounts of surface parking and the infrastructure they often require (driveways, lighting, snow collection areas, etc.) present obstacles for the fulfillment of several Comprehensive Plan policies for the waterfront area. For example, surface parking lots hinder environmental goals relating to reducing runoff and outfall, particularly in sensitive environments such as along the waterfront. Large areas of surface parking also create a poor pedestrian environment in an area where Comprehensive Plan policies encourage more walkable and vibrant mixed use districts.

Recommendation 3

Allow surface parking by special exception only in W zones.

Discussion

Allowing surface parking by special exception provides a flexible way of satisfying aesthetic, environmental, walkability, and open space priorities common to all waterfront areas. New surface parking lots would be subject to special exception conditions similar to those currently contained in the W-0 zone and SEFC Overlay, including ones relating to noise, traffic management, lighting, and screening.

Small accessory parking areas may be appropriate in certain circumstances and will include exceptions for these instances.

4. Update Performance Standards for Light Industrial Special Exception Review

Existing Practice

Light industrial uses are currently permitted by special exception in W-1 through W-3 zones. In the CG Overlay, no new industrial uses are permitted, and existing ones cannot expand. Current zoning standards for industrial uses address impacts relating to visual, storage, and traffic concerns, mainly to protect neighboring areas from the negative effects of specific light industrial uses which are no longer in operation in waterfront areas.

In preparation for the waterfront working group, OP researched the history of industrial uses in operation in the W zoned portions of Georgetown. According to tax records, 25,000 square feet of industrial land on 6 tax lots existed in Georgetown (Figure 3). However, subsequent inquiries revealed that no industrial uses were in operation at the lots in question. Instead, OP discovered that businesses in operation on those sites currently engage in technical analysis and research, and furniture sales. Further, OP could not find any record of permits issued for light industrial uses since the establishment of the W zones in 1973.

