GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

MEMORANDUM

DATE: **January 30, 2004**

TO: **District of Columbia Zoning Commission**

FROM: **Andrew Altman, Director OP**

SUBJECT: **Zoning Commission Case No. 04-02**
Capital Gateway II – East M Street Target Area of the Near Southeast Plan

I. APPLICATION-IN-BRIEF

Applicant: Office of Planning

Location: Squares 1000, 1001S, 1024, 1025E, 1048, 1048S, 1067, and 1080; portions of Squares 1025, 1025S, 1080E and 1080S; Reservations 128, 129, 130, 229 and 298; and certain unsubdivided lands constituting the rights-of-way for M Street SE, Virginia Avenue SE, 11th Street SE, the I-295 freeway, the I-395 freeway, and Water Street SE within the boundaries of the application area.

Ward 6; Advisory Neighborhood Commission 6B.

Proposal: An amendment to the Zoning Map and Zoning Regulations to:

(a) place the Capital Gateway Overlay over the East M Street area;

(b) rezone certain lands from M, CM1, and CM2 to W-3 and, possibly, W-0;

(c) amend the W-3 provisions of the Capital Gateway Overlay as it would apply in the East M Street area; and

(d) amend the Capital Gateway Overlay to require a 15 foot floor to ceiling ground floor retail space

II. RECOMMENDED ACTION

In keeping with the Anacostia Waterfront Initiative and the Near Southeast Urban Design Framework Plan, the Office of Planning recommends that the Zoning Commission set down for public hearing proposed zoning map and text amendments to:

(a) rezone from C-M-2 to W-3: Square 1000, and Square 1001S;

(b) rezone from C-M-1 to W-3: Square 1067 Lot 815, Square 1079SE Lot 800, and Square 1080;

(c) rezone from M to W-3: Square 1024, Square 1025 Lots 811, 812, and 813, Square 1025E, Square 1025S Lot 11, and Square 1048; Square 1048S, Square 1067 Lot 814;

(d) (possibly) rezone from C-M-1 to W-0: Square 1080E Lot 802, and Square 1080S Lot 800;

(e) map the Capital Gateway Overlay over the East M Street area, roughly bound by the north boundary of Interstate 295; 11th Street SE to the west; Water Street SE and the Anacostia River to the south; and the Sousa Bridge to the east, as shown in the attached;

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EXHIBIT NO. 1
Case 04-02
Exhibit 1

(f) amend the Capital Gateway Overlay as it would apply to the East M Street Area only, to require Zoning Commission review of developments within the W-3 District and to limit density and height within the W-3 District to that permitted under the base zone; and

(g) amend the Capital Gateway Overlay to require a fifteen foot floor to ceiling height for ground floor retail space.

III. EXECUTIVE SUMMARY

The Zoning Commission instructed Staff to analyze and make a recommendation for zoning for the East M Street area, between the 11th Street and Sousa Bridges, south of the freeway. Total area is about 105 acres, of which just over 31 acres are within squares and approximately 17 acres are privately owned. The National Park Service owns most or all of the land directly along the river, where there are a number of small boathouses and boating clubs. The study area also includes freeway and rail lines. Most of the remainder is undeveloped and the area is somewhat isolated from the urban fabric of the city, but proposals are in process for additional development on the Washington Gas Site, and for development of the former Stewart Petroleum site. The area is within the Anacostia Waterfront Initiative and the Near Southeast Urban Design Framework areas, both of which call for a more mixed use, pedestrian and environment friendly development which provides much greater connection to the water's edge.

OP is recommending that land that is not owned by the National Park Service (NPS) be rezoned to W-3. This is in keeping with zoning adopted for both the Capital Gateway I (Buzzard Point) area and the SEFC site to the west. There is a small area of land directly adjacent to the water's edge for which ownership remains unclear – if privately owned, OP recommends the new W-0 zone; if owned by the NPS, it should remain unzoned.

OP also recommends that the recently adopted Capital Gateway Overlay District (CG Overlay) be applied to the entire area north of Water Street, as well as any private lands to the south (waterfront) side of Water Street. It is proposed that the Overlay be amended slightly, to require Zoning Commission review of developments within the W-3 zone in the East M Street area. This is in keeping with the mandatory Commission review requirement of lands close to the waterfront area in the Buzzard Point area, and with Commission review of projects facing the waterfront park in the SEFC area. OP also proposes that additional density (1.0 FAR) and height possible for residential development in the W-3 District of the CG Overlay not be permitted in the M Street East area. Although OP would encourage a residential component in this area, the 90' limit is considered in keeping with other waterfront areas, specifically the SEFC, and with the topography of the site.



The proposed zone and overlay boundaries are shown in the map Attachment III. Should the Commission agree with this approach, OP recommends that the proposal be set down for public hearing.

IV. BACKGROUND

At its October 20, 2003 meeting, the Zoning Commission received a report from the Office of Planning regarding an application from FLAG LLC to rezone Square 1048S, located at the eastern end of the Near Southeast neighborhood, for the rezoning of the site from M (General Industry) to a zone which would permit the construction of a

26 unit townhouse development (ZC Case # 03-22).

The Commission requested that OP study the broader context for the East M Street target area, including:

- an analysis of the placement of the Capital Gateway Overlay District over this area; and
- a review of current and potential zoning and land use of this and other private lands in the area, in relation to the goals and objectives of the AWI and Near Southeast Urban Framework Plans.

V. CONTEXT – refer also to Context Map Attachment I

The 105-acre East M Street area is on the eastern edge of the rapidly developing Near Southeast Target Plan area of the Anacostia Waterfront Initiative. It is roughly bounded by the north side of I-295 freeway to the north, the 11th Street Bridge to the west, the Anacostia River to the South, and the Sousa Bridge to the east. The area enjoys sweeping river views.

Vehicular access to the area is from the west - from M Street and 12th Street SE. There is no direct access from the freeway, or from the Sousa Bridge to the east. The area is currently not well served by Metro or bus lines. Access from the river is limited to the relatively small number of boaters utilizing the boat facilities on the NPS lands, including the Easter Power Boat Club, Anacostia Community Rowing Center, District Yacht Club, Anacostia Marina, and Seafarers Yacht Club. The Anacostia Waterfront Initiative envisions this as a future "boathouse row".

Access through the study area is along M Street SE. Other existing roads within the area include 12th Street SE running north-south; and Water Street SE running east-west. Rights-of-ways for Virginia Avenue SE and 13th Street SE also exist.

VI. OWNERSHIP AND EXISTING LAND USE – refer to Land Ownership Plan, Attachment II

NPS owns most or all of the land along the river as well as a number of small, scattered reservations. The Federal Government also owns land within and adjacent to the 11th Street Bridge right-of way, and the District owns land adjacent to and under the Southeast Freeway. Just over 17 acres are in private ownership, including Washington Gas Light Company, developer of Maritime Plaza (11.7 acres); 1333 M Street SE LLC (.93 acres); and Consolidated Rail Corporation (4.74 acres). Most of the developable land is zoned M (General Industry), which permits an FAR of 6.0 and a height of 90'. There is also C-M-1 (Low Bulk Commercial / Light Manufacturing), mainly along the interstate and railway lines, and C-M-2 (Medium Bulk Commercial / Light Manufacturing), below the 11th Street Bridge.

Most of the north and west portions of the area are within the freeway and bridge rights-of-way. Much of the remainder is un- or under-developed, although little of the land is in a natural state. The only recent development within the area is the Maritime Plaza, consisting of two 4 to 5 story office buildings and on-grade parking. Plans for the remainder of the Maritime Plaza site are not finalized, but may include additional office buildings of up to 7 stories in height, a hotel, a parking structure, green space, and limited retail. Residential development is not proposed.

The other potential development parcel is Square 1048S, 1333 M Street SE. This small, triangular lot was a storage facility (removed) for the Stewart Petroleum Co. It is the subject of Zoning Commission Case # 03-22 for the development of a 26-unit townhouse development. This site is paved but contains no significant structures.

