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November 15, 2001

Ms. Carol Mitten
Chairperson
DC Zoning Commission
441 4th Street, NW
Suite 210
Washington, DC 20001

**Re: ZC Case No. 96-3/89-1(Buzzard Point/Capitol Gateway Overlay District)**

**Dear Commissioner Mitten:**

It is my understanding that the Commission may take action on the above referenced case at its regular meeting on Monday, November 19, 2001.

The purpose of this letter is to make you aware of two key pieces of correspondence filed with the Zoning Office in support of our effort to encourage the Commission to reaffirm its March 10, 1997 decision to grant BP/C-3-C zoning for Squares 700 and 701. The first letter is from me in response to Mr. Altman's comment on our presentation for BP/C-3-C zoning of Square 701 at the September 20th hearing.

The second letter is one of strong support from the Washington Metropolitan Area Transit Authority (WMATA) for BP/C-3-C zoning of both Squares 700 and 701. The WMATA letter, dated October 12th, emphasized the Navy Yard Metrorail station entrance on Square 701 and the Southeastern Bus Garage and employee parking on Square 700. It concluded that both squares are underutilized from an urban planning standpoint, given their proximity to the Metrorail station.

Copies of these documents are attached to this letter.

Again, thank you for your consideration of this request. We hope that you agree that the proximity of these squares to the Navy Yard Metrorail station makes them unique in terms of their ability to accommodate higher density to promote full utilization of mass transit through pedestrian connections to the station and reduce the use of the automobile and concomitant pollution. The basis and conditions for BP/C-3-C zoning on Squares 700 and 701 are no different than those that the Commission considered recently to grant


ZONING COMMISSION
District of Columbia
Case 96-3/89-1
Exhibit 121

C-3-C zoning on squares located immediately across the street from Square 701, at the eastern entrance of the Navy Yard Metrorail station.

We are available for questions and/or clarification to this request should it be necessary.

Kind regards,

Fred L. Greene

Enclosure

October 12, 2001

Ms. Carol Mitten, Chairperson
District of Columbia Zoning Commission
441 Fourth Street, NW, Suite 210
Washington, DC 20001

RE: Case No. 96-3/89-1

Dear Ms. Mitten:

This letter is to reaffirm the Washington Metropolitan Area Transit Authority's (WMATA) support of the proposed rezoning of Squares 700 and 701 including and surrounding the western entrance of the Navy Yard Metrorail station from C-M-2 (light manufacturing) to BP/C-3-C (mixed use, medium to high density) as a part of the Commission's consideration of the Buzzard Point Overlay District.

WMATA is a major property owner in the two blocks in question. Its Navy Yard Metrorail station west entrance is in Square 701, and its Southeastern Bus Garage and employee parking are in Square 700. Given their proximity to the Metrorail station, these WMATA sites are presently underutilized from an urban planning standpoint. Rezoning the squares with these sites will allow the urban densities sought by the District of Columbia. In turn, the potential for intensive development will provide a future opportunity for creative solutions to use of these sites.

As a leader in supporting and implementing intensive development of mixed use projects on properties over or adjacent to Metrorail stations, WMATA has long advocated for station areas the types of land uses and densities encompassed in the C-3-C zone. This zoning category allows the full benefit of transit to be realized through densification and infill of sites close to a rail station. Uses which yield the greatest number of riders, commercial office, retail and high rise apartments, should be given priority in designing transit-oriented developments.

**Washington Metropolitan Area Transit Authority**

600 Fifth Street, NW
Washington, DC 20001
202/962-1234

By Metrorail:
Judiciary Square—Red Line
Gallery Place-Chinatown—Red, Green and Yellow Lines
By Metrobus:
Routes D1, D3, D6, P6, 70, 71, 80, X2

*A District of Columbia, Maryland and Virginia Transit Partnership*

The Authority has approved and participates in over 50 transit-related projects involving commercial and housing development on WMATA-owned property over or adjacent to Metrorail stations. Thirty of these projects are in the District of Columbia.

Some lessons learned from these projects are clear:

- Mixed use, intensive development surrounding Metrorail stations promotes utilization of mass transit through pedestrian connections to stations. It thus increases choice of transportation modes and reduces use of the automobile and concomitant pollution.

- Focusing growth around transit stations enhances ridership, providing a return on the large public investment in transit.