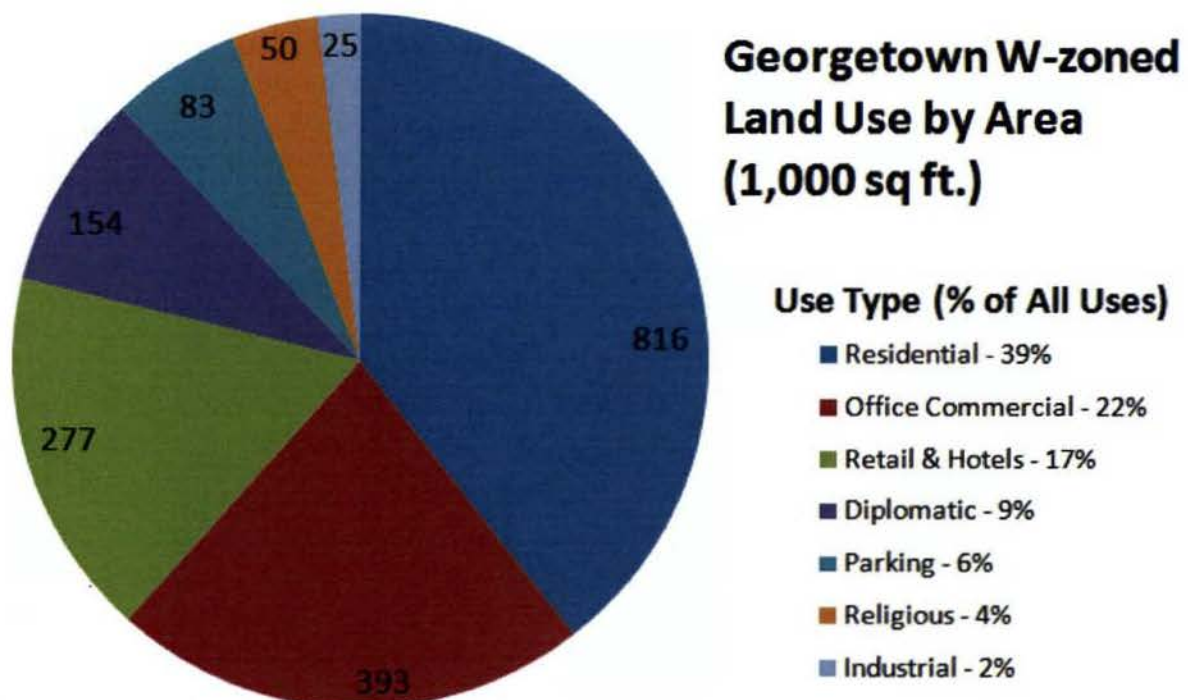


Figure 3: Land uses, Office of Tax and Revenue

Issues

While light industrial uses are not in high demand at the moment in waterfront areas, the Comprehensive Plan directs the preservation of some amount of viable industrially-appropriate land. Further, these uses may become more common in the future, including emerging environmental industries that work to restore the environment, generate clean energy, or improve energy efficiency for the District and its residents.

Section 909 of the zoning regulations provides conditions by which light industrial uses may be approved as special exception by the Board of Zoning Adjustment (BZA). Some of these existing standards may unnecessarily hinder the establishment of low-impact, green industrial uses, or conversely may not address some external effects specific to emerging environmental industries. For example, 909.2 requires that “the facility shall be designed to enhance the visual and recreational opportunities offered by the Waterfront.”²⁴ While the enhancement of recreational opportunities is a worthy condition along the waterfront, it would likely be difficult for a potentially much-needed green businesses to fulfill this condition. Further, 909.6 prohibits the outdoor storage of materials. However, is not made clear what constitutes “materials.” This is a particularly critical point, as some waterfront-based businesses such as boat repair facilities may require full utilization of the area between any primary structure and the waterfront.

Recommendation 4

Update performance standards for light industrial special exception review.

²⁴ DCMR Title 11, Chp. 9, Sec. 909.2

Discussion

The Comprehensive Plan encourages the development of emerging environmental industries, or “green businesses”, while simultaneously requiring the protection of existing neighborhoods from their impacts. Green businesses are defined in the Comprehensive Plan as those that “make an explicit commitment in [their] operation and conduct to reduce [their] impact on the environment and minimize [their] use of non-renewable resources.”²⁵

The ability to provide space for light industrial uses should be preserved, as they may become more necessary, cleaner, and more compatible with neighboring uses in the future. Further, waterfront areas serve an important, albeit limited industrial application for green jobs. Examples include businesses engaged in environmental restoration and small-scale watercraft production facilities, among others.

5. Encourage Visual Access To / From the Water, generally based on the surrounding street grid system

Existing Practice

Visual access to the waterfront is often determined by the existing fabric of public rights of way which provide natural lines of sight to the water.

Each waterfront area’s network of public rights of way is unique. For instance, the Southeast and Southwest waterfront contain a large number of original L’Enfant streets running parallel with and perpendicular to the shore. Other areas, including those the District may hold in the future, such as Boathouse Row and Poplar Point, do not have an established network of public rights of way which can provide baseline sight-lines to the water.

Public rights of way are not the only way to ensure lines of sight to the water from upland areas; zoning regulations can provide additional tools which encourage sight-line access to water. For instance, the W-0 zone requires a 12 foot wide side yard setback, allowing views around any building; the other W zones do not have a side yard requirement but if one is provided it must be a minimum of eight feet in width. Further, both the CG and SEFC Overlays have visual access-related design review criteria, including:

CG Overlay

During the adoption of the CG Overlay, the Zoning Commission recognized the public importance of development along the waterfront and required design review for river-fronting buildings. For instance, there is a design review criterion which directly addresses visual access:

1610.4 With respect to a building or structure to be constructed on a lot within the CG/W-2 District:

(c)The application shall include a view analysis which assesses openness of waterfront views and vistas, and views and vistas toward the Capitol Dome, other federal monumental buildings, existing neighborhoods, South Capitol Street, and the Frederick Douglas Bridge.

²⁵ Comprehensive Plan, 2006, pg. G-18

To date, two projects have been approved through the design review process in this overlay, both of which were mixed use buildings.