The Consolidated Rail Corp lands are mainly within or adjacent to the railway line. District records indicate that ConnRail may own Squares 1080E and 1080S, 75,000 square feet of land directly adjacent to the Anacostia River. However, this land may, in fact, be owned by the NPS, which owns all the

remaining lands along the waterfront in this area. Should NPS prove to be the owner, OP would recommend that these squares remain unzoned. OP will clarify ownership prior to a public hearing.

VII. PROPOSAL IN BRIEF

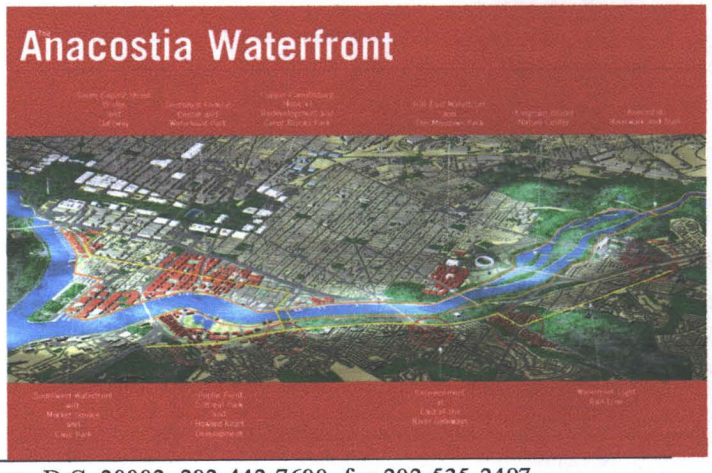
The Office of Planning recommends that the Capital Gateway Overlay District (CG Overlay) be mapped over the East M Street area. Although separated from the remainder of the CG Overlay by the Southeast Federal Center (subject to the separate but related SEFC Overlay District) and the Washington Navy Yard, OP feels that it is appropriate to apply the CG Overlay to this area because the sites have a similar industrial-warehouse history and character, and are ripe for redevelopment which is more in keeping with the desirable waterfront setting.

Since the Commission action on the original Capitol Gateway Overlay, OP has consulted with several retail experts regarding the appropriate floor- to-ceiling height for successful retail space. A study was prepared for the Waterfront PUD case (formerly Waterside Mall) that recommended a minimum floor-to-ceiling height of fifteen feet (15 ft.). OP is recommending that §1604 of the CG Overlay be amended to require this height in buildings providing preferred retail uses. The assurance of adequate retail height should not be adverse to a project because the Commission, at its discretion, may grant an increase in FAR and height through existing provisions within the overlay.

OP is also recommending minor amendments to the Overlay as it would apply to the M Street East area:

- to require Commission review of proposed developments within the W-3 Zone District – the Overlay currently only requires review of proposed developments in the W-2 Zone District; and
- to restrict density and height in the W-3 area to that of the base zone. The CG Overlay permits additional density of 1.0 FAR for residential development in the W-3 Zone District, as well as additional height (to the maximum permitted under the Height Act of 1910) to accommodate the additional density. Although OP would encourage a residential component to this development, the base amounts permitted (FAR of 6.0 of which the maximum non-residential is 5.0; height of 90') are considered appropriate for this area, given its topography, and consistent with near-by developments.

In addition, OP recommends that the properties that are currently zoned C-M-2, C-M-1, or M W-3 be rezoned to W-3 / W-0, to be in keeping with the objectives of the Anacostia Waterfront Initiate (AWI) and the Near Southeast Urban Design Framework Plan, as described below. Both of these plans envision a mixture of uses, including residential, recreational, retail, and possibly cultural or ceremonial uses in this area. The proposed rezoning would provide flexibility in a wider variety of permitted uses, as well as provide greater assurance for the provision of an active, publicly accessible riverfront recreation area. OP further recommends that NPS lands along the river (not within the proposed CG Overlay area) remain unzoned, and that any zoning for the small NPS reservations within the Overlay area not be changed.



For a detailed description of the proposal, including a table showing current and proposed zone designations by individual parcel of land, please refer to Section XI of this report.

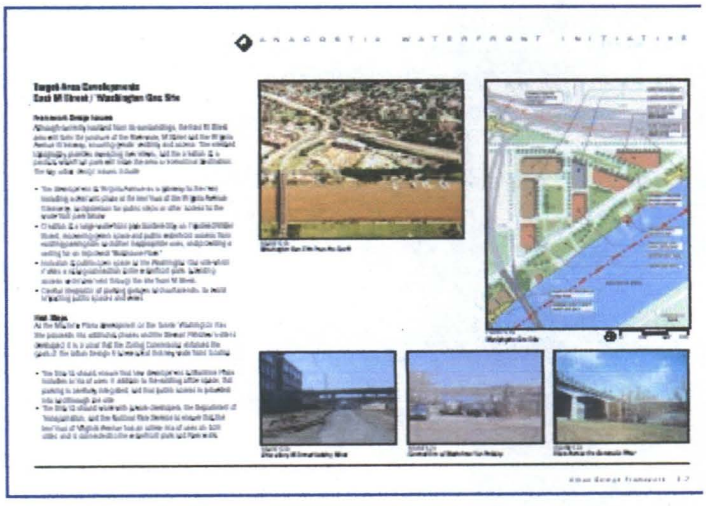
VIII. PLANNING AND ZONING ISSUES

1. Anacostia Waterfront Initiative

The area is entirely within the Anacostia Waterfront Initiative (AWI) area, for which a Memorandum of Understanding was signed by twenty Federal and District agencies that own land or have jurisdiction along the Anacostia River, as a commitment to create an active, cohesive, and well-planned Anacostia River waterfront. Mayor Williams officially released the framework Plan for the AWI on December 3, 2003, with additional information available on the Office of Planning website at http://planning.dc.gov.

The vision of the AWI is of a clean and vibrant waterfront with parks, recreation uses, and places for people to meet, relax, encounter nature and experience the heritage of the waterfront. The AWI also seeks to revitalize surrounding neighborhoods, enhance and protect park areas, improve water quality and environment, and, where appropriate, increase access to the water and maritime activities along the waterfront. Planning principles cited in the AWI for the Near Southeast target area, which includes the East M Street area, are:

1. *Extend the surrounding urban fabric to the waterfront, bringing the city to the Anacostia River.*
2. *Build upon the current wave of public and private development to create a comprehensive vision for the Near Southeast, integrating diverse projects.*
3. *Create continuous public access to the Anacostia River waterfront, as part of the Anacostia Riverwalk and Trail.*
4. *Create a linked network of public parks, open spaces, greenways, and tree-lined streets to tie the Near Southeast neighborhood together and to the waterfront.*
5. *Create a major waterfront park destination for residents, employees, and visitors.*
6. *Maximize access to the waterfront from residential areas by extending existing streets and view corridors to the river.*
7. *Emphasize mixed-use development, integrating commercial and residential areas, to form a lively and active neighborhood throughout the Near Southeast.*
8. *Provide diversity in housing types and income levels to ensure a strong and balanced neighborhood.*
9. *Encourage commercial development to maximize economic growth and job creation, emphasizing major street corridors and transit connections.*
10. *Create linkages to the adjacent neighborhoods of Capitol Hill and Southwest by overcoming the physical and psychological barriers of the highway network.*
11. *Encourage low-impact development with "green" building techniques for sustainable architecture and landscape design. (AWI Framework Plan, p. 119)*



The proposal to establish the CG Overlay over this area, as well as to change the zone designations, is in keeping with these AWI objectives. In particular, it is anticipated that

new development on private lands under the CG Overlay would encourage greater access to a more environmentally sound and attractive waterfront.

2. **Near Southeast Target Area Plan**

The East M Street area is on the eastern edge of the Near Southeast Target Area, which is undergoing rapid transition. Approval by the Commission has already been given for a number of separate planned development projects, including the Southeast Federal Center site, the Hope VI Arthur Capper / Carrollsburg site, and the US Department of Transportation Headquarters, while an additional PUD Phase II review of the Florida Rock site, also within the CG Overlay, is anticipated in the near future. The area is also close to the Washington Navy Yard, which has received significant investment to accommodate over 10,000 employees, including restoring historic structures, constructing infrastructure improvements, and enhancing the waterfront area.

