96-3

Government of the District of Columbia

Office of the
Director

Office of Planning
415 12th Street, N.W.,
Washington, D.C. 20004

MEMORANDUM

MAR 29 1996

'96 MAR 29 P4:01
OFFICE OF ZONING
DISTRICT OF COLUMBIA

TO: D.C. Zoning Commission

FROM: Jill C. Dennis
Director

Nathan W. Gross, Chief
Comprehensive Plan Implementation

SUBJECT: Preliminary Report, Buzzard Point and Capital Gateway Rezoning and Overlay Zone, Zoning Commission Case No. 89-1

The attached land use and zoning study of the Buzzard Point-Capital Gateway area benefits from several years of involvement by community interests, property owners, government agencies and consultants. In 1987 the Mayor convened a group of District government agency and private sector representatives to initiate a planning effort for the west bank of the Anacostia waterfront. The Federal City Council was asked to coordinate this public-private project. In 1988 the consulting firm of Wallace, Roberts and Todd (WRT) completed a multi-phase study and master plan for the Buzzard Point-Capital Gateway area, working closely with the Mayor's task force.

In 1989 the Buzzard Point Planning Association (BPPA), a group of property owners in the area and their consultants, prepared a variation on that plan and a zoning proposal for the Buzzard Point subarea south of P Street. Another group of property owners in the Capitol Gateway area suggested an overlay zone for their area -- the Capitol Gateway subarea. Over the years a number of meetings have been held with nearby residential associations, property owners, D.C. and federal agency representatives and others.

ZONING COMMISSION
CASE No. 96-3
EXHIBIT No. 1

ZONING COMMISSION
District of Columbia
CASE NO.96-3
EXHIBIT NO.1
3/29/96

In 1992 the Office of Planning (OP) published a planning document entitled Vision 2020, which includes information on existing conditions, Comprehensive Plan policies, a comparison of the small area plans referenced above and a set of consensus policies to guide planning and zoning actions in the area. A copy of Vision 2020 is provided for each Zoning Commissioner and was previously distributed to participants in the planning process. Vision 2020 should be considered the planning report that is the framework for this zoning report and ideally should be read first.

After 1992, the planning process in the area became less active because of a major slowdown in major real estate development in the city and because of other planning priorities in the government. The Comprehensive Plan Amendments Act of 1994 included some refinement of policies and land use designations affecting the area. The Comprehensive Plan's policy guidance is important because of the requirement in the Home Rule Act that zoning shall be "not inconsistent" with the Comprehensive Plan. In this part of the city, the Plan's general guidance is considerably refined by the detailed small area plans and studies that have been done.

Based on all of this analysis and public participation, OP reactivated the process in 1995 and completed its proposed zone plan for the area last summer. A preliminary version of the attached report was mailed to the two major property owner groups and civic groups in July 1995, and some further consultations occured. The attached version that is recommended for hearing action was mailed to community interests in early January 1996 to provide an opportunity for final public comment prior to the beginning of the formal zoning process. A meeting with community representatives took place on March 6, 1996 at St. Vincent's Church at South Capitol and M streets, S.W.

The Office of Planning recommends that the Commission schedule the proposed map and text amendments for a public hearing.

Attachments

Government of the District of Columbia

Office of the
Director

Office of Planning
415 12th Street, N.W.,
Washington, D.C. 20004

DEC 27 1995

BUZZARD POINT-CAPITOL GATEWAY

Land Use and Zoning Study
Office of Planning

POLICY GUIDANCE: THE COMPREHENSIVE PLAN AND SMALL AREA STUDIES

The Comprehensive Plan for the National Capital ("the Plan") provides land use and zoning guidance in the form of several land use designations and other policy statements in the various elements of the Plan. The Home Rule Act requires that zoning shall be "not inconsistent" with the Comprehensive Plan.

The Buzzard Point-Capitol Gateway area has also been the subject of a substantial amount of small area planning analysis that was done from 1988 to 1992. This work includes the **Anacostia Waterfront Master Plan** of November 1988, prepared for the Federal City Council and the D.C. Government by Wallace Roberts and Todd (WRT) consultants, assisted by other specialized consultants in transportation, economic feasibility and civil engineering. This plan does not have the status of being adopted by the D.C. Government, but received some D.C. Government funding and reflects major policy contributions by executive branch participants, including the Office of Planning.