SEFC Overlay

The SEFC was designed to implement a detailed and mutually agreed upon master plan between OP and the General Services Administration (GSA). The stated objectives in the SEFC Overlay reflect that master plan and are not intended to be changed through this zoning review. However, the SEFC Overlay further reflects the Zoning Commission's interest in promoting superior building designs along the waterfront that promote visual access. In the Objectives section of the overlay, it calls for "a reduced height and bulk of buildings along the Anacostia riverfront in the interest of ensuring views over and around waterfront buildings..."²⁶ In support of this objective, there is a design review criterion which speaks to visual access:

1808.1 (b) The proposed building or structure shall be designed with a height, bulk, and siting that provide for openness of view and vistas to and from the waterfront...

To date, two projects have been approved through the design review process in this overlay: one building and one park.

Issues

The Comprehensive Plan establishes the preservation of visual access to the water as an important goal. It recognizes that the importance of preserving and extending existing lines of sight to the waterfront. However, current zoning regulations only protect visual access to the water to the degree that development occurs perpendicularly to the waterfront.

Further, while the CG and SEFC overlays provide visual access-related design review criteria, they only apply to a very limited section of waterfront area. A tool is needed which can provide the preservation or enhancement of visual access along extensions of existing rights of way in the waterfront neighborhoods for matter of right development.

Recommendation 5

Establish visual access to the water for matter-of-right projects generally based on surrounding relevant street grid. Where existing street grid does not exist, limit building dimensions to a maximum of 500 feet.

Discussion

Ensuring visual access for matter of right development is best accomplished by preserving and extending the lines of sight that public rights of way provide in our waterfront areas. This recommendation addresses several Comprehensive Plan goals:

- It works to visually integrate existing neighborhoods with the waterfront and new waterfront development, which in turn facilitates greater awareness of the waterfront.
- It provides a baseline by which public access considerations can be made. A regulation which requires the preservation of existing visual access beyond an existing public right of way can – through a discretionary process such as a PUD or other design review process -

²⁶ DCMR Title 11, 1802.5

result in a strip of land which could also provide public access to the water via a public easement.

- It provides more specific and predictable language regarding the provision of visual access than the more general language contained in the waterfront-area overlays.
- It is both flexible and responsive to a given waterfront area's local street grid.