The Near Southeast Area Urban Design Framework Plan has been drafted to tie together these many separate development initiatives. The Plan includes, as a Target Area, the East M Street / Washington Gas area, which is the subject of this proposal. As noted in the Plan, "*the East M Street area will form the juncture of the* (Anacostia) *Riverwalk, M Street and the Virginia Avenue Greenway, ensuring greater visibility and access. The elevated topography provides sweeping river views, and the creation of a pastoral waterfront park will make the area a recreational destination. The key urban design issues include:*

- *The development of Virginia Avenue as a gateway to the river, including a dramatic plaza at the terminus of the Virginia Avenue Greenway, and provision for public steps or other access to the waterfront park below.*
- *Creation of a large waterfront park bordered by an improved Water Street, recovering green space and public waterfront access from existing parking lots and other inappropriate uses, and providing a setting for an improved "Boathouse Row".*
- *Inclusion of public open space on the Washington Gas site which makes a strong connection to the waterfront park, providing access and movement through the site from M Street.*
- *Careful integration of parking garages and surface lots, to avoid impacting public spaces and views.*" (p. 5-7)

The CG Overlay and the establishment of W-3 and W-0 zone districts are in keeping with the objectives for the Near Southeast Target Plan, as well as the vision for the East M Street area as identified in the Plan.

IX. COMPREHENSIVE PLAN

The proposal would particularly further the following major themes of the Comprehensive Plan, as outlined and detailed in **Chapter 1 - General Provisions Element**:

(a) *Stabilizing and improving the District's neighborhoods*: The area in question is currently underdeveloped and does not significantly contribute to the adjacent neighborhoods or to overall development patterns. The proposed overlay and zoning would encourage mixed-use development with greater accessibility to a cleaner, more public waterfront than the current industrial zoning.

(b) *Increasing the quantity and quality of employment opportunities in the District*: A diverse economy is desirable, and this should include the provision of viable areas for industry and technology development. The area in question, however, is relatively small with few

development parcels, so the establishment of a viable industrial area or technological park is unlikely, in addition to being contrary to AWI objectives for the area. A more likely use under current zoning could be office (as on the Washington Gas site) or warehouse / storage. Permitting the development of a more mixed-use area, with office, retail, residential and recreational opportunities, would likely provide greater and more certain employment opportunities.

(d) *Preserving and promoting cultural and natural amenities*: The current zoning provides few if any incentives to provide cultural or recreational activities for the benefit of District residents, and would not ensure upgrading of the waterfront environment. The proposed zoning would include mandatory Zoning Commission review of development to help ensure that impacts on the overall environment and accessibility to the river are positive.

(e) *Respecting and improving the physical character of the District*: The area is currently underutilized and degraded, but has potential due to its proximity to the waterfront, adjacency to the Navy Yard and transportation routes, and the natural topography which provides sweeping views of the river. Establishment of the GC Overlay would help to ensure that this potential is realized for a greater number of people. The Plan envisions an urban neighborhood that provides greater public access to the waterfront and permits a combination of mixed-income housing, office, retail use and cultural destinations.

(i) *Promoting enhanced public safety:* The area is currently somewhat isolated and neglected. Encouraging a broader range of more intensive uses, including greater access along and to the waterfront, will help to make this desirable area more inviting and safe for all residents of the District.

The Comprehensive Plan includes a number of references which support the establishment of the CG Overlay and the proposed new zone districts, including:

CHAPTER 4 ENVIRONEMENTAL PROTECTION ELEMENT

403 Improving Air Quality

403.2 (c) Promote land use patterns and transportation services which decrease reliance on automobiles for commuting and other routine trips. The provision of a mixed use area, rather than the currently possible service-industrial development, would allow people to live closer to work, and would encourage the provision of better public transit by providing a greater population base to serve new or extended transit routes.

405 Protecting The Quality Of The Land Areas

405.2 (f) Ensure public access to waterfront areas and protect and enhance their aesthetic and recreational qualities;

CHAPTER 5 TRANSPORTATION ELEMENT

502 Transportation: General

502.2 (a) Support land use arrangements that simplify and economize transportation services, including mixed-use zones that permit the co-development of residential and nonresidential uses to promote higher density residential development at strategic locations, particularly near appropriate Metrorail stations; Although not adjacent to a Metro Station, the site is along the M Street SE corridor, for which the District Department of Transportation has proposed a new light rail transit line, providing

efficient connections to metro stations. The area could also support a future water taxi stop, as described in the AWI Framework Plan.

507 Waterfront Transportation

507.2 (b) Promote the construction of a continuous pathway along both the Potomac and Anacostia Rivers to provide walking, bicycling, and scenic vistas, and use many areas of parkland which are currently underused for recreational purposes; In this area, the waterfront pathway would be constructed on NPS land which is along the river's edge and outside the proposed CG Overlay boundary. Such a walkway, also an important component of the AWI Framework Plan, would make industry that depends on waterfront access (through NPS land) even more difficult than at present. However, mixed-use development, as would be permitted under this proposed zoning scenario, would compliment the walkway to a greater degree than potential industrial development.

(c) Promote cooperation with the National Park Service, which controls the majority of the waterfront property; The proposal does not include rezoning of lands along the waterfront which are under the jurisdiction of the NPS. Four small NPS reservations would be included within the CG Overlay II boundary, but are also not proposed to be zoned.

CHAPTER 7 URBAN DESIGN ELEMENT

702 Urban Design: General

702.1 (a) Maintain and enhance the physical integrity and character of the District as the Nation's Capital;

(c) Preserve and enhance the outstanding qualities of the natural park and waterfront areas;

703 Natural Environment

703.2 (a) Protect and enhance the natural setting of the District, ensuring that the resulting natural features and open spaces are available to and can be enjoyed by District residents and visitors; and

(b) Encourage appropriate design solutions that contribute to the conservation of the natural resources of the District.

(c) Require that waterfront design areas respond to the unique waterfront qualities of the respective site conditions;

(d) Require that site planning in these areas establish, and be sensitive to, the close interrelationship between buildings, parks and open spaces, and the rivers;

706 Waterfront Design Areas Policies

706.2 (b) Require that waterfront design areas complement and enhance urban development;

(d) Require that site planning in these areas establish, and be sensitive to, the close interrelationship between buildings, parks and open spaces, and the rivers;

712 Areas In Need Of New And Improved Character

712.2 (a) Encourage well-designed developments in areas that are vacant, underused, or deteriorated. These developments should have strong physical identities;

(e) Establish a new physical identity in areas having a strong negative image and where the surrounding areas lack character;

713 Commercial Activity Corridors (M Street SE is a major commercial corridor through the Near Southeast area)

713.2 (c) Encourage the design of functionally active commercial centers within all areas of the District, especially in areas that are not now adequately served;

(d) Encourage the design of mixed-use development for large-scale projects to create active use during both day and evening hours;

(i) Focus special design attention on corridors and centers in areas of the District that have poor images, low development of activity concentrations, and are underserved;

CHAPTER 11 LAND USE ELEMENT

1100 Declaration Of Major Policies

1100.6 The District's waterfronts and shorelines are great natural assets which may be conserved and protected but which also represent exciting opportunities for the District's future development. The Land Use Element calls for the preparation of waterfront and shoreline plans to tap this recreational, cultural, housing, and commercial potential. This highlights the goal of providing a mix of appropriate uses along the waterfront. Zone designations that permit and encourage mixed-use development, including residential and recreation uses, would conform to a greater degree than the current industrial designations.

1108 Policies In Support Of The Commercial Areas Objectives

1108.1 (a) Promote appropriate commercial development, including centers for retail and office uses, to serve the needs of the economy of the District and its neighborhoods, to provide a focus for the expansion of housing and employment that the District will have to accommodate in the future because of its urban center role within the region, and to expand employment opportunities in the region for District residents;

1109 Objectives For Production And Technical Employment Areas

1109.1 The objectives for production and technical employment areas are to encourage the growth of centers of high technology, research and development, and to provide for essential support services and nonpolluting production activities.