- Station area development increases economic benefits to the community by encouraging large scale building at desirable locations and, and in so doing, improving the local tax base.

- Well-planned station environments– places– can be created, offering a range of urban experiences and services.

The entire Metrorail system in the Washington area has only 83 stations. It is important to take full advantage of this limited resource, concentrating growth near stations when consistent with local planning objectives. The District of Columbia's Comprehensive Plan and Anacostia Waterfront Initiative emphasize revitalization of the underutilized Southeast waterfront. The proposed overlay zone will encourage such revitalization.

Thank you for your consideration of WMATA's views.

Sincerely,

Alvin R. McNeal
Manager, Property Planning and Development

# F. L. Greene Associates, L.L.C.

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October 12, 2001


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2001 OCT 12 PM 2:43


Ms. Carol Mitten
Chairperson
DC Zoning Commission
441 4th Street, NW
Suite 210
Washington, DC 20001

**Re: ZC Case No. 96-3/89-1(Buzzard Point/Capitol Gateway Overlay District)**

Dear Commissioner Mitten:

The purpose of this correspondence is to respond briefly to Planning Director Altman's response to your inquiry regarding our written and oral testimony in support of BP/C-3-C density for Square 701. Square 701 has direct access to the Navy Yard/Southeast Federal Center Metro-rail station. You asked Mr. Altman to comment on our proposal for higher commercial density (BP/C-3-C as opposed to BP/CR). His response, in essence, was that the BP/CR zone would allow for a better mix of residential and commercial uses.

We, too, are sensitive to, and supportive of, mixed use commercial and residential for the Buzzard Point/Capitol Gateway community. However, we differ on how it should be achieved. We are confident that as the area grows and develops, the demand for housing will increase and therefore, residential development will follow.

However, the issue that we have raised is one that relates to the highest and best use for the properties with direct access to the Metro-rail station. Given the current demand for commercial/job generating uses for the Buzzard Point/Capitol Gateway area, it would appear that the "smart growth" management approach would be to encourage it to develop as close to the Metro-rail station as practical. Concentrating commercial development around the Metro-rail station would reduce the reliance on vehicle traffic and minimize the harmful effects of urban sprawl. Residential development would also have a similar, but lesser impact. The average size of an office is approximately 250 square compared to approximately 850 square feet for a residential unit.

We are not suggesting that residential development should not be encouraged around the metro-rail station. Instead we are proposing that the Commission considers an order of priority, i.e., higher density commercial/retail development on properties with direct access points to the Metro-rail station, and residential development located immediately adjacent to it. With sensitive design, the two could be connected so that the residential development would share and enjoy the same access to the Metro-rail.

The Mayor has established a Task Force on Transit-oriented Development. It is my understanding that the idea originated from the June 14th Brookings Institution Conference on the Future of the Core of the Washington DC Region (a copy has been provided to you). One of its purposes is to evaluate ways to increase transit-oriented development at Metro-rail stations within the City as a way to minimize traffic congestion and reduce the reliance on vehicles.

Finally, OP staff has proposed BP/C-3-C for properties located immediately across the Street (M Street) from Square 701.

Madame, Chairperson, thank you for the opportunity to participate in this case.

Kind regards,

Fred L. Greene

# Government of the District of Columbia

ZONING COMMISSION

MEETING MINUTES
Regular Meeting
1056th Meeting Session (3rd of 1997)
Monday, March 10, 1997 @ 1:30 p.m.
Office of Zoning Hearing Room
441 Fourth Street, N.W. - Suite 220

## I. MEETING CONVENED

At 1:40 p.m. on Monday, March 10, 1997 in the Office of Zoning (OZ) Hearing Room, Suite 220, 441 Fourth Street, N.W., Washington, D.C. 20001

## II. ZONING COMMISSION MEMBERS PRESENT

Maybelle Taylor Bennett, Chairperson
Jerrily R. Kress, Vice Chairperson
John G. Parsons
Herbert M. Franklin

**ZONING COMMISSION STAFF PRESENT**

Madeliene H. Dobbins, Director
Stefanie D. Brown, Zoning Specialist
Vincent C. Erondu, Zoning Specialist

**OTHER AGENCY STAFF PRESENT**

| | |
|---|---|
| Jill C. Dennis, Director | OP |
| David Colby | OP |
| Nate W. Gross | OP |
| John Fondersmith | OP |

## III. PRELIMINARY MATTERS

A. Madeliene H. Dobbins reported that the draft order in Z.C. Case No. 95-4 was not ready for final action. She requested the Commission to defer action on the order to the special meeting scheduled for March 24, 1997.

