NCPC
NATIONAL CAPITAL PLANNING COMMISSION

401 9th Street, NW
North Lobby, Suite 500
Washington, DC 20576
tel 202 482-7200
fax 202 482-7272
www.ncpc.gov

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Chairman, Council of the
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The Honorable Linda W. Cropp

Executive Director
Patricia E. Gallagher, AICP

IN REPLY REFER TO:
NCPC File No. Z.C. 96-3/89-1

OCT 16 2002

Zoning Commission for the
District of Columbia
2nd Floor, Suite 210 South
441 4th Street, NW
Washington, D.C. 20001

2002 OCT 21 PM 4:03
D.C. OFFICE OF ZONING

Members of the Commission:

In response to your request, the National Capital Planning Commission at its meeting on October 3, 2002, approved the enclosed report to the Zoning Commission for the District of Columbia on the proposed text and map amendments to the Zoning Regulations for the Capitol Gateway Overlay District (formerly known as the Buzzard Point Overlay District).

The Commission concluded that the proposed text and map amendments would not adversely affect the identified federal interests, nor be inconsistent with the Federal Elements of the Comprehensive Plan for the National Capital. Furthermore, the Commission made the following recommendations to the Zoning Commission:

- The National Capital Planning Commission **requests** to be included as a referral agency in the special exception process as set forth in the CG/W-2 Zoning District - Section §1603 of the proposed regulations.

- The Commission **recommends** that the Zoning Commission, after the joint District-Federal South Capitol Study is completed, consider developing zoning tools that will encourage the avenue to develop as a coherent corridor and gateway to the National Capital.

Sincerely,

Patricia E. Gallagher, AICP
Executive Director

ZONING COMMISSION
District of Columbia
Case 96-3/89-1
Exhibit 138

Enclosure

NCPC File No.: ZC 96-3/89-1

NCPC
NATIONAL CAPITAL PLANNING COMMISSION

Map and Text Amendment to the District of Columbia Zoning Regulations DCMR § 11 – Capitol Gateway Overlay (formerly Buzzard Point Overlay)

Report to the Zoning Commission of the District of Columbia

October 3, 2002

Abstract

The Zoning Commission has taken a proposed action to amend the District of Columbia Zoning Regulations by adding the Capitol Gateway Overlay District (formerly known as the Buzzard Point Overlay District) to the Zoning Regulations and amending the Zoning Map by rezoning the following squares to CR, C-2-C, W-2 and C-3-C: 601, 602, 603, 605, 607, 609, 611, 612, 613, 651, 653, 656, 657, 658, 660, 661, 662, E662, 664, E664, 665, 666, E667, S667, 700 through 708, E708, S708, S744, 771, 698, 699, N743, 742, 769, 800, Lot 22. The general location of these sites is bounded by M Street, SE to the north and the Anacostia River to the south, with Fort McNair and the Southeast Federal Center to the west and east, respectively.

Federal Interests

The identified federal interests include: South Capitol Street and Potomac Avenue, which are designated Special Streets in the Preservation and Historic Features Element of the Comprehensive Plan; and the Southeast Federal Center and Fort Lesley J. McNair, which are both federal facilities directly adjacent to the rezoning area. Other federal interests in this proposal relate to the following: the Legacy Plan, the South Capitol Street Gateway Improvement Study, the Memorials and Museums Master Plan, and the Anacostia Waterfront Initiative.

Commission Action Requested by Applicant

Approval of comments pursuant to Section 8 of the National Capital Planning Act of 1952, as amended (40 U.S.C. 71g).

Commission Action

The Commission concludes that the proposed zoning text and map amendments would not adversely affect the identified federal interests nor be inconsistent with the Federal Elements of

the Comprehensive Plan for the National Capital. The Commission recommends **approval** of these Zoning and Text Map Amendments.

The Commission makes the following **related recommendations**:

- The National Capital Planning Commission **requests** to be included as a referral agency in the special exception process as set forth in the CG/W-2 Zoning District - Section §1603 of the proposed regulations.