1110 Production And Technical Employment Land Use Category

1110.2 Production and technical employment areas will be designated for the following:

(a) Areas where buffering can protect adjacent residential areas from adverse impacts or where no residential areas are present;

(b) Areas adjacent to railroads and major highways;

(c) Certain areas where there is sufficient land to meet the needs of production and technical employment users; and

(d) Certain areas where there are viable industrial uses in operation.

The proposed CG Overlay II designation and the new zoning would permit many of the technology-based commercial / office uses envisioned by the Plan. OP believes, however, that the W-3 designation accommodates "*centers of high technology, research and development*", and will permit

a wider variety of uses that are more in keeping with the intent of the Comprehensive Plan or AWI goals for the waterfront.

CHAPTER 13: WARD 2 PLAN – Although the Capital Gateway I (Buzzard Point) and Capital Gateway II areas are within Ward 6, the Capital Gateway I area was formerly within Ward 2 prior to ward realignment in 2002, so some policy statements related to waterfront development are relevant to this proposal:

1317 Ward 2 Actions In Support Of The Urban Design Objective

1317.1 (d) Emphasize superior design of new development and open space along Ward 2 waterfront areas as follows:

(1) The city, working with the National Park Service, shall ensure that Ward 2 waterfront areas, including Georgetown, Maine Avenue, Buzzard Point and along the Anacostia River, provide public access and use;

(2) Economic development incentives shall be used by the city to promote quality developments along waterfronts, with open space, parks for recreation and cultural programs, and street-level retail activity during the day and night;

1337 Ward 2 Development Opportunity Areas

1337.3 The Buzzard Point/Near Southeast area now contains deteriorated public housing, light industry, marginal small businesses, a military installation, federal buildings, and vacant sites, but has the potential for becoming a prime waterfront site and southern gateway into the city.

CHAPTER 17 WARD 6 PLAN - the area in question is within Ward 6.

1700 Ward 6 Economic Development

1700.1 Ward 6 offers an abundance of economic opportunity within its commercial area. ... Economic development themes in the ward are almost exclusively in two (2) areas: office development and small retail business which will serve both the office and residential communities. ... There are virtually no industrial areas in the ward except for small parcels, which are, for the most part, incompatible with current neighborhood uses.

1702 Ward 6 Policies in Support of Economic Development

1702.1 (a) Provide a range of commercial facilities and services within commercial corridors in Ward 6;

1710 Ward 6 Policies in Support of Environmental Protection

1710.1 (c) Regulate land development activities including public spaces, throughout the Ward 6 area to protect natural features, prevent soil erosion, and prohibit construction practices that produce unstable soil and hillside conditions;

1713 Ward 6 Objectives For Transportation

1713.1 (a) To provide an adequate balanced circulation system, properly related to residential, commercial/retail, and other land uses, which will enhance the aesthetic and environmental characteristics along streets in the Ward 6 area as well as to minimize traffic congestion;

(b) To develop, as appropriate, a network of trails, including hiking and biking, designed to connect residential, employment, education, and open space areas and to provide for the journey-to-work needs of Ward 6 residents. Although the Riverwalk would not be located within the proposed Capital Gateway II boundary, important connections to the walkway from Capital Hill to the north, and from the 11th Street Bridge (via M Street SE) could be provided, thus making the trail more accessible.

1721 Ward 6 Objectives For Urban Design

1721.1 (b) To ensure that new development that occurs in Ward 6 complements and translates land uses into compatible, physical settings and preserves and enhances the outstanding qualities of the natural park areas;

1733 Ward 6 Objectives For Land Use

1733.1 (a) To maintain the general level of the existing Ward 6 residential uses, densities and heights, and to improve the physical condition of Ward 6 through the provision of functional, efficient and attractive residential, commercial and open space areas;

1734 Ward 6 Policies In Support Of Land Use Objectives

1734.1 (a) Stabilize and improve residential and commercial areas throughout Ward 6;

(f) Development of Capitol South and Capitol Gateway, as part of the Buzzard Point/Near Southeast development area, should be in accordance with the commercial density designations in the Comprehensive Plan's Land Use Element and Generalized Land Use Map. Residential development should be appropriately phased. An office and living environment should be created that offers a unique opportunity for mixed use office-residential development in the District;

X. COMPREHENSIVE PLAN GENERALIZED LAND USE MAP

Other than a strip of land along the river's edge which is designated "parks, recreation and open space", the study area is designated on the Generalized Land Use Map as "*production and technical employment ... intended to encourage growth industries and industries with a high ratio of employees to land area occupied, such as office support systems, communications, printing and publishing, wholesaling, transportation services, food services, tourism support services, warehousing, and other commercial activities that generally do not occur to substantial degree in other commercial areas*". This designation reflects past use of the site, but not current planning thought and policy regarding appropriate uses for this section of the waterfront. The AWI and Near Southeast Plans, as received by District Council, both envision a mixture of uses, emphasizing ones that better relate to the vision of an active, publicly accessible riverfront recreation area than the current use designation.

XI. CAPITAL GATEWAY OVERLAY DISTRICT – refer to CG Overlay Map, Attachment IV

Zoning Commission case No. 96-3/89-1 was an initiative to rezone the Buzzard Point--Capital Gateway area and to map a new Capital Gateway Overlay District. The Overlay was the product of detailed planning studies for the area completed in 1988 – 1992, and is intended to encourage the development of an active mixed-use community in this currently underdeveloped warehouse and industrial area.

Public hearings on this case were originally held on November 21 and 26 of 1996, although no proposed action was taken at that time, to permit further refinement of the previously advertised text. The Commission re-advertised the case and an additional public hearing was held on September 20, 2001.

The Commission took proposed action on April 19, 2002. An additional public hearing was held on September 26, 2002 to consider two revisions to the proposed rule, to prohibit hotels being counted as residential uses in CR zones within the CG Overlay and permit the Zoning Commission to simultaneously consider any variance or special exception that may be required for a property within the CG Overlay that is also required to proceed through design review. The Commission took final action to adopt the rulemaking, including the revisions considered at the September public hearing, at its regularly scheduled public meeting on October 28, 2002. It was at final rulemaking that the name was changed from the originally advertised Buzzard Point to Capital Gateway Overlay District.

In general, the CG overlay district allows the same range of uses anticipated by the underlying zone. The Overlay also includes the following provisions:

- a density bonus of 1.0 FAR in the CG/W-1 district of which 0.5 may be used for other than residential purposes provided at least 2.0 FAR is already used for residential development, and which may be accommodated by additional height subject to certain setbacks;
- a residential density bonus of 1.0 FAR in the CG/W-2 districts, which may be accommodated by additional height subject to certain setbacks;
- a residential density bonus of 1.0 FAR in the CG/CR, and CG/W-3 districts which may be accommodated by additional height subject to certain setbacks;
- permit a combined lot to transfer FAR within the overlay away from the CG/W-2 parcels;
- make any proposed use, building and structure in the CG/W2 district subject to approval by the Commission and include NCPC as a referral agency for these projects;
- require Commission review of all projects on the Anacostia Waterfront in the CG/W-2 District and for properties facing M Street, SE, using a specific set of policies and standards tailored to each district as guidelines, to ensure higher quality development;
- prohibit hotel use from being considered a residential use and from earning bonus residential density in the CG/CR; and
- continue to permit existing commercial or industrial uses in a CM or M industrial zone, but to prohibit their expansion.

At the time it was approved, the W-0 Waterfront Open Space Recreation Zone had not been drafted.

XII. PROPOSAL – refer to Attachment III, and Potential Development Charts, Attachment V and VI.

It is proposed that the GC Overlay be mapped over the area that is the subject of this application. Much of this land is within road rights-of way or is within publicly owned parcels or reservations, as noted in the chart below. The attached map shows the proposed boundary of the extension to the CG Overlay over the site, as well as existing and proposed zone designations. The regulations contained within the existing CG Overlay are considered generally suitable as they are currently drafted to achieve the goals and objectives for this area; minor amendments, described below, are recommended.