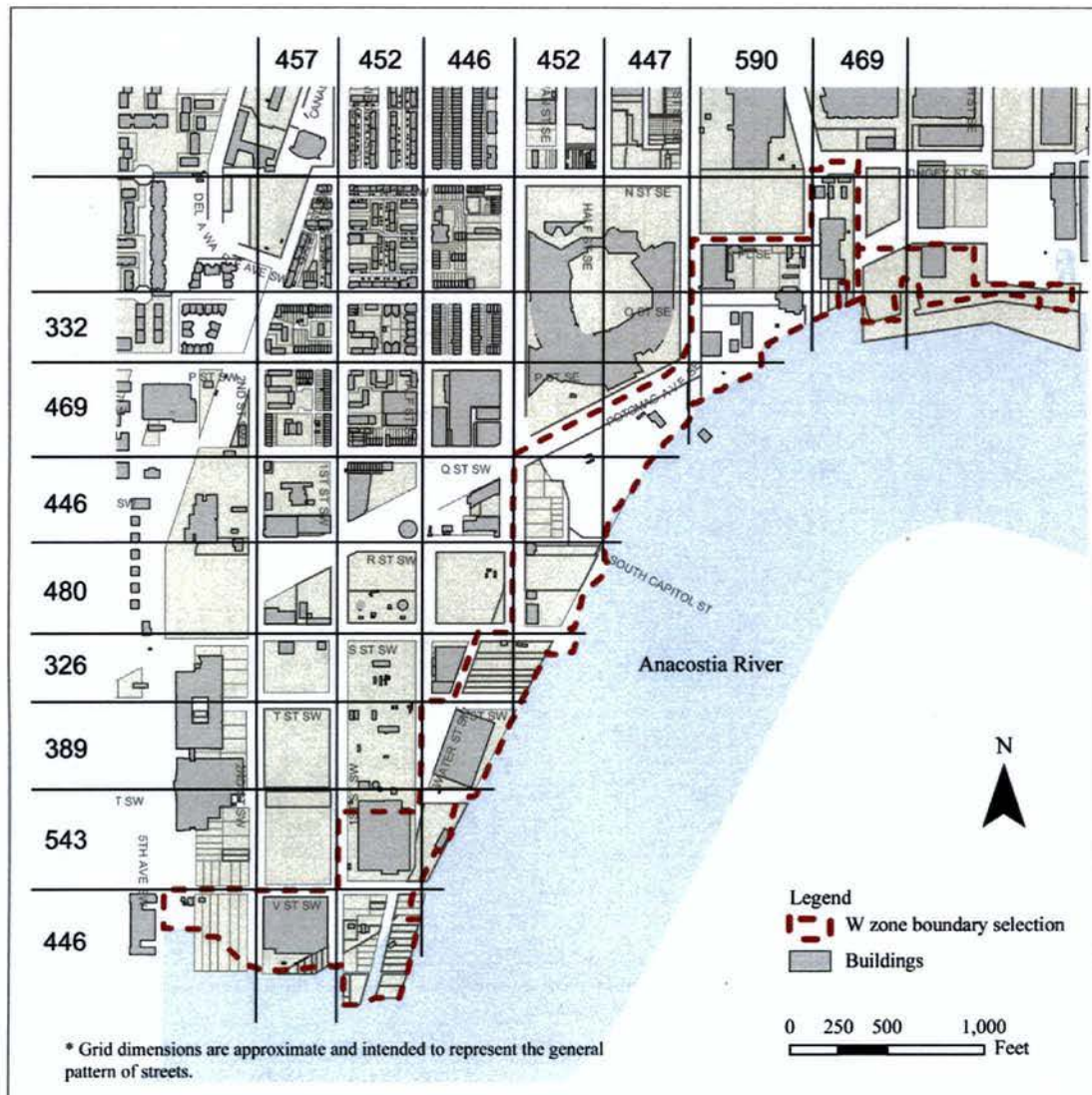


Figure 4: Block widths along Southeast waterfront

In preparation for the waterfront working group, staff researched the established block widths of various waterfront neighborhoods. Along the southeast waterfront, the average block width is approximately 450 feet. Only two of the blocks measured exceed 500 feet. Along the southwest waterfront, the average block width is approximately 487 feet. In areas where there is no street grid present, or areas cut off from the city by freeways, railways, or other obstacles, buildings should not be greater than 500 feet in width to ensure visual access to the waterfront consistent with the established form. Other jurisdictions have similar requirements. For instance, Richmond, Virginia has a provision which limits building dimensions and space between

buildings to 300 feet in width, and New York City requires a 600 foot minimum distance between upland connections to shoreway, piers, and floating structures.