A second major planning and zoning study of the area is the **Petition of the Buzzard Point Planning Association, Inc.** (BPPA) submitted to the Zoning Commission in January 1989. The BPPA plan and proposed special implementing zone was sponsored by a number of the major property owners in the Buzzard Point area, coordinated by JBG Associates, Development Services, and Wilkes, Artis, Hedrick and Lane, Land Use Counsel. BPPA members were major participants in the planning process sponsored by the Federal City Council and the Executive Branch of the District of Columbia. Urban design, traffic, marketing and other consultants were utilized in the preparation of the report.

Each of these reports provides a wealth of sophisticated planning analysis of the problems and potentials of the Buzzard Point area and vicinity. In 1991, another group of property owners, the Buzzard Point/Capitol Gateway group, submitted an additional planning and urban design analysis and a proposed overlay zone for the area to the Zoning Commission. This concept plan provides some alternatives to and variations on the other plans for the area.

The **Buzzard Point/Near Southeast: Vision 2020** report by the Office of Planning (OP) is intended to provide a framework within which the public and private sectors can resolve the key planning and zoning issues affecting the future development of the area. The Vision 2020 report should be considered the first (planning) part of this OP zoning report. It provides a chart comparing the three aforementioned studies, as well as a description of the planning process up to now, a detailed description of existing conditions, a review of adopted plans for the surrounding area (including federal government plans for the Navy Yard, Southeast Federal Center, Fort McNair and National Park Service), recommended policies for the planning area and numerous maps. The Vision 2020 report should be read as background to this zoning report.

It is clear that the Comprehensive Plan has been supplemented to a major extent by the detailed small area studies and plans. These provide a more detailed basis for rezoning the area than is normally available. Nonetheless, the Comprehensive Plan provides the legal framework and has the status of being adopted. The discussion that follows begins with the Comprehensive Plan's policy guidance and then reaches a series of additional, "consensus" planning goals that derive from both the Comprehensive Plan and the small area planning studies.

The Comprehensive Plan

The Buzzard Point/Near Southeast **Development Opportunity Area** is the first major Comprehensive Plan designation for the area. A Development Opportunity Area, as defined in the Land Use Element of the Plan, is essentially an area that has unusually large amounts of vacant and underutilized land available for development, where the accessibility to the area by Metrorail, Metrobus interchanges and major street intersections is also very good. Under these circumstances, major development can occur with minimal displacement of existing businesses or residents and with the transportation support needed to serve the new development. The specific uses to be developed are indicated in other planning policies.

The Buzzard Point/Near Southeast area is characterized by very large amounts of underutilized land, much of it in major assemblies that enable development to occur in a well-planned and expeditious fashion when market conditions are right and suitable zoning is adopted.

The exceptional development potential of this area in the city and regional context was noted in the WRT plan referenced above:

> (This area) is the last and largest area in the District capable of supporting major new residential and commercial development in the millions of square feet and thousands of units, respectively. As such, it literally represents a once-in-a-lifetime opportunity to meet both District and Federal needs for offices, housing and open space.
>
> The Anacostia Waterfront area is much more, however. It is the front door to the nation's capital from the south. It composes the foreground to the first stunning views to the Washington Monument and the U.S. Capitol rising above the Anacostia River and the waterfront area. The area itself is characterized by the great sweep of the Anacostia as it changes direction heading to its union with the Potomac River. From within the area, expansive views are available all along the waterfront to the Anacostia bluffs, the Washington Channel, Hains Point and the Potomac River. These natural characteristics present the opportunity to create an outstanding urban environment unlike any other in the District of Columbia. (Anacostia Waterfront Master Plan, Final Report, November 1988, p. 2)

The opportunity for major development, enhanced by very special amenities, superb location and accessibility, is clear.

The **Generalized Land Use Map** of the land use element of the Comprehensive Plan is more specific as to the type of development that should occur.

The land use designation is for Mixed Use: High Density Residential, Medium High Density Commercial and Professional and Technical Employment ("PTE").

OP interprets the PTE portion of the designation to refer primarily to the existing industrial and heavy commercial uses in the area. Some of these uses will remain in the area for a number of years under any zoning, given the support they provide to the city's infrastructure and functional needs, and the limited number of alternative locations. The probable policy choice is to allow flexibility towards the continuation of such uses, rather than to encourage new industry in combination with the other uses recommended in the Plan. OP would note, however, that the two recommended zones for the area -- CR and W-2 -- both allow certain light industrial uses as special exceptions.

The High Density Residential designation indicates an emphasis on the residential component within the mixture of uses recommended in the Plan. High density residential in the Washington context would typically be a 90-foot, 3.5 to 6.0 FAR density level, typified by the R-5-D, R-5-E and SP-2 zones.