The following chart provides a summary of current and proposed zoning for each square in the area:

Square	Lots	Owner	Area	Current Zone	Proposed Zone
1000	835	Washington Gas Light	28,001	C-M-2	**W-3**
1001 S	802 - 805	USA (not NPS)	70,579	C-M-2	**W-3**
1024	808	Consolidated Rail Corp.	54,018	M	**W-3**
1025	811 - 813	Washington Gas Light	255,804	M	**W-3**
1025	815	USA (not NPS)	4,213	M	**W-3**
1025 E	801	Washington Gas Light	189,637	M	**W-3**
1025 S	11	Washington Gas Light	36,681	M	**W-3**
1048	806, 807	Consolidated Rail Corp.	49,866	M	**W-3**
1048 S	1	1333 M Street LLC	40,580	M	**W-3**
1067	814	Consolidated Rail Corp.	23,820	M	**W-3**
1067	815	District Of Columbia	88,167	C-M-1	**W-3**
1079 SE	800	Consolidated Rail Corp.	3,404	C-M-1	**W-3**
1080	800	District Of Columbia	5,522	C-M-1	**W-3**

There are also two parcels of land directly on the waterfront for which ownership has been difficult to verify. If they are privately held, OP proposes that they be rezoned; if owned by the NPS, OP proposes that any zone designation not be changed. OP will resolve this issue prior to the Public Hearing.

1080 E	802	Consolidated Rail Corp. or NPS	24,659	C-M-1	**W-0**
1080 S	800	Consolidated Rail Corp. or NPS	50,850	C-M-1	**W-0**

More detailed charts, Attachments V and VI, provides additional information regarding the development potential of existing and proposed zoning, including use, height and density on each parcel. The proposed zone designations do not significantly reduce overall development potential for any private land-owner, particularly if residential uses are considered. In addition, OP notes that preliminary proposals for the Washington Gas and 1333 M Street privately owned lands propose densities significantly less than that which would be permitted by either the current or the proposed zones.

The proposal would:

- replace the existing M, C-M-2, and C-M-1 (industrial) zoning with the W-3 zone, thus permitting a broader range of uses, and ones which better relate to the vision of the site as a publicly accessible waterfront area;
- reduce development potential of any remaining privately owned lands directly adjacent to the waterfront, by rezoning them from C-M-1 to W-0 the waterfront open space recreation zone;
- in keeping with the CG Overlay and SEFC Overlay, require Zoning Commission review of all development within the W-3 parcels;
- amend the CG Overlay for the M Street E area, to require Zoning Commission review of proposed developments in the W-3 area, as it is adjacent to the park along the waterfront;
- amend the CG Overlay for the M Street E area, to restrict density and height in the W-3 area to that of the base zone (FAR 6.0; height of 90'), rather than the otherwise CG Overlay permitted density and height (7.0 FAR for residential development; additional height to the maximum permitted under the Height Act of 1910); and
- amend the Capital Gateway Overlay to require a fifteen foot floor to ceiling height for ground

floor retail space.

XIII. ANC 6B

The proposal has not yet been reviewed by the ANC – OP will present the proposal to the ANC following Zoning Commission set down of the proposal, and comments will be provided prior to the public hearing.

XIV. AGENCY REFERRALS

This application will be referred to the following District government agencies for review and comment:

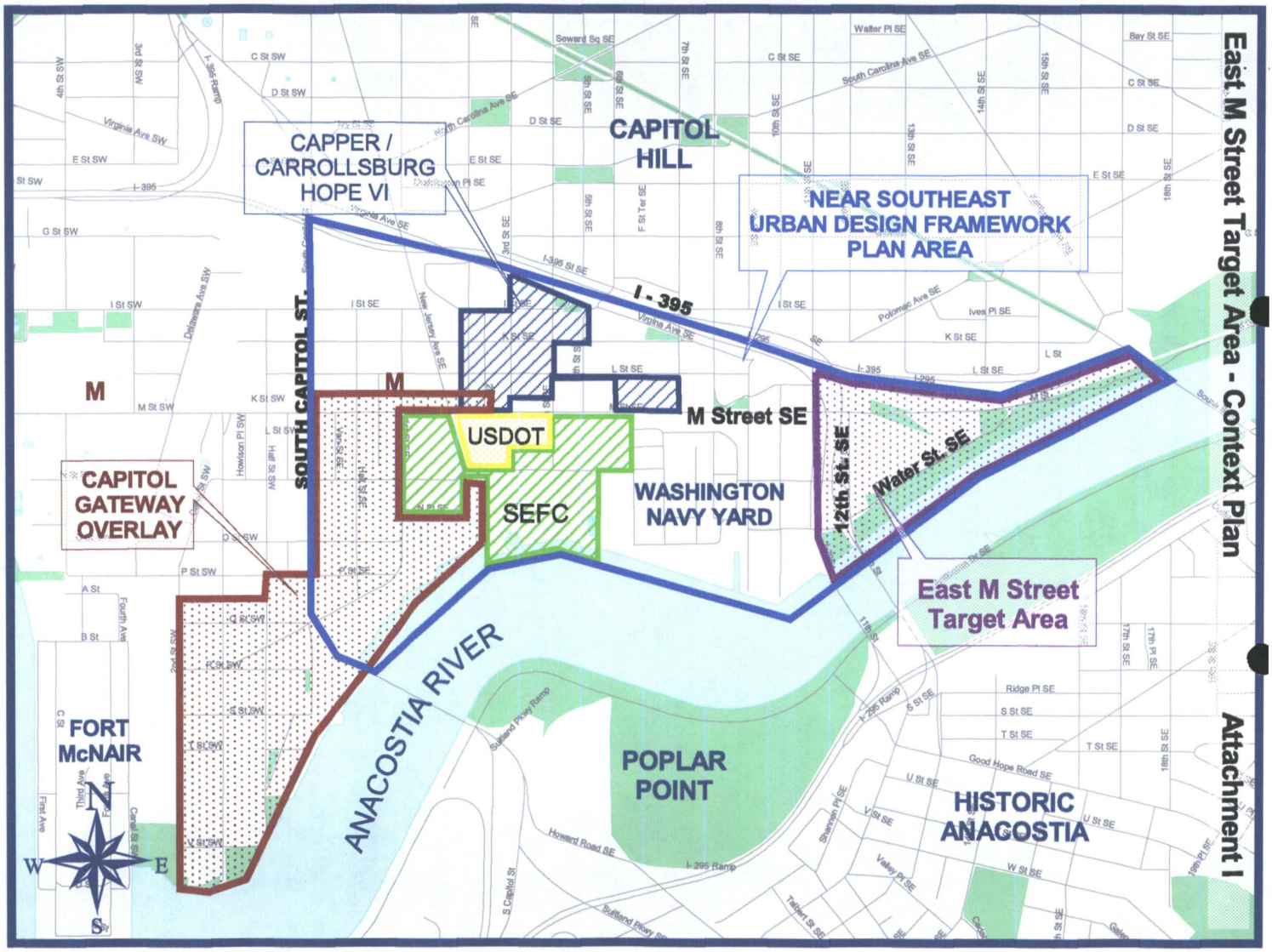
1. Department of Consumer and Regulatory Affairs (DCRA).
2. Department of Parks and Recreation;
3. Department of Public Works (DPW);
4. DPW Tree and Landscape Division;
5. District Department of Transportation (DDOT);
6. Environmental Health Administration;
7. Fire and Emergency Medical Services Department;
8. Metropolitan Police Department; and
9. Water and Sewer Agency (WASA).