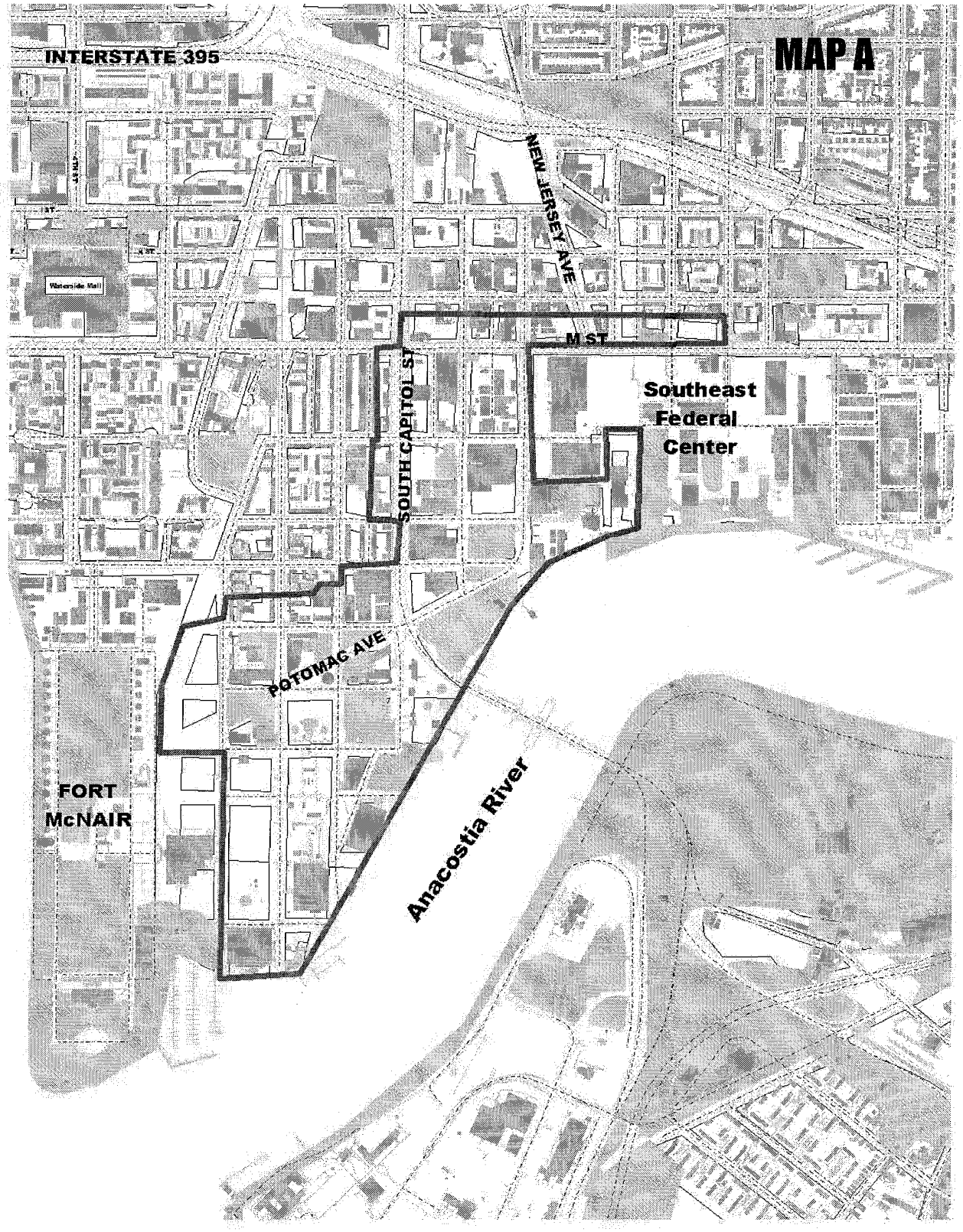
- The Commission **recommends** that the Zoning Commission, after the joint District-Federal South Capitol Study is completed, consider developing zoning tools that will encourage the avenue to develop as a coherent corridor and gateway to the National Capital.