The Medium-High Density Commercial component is normally considered consistent with the density range of the C-3-B or C-3-C zones -- 4.0 to 6.5 FAR commercial.

Obviously, in an area designated for a mixture of uses, the densities of the different components cannot simply be added up, but must be moderated to achieve an overall density consistent with the city's development plan and the various subareas within it. By way of comparison, the West End area is designated with a mixture of High Density Residential and Medium Density Commercial, i.e., the same residential density, but a somewhat lesser commercial density. At a still higher density -- in Downtown -- the mixed use components are indicated as High Density Residential and High Density Commercial.

The Buzzard Point-Capitol Gateway area falls between these two areas as to the density of its commercial designation. At one end of the spectrum, the mixed use zoning in the West End is primarily CR, which permits a height of 90 feet and a total or residential density of 6.0 FAR, within which up to 3.0 FAR may be commercial (nonresidential). At the other end, the mixed use densities in the Downtown are in the 8.0 to 9.5 FAR range, with residential components varying from 2.0 to 4.5 FAR in the underlying C-4, C-3-C and C-2-C zones. The Downtown zoning allows large commercial components but mandates that the residential component be built concurrently.

The Generalized Land Use Map of the Comprehensive Plan places the density, especially the commercial density, of the Buzzard Point-Capitol Gateway area between that of the West End and Downtown. Based on this policy guidance and other planning goals discussed below, OP's recommendation is to use the **CR District** as the base zone, with incentives to exceed this density level of (normally) 3.0 FAR residential, plus 3.0 FAR commercial. The incentives, derived from provision of residential uses and from providing reduced density plus open space along the Anacostia waterfront, could increase the density to a maximum of 8.0 FAR mixed use, with building heights in excess of 90 feet. The incentives and several other provisions governing development would be provided in a proposed **overlay zone** that is presented in the attachment to this report.

The **W-2 District** is recommended along the Anacostia River to provide a stepdown of height and mass at the waterfront called for by the various planning studies of the area. The zone has a density of 4.0 FAR, of which not more than 2.0 may be used for other than residential purposes, with a height limit of 60 feet.

Also, in two locations **C-2-B** and **C-2-C** zones are recommended to provide a transition to residential areas with residential zoning outside the BP overlay area. The southern halves of squares 601 and 656 are recommended for C-2-B zoning because of the existing mixture of residential and commercial uses in this location and abutting moderate-density residential uses to the north. Along the other residential edge -- west of South Capitol Street from Q to M streets, S.W., C-2-C zoning is proposed as a transition. This zone will continue the uniform potential along South Capitol Street for a building height of 90 feet. In the near term, the existing, small-scale commercial structures will be accommodated by the 2.0 FAR commercial potential of the C-2-C zone. Note that these two short strips would not be within the overlay zone in order to preclude the potential for all-commercial development made possible by "FAR swapping" allowed in the BP district as proposed.

For the location of the proposed zone districts and the overlay zone, see the **Proposed Zoning Map** attached to this report.

Several other adopted policies in the Comprehensive Plan apply to the subject area, and policies from all elements can be interpreted in relationship to the area. The following policy, from the Ward Two Element, is just one example of this context:

> (7) Development Opportunity Areas:
>
> (C) 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.

"CONSENSUS PLANNING GOALS"

The wealth of small area planning analysis about the study area done in recent years provides quite explicit policy guidance for refining the general direction of the Comprehensive Plan. The small area planning studies do not have the legal authority of the Plan in relationship to zoning, but are generally consistent with the Comprehensive Plan while going well beyond it. OP has accordingly taken into account the "consensus" goals found in the WRT, BPPA, Capital Gateway and OP planning analyses.

The following "consensus" planning goals derive from both the Comprehensive Plan and the various small area planning studies of the Buzzard Point/Near Southeast area:

- The area should be developed with a mixture of uses -- residential, office, recreational-entertainment, retail and tourism.

- The development pattern should take advantage of and enhance the major assets of the area, including:

  - Proximity to the U.S. Capitol as a visual amenity and as a potential economic development factor;

  - Excellent accessibility via the Navy Yard Metrorail station plus major vehicular thoroughfares;

  - The visual and potential recreational benefits of the Anacostia waterfront, and the visual benefit of the campus-like setting of Ft. McNair;

  - A gateway location to the nation's capital, enhanced by excellent views to federal landmarks and across the Anacostia River.

- Residential development should be encouraged by incentives because it is generally less economically feasible than office use. The larger the percentage of housing in the area, the less reliance there will be on the automobile as the major means of access to the area.