B. The Commission acknowledged that staff is swamped and deferred final action on the order to the March 24, 1997 special meeting.

IV. ACTION ON MINUTES

Regular public meeting on February 10, 1997 (1055th session).

1. Madeliene H. Dobbins presented the above draft minutes for review, consideration and adoption.

2. The Commission reviewed, discussed and considered the minutes. The Commission noted and added several items that had been omitted.

3. On a motion made by Commissioner Kress and seconded by Commissioner Franklin, the Commission adopted the minutes as amended by a vote of 4-0 (Jerrily R. Kress, Herbert M. Franklin, John G. Parsons and Maybelle Taylor Bennett, to adopt).

V. PROPOSED ACTION

A. Case No. 96-4Z (Text Amendment - Comprehensive Plan Amendments Acts of 1994)

1. Commissioner Bennett recused herself from participating in the case and requested the Vice Chairperson to lead the discussion in this case.

2. Madeliene H. Dobbins gave background information about the case. In addressing the question on the Council's handling of the Comprehensive Plan Amendments with emphasis on the exemption of District of Columbia owned property from zoning, she referenced an Office of Corporation Council (OCC) memorandum dated May 23, 1996 in Case No. 95-2 (Housing Linkage Provisions). The memorandum addressed similar concerns and issues raised by the Commission in the present case.

3. Ms. Dobbins also responded to a series of questions regarding the Zoning Act and the Home Rule Act, about what properties are subject to zoning and the City Council's jurisdiction over zoning matters.

The Commission reviewed and discussed issues relative to the similarities of Z.C. Case Nos. 95-2 and 96-4Z regarding the Comprehensive Plan Amendments affecting the provision of housing and Zoning Consistency with the Comprehensive Plan. The Commission observed and noted some inconsistencies in the Comprehensive Plan relative to housing and zoning consistency. Other issues of the case discussed included, but were not limited to whether the Council has jurisdiction over grandfathering of uses in certain zone districts, and the exempting of the City's property from zoning. The Commission expressed concern about the lack of clarity of the Comprehensive Plan, and the Council's actions which seem to invade or manipulate the zoning process.

5. Nathan W. Gross offered some clarification about the apparent conflict between the Home Rule and the Zoning Act. He gave a chronology of the Comprehensive Plan amendments over the years. He suggested that the Commission seek advice from the OCC and the Zoning Administrator about the Commission's concerns.

6. The Commission reviewed its request that the issues of concern be referred to the OCC and the OP for a short history of the Comprehensive Plan and conflicts between the Home Rule and the Zoning Act. The Commission further discussed and considered the OP revised language for Subsections 106.5 and 210.6 to be published as part of the notice of proposed rulemaking.

7. The Commission finally determined that the issues surrounding the Comprehensive Plan Amendments and zoning would not become any clearer with additional information, and they decided to take action in this case.

8. On a motion made by Commissioner Franklin, and seconded by Commissioner Parsons, the Commission approved the text of Z.C. Case No. 96-4Z as revised by a vote of 3-0: (Herbert M. Franklin, John G. Parsons and Jerrily R. Kress to approve - Maybelle Taylor Bennett not voting, having recused herself).

B. Case No. 96-3/89-1 (Map Amendment & Overlay District @ Buzzard Point and Capital Gateway)

1. Nathan W. Gross gave overview of the case and highlighted the major issues that are contained in the OP Summary Abstract which was discussed at the February 10, 1997 meeting.

2. Commissioner Bennett recalled that the OP was requested to produce a detailed map of the area under consideration with all the affected squares clearly shown on the map. She observed that Squares 660 and 771 which did not appear on the map were advertised in the text.

3. The Commission reviewed and discussed the case. The Commission considered different zoning categories for various squares in the area. The Commission considered C-3-C zoning for areas near the metro station (without a BP overlay), and the retention of W-2 zoning for the waterfront areas. In the alternative, the Commission discussed the effect of adding planned unit development standards to the waterfront zoning category. The Commission discussed but did not resolve its concern about major industrial uses expanding in the area as a matter of right.