* * *

BACKGROUND AND STAFF EVALUATION

DESCRIPTION OF THE PROPOSAL

The purpose of the addition of the Capitol Gateway Overlay District text and subsequent map amendments is to designate specific areas for mixed-use redevelopment as identified in the District of Columbia Comprehensive Plan for the National Capital. Currently this portion of Southeast Washington is comprised predominately of industrial uses and the properties are mainly zoned as such. The area is bounded by M Street, SE to the north and the Anacostia River to the south, with Fort McNair and the Southeast Federal Center to the west and east, respectively. The following map depicts the general rezoning area.


MAP A
INTERSTATE 395
NEW JERSEY AVE
M ST
SOUTH CAPITOL ST
Southeast
Federal
Center
POTOMAC AVE
FORT
McNAIR
Anacostia River

The proposed map amendments are summarized into six separate actions described below. The succeeding Maps A & B graphically illustrate these rezoning areas as well:

- *C-M-1 (Commercial-Light Manufacturing) to C-2-C (Commercial).* This action is to affect Squares 651 and 653, located on the west side of South Capitol Street.

- *C-3-C (Commercial) to CG/C-3-C (Capitol Gateway Overlay/ Commercial).* These sites are on the north side of M Street, SE beginning at South Capitol Street and stretching east to 4th Street. A portion of this area is opposite the Southeast Federal Center, located on the south side of M Street.

- *M (General Industry) and C-M-2 (Commercial) to CG/CR (Capitol Gateway Overlay/ Mixed-Use).* This area is bounded by 2nd Street, SW and 1st Street, SE and is bisected by South Capitol Street.

- *M (Industrial) to CG/W-2 (Capitol Gateway Overlay/ Waterfront).* All of these sites are along the Anacostia waterfront, which also include properties adjacent to South Capitol Street at its terminus at the Frederick Douglas Bridge.