- New residential and mixed use development should be located to take advantage of special amenities such as the waterfront, parks and the parklike setting of Ft. McNair. Some mixed use development should also locate near the Navy Yard Metrorail station.

- New office development should be concentrated near the Metrorail station and along the major streets, such as Potomac Avenue and First Street.

- An active and attractive urban waterfront should be created, that is accessible to the public at many junctures, especially public streets.

- Development along the waterfront should include residential uses and retail-entertainment support uses to ensure evening activity, which an office-dominated pattern would not provide. Yet, development should not be exclusively residential, or the waterfront might seem too private and restrictive. Some office use, at the appropriate scale, will provide daytime workers and support for retail, restaurant and visitor-oriented uses. Some tourist, recreational and hotel or inn use should be part of the mixture of uses near and along the waterfront.

- Building heights should be greatest near the center of the area, stepping down at the waterfront and to a lesser degree at the edge of Ft. McNair.

- Adjacent and nearby residential areas should be protected from redevelopment by retention of residential zoning. Mixed use zoning and development should be confined to areas already zoned commercial or industrial.

- Existing industrial uses should be allowed flexibility to continue important operations relating to the city's infrastructure, services, jobs and tax base.

ASSUMPTIONS UNDERLYING THE ZONING APPROACH

The overlay zone proposed in the next section of this report is based on the policy guidance of the Comprehensive Plan, the consensus planning goals presented above, and the following general real estate and development assumptions, in addition to the planning policy basis cited above. These assumptions are hopefully well-informed, but are neither exhaustive nor definitive, and conditions could change. More importantly, the goals of the Comprehensive Plan and other planning policies need to be carried out in zoning, even as market circumstances change. The following statements suggest how the marketplace might react to the recommended zoning provisions.

- The transition period from industrial to commercial and residential uses will be very long.

    - The volume of underutilized land available for redevelopment is huge, and the large amount of permitted built space will therefore take many years to be occupied.

    - Major industrial uses will have a slow phase-out period by dint of having major facilities in place, e.g., Pepco, or because they serve critical needs for the continuing development of the city, e.g., sand-gravel-concrete production. Relocation sites are very limited.

- The strong and consistent office market of the 1980s and before, which was expected to build out Downtown by the early 2000s and begin leapfrogging to Capitol South and Buzzard Point (as well as North Capitol Street), has become much smaller and more sporadic.

- The economic feasibility of residential development is frequently difficult, but varies according to cycles of market demand, interest rates, condominium versus rental market factors, etc. One model for achieving residential and mixed use development in Buzzard Point is probably the West End. In that area, after rezoning to CR and other mixed use and residential zones in 1974, various development projects occured in successive market cycles that have resulted in a quite successful mixture of uses today -- apartments (primarily condominiums), office and mixed office-residential buildings, hotels, and miscellaneous other uses. A number of locational advantages of the West End made this result possible.

  The attractive amenities for residential, hotel and mixed use development in the Buzzard Point-Capitol Gateway area are primarily the Anacostia waterfront (visual amenity, recreation and leisure use potential) and proximity to the Navy Yard Metrorail station. The visual quality of Ft. McNair is also an asset, limited somewhat by its self-contained character.

- The earliest residential and commercial developments will tend to rely on these amenities. The first developments will have to "pioneer" in creating relatively attractive locations within a larger area that will, overall, be an unattractive setting for marketing residential or commercial uses. Given the very large extent of developable land, the development and market absorption of new residential and commercial uses will take many years. The long transition period from industrial to mixed uses will be visually represented by the likely presence of continuing industrial uses nearby, not unlike farm buildings or a barn surrounded by suburban residential subdivisions. Ultimately, rising land values will bring about the departure of the remaining industrial uses.

Conclusion: With the size and timing of the markets for residential and commercial/office uses uncertain, and the projected continuation for many years of some industrial and infrastructure uses, the zoning approach should:

- Be flexible as to uses, i.e., permit new residential and commercial uses, while allowing industrial uses to continue as conforming uses;

- Avoid mandates that might be reasonable in strong market conditions but which are unreliable under projected market conditions;

- Rely upon incentives rather than mandates to encourage the desired mixture of uses.

As noted on the bottom of page 4, incentives are proposed to serve two distinct purposes. First, a bonus of two (2) FAR is provided in the W-2 zone along the waterfront to offset the 50-foot required setback and the lower (than CR) maximum FAR permitted. Second, a performance bonus of one (1) FAR is provided for each FAR of residential use constructed anywhere within the overlay boundaries in order to encourage the actual construction of residential buildings. The result of the bonus is to enable commercial density to be increased and thereby to help financially underwrite the residential component, which is generally less valuable. Bonus density may be devoted to any permitted use and can be developed only within the CR or C-3-C-zoned areas within the overlay boundaries.