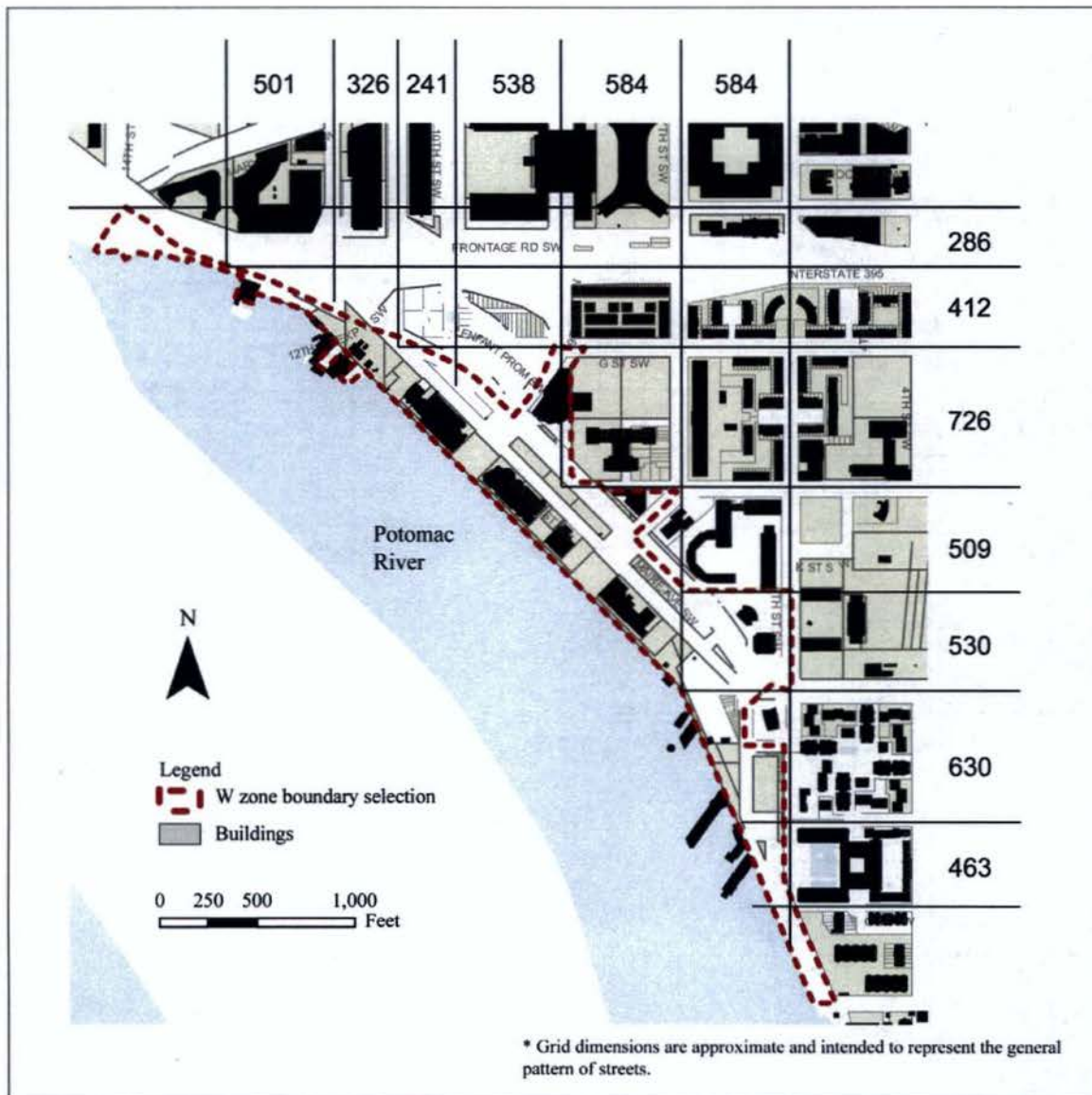


Figure 5: Block widths along Southwest waterfront

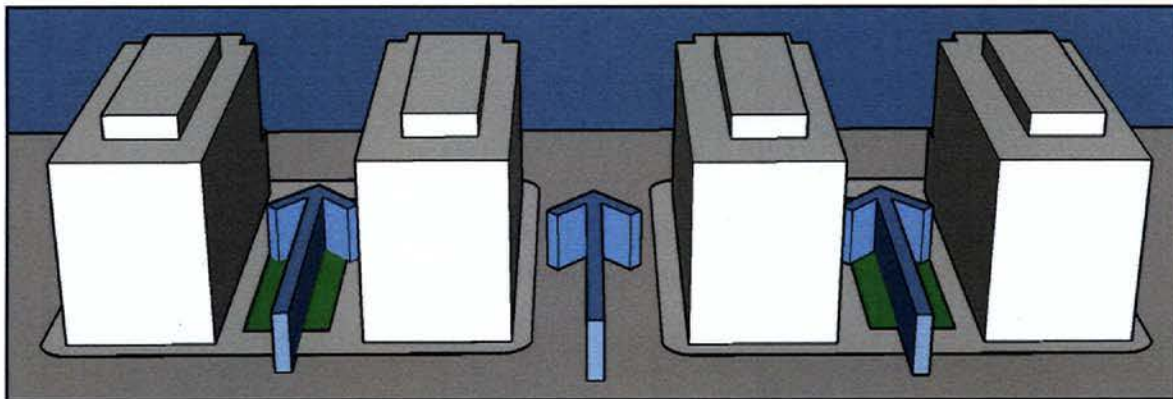


Figure 6: Illustration of visual access

6. Establish a Minimum Setback from the Waterfront

Existing Practice

Minimum setback requirements provide a straightforward tool by which connectivity goals can be met. Both the Comprehensive Plan and AWI stress the importance of connectivity both to and along the waterfront, as the need for connections between nodes of passive and active waterfront areas is necessary to ensure the use and enjoyment of this resource. In particular, the AWI calls for the establishment of a trail connection along the District waterfront, stretching from Southwest all the way up the Anacostia River. The Anacostia Riverparks Target Area Plan & Riverwalk Design Guidelines outlines appropriate standards for trails along the waterfront, according to several factors, including who the trail is intended to serve, the needs of the surrounding neighborhood, and whether the trail passes through an active or passive recreation area.

In conjunction with the District Department of Transportation (DDOT), the Anacostia Riverparks Target Area Plan & Riverwalk Design Guidelines also establishes minimum trail widths. Low traffic areas through passive recreation spaces along the waterfront could be accommodated by a minimum of 8 feet in width. Higher volume trails passing through mixed use, active waterfront areas must have sufficient width to accommodate pedestrians and bicyclists simultaneously; these should be 12 feet in width.

There are no zoning regulations which currently provide for the establishment of an unbroken setback along the waterfront as mapped in the AWI, although the CG and SEFC Overlays contain connectivity design review criteria. The W-0 zone and the CG Overlay contain minimum setback requirements of 100 feet and 75 feet respectively, but other waterfront areas have no setback provisions.

Issues

It is very difficult to establish zoning regulations that require property owners to provide public access across their property along the waterfront for matter of right development. Although connectivity design review criteria exist in the CG and SEFC Overlays, and setback requirements

exist in the W-0 zone and CG Overlay, there is no coordinated, comprehensive regulation to provide open space setback along the rivers. Such a setback would:

- Address environmental goals by providing a buffer between development and the water's edge;
- Encourage the provision of the riverwalk trail; and
- Provide for waterfront connectivity

Recommendation 6

Establish a minimum setback from waterfront of 75 feet for matter-of-right projects, of which a minimum of 25 feet are reserved for approved trail connections.