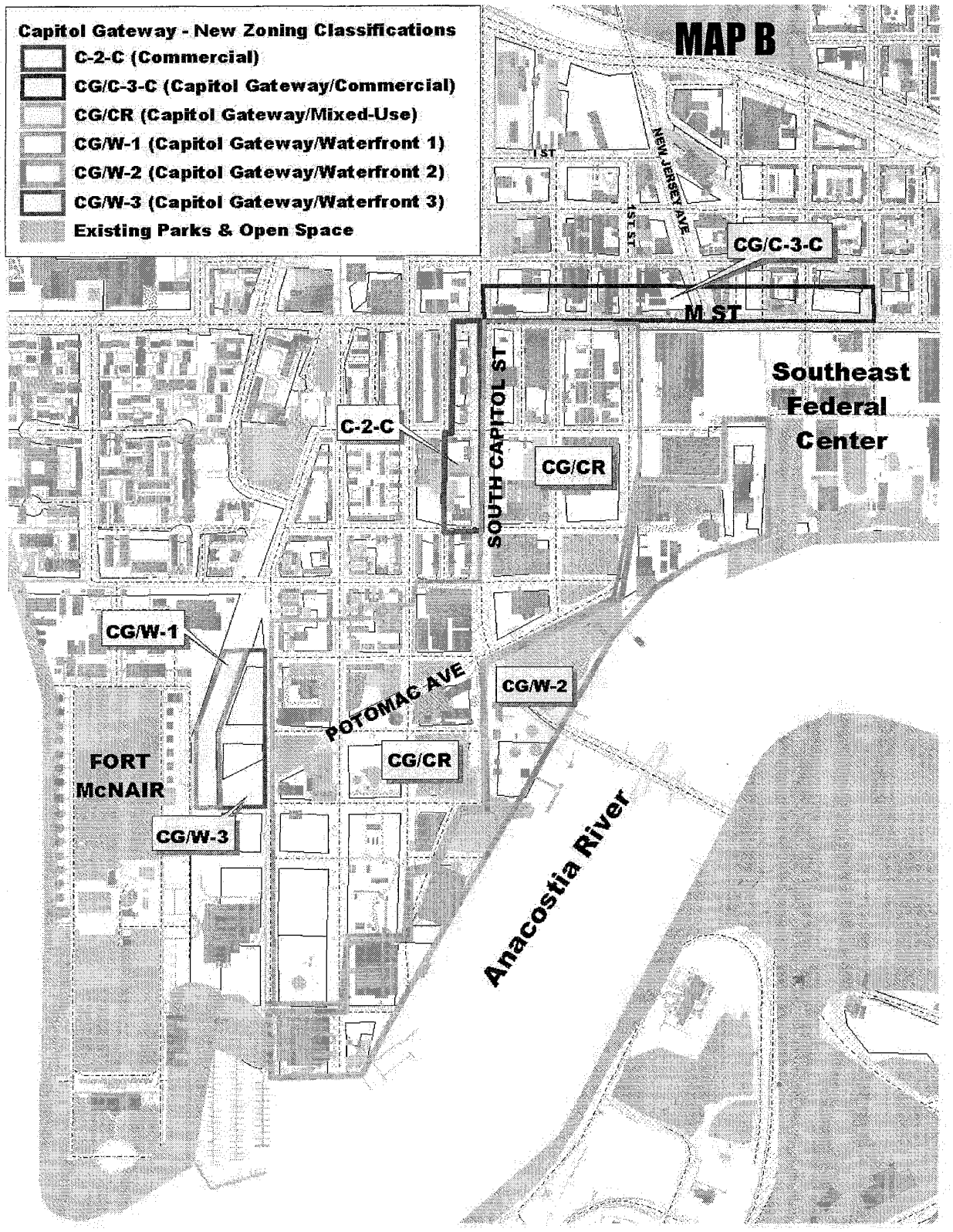
- *W-1 (Waterfront) and W-3 (Waterfront) to CG/W-1 and CG/W-3 (Capitol Gateway Overlay/ Waterfront).* This action affects Square 602 and is the site of the Capitol Point Planned Unit Development.

Existing Zoning

District	Permitted Uses	Max FAR	Max Height
C-M-1 (Commercial Light Manufacturing)	Commercial, storage, wholesale, and light manufacturing uses.	3.0	40 Feet/ 3 Stories
C-M-2	Commercial, storage, wholesale, and light manufacturing uses.	4.0	60 feet
M	Commercial, light manufacturing, or general industrial type use.	6.0	90 Feet

Proposed Zoning with Capitol Gateway Overlay

District	Permitted Uses	Max FAR	Max Height
C-2-C	General commercial, retail and local services. Residential is allowed.	6.0 (6.0 for Residential, 2.0 for other)	90 Feet
CG/CR	General retail, local services and residential uses.	7.0 (6.0 +1.0 bonus for Residential)	90 feet
CG/W-1	General office, residential and community-based uses	3.5 (2.5 + 1.0 Residential)	55 feet
CG/W-2	General office, residential and community-based uses	5.0 (4.0 + 1.0 approved by ZC)	70 feet (60 + 10 if approved by ZC)
CG/W-3	General office, residential and community-based uses	7.0 (6.0 +1.0 bonus for Residential)	90 feet
CG/C-3-C	General commercial, retail and local services. Residential is allowed	6.5 (underlying zoning)	90 feet


Capitol Gateway - New Zoning Classifications
C-2-C (Commercial)
CG/C-3-C (Capitol Gateway/Commercial)
CG/CR (Capitol Gateway/Mixed-Use)
CG/W-1 (Capitol Gateway/Waterfront 1)
CG/W-2 (Capitol Gateway/Waterfront 2)
CG/W-3 (Capitol Gateway/Waterfront 3)
Existing Parks & Open Space
MAP B
1 ST
NEW JERSEY AVE
1ST ST
CG/C-3-C
M ST
SOUTH CAPITOL ST
Southeast Federal Center
C-2-C
CG/CR
CG/W-1
POTOMAC AVE
CG/W-2
FORT McNAIR
CG/CR
CG/W-3
Anacostia River