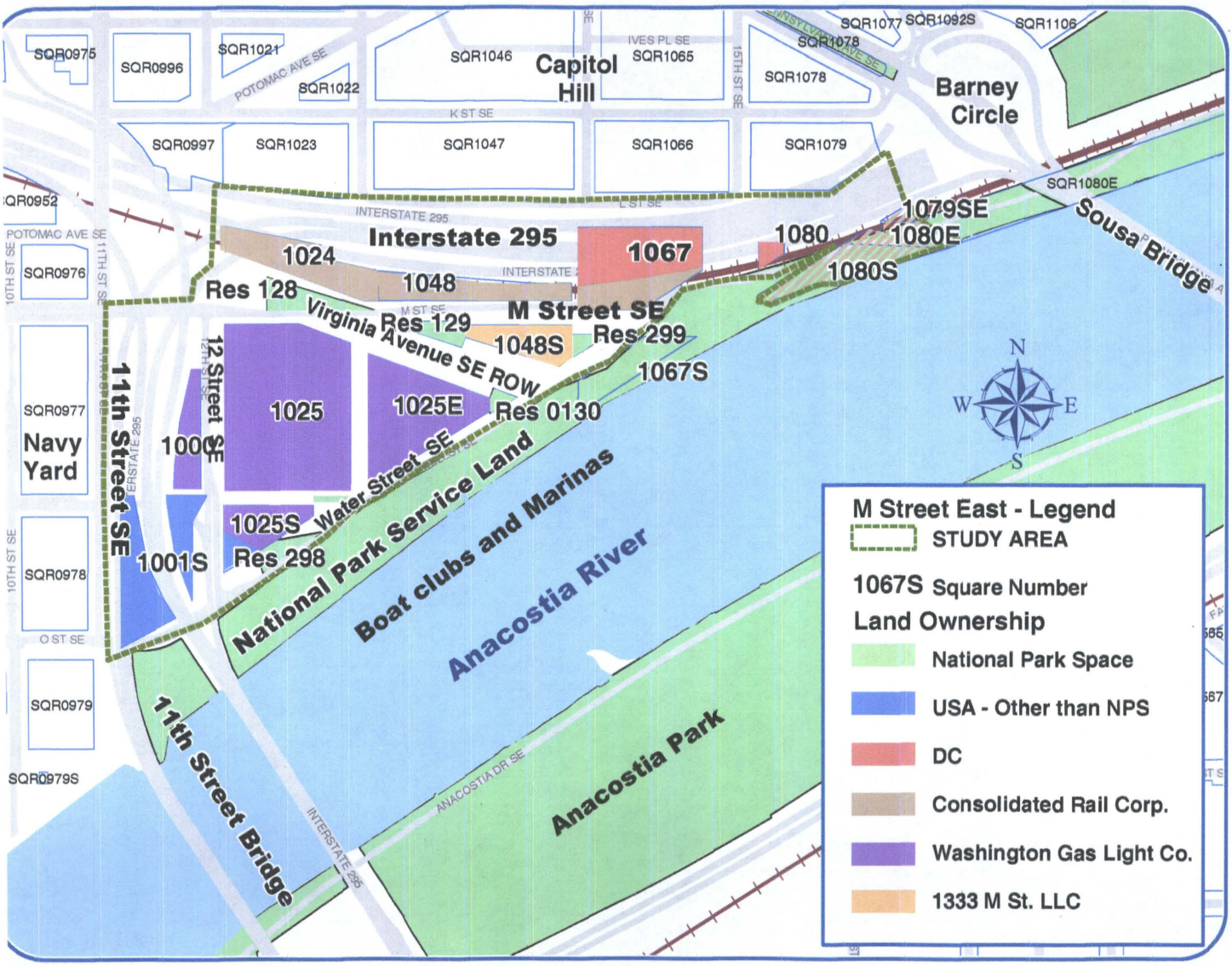
The proposal will also be referred to the major landowners and businesses within and adjacent to the area.

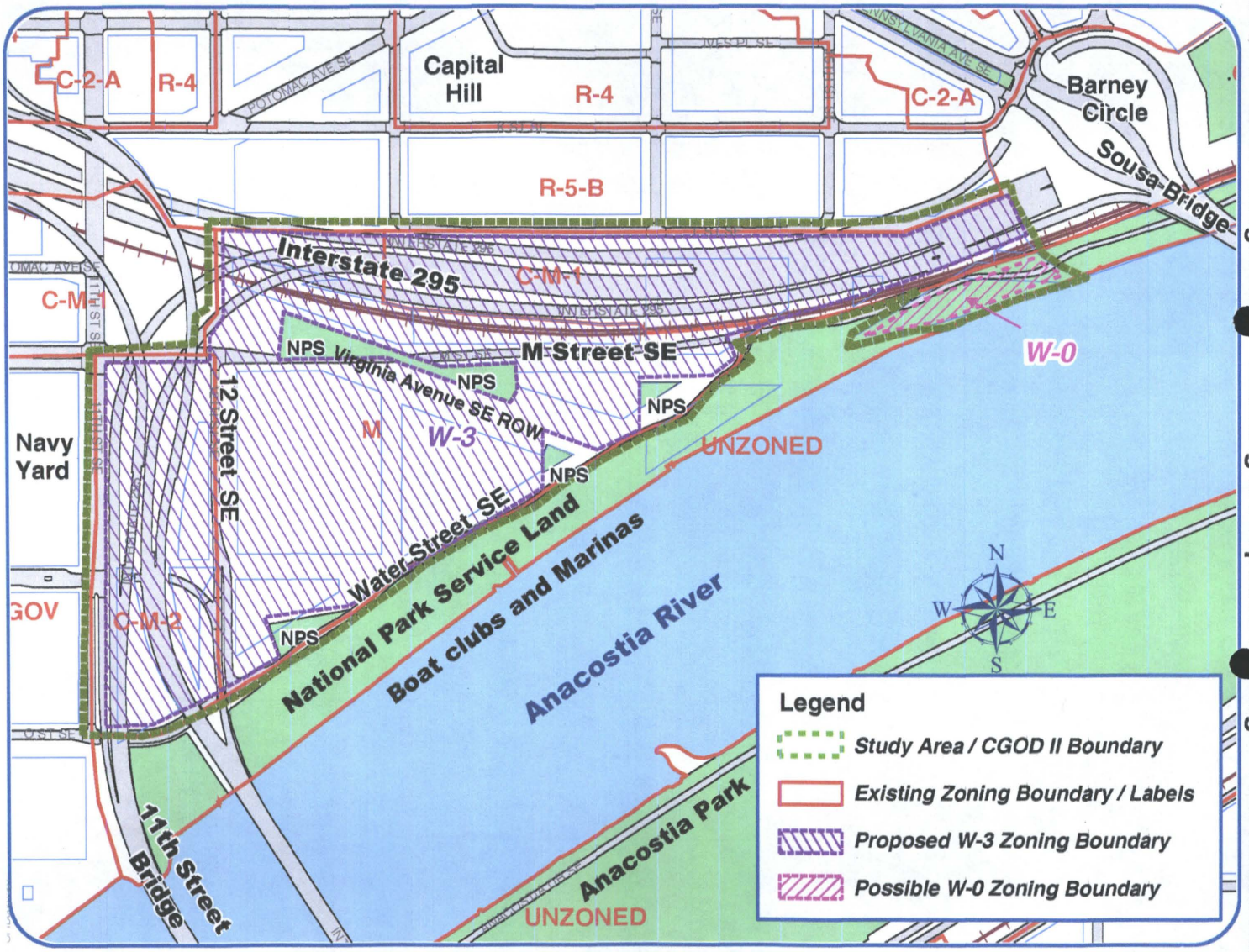
ATTACHMENTS:

I. Context
II. Land Ownership
III. Proposed Zoning, including proposed Capital Gateway II Boundary
IV. Capital Gateway Overlay District Map
V. Chart showing land area and development potential for existing and proposed zones
VI. Chart showing land area and development potential for existing and proposed zones for each land owner