4. Finally, the Commission requested the OP to take a second look at the proposal and make a recommendation on whether an overlay is desirable in this area. The OZ was directed to refer to the Office of Corporation Counsel the issue of whether the Commission could zone the waterfront area W-2 and require development by PUD, and whether W-1 zoning would be legally vulnerable. The Commission also reached a consensus on protecting the waterfront, and the two large buildings at the southern tip of Buzzard Point and BP/C-3-C for Squares 700 and 701. Subsequently, the Chairperson deferred further discussions on the case to the April 1997 meeting.

VI. HEARING ACTION

A. Case No. 96-16C (Consolidated PUD & Map Amendment @ New Jersey Avenue & H Street, N.W. - New Jersey & H Street LTD Partnership)

1. Alberto Bastida gave an overview of the case and presented the OP preliminary report dated February 28, 1997. The report discussed the applicant's proposed project; the existing zoning versus the proposed map amendment; the project's consistency with the Comprehensive Plan; project and urban design elements of the development and the impacts of the project on the traffic of the area. The report recommended that the Commission set the case for public hearing.

2. The Commission reviewed the report and heard the OP presentation. The Commission also considered the OP recommendation to set the case for public hearing.

3. On a motion made by Commissioner Parsons, seconded by Commissioner Franklin, the Commission authorized a public hearing for Z.C. Case No. 96-16C by a vote of 4-0: (John G. Parsons, Herbert M. Franklin, Jerrily R. Kress and Maybelle Taylor Bennett to hear).

B. Case No. 97-1C (Consolidated PUD @ 2415 18th Street, N.W. and 2328 Champlain Streets, N.W. - Adams Morgan Development Company)

1. Jill C. Dennis gave an overview of the case and called on Mr. Bastida to present the OP report in the case.

2. Alberto Bastida presented the OP dated March 7, 1997. The report described the site of the project and discussed the existing zoning of the site, the projects consistency with the Comprehensive Plan; traffic and parking issues and the design of the project. Mr. Bastida indicated that there is extensive community support for the project and recommended that the Commission set the case for public hearing.

3. The Commission reviewed and discussed the application and the OP report. The Commission raised issues about the bulk of the project and the parking facilities the project would provide in the area. Mr. David Colby offered clarifications regarding the concern raised by the Commission.

4. On a motion made by Commissioner Kress, and seconded by Commissioner Franklin, the Commission authorized a public hearing for Z.C. Case No. 97-1C by a vote of 4-0: (Jerrily R. Kress, Herbert M. Franklin, John G. Parsons and Maybelle Taylor Bennett to hear).

C. **Case No. 97-3C (Consolidated PUD @ 828 Bellevue Street, S.E. - CEMI-Ridgecrest, Inc.)**

1. Jill C. Dennis gave an overview of the case and presented the OP preliminary report dated February 28, 1997. The report discussed the applicant's proposal, analyzed the site and its existing zoning. Ms. Dennis also reported on the project's consistency with the Comprehensive Plan, the steep slopes of the site and on issues related to parking, traffic and the community center. The OP added that concerns about the topography of the area would be better addressed in a public hearing and recommended that the Commission set the case for hearing.

2. The Commission reviewed and discussed the project and the OP recommendation to set the case for public hearing. The Commission observed that the community center contained in the applicants proposal is listed as an amenity and questioned why it seems to be temporary. Mr. Bastida added that the OP took note of that issue and indicated that more information would be needed on the scope and impacts of the programs the center would be offering.

3. On a motion made by Commissioner Kress and seconded by Commissioner Franklin, the Commission authorized a public hearing for Z.C. Case No. 97-3C by a vote of 4-0: (Jerrily R. Kress, Herbert M. Franklin, John G. Parsons and Maybelle Taylor Bennett, to hear).

4. Madeliene H. Dobbins informed the Commission that the applicant requested an expedited hearing of the case. The Commission granted the applicant's request.

VII. FINAL ACTION

A. Case No. 95-4 (Map Amendment @ Union Station Area)

Madeliene H. Dobbins indicated that the case has been deferred during preliminary matters.

B. Case No. 95-4I (Map Amendment @ National Learning Center/Capital Children's Museum)

1. Stefanie D. Brown gave an overview of the case and presented draft Z.C. Order No. 806 for review, consideration and adoption.

2. The Commission reviewed and discussed the case. The Commission observed that the testimony and position of the National Children's Museum was omitted in the draft order and that the wrong Advisory Neighborhood Commission was referenced in the Order. The Commission also pointed out that the order took too long before being presented to the Commission for adoption. Nevertheless, the Commission deferred final action on the case to its March 24, 1997 meeting, so that corrections and omissions could be addressed.

C. Case No. 96-2 (Map Amendment @ Bladensburg Road and Eastern Avenue, N.E.)

1. Stefanie D. Brown gave overview of the case and presented draft order No. 811 for review, consideration and adoption.

2. The Commission discussed and considered the order.

3. On a motion made by Commissioner Parsons and seconded by Commissioner Kress, the Commission adopted Z.C. Order No. 811 by a vote of 3-0 (John G. Parsons, Jerrily R. Kress and Herbert M. Franklin, to adopt - Maybelle Taylor Bennett, not voting, not having participated in the case).

VIII. CONSENT CALENDAR

There were no consent calendar items to consider.

IX. MONTHLY COMPREHENSIVE PLAN STATUS REPORT

1. Jill Dennis presented the OP status report dated March 5, 1997. She indicated that little had changed since the last report in February, except a few notable changes affecting the SP zones.

2. Ms. Dennis reported that the OP has reactivated staff work on the combined map and text amendment case, adding, that planning and zoning materials were mailed before the holidays to Advisory Neighborhood Commissions and other community groups inviting them to a meeting on January 16, 1997.

3. She reported that at the meeting, community representatives requested time to formulate and submit preliminary comments to OP. She also indicated that the issue of general office use, especially in SP-1 zones, requires additional discussions with community representatives.

4. Madeliene H. Dobbins reminded the Commission that she was instructed not to assign a hearing date for a Dupont Circle case involving the conversion of SP office building to a C-3-C until the OP report on SP zones is completed. Following the status report which indicated that the report may not be ready soon, she requested the Commission for direction on the Dupont Circle case that had been previously set for a hearing.

5. The Commission directed Ms. Dobbins to designate a date in May 1997, since the OP report would be available in April.

X. LEGISLATIVE REPORT

There were no legislative items to consider.

XI. LITIGATION

There were no litigation items to consider.

XII. REPORT OF THE DIRECTOR

Correspondence

Case No. 94-1M/89-34C (PUD & Map Amendment @ 1331 L Street, N.W. - Square 247 Associates Ltd. Partnership)

1. Madeliene H. Dobbins gave an overview of the case and presented a request dated January 15, 1997 from the law firms of Wilkes, Artis, Hedrick and Lane on behalf of the applicant requesting a 10 year extension of the validity of Z.C. Order Nos. 684, 684-A and 684-B.

2. The Commission reviewed and considered the request and a memorandum dated January 28, 1997 from OP recommending extension of the orders in accordance with the Zoning Regulations in effect as of the time of the filing of the request.

3. On a motion made by Commissioner Kress and seconded by Commissioner Parsons, the Commission approved the extension of the validity of Z.C. Order Nos. 684, 684-B for 10 years by a vote of 4-0: (Jerrily R. Kress, John G. Parsons, Herbert M. Franklin and Maybelle Taylor Bennett, to approve).

XIII. OTHER BUSINESS

A. New Cases Filed

Madeliene H. Dobbins informed the Commission that the following new cases had been filed:

i. 97-4 (Map Amendment @ 2035 L Street, N.W. (Gage School - Peoples Involvement Corporation)

ii. 97-5 (Map Amendment @ 1499 Massachusetts Avenue, N.W. - Paul & Josephine Burman)

B. For Your Information

Madeliene H. Dobbins presented the following items for information purposes, only.

i. Z.C. and BZA Reminder Schedules

ii. D.C. Real Estate Reporter

iii. Inventory of Vacancies on Board and Commissions

iv. Mayor's Order No. 97-10, Appointment - Director, Department of Housing and Community Development

v. Mayor's Order No. 97-32, Appointment - Deputy City Administrator for Business Services and Economic Development

XIV. MEETING CLOSED @ 4:50 P.M.

MAYBELLE TAYLOR BENNETT
Chairperson
Zoning Commission

MADELIENE H. DOBBINS
Director
Office of Zoning

Adopted: JUN 19 1997

zm3-10-97/VCE/LJP