Aside from use, floor-to-area ratio (FAR), and height restrictions, there are additional provisions included within the CG/W-2 and CG/C-3-C rezoning classifications that require additional development review. The Zoning Commission must specifically approve all projects in either district through a special exception process. The Zoning Commission will use a specific set of policies and standards tailored to each district as guidelines in reviewing the proposed project. In the CG/W-2 district the Zoning Commission will assess the project for:

- Impact to the waterfront
- Open space treatment
- Set back measurements from the bulkhead
- Eligibility for any FAR or height bonus within the perimeters of the CG/W-2 designation

Conversely, in the CP/C-3-C special exception process the Zoning Commission will assess the development based on:

- Mix of uses
- Architectural design
- Quality of landscaping and sidewalk treatments

With these special exception provisions, the Zoning Commission will exercise additional oversight in the expectation of ensuring higher quality development on the Anacostia Waterfront and along the M Street corridor.

DC OFFICE OF PLANNING REPORT

As this Zoning Commission action has been evolving, several reports have been issued by the Office of Planning on the proposal. The most recent is the Final Report to the Zoning Commission dated March 6, 2000.

In the March report, the Office of Planning details the relevant development issues regarding the Capitol Gateway and M Street areas and notes that these areas feature prominently in NCPC's Legacy Plan; Parks, Open Space, and Natural Features Element of the Comprehensive Plan; and the Memorials and Museums Master Plan. The Office of Planning recommends approval of the Capitol Gateway (then Buzzard Point) text amendment and its related rezoning actions. The Office of Planning recommended additional refinements to the overlay district, including design review provisions for M Street and a mandatory review process for developments along the Anacostia Waterfront. These recommendations have been incorporated into the proposed Capitol Gateway Overlay.

PUBLIC PARTICIPATION

The Zoning Commission held several public hearings on this proposed action in July and September of 2001 with subsequent public meetings before the Zoning Commission in April and June of 2002. Letters have been submitted by Ward 6 Council Member Sharon Ambrose and

Advisory Neighborhood Commission 6B (ANC 6B) in support of the zoning text and map amendment.

FEDERAL INTEREST EVALUATION

Staff finds that there is significant federal interest related to this proposed Zoning Commission action and is making recommendations to protect those interests and coordinate the federal and District planning initiatives, which will trigger the redevelopment of the Capitol Gateway area. To highlight the urgency of the recommendations, staff gave advance notice of the staff's position to Carol Mitten, Chairperson of the Zoning Commission.

South Capitol Street and Potomac Avenue

These two streets are designated as Special Streets in the Preservation and Historic Features Element of the Federal Elements of the Comprehensive Plan. Three separate rezoning actions are occurring adjacent to South Capitol Street: CG/CR, CG/W2, and C-2-C reclassifications. In terms of uses, rezoning the South Capitol Street properties to these classifications will encourage mixed-use, office and commercial development, whereas the existing M and C-M-1 zoning supports industrial and light-manufacturing development. It is staff's understanding that the rationale for this patchwork of different classifications is to accommodate existing developments in the South Capitol Street corridor and to complete a Zoning Commission action that has been lingering since the mid-1980s. Representatives of the District of Columbia Office of Planning have stated that the zoning for this corridor will be revisited once the South Capitol Street study has been completed and that this proposed zoning change is a stopgap measure.

An additional issue deals with the increase in allowable height attained with the C-2-C reclassification of properties currently zoned C-M-1 on the west side of South Capitol Street. Under the current C-M-1, properties are limited to 40 feet in height (3 stories) while under the proposed C-2-C they will be allowed a height of 90 feet. This is consistent with the maximum height permitted in the surrounding zonings and with the maximum height allowed on North Capitol Street, which is an avenue with a similar approach and vista to the Capitol Building. Additionally, an increase in height provides developers opportunities for utilizing a mix of uses while reducing their economic risk but with an appropriate height limit that will keep developments from interfering with the views to the monumental core.

