GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

MEMORANDUM

TO: Zoning Commission

FROM: Andrew Altman, Director
Office of Planning

DATE: April 13, 2001

SUBJECT: Waiver of Rules for Late Submittal of Case No. 96-3/89-1 (Buzzard Point)

The attached concerning the application for Buzzard Point Overlay is being submitted less than 10 days prior to the Zoning Commission's consideration of the item and scheduled public hearing. The Office of Planning respectfully requests that the Commission waive its rule and accept the report into the record.

Attachments

AA/ar

ZONING COMMISSION
District of Columbia
Case 96-3/89-1
Exhibit 88

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

D.C. OFFICE OF ZONING
2001 APR 13 A 9:44

ZONING TRANSMITTAL

TO: **Carol Mitten, Zoning Commissioner Chair**

FROM: **Andrew Altman, Director**

DATE: **April 13, 2001**

SUBJECT: **Zoning Commission Case No. 96-3/89-1**

Introduction

Per request of Zoning Commission, please find following materials attached:

1. Revised language of BP Overlay Zone;
2. Revised map of BP Overlay Zone; and
3. Copies of recent planning reports produced by NCPC (under separate cover).

801 North Capitol Street, N.E., Suite 4000, Washington, D.C. 20002 202-442-7600, fax 202-442-7637 or 7638

CHAPTER 16 BUZZARD POINT-CAPITOL GATEWAY OVERLAY DISTRICT

1600 PREAMBLE

1600.1 The Buzzard Point-Capitol Gateway (BP) overlay district is applied to the Buzzard Point and Capitol Gateway areas, which are designated for mixed use development in the Comprehensive Plan for the National Capital. The following squares and portions of squares in the Southwest and Southeast quadrants of the District of Columbia are included in the BP District: 603, 605, 607, 609, 611, 612, 613, 657, 658, 660, 661, 662, E662, 664, E664, 665, 666, E667, S667, 700 through 708, E708, S708, S744, 771, 698, 699, N743, 742 and 769.

1600.2 The purposes of the BP overlay district are to:

(a) Assure development of the area with a mixture of residential and commercial uses, and a suitable height, bulk and design of buildings, as generally required by the Comprehensive Plan and planning studies of the area;

(b) Encourage a variety of support and visitor-related uses, such as retail, service, entertainment, cultural and hotel or inn uses;

(c) Allow for continuation of existing industrial uses, which are important economic assets to the city, during the extended period projected for redevelopment;

(d) Along the Anacostia riverfront provide for a reduced height and bulk of buildings in the interest of ensuring views over and around waterfront buildings, and provide for continuous public open space along the waterfront with frequent public access points; and

(e) Along M Street, S.E., near the Navy Yard Metrorail station, require suitable ground-level retail and service uses and adequate sidewalk width.

1600.3 The BP overlay district and the underlying CR, W-2 and C-3-C zones shall constitute the Zoning Regulations for the geographic area referred to in §1600.1. Where there are conflicts between this chapter and the underlying zoning, the provisions of the BP overlay zone shall govern.

1601 BONUS DENSITY AND HEIGHT

1601.1 A building or a combined lot development as authorized by §1602 of this Chapter that provides residential uses shall earn one gross square foot of

bonus density for each square foot of gross floor devoted to residential uses as defined in this chapter;

1601.2 Solely for the purpose of constructing bonus density, the normal height and bulk limits of the underlying CR and C-3-C zones may be exceeded, subject to the following maximum limits:

(a) The maximum permitted building height shall be that permitted by the Act to Regulate the Height of Buildings, June 1, 1910, as amended; Provided, that in Square 657 those lots fronting on 2nd Street and P Street, S.W., shall provide a 1:1 building setback for any part of a building that exceeds 90 feet in height;

(b) The maximum floor area ratio shall be 8.0;

(c) Bonus density may either be constructed on the lot that generates the bonus or may be transferred to another lot or lots by means of the combined lot development provisions of §1602; and

(d) Where a lot is also located in the Capitol South Receiving Zone, as identified in §1709.18 of this title, then the provisions of §1709.21 shall apply with regard to establishing the maximum permitted FAR applicable to the lot with the receipt of transferable development rights, including planned unit developments as provided in §1603.3 of this chapter.

1601.4 In the underlying W-2 district a lot that is not subject to the planned unit development process pursuant to §1603 of this chapter shall earn bonus density for residential development as provided in §1601.3 of this Chapter; Provided, that such bonus density shall not be constructed on a lot zoned W-2, but may be transferred to a lot or lots zoned BP/CR or BP/C-3-C by means of a combined lot development.

1601.5 Floor area constructed as bonus density may be occupied by any use permitted as a matter of right in the underlying zone.

1602 COMBINED LOT DEVELOPMENT

1602.1 The allowable floor area for residential uses and non-residential uses may be apportioned between the affected lots, 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 normal maximum height or FAR of the underlying zone district(s), except when bonus density is being constructed.

1602.2 No allocation of residential and non-residential floor area, and no transfer of bonus density, shall be effective unless an instrument, legally sufficient

to effect such a transfer, in a form approved by the Corporation Counsel, has been entered into among all of the parties involved, including the District of Columbia.

1602.3 A certified copy of the instrument of transfer shall be filed with the Zoning Administrator before approval of any building permit application that is affected by such allocation of uses or transfer of bonus density.

1602.4 The document shall be recorded in the Office of Recorder of Deeds, so that the notice of restrictions and transfer shall run with the title and deed to each affected lot.

1603 PLANNED UNIT DEVELOPMENTS

1603.1 There shall be no minimum area requirement for a planned unit development in the BP overlay district;

1603.2 In the BP/W-2 District a building or structure proposed to be constructed on a lot having 10,000 square feet or more of land area, and a lot of any size that abuts the Anacostia River, shall be subject to the planned unit development process of Chapter 24 of this title; Provided, that:

(a) Approval of the PUD will help achieve the desired mixture of uses in the BP district as set forth in §§1600.2(a) and (b) of this chapter, with the preferred uses generally being residential, hotel or inn, cultural, entertainment, retail and service uses; Provided further, that such preferred uses shall occupy at least one-half of the ground floor of each building;

(b) A building or structure to be constructed on a lot that faces or abuts the Anacostia River shall be set back by no less than 50 feet, and preferably 75 feet, from the bulk head line or the shoreline, whichever provides a larger setback; Provided, that:

(1) The application shall include a plan for suitable open space treatment of the setback area for such uses as walkway and bikeway use, passive or active recreational use, and including suitable provisions for private maintenance of the space, convenient and permanent public access to the space, and suitable connections to adjacent public space along the waterfront;

(2) The Zoning Commission shall determine in each case the extent of on-site or off-site bonus density to be granted in exchange for the setback, based on the land area of the setback and the proposed features for public open space uses; Provided, that 2.0 FAR shall be used as a general guideline;

(c) The proposed building or structure shall be designed with a height and bulk and siting so as to provide for openness of views and vistas to and from the waterfront and, where practical, maintain views of federal monumental buildings; and

(d) Residential uses shall earn bonus density as provided in §1601.4(a) of this Chapter; Provided, that the Zoning Commission shall determine in each case whether such bonus density may be constructed on site or only off-site in a combined lot development.

1604* M STREET DESIGN STANDARDS AND USES

1604.1 The design standards and use requirements of §§ 1604.2 through 1604.5 shall apply to any new building constructed on a lot that abuts M Street, S.E., between South Capitol Street and 4th Street, S.E.;

1604.2 The streetwall of each new building shall be set back for its entire height and frontage along M Street not less than fifteen feet (15') measured from the curb line of the right-of-way of M Street, S.E.;

1604.3 Each new building shall devote not less than fifty percent (50%) of the gross floor area of the ground floor to retail, service, entertainment or arts uses as permitted in §§701.1 through 701.5 and §§721.1 through 721.6 of this title; Provided, that the following uses shall not be permitted: automobile laundry, drive through accessory to any use, gasoline service station and any office use;

1604.4 Not less than fifty percent (50%) of the surface area of the streetwall of any new building along M Street shall be devoted to display windows having clear or low-emissivity glass except for decorative accent, and to entrances to commercial uses or the building; and

1604.5 The provisions of §2117.8(c)(1) of this title are modified so as to prohibit the construction or use of a driveway from M Street to required parking spaces or loading berths in or adjacent to a new building.

***As an alternative to §1604 in its entirety, consider adoption of text in italics at the end of the advertised text and numbered §§1603.3 and 1603.4.**

1605 EXISTING INDUSTRIAL USES

1605.1 A commercial or industrial use that is first permitted in the CM or M districts and that is in existence with a valid Certificate of Occupancy as of (date), shall be deemed a conforming use and shall be entitled to expand on its current lot or lots as a matter of right up to the permitted commercial FAR and height limits of the underlying zone district;

Provided, that the performance standards of §§804, 805, 825 and 826 applicable to the use shall apply to any expansion.

1699 DEFINITIONS

1699.1 The provisions of §199 of Chapter 1 of this title, and the definitions set forth in that section, shall be incorporated by reference in this chapter.

1699.2 When used in this chapter, the term residential uses shall have the following meaning:

Residential uses – residential uses include dwellings, flats, multiple dwellings, guest room areas of hotels or inns, and community based residential facilities (CBRFs), subject to the size or other limitations normally applicable to the specific type of CBRF in the underlying zone.

***The text below is to be considered as an alternative to §1604. If the following text is adopted, §1604 in the main text would be deleted, and §1605 would be renumbered §1604.**

1603.3 A new building to be constructed on a lot abutting M Street, S.E. and having 10,000 square feet or more of land area shall be subject to the planned unit development process of Chapter 24 of this title; Provided, that:

(a) The architectural design, site plan, landscaping and sidewalk treatment shall be of a generally superior quality.

(b) The building or buildings shall be designed so as not to intrude on important vistas within and exterior to the area, especially regarding views to and from the waterfront and, where practical, views of federal landmarks.

(c) Not less than fifty percent (50%) of the gross floor area of the ground floor shall be appropriately designed for and occupied by retail, service or entertainment uses as permitted in §§701.1 through 701.5 and §§721.1 through 721.6 of this title; Provided, that the following uses shall not be permitted: automobile laundry, drive-through accessory to any use, gasoline service station and any office use;

(d) The building shall be set back for its entire height and frontage along M Street by not less than fifteen feet (15") measured from the curb line of the right-of-way of M Street, S.E.;

(e) The provisions of §2117.8(c)(1) of this title are modified so as to prohibit the construction or use of a driveway from M Street, S.E. to required parking spaces or loading berths;

(f) A planned unit development located within the Capitol South Receiving Zone as identified in §1709.18 of this title shall be eligible for the maximum FAR allowed by §1709.21, provided that transferable development rights are received to achieve the allowed FAR;

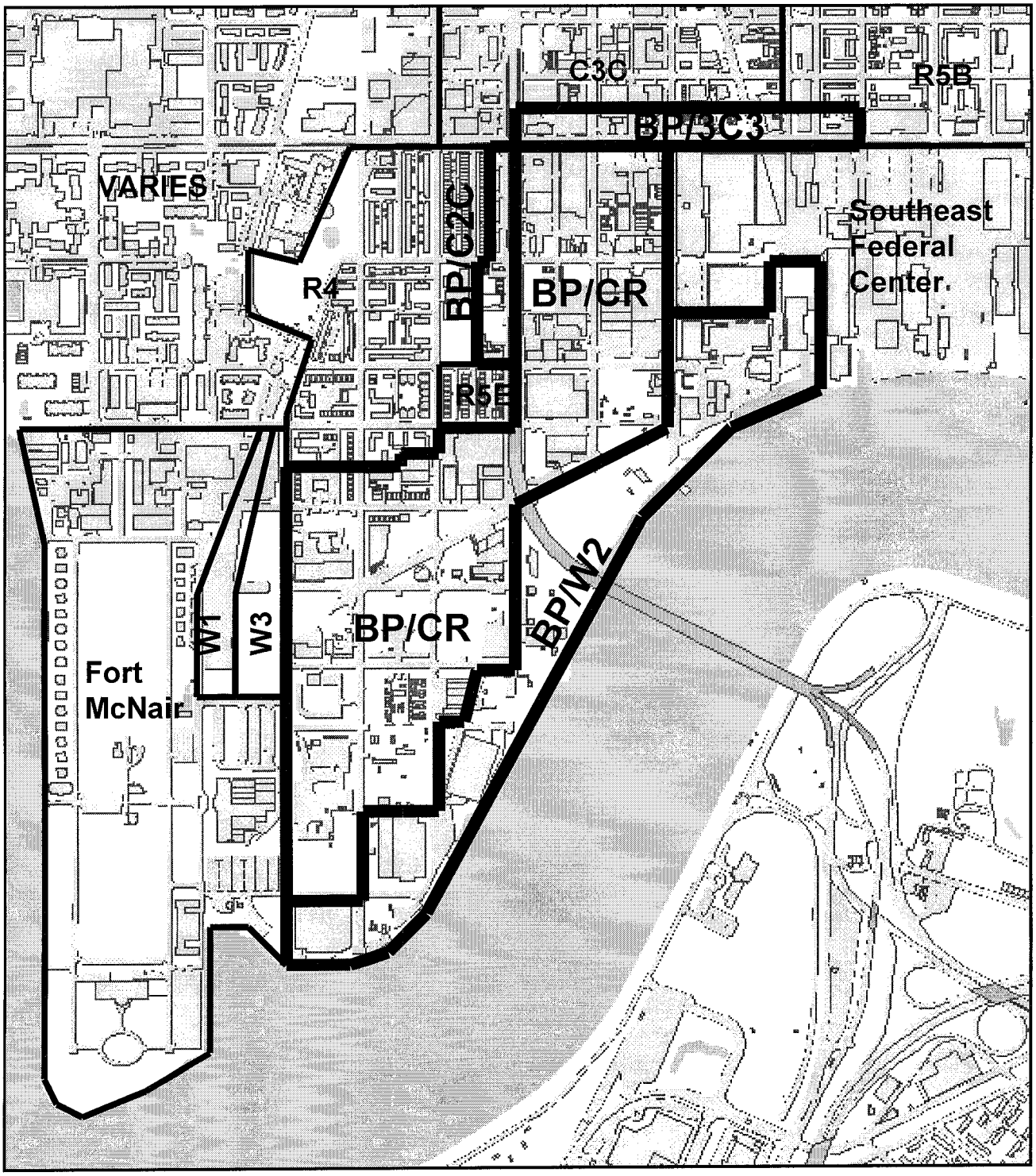
(g) Other public benefits and project amenities may include the bonus uses in the BP District, utilization of transferable development rights in the case of lots located within the Capitol South Receiving Zone as identified in §1709.18 of this title, and other project features that advance the purposes of the BP District as set forth in §1600.2 of this chapter. and

(h) The requirements of this Section shall not apply to a proposed building utilizing transferable development rights pursuant to §1709 of this title and which has filed for a building permit prior to August 31, 2001.

1603.4 A new building may be constructed as a matter of right on a lot abutting M Street, S.E.; Provided, that:

(a) The lot has less than 10,000 square feet of land area; and

(b) The building shall be set back for its entire height and frontage along M Street by not less than fifteen feet (15") measured from the curb line of the right-of-way of M Street, S.E.

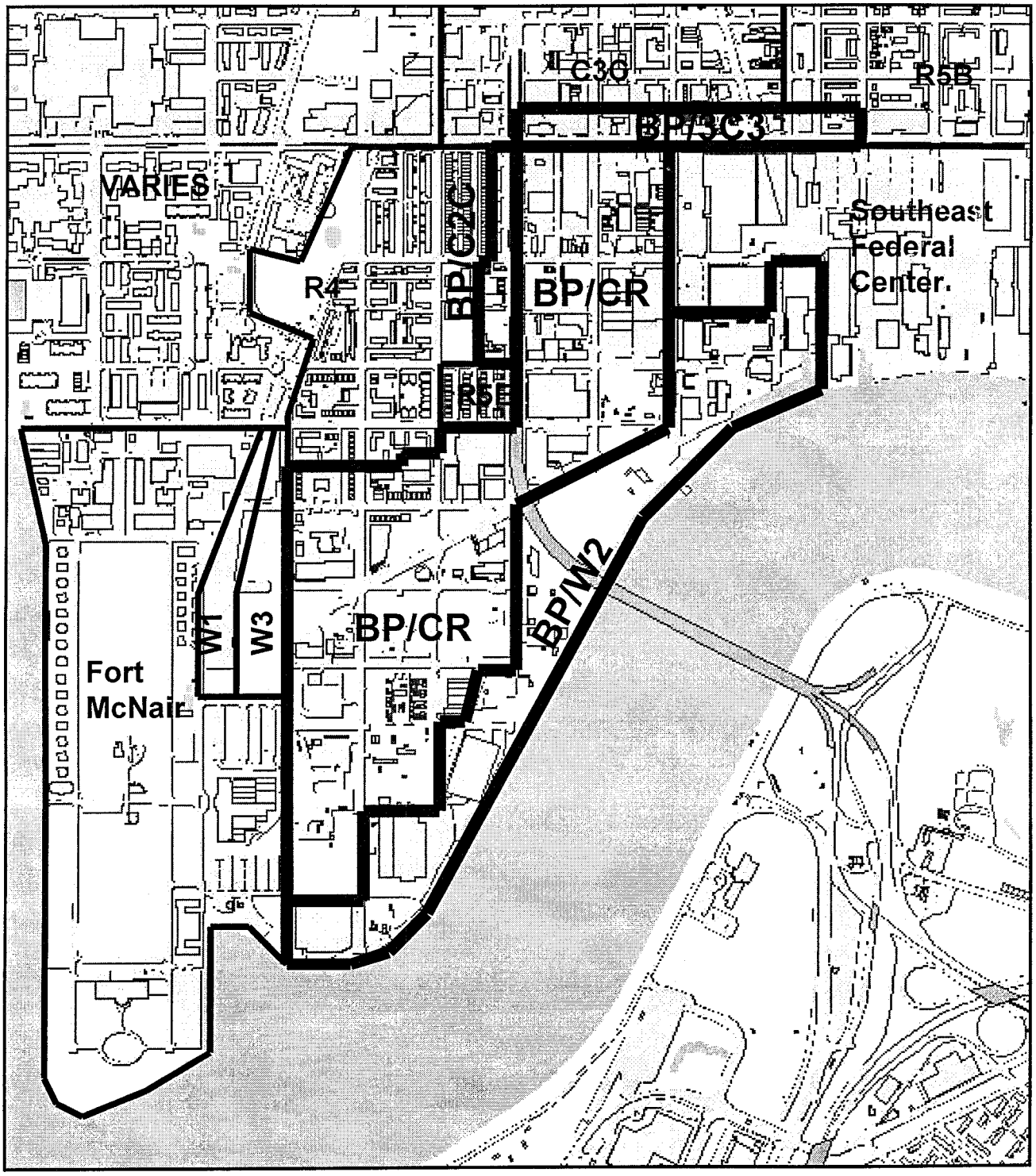


Buzzard Point/Capitol Gateway Area – Revised Proposed Zoning

Office of Planning, April 6, 2001

Boundary – Proposed BP Overlay Zone

Boundary – Existing Zones



Buzzard Point/Capitol Gateway Area – Revised Proposed Zoning

Office of Planning, April 6, 2001

Boundary – Proposed BP Overlay Zone

Boundary – Existing Zones