AA/jl

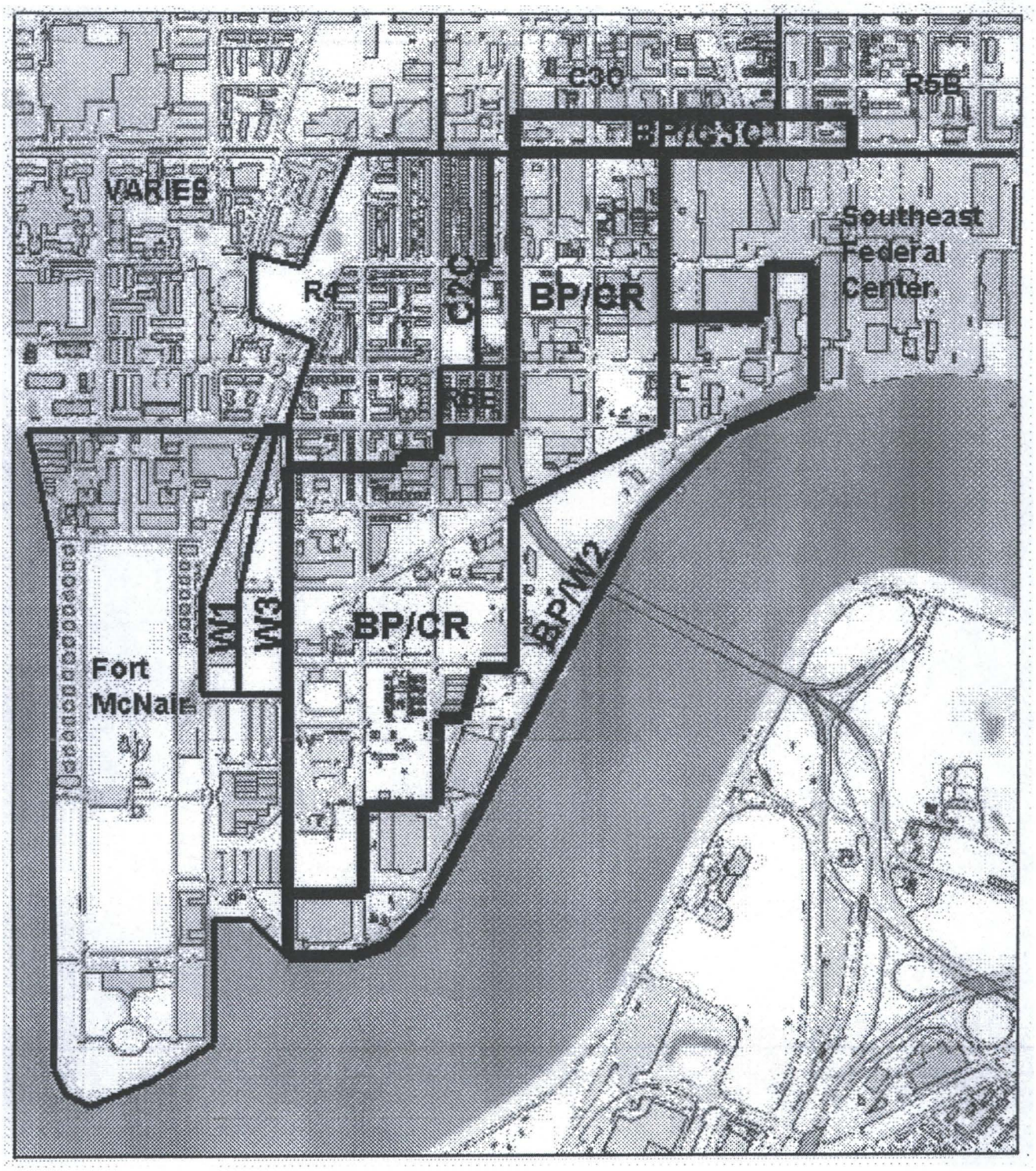

East M Street Target Area - Context Plan
Attachment I
CAPPER / CARROLLSBURG HOPE VI
CAPITOL HILL
NEAR SOUTHEAST URBAN DESIGN FRAMEWORK PLAN AREA
I - 395
SOUTH CAPITOL ST.
M
M Street SE
USDOT
SEFC
WASHINGTON NAVY YARD
12th St. SE
Water St. SE
East M Street Target Area
CAPITOL GATEWAY OVERLAY
ANACOSTIA RIVER
FORT McNAIR
POPLAR POINT
HISTORIC ANACOSTIA
N
S
E
W


East M Street Target Area - land Ownership
Attachment II
SQR0975
SQR0996
SQR1021
SQR1022
SQR1046
Capitol Hill
SQR1065
SQR1077
SQR1092S
SQR1106
SQR1078
Barney Circle
SQR0997
SQR1023
SQR1047
SQR1066
SQR1079
SQR0952
SQR1080E
1079SE
1080E
1080
1080S
Sousa Bridge
Interstate 295
1024
1067
1048
Res 128
Virginia Avenue SE ROW
Res 129
M Street SE
1048S
Res 299
1067S
SQR0976
SQR0977
Navy Yard
1025
1025E
Res 0130
1000
11th Street SE
12 Street SE
1025S
Water Street SE
1001S
Res 298
National Park Service Land
Boat clubs and Marinas
Anacostia River
SQR0978
SQR0979
SQR0979S
11th Street Bridge
Anacostia Park
ANACOSTIA DR SE
INTERSTATE 295
POTOMAC AVE SE
K ST SE
L ST SE
M ST SE
O ST SE
IVES PL SE
15TH ST SE
10TH ST SE
11TH ST SE
N
S
E
W
M Street East - Legend
STUDY AREA
1067S Square Number
Land Ownership
National Park Space
USA - Other than NPS
DC
Consolidated Rail Corp.
Washington Gas Light Co.
1333 M St. LLC



East M Street Target Area - Existing & Proposed Zoning Attachment III

ATTACHMENT IV



Buzzard Point/Capitol Gateway Area – Revised Zoning

Boundary – Proposed BP/CG Overlay Zone

Boundary – Existing Zones

Square	Lot	Owner	Area	Existing				PUD		Proposed			Commercial			
				Zone	FAR	Sq.Ft.	Ht	Ht.	Uses	Zone	FAR	Sq.Ft.	FAR	Sq.Ft.	Ht	Uses
1000	835	WGLC	28,001	C-M-2	4.0	112,004	60	90	2, 3, 5, 6, 7, 8	W-3	6.0	168,006	5.0	140,005	90	1, 2, 3, 4, 5, 6, 8
1001 S	802	USA	23,657	C-M-2	4.0	94,628	60	90	2, 3, 5, 6, 7, 8	W-3	6.0	141,942	5.0	118,285	90	1, 2, 3, 4, 5, 6, 8
1001 S	803	USA	7,005	C-M-2	4.0	28,020	60	90	2, 3, 5, 6, 7, 8	W-3	6.0	42,030	5.0	35,025	90	1, 2, 3, 4, 5, 6, 8
1001 S	804	USA	9,117	C-M-2	4.0	36,468	60	90	2, 3, 5, 6, 7, 8	W-3	6.0	54,702	5.0	45,585	90	1, 2, 3, 4, 5, 6, 8
1001 S	805	USA	30,800	C-M-2	4.0	123,200	60	90	2, 3, 5, 6, 7, 8	W-3	6.0	184,800	5.0	154,000	90	1, 2, 3, 4, 5, 6, 8
1024	808	CRC	54,018	M	6.0	324,108	90	90	2, 3, 5, 6, 7, 8	W-3	6.0	324,108	5.0	270,090	90	1, 2, 3, 4, 5, 6, 8
1025	811	WGLC	133,712	M	6.0	802,272	90	90	2, 3, 5, 6, 7, 8	W-3	6.0	802,272	5.0	668,560	90	1, 2, 3, 4, 5, 6, 8
1025	812	WGLC	97,384	M	6.0	584,304	90	90	2, 3, 5, 6, 7, 8	W-3	6.0	584,304	5.0	486,920	90	1, 2, 3, 4, 5, 6, 8
1025	813	WGLC	24,708	M	6.0	148,248	90	90	2, 3, 5, 6, 7, 8	W-3	6.0	148,248	5.0	123,540	90	1, 2, 3, 4, 5, 6, 8
1025 E	801	WGLC	189,637	M	6.0	1,137,822	90	90	2, 3, 5, 6, 7, 8	W-3	6.0	1,137,822	5.0	948,185	90	1, 2, 3, 4, 5, 6, 8
1025 S	11	WGLC	36,681	M	6.0	220,086	90	90	2, 3, 5, 6, 7, 8	W-3	6.0	220,086	5.0	183,405	90	1, 2, 3, 4, 5, 6, 8
1048	806	CRC	30,267	M	6.0	181,602	90	90	2, 3, 5, 6, 7, 8	W-3	6.0	181,602	5.0	151,335	90	1, 2, 3, 4, 5, 6, 8
1048	807	CRC	19,599	M	6.0	117,594	90	90	2, 3, 5, 6, 7, 8	W-3	6.0	117,594	5.0	97,995	90	1, 2, 3, 4, 5, 6, 8
1048 S	1	1333	40,580	M	6.0	243,480	90	90	2, 3, 5, 6, 7, 8	W-3	6.0	243,480	5.0	202,900	90	1, 2, 3, 4, 5, 6, 8
1067	814	CRC	23,820	M	6.0	142,920	90	90	2, 3, 5, 6, 7, 8	W-3	6.0	142,920	5.0	119,100	90	1, 2, 3, 4, 5, 6, 8
1067	815	DC	88,167	C-M-1	3.0	264,501	40	60	2, 3, 5, 6, 7, 8	W-3	6.0	529,002	5.0	440,835	90	1, 2, 3, 4, 5, 6, 8
1079 SE	800	CRC	3,404	C-M-1	3.0	10,212	40	60	2, 3, 5, 6, 7, 8	W-3	6.0	20,424	5.0	17,020	90	1, 2, 3, 4, 5, 6, 8
1080	800	DC	5,522	C-M-1	3.0	16,566	40	60	2, 3, 5, 6, 7, 8	W-3	6.0	33,132	5.0	27,610	90	1, 2, 3, 4, 5, 6, 8
1080 E	802	CRC	24,659	C-M-1	3.0	73,977	40	60	2, 3, 5, 6, 7, 8	W-0	0.5	12,330	0.5	12,330	40	6; plus 4, 5 & 8 by se
1080 S	800	CRC	50,850	C-M-1	3.0	152,550	40	60	2, 3, 5, 6, 7, 8	W-0	0.5	25,425	0.5	25,425	40	6; plus 4, 5 & 8 by se
		TOTAL	921,588			4,814,562						5,114,229		4,268,150		