Given the absence of a concurrent timing requirement relating to linked residential development in the proposed overlay zone, the Zoning Commission could consider adopting as part of its order (if approval is ultimately granted) a provision that the Commission will review the zone plan five years after adoption. This review would examine development trends that have emerged, transportation and accessibility conditions, and whether any more detailed or revised provisions governing the timing of linked residential development, waterfront open space or other factors should be considered.

The PUD process is an available mechanism for dealing with special situations that may arise. For example, if a property owner wants to make a case for an all-commercial development at high density based on unusual or special circumstances, the PUD process enables the Zoning Commission and the public to review the public benefits, amenities and potential impacts of the project, and control the specific development by means of the approved plans and PUD covenant. The land use and other policies of the Comprehensive Plan, supplemented by other planning policies for the area (such as the "Consensus Planning Goals" contained in this report), will provide a policy framework for evaluating the proposed PUD and determining whether it should be approved or denied.

The proposed Buzzard Point-Capitol Gateway Overlay Zone is presented on the following pages. It would be mapped in combination with the base zones ("underlying" zones) of CR, W-2 and C-3-C. The overlay zone would also extend to include the north frontage of M Street, S.E., in the vicinity of the Navy Yard Metrorail Station. This area has recently been zoned C-3-C in Case No. 95-7. The rationale for the rezoning and overlay provisions is highlighted in *italic text.*

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 S.W. and S.E. 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 Subsection 1600.1. Where there are conflicts between this chapter and the underlying zoning, the provisions of the BP overlay zone shall govern.

Comment: *The Preamble lays out the "basics" of the overlay zone. The applicable geographic area is identified in 1600.1. The purposes that are set forth in 1600.2 are generally the consensus goals for the area derived from the Comprehensive Plan as a general, legal document, and the much more detailed small area plans and studies that were done in the 1988-92 time period. Subsection 1600.3 indicates the primacy of the overlay zone if there are conflicts with the underlying zones. The overlay zone has bonus provisions which could be invalidated by a provision that the more restrictive rule always governs.*

1601 BONUS DENSITY AND HEIGHT

1601.1 The uses and amenities that earn bonus density in the BP overlay district are residential development throughout the area, a lesser density and height of buildings along the waterfront and compliance with the extra building setback along the waterfront for the purpose of creating continuous public open space there.

1601.2 For the purpose of constructing bonus density, the maximum permitted building height in the underlying CR or C-3-C District shall be that permitted by the Act to Regulate the Height of Buildings, June 1, 1910, as amended; and the maximum floor area ratio shall be 8.0; provided, that no part of a building constructed on a lot facing Second Street, S.W., or on a lot facing P Street, S.W., in Square 657, shall project above a plane drawn at a forty-five (45) degree angle from a line located ninety feet (90') directly above the property line along Second Street or P Street, respectively.

1601.3 A building or a combined lot development that provides residential uses shall earn one gross square foot of bonus density for each square foot of gross floor area devoted to residential uses.

1601.4 A lot in the underlying W-2 District shall have the following rights and restrictions regarding bonus density:

(a) Residential development shall earn bonus density as provided in Subsection 1601.3;

(b) In addition to any bonus density earned by providing residential uses, each lot in the underlying W-2 zone shall be entitled to bonus density of 2.0 FAR as an offset for the waterfront setback requirement and for the lower height and bulk of buildings permitted in W-2 compared to properties zoned CR; and

(c) Bonus density shall not be constructed on a lot zoned W-2, but may be transferred to a lot or lots zoned CR or C-3-C by means of a combined lot development.

1601.5 In the underlying CR and C-3-C districts, 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 Section 1602.

1601.6 Floor area constructed as bonus density may be occupied by any use permitted as a matter-of-right in the underlying zone.

Comment: *The bonus provisions make possible an increase in permitted commercial and total density, but only in conjunction with increased residential development or as an offset for the creation of a lesser height and bulk in the W-2 zone and the setback along the waterfront. The intent is to link the normal financial strength of office development with residential development and the waterfront amenities, so that a critical mass of residential development is made feasible over time. This intended result is consistent with the Comprehensive Plan and with the highly developed planning objectives of the several small area planning studies of the area. These include Wallace, Roberts & Todd/Federal City Council (WRT); Buzzard Point Planning Association (BPPA); and