The second Special Street located within the rezoning area is Potomac Avenue. Currently, Potomac Avenue serves industrial properties, which are targeted for redevelopment (such as the Florida Rock property) and have been an impetus for this proposal. The current street serves industrial traffic and there is limited pedestrian or aesthetic quality to the road. Providing an opportunity for mixed-use development on Potomac Avenue will prove to be a beneficial action in revitalizing this Special Street.

Southeast Federal Center

Located on M Street, the Southeast Federal Center (SEFC) is a 55-acre site that hosts several federal offices including the Central Intelligence Agency, the Federal Protective Services, the U.S. Park

Police, and the Government Printing Office. The site is planned for redevelopment by the General Services Administration (GSA) and, as part of that effort, a 1.35-million-square-foot Department of Transportation headquarters will be constructed on 11 acres at New Jersey Avenue and M Street. In October 2000, Congress passed the Southeast Federal Center Public-Private Development Act, which mandates that the redevelopment of the SEFC be consistent with the Legacy Plan, as determined by GSA in consultation with NCPC. The Legacy Plan supports a pedestrian friendly, mixed-use redevelopment of M Street, which is the goal of the proposed Zoning Commission action.

Legacy Plan

Encouraging a mixed-use environment with an adequate combination of residential, office and retail activities is a feature for the South Capitol Street area as envisioned in the Legacy Plan. This Plan provides a framework for future development in the National Capital, including South Capitol Street and the Anacostia Riverfront. For the South Capitol Street area, Legacy envisions a removed Southeast/Southwest freeway, which will provide a direct gateway to the Capitol grounds via a redeveloped, mixed-use, pedestrian friendly boulevard. This document also recognizes the need for the redevelopment of the M Street corridor, which is anchored by the Southeast Federal Center as well as the Washington Navy Yard. The Legacy Plan envisions a renewed Anacostia Waterfront with preserved open space, waterfront entertainment, and adequately scaled development at the South Capitol Street terminus. Furthermore, Legacy outlines the South Capitol Street corridor as an important gateway to the National Capital as officials and dignitaries enter the city from its southern ingress. This proposed Zoning Commission action will help implement this vision as it encourages a mix of uses, pedestrian friendly environments, and appropriately scaled waterfront redevelopment.

Memorials and Museums Master Plan

The Memorials and Museums Master Plan establishes a framework of potential sites throughout the National Capital for the location of national museums and commemorative works of national significance. Three sites recommended in the Master Plan are within or adjacent to the CG/W-2 rezoning area.

- Site 8 – South Capitol Street terminus at the Anacostia River
- Site 37 – Anacostia River Waterfront with the Southeast Federal Center, SE (adjacent to rezoning area)
- Site 38 – On the north shore of the Anacostia River, immediately east of the Frederick Douglas Bridge, SE

As sites have been endorsed as potential locations for future commemorative works and museums through the federal Memorials and Museums Master Plan, the impact of future development on these sites should be considered in the appropriate review process. Staff recommends that NCPC be consulted in the CG/W-2 zoning district so that development in this district can be reviewed for its impact on potential memorial sites.

Fort McNair

Fort Lesley J. McNair is located on approximately 28 acres at the confluence of the Washington Channel and the Anacostia River. The population of this military installation includes 800 active duty personnel with 60 family members and 750 civilian workers. Fort McNair has been the headquarters of the U.S. Army Military District of Washington since 1966. Staff finds that the proposed Zoning Commission action will not negatively affect this federal installation as the district directly adjacent to Fort McNair limits development to a height of 55 feet and an FAR of 3.5.