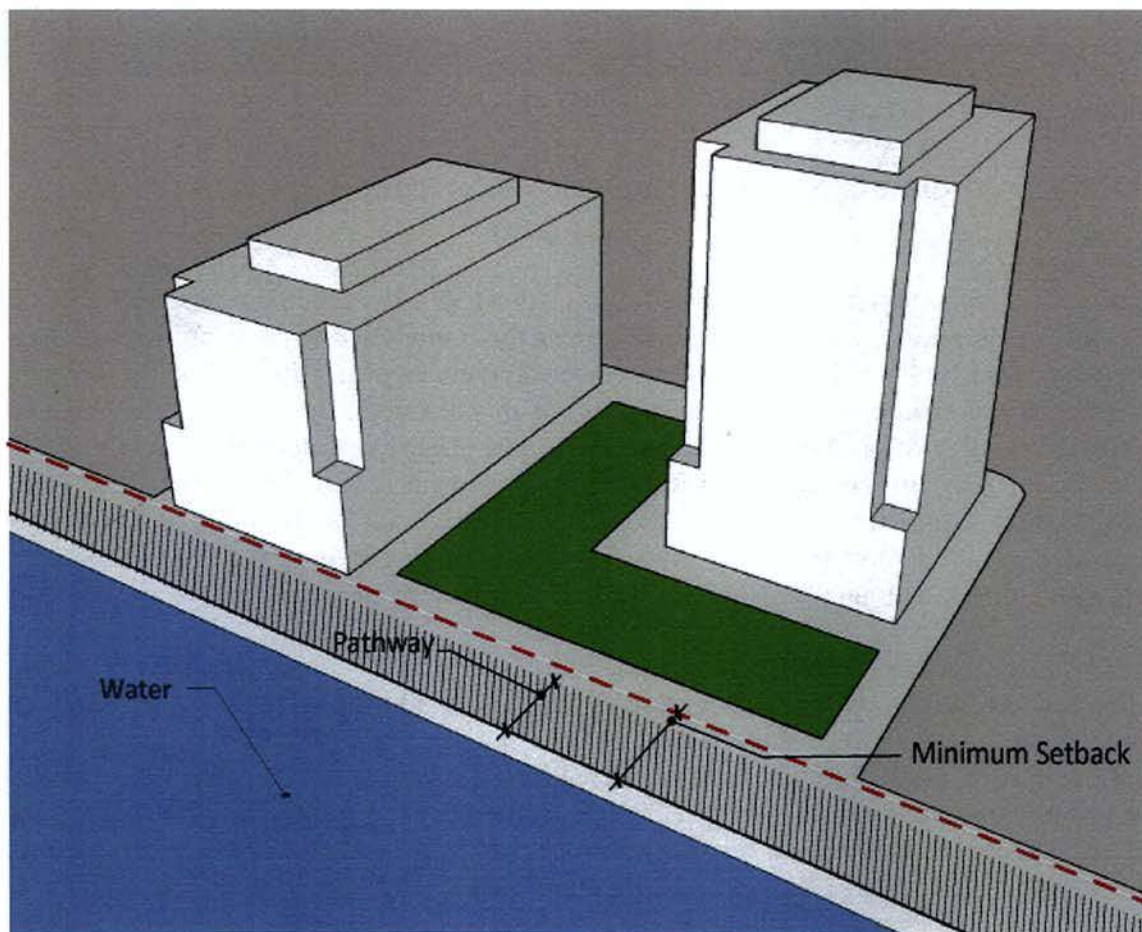


Figure 7: Illustration of minimum setback, with area for approved trail connection “pathway”

Discussion

The establishment of a minimum setback for matter of right development in waterfront areas would provide for the preservation or creation of open space which could be used for trail connections, and in some cases, the creation of open space. A waterfront setback would also further other Comprehensive Plan goals and objectives, such as providing an environmental buffer between new development and the water's edge, additional active and/or passive recreation areas, and allowing greater visual access along the water.

Based on the standards for the Anacostia Riverparks Target Area Plan & Riverwalk Design Guidelines and discussions with DDOT, a minimally sufficient setback area would need to accommodate areas for the trail itself, its maintenance, and any necessary demarcations (such as retaining walls) which serve to offer clear distinctions for trail users so as not to cause safety issues between trail users and those who may be crossing the trail, or entering and exiting adjacent buildings. According to DDOT, this minimally sufficient setback would be 25 feet: 12 feet for the actual trail, 10 feet between the trail and any building frontage (oriented toward the water), and a few feet on either side of the trail for demarcation and maintenance considerations. This setback may be most appropriate in active, mixed use areas, to ensure opportunities for interactions with the waterfront.

The remainder of the setback area (50 feet or greater) could be reserved for planned active or passive open space. It is important to note that a minimum 75 foot setback would likely be appropriate in areas which feature passive open spaces or natural interactions with the waterfront. In active, mixed use nodes a lesser setback may be appropriate to ensure opportunities for interactions with the waterfront. Based on design review, there may be instances a minimum setback consisting of only the 25 feet trail connection could be more appropriate.

As stated above, this recommendation is intended as a standard for matter-of-right projects. PUD projects will be reviewed for public access and connectivity, while being allowed much more creativity in being able to provide it. As the comments in Appendix A correctly state, there are many different ways to meet these goals and the regulations should be flexible in allowing innovation and creativity. However, for matter-of-right projects not reviewed by the Commission, there is a need for a quantitative standard that will meet the goals for projects where innovation cannot be judged.