NOTES:

USES
1 Residential
2 Office
3 Retail - General
4 Waterfront Retail
5 Cultural
6 Park / Open Space
7 Manufacturing / Technical employment
8 Hotel

1/28/2004

Capital Gateway II - Development Potential by Square and Lot

Attachment V

Square	Lot	Owner	Land Area	Existing Zone	FAR	Sq.Ft.	Ht	PUD Ht.	Permitted Uses	Proposed Zone	FAR	Sq.Ft.	Commercial Ht*	FAR	Sq.Ft.	Permitted Uses
1048 S	1	**1333 M**	**40,580**	M	6.0	**243,480**	90	90	2, 3, 5, 6, 7, 8	W-3	6.0	**243,480**	90	5.0	**202,900**	1, 2, 3, 4, 5, 6, 8
1024	808	CRC	54,018	M	6.0	324,108	90	90	2, 3, 5, 6, 7, 8	W-3	6.0	324,108	90	5.0	270,090	1, 2, 3, 4, 5, 6, 8
1048	806	CRC	30,267	M	6.0	181,602	90	90	2, 3, 5, 6, 7, 8	W-3	6.0	181,602	90	5.0	151,335	1, 2, 3, 4, 5, 6, 8
1048	807	CRC	19,599	M	6.0	117,594	90	90	2, 3, 5, 6, 7, 8	W-3	6.0	117,594	90	5.0	97,995	1, 2, 3, 4, 5, 6, 8
1067	814	CRC	23,820	M	6.0	142,920	90	90	2, 3, 5, 6, 7, 8	W-3	6.0	142,920	90	5.0	119,100	1, 2, 3, 4, 5, 6, 8
1079 SE	800	CRC	3,404	C-M-1	3.0	10,212	40	60	2, 3, 5, 6, 7, 8	W-3	6.0	20,424	90	5.0	17,020	1, 2, 3, 4, 5, 6, 8
1080 E	802	CRC	24,659	C-M-1	3.0	73,977	40	60	2, 3, 5, 6, 7, 8	W-0	0.5	12,330	90	0.5	12,330	6; plus 4, 5 & 8 by se
1080 S	800	CRC	50,850	C-M-1	3.0	152,550	40	60	2, 3, 5, 6, 7, 8	W-0	0.5	25,425	90	0.5	25,425	6; plus 4, 5 & 8 by se
		CRC	**206,617**			**1,002,963**						**824,403**			**693,295**	
1000	835	WGLC	28,001	C-M-2	4.0	112,004	60	90	2, 3, 5, 6, 7, 8	W-3	6.0	168,006	90	5.0	140,005	1, 2, 3, 4, 5, 6, 8
1025	811	WGLC	133,712	M	6.0	802,272	90	90	2, 3, 5, 6, 7, 8	W-3	6.0	802,272	90	5.0	668,560	1, 2, 3, 4, 5, 6, 8
1025	812	WGLC	97,384	M	6.0	584,304	90	90	2, 3, 5, 6, 7, 8	W-3	6.0	584,304	90	5.0	486,920	1, 2, 3, 4, 5, 6, 8
1025	813	WGLC	24,708	M	6.0	148,248	90	90	2, 3, 5, 6, 7, 8	W-3	6.0	148,248	90	5.0	123,540	1, 2, 3, 4, 5, 6, 8
1025 E	801	WGLC	189,637	M	6.0	1,137,822	90	90	2, 3, 5, 6, 7, 8	W-3	6.0	1,137,822	90	5.0	948,185	1, 2, 3, 4, 5, 6, 8
1025 S	11	WGLC	36,681	M	6.0	220,086	90	90	2, 3, 5, 6, 7, 8	W-3	6.0	220,086	90	5.0	183,405	1, 2, 3, 4, 5, 6, 8
		WGLC	**510,123**			**3,004,736**						**3,060,738**			**2,550,615**	
1001 S	802	USA	23,657	C-M-2	4.0	94,628	60	90	2, 3, 5, 6, 7, 8	W-3	6.0	141,942	90	5.0	118,285	1, 2, 3, 4, 5, 6, 8
1001 S	803	USA	7,005	C-M-2	4.0	28,020	60	90	2, 3, 5, 6, 7, 8	W-3	6.0	42,030	90	5.0	35,025	1, 2, 3, 4, 5, 6, 8
1001 S	804	USA	9,117	C-M-2	4.0	36,468	60	90	2, 3, 5, 6, 7, 8	W-3	6.0	54,702	90	5.0	45,585	1, 2, 3, 4, 5, 6, 8
1001 S	805	USA	30,800	C-M-2	4.0	123,200	60	90	2, 3, 5, 6, 7, 8	W-3	6.0	184,800	90	5.0	154,000	1, 2, 3, 4, 5, 6, 8
USA (not NPS)			**70,579**			**282,316**						**423,474**			**352,895**	
1067	815	DC	88,167	C-M-1	3.0	264,501	40	60	2, 3, 5, 6, 7, 8	W-3	6.0	529,002	90	5.0	440,835	1, 2, 3, 4, 5, 6, 8
1080	800	DC	5,522	C-M-1	3.0	16,566	40	60	2, 3, 5, 6, 7, 8	W-3	6.0	33,132	90	5.0	27,610	1, 2, 3, 4, 5, 6, 8
		DC	**93,689**			**281,067**						**562,134**			**468,445**	
		TOTAL	**921,588**			**4,814,562**						**5,114,229**			**4,268,150**	

NOTES:
* Squares 1079SE, 1080E and 1080S MAY be owned by NPS rather than ConnRail, as indicated in our records...

USES
1 Residential
2 Office
3 Retail - General
4 Waterfront Retail
5 Cultural
6 Park / Open Space
7 Manufacturing / Technical employment
8 Hotel