Anacostia Waterfront Initiative

On March 22, 2001, the District of Columbia government, NCPC, and other federal, District, local, and regional partners signed a Memorandum of Understanding creating the Anacostia Waterfront Initiative (AWI). The goal of this project is to coordinate the development of a vision plan for the Anacostia Waterfront, which will assist its redevelopment into "a lively urban waterfront." The study area, which includes federally owned land, comprises approximately nine miles of Anacostia River waterfront, stretching from the D.C./Maryland border to the southwest harbor area of the District. Within the current Zoning Commission proposal, the area being rezoned to CG/W-2 is a part of this AWI study area. This effort is still in the planning process and no final report has been issued with specific recommendations. NCPC has significant involvement and interest in this study and has contributed staff and financial resources. There is strong rationale for establishing the Commission as a review agency in the CG/W-2 district.

South Capitol Street Study

In November of 2001, Congress directed the Secretary of Transportation and relevant parties (NCPC, District of Columbia, Maryland Department of Transportation) to prepare a study of South Capitol Street. Congress appropriated $500,000 for this work known as the South Capitol Street Gateway and Improvement Study. The aim of the study is to recommend improvements on South Capitol Street between Independence Avenue and the Suitland Parkway and on New Jersey Avenue between Independence Avenue and M Street, SE. The study will identify methods to promote mixed-use activities and to improve pedestrian and vehicular access along the corridor. A report with recommendations will be transmitted to the House and Senate Committees on Appropriations by September 20, 2003.

Recognizing the impact between the transportation requirements within the corridor and the District's and Commission's desires to enhance the image and appearance of this key approach to the Capitol, NCPC and the District of Columbia have agreed to join together to prepare an urban design study of the South Capitol Street corridor to serve as a framework for the Gateway Study. The studies will suggest ways to establish South Capitol Street as a central focus for that portion of the city, and will identify methods to promote South Capitol as a corridor of national significance while building on principles set forth in the Legacy Plan and the Anacostia Waterfront Initiative.

The proposed text and map amendments present an improvement to the existing zoning and help implement a redeveloped, mixed-use environment as set forth in Legacy and related initiatives.

However, the redevelopment of the Anacostia Waterfront, the South Capitol Street gateway, and recommended waterfront sites in the Memorials and Museums Master Plan are all strong federal interests in which it would be appropriate to include NCPC as a referral agency in the special exception process for the CG/W-2 zoning district. This will provide an opportunity for NCPC to review and comment on proposed developments for their impact on the identified federal interests in that area. In a related recommendation, Staff encourages the Zoning Commission to explore different zoning options for South Capitol Street to encourage a coherent corridor as opposed to a patchwork of various zoning districts allowing different levels of development. The forthcoming conclusions of AWI and the South Capitol Street Study should help guide this action.

CONFORMANCE WITH THE COMPREHENSIVE PLAN

The Federal Elements of the Comprehensive Plan for the National Capital set guidelines and policies for certain issues that have relevant federal interests. In regards to this proposed action, the recently adopted Parks, Open Space and Natural Features Element is applicable as this rezoning applies to a large tract of land along the Anacostia River waterfront where development could have significant impacts on the waterfront's character.

According to the Parks, Open Space and Natural Features Element, the waterfront along the Anacostia and Potomac Rivers should be "preserved, restored and enhanced" and more specifically, buildings should not be constructed higher than 65 feet when within 200 feet of the bulkhead. The CG/W-2 zoning district, which is to be applied to the waterfront area, will allow buildings to be constructed to a height of 60 feet as a matter of right. However, developments can be built up to 70 feet if specifically approved by the Zoning Commission. In this regard, it is critical that NCPC comment on this excess height as a consulting agency in the CG/W-2 special exception process so as to provide an assessment of the development's height and overall design concept.

South Capitol Street and the Potomac Avenue Parkway, which are both within the rezoning areas and are designated Special Streets in the Historic Preservation Element of the Comprehensive Plan. An applicable policy states:

> Special Streets and Places should be maintained and enhanced in a manner that promotes their roles as major features that help establish the images and the symbols of the National Capital in the minds of its residents and visitors...

The proposed Capitol Gateway Overlay zoning and related text amendments will serve to enhance these areas that are currently underutilized and unsightly due to the adjacent industrial uses. The encouragement of mixed-use redevelopment will serve to enhance these streets and, therefore, is not inconsistent with the Comprehensive Plan for the National Capital.

Revic

NCPC
NATIONAL CAPITAL PLANNING COMMISSION

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Executive Director
Patricia E. Gallagher, AICP

IN REPLY REFER TO:
NCPC File No. ZC-96-03/89-01

MAY – 8 [illegible]

Ms. Carol Mitten
Chairperson
District of Columbia Zoning Commission
441 4th Street, NW, Second Floor
Washington, D.C. 20001

Dear Ms. Mitten:

I am contacting you regarding the Buzzard Point - Capitol Gateway zoning action currently being considered by the District of Columbia Zoning Commission. We understand the Zoning Commission has taken a proposed action on this text and map amendment to the Zoning Regulations, and upon the conclusion of the 30 day public review and comment period, the Commission will be able to take final action at its June meeting. During this period, the proposal will be referred to the National Capital Planning Commission (NCPC) for its review and comment, as mandated by federal law. We are anticipating the official referral from the Zoning Commission to occur in May, with NCPC action at its June meeting.

NCPC has a strong interest in the future redevelopment of South Capitol Street, the Anacostia Waterfront and its surrounding environment. The 1997 *Legacy* Plan for the National Capital calls for a future South Capitol Street that provides a pedestrian friendly, mixed-use environment, connecting a revived Anacostia Waterfront with improved gateway vistas to the U.S. Capitol. Further, NCPC's Monuments and Museums Master Plan has targeted this area as a future location for new commemorative works, as development pressure shifts from the monumental core to other areas of the District. Furthermore, NCPC is a partner agency in the recently initiated South Capitol Street Study, and is a signatory agency in the Memorandum of Understanding establishing the ongoing Anacostia Waterfront Initiative. NCPC considers both efforts to be of high priority.

The National Capital Planning Commission applauds the Zoning Commission and the District Office of Planning for taking this critical first step in the redevelopment of South Capitol Street and the Anacostia Waterfront. We believe

the Capitol Gateway regulations will prove critical in inciting mixed-use and recreational redevelopments in both of those important areas. We also would like to notify the Zoning Commission of NCPC's anticipated approval of this zoning referral, which will include two critical recommendations that we feel would help this redevelopment move forward.

First, we recommend that the Zoning Commission add the National Capital Planning Commission as a referral agency in the "special exception" process outlined in §1603 of the proposed regulations. This approval process will only apply to development proposals in the BP/W-2 zoning district, and will give NCPC an opportunity to provide comments to the Zoning Commission on impacts on the federal interest as defined above. This type of "special exception" referral is not uncommon, as the Zoning Commission has adopted provisions in other districts that mandate federal interest review (e.g. Architect of the Capitol in the Capitol Interest Overlay, NCPC in the Naval Observatory District, etc). Furthermore, NCPC believes the addition of this referral provision will codify the redevelopment of the Anacostia Waterfront as a partnership between the District of Columbia and the federal establishment.

Our second recommendation involves South Capitol Street and the related study, which is underway. Although the Buzzard Point – Capitol Gateway Overlay will provide a strong initial zoning policy for redevelopment along South Capitol, NCPC urges the Zoning Commission to revisit this critical artery to the National Capital once the South Capitol Study is completed. Within that review, we recommend that the Commission develop creative zoning solutions to help implement the Study's recommendation to treat this area as a coherent corridor as opposed to the patchwork of zoning districts which are currently in place.

Again, the National Capital Planning Commission commends you and the other Zoning Commission members for their hard work on the Buzzard Point – Capitol Gateway Overlay zoning matter and we hope you will agree with our recommendations for the proposed zoning regulations.

Sincerely,

Sgd. Patricia E. Gallagher

Patricia E. Gallagher, AICP
Executive Director