ShawPittman LLP

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October 15 , 2001

D.C. Zoning Commission
441 4th Street, NW
Room 210
Washington, DC 20001

Re: Z.C. Case No. 96-3/89-1
Map Amendment and Overlay District
at Buzzard Point – Capital Gateway

Dear Members of the Commission:

Pursuant to your request, attached is the written copy of my oral testimony from the September 20, 2001, hearing on Zoning Commission Case No. 96-3/89-1 for Map Amendment and Overlay District at Buzzard Point – Capital Gateway.

Please do not hesitate to contact me, if you have any questions.

Very truly yours,

Allison C. Prince by MPS

Allison C. Prince

Enclosures

Document #: 1004596 v.1

ZONING COMMISSION
District of Columbia
Case 96-3/89-1
Exhibit 118

2300 N Street, NW Washington, DC 20037-1128 | 202.663.8000 Fax: 202.663.8007 | www.shawpittman.com

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TESTIMONY OF ALLISON PRINCE - BUZZARD POINT REZONING

Riverside Associates – Square 602
September 20, 2001

My name is Allison Prince from the law firm of Shaw Pittman and I represent Riverside Associates, the owner of all of Square 602. This site is adjacent to the northern portion of Fort McNair. It is bordered by Q and S Streets, 2nd Street, Southwest and the Fort property. The site includes a portion of now-closed Canal Street, on its western edge. This large eight-acre site has remained vacant and undeveloped for many years.

In 1989, the zoning for the property was changed from unzoned to W-1 and W-3. This map amendment was done as a companion case to a PUD. The PUD involved a rezoning of the entire Property to CR. The purpose of the map amendment to W-1/W-3 was to place-hold a zone classification for the site in the event the PUD expired. W-1 was used on the western side of the property in order to restrict the height of any development adjacent to the Fort.

At the time the waterfront zoning was approved, the Commission was aware that the entire Buzzard Point area was in the process of being rezoned and that the subject site could be reconsidered in the context of the area wide rezoning. In light of the overall rezoning that is now being proposed, this landlocked area should not remain zoned as waterfront, particularly W-1. Given the designation in the Generalized Land Use Map of

the Comprehensive Plan as medium density commercial, medium density residential and production and technical employment, and the inland location of the site, CR Zoning would be more appropriate.

In 1992, the final PUD Order for the site was approved, which rezoned the property to CR, for purposes of the PUD, and approved a mixed use commercial and residential development which was sensitive to the height issue with Fort McNair.

The height of the portion of the proposed development adjacent to the Fort was significantly restricted (40 feet within 115 feet of the western property line; 60 feet within 165 feet; 90 feet within 224), and a setback of 50 feet from the Fort was provided. Over the years, the PUD has been extended due to the lack of immediate interest in the property.

We believe that BP/CR zoning is most appropriate for the Property. Waterfront zoning, particularly W-1 zoning, is not appropriate because the Comprehensive Plan for the Property provides for medium density commercial and medium density residential use. The density permitted in the W-1 zone is clearly not consistent with the medium density designation as it permits a commercial FAR of only 1.0, and a total FAR of only 2.5. Secondly, after a survey of the Zoning Map, we determined that this is the only Waterfront zone which is completely landlocked by properties which are not zoned Waterfront.

We propose a reasonable solution. Since the W-1 was initially imposed on the west side of the Property because of height issues, we suggest that the Property be zoned BP/CR, with added height and setback restrictions similar to those approved by the Zoning Commission in the PUD process. These restrictions could be incorporated into the BP Overlay. Our approach would provide the desired setbacks, while insuring that the zoning is not inconsistent with the Comprehensive Plan. The difference in commercial density between CR and the existing W-1/W-3 mix is negligible: We are not requesting the change to secure additional development potential. The actual commercial density would be slightly less if the property were zoned CR.

While we do not stand to gain additional density by our approach, the CR zoning would provide some meaningful flexibility of design in the project, which will make this project more viable and ultimately more attractive and successful. As far as design review by city agencies for any development on the Property, because of the size of the property, any development would be subject to the Large Tract Review process of the Office of Planning. Further, any development of the site is subject to review by the Commission of Fine Arts ("CFA").

To summarize, CR zoning is most appropriate for the site, considering its designation in the Comprehensive Plan Generalized Land Use Map and its considerable distance from the waterfront – a minimum of 1500 feet at its closest point. This site is located adjacent to a large area that is proposed for BP/CR zoning. BP/CR zoning with additional restrictions for height and setback adjacent to Fort McNair will provide

security to the Fort, design flexibility to the property owner and consistency with the Comprehensive Plan. W-1 zoning is a low-density category that directly conflicts with the site's medium density categorization on the Generalized Land Use Map. This Commission is charged with ensuring that zoning is not inconsistent with the Comprehensive Plan. The current zoning, with or without the BP Overlay, is clearly not consistent with the Comprehensive Plan. Further, waterfront zoning is inappropriate given the site's location away from the waterfront.

Finally, any development of the site will be subject to Large Tract Review. The Large Tract Review process will provide for the full involvement of the Office of Planning, numerous city agencies and affected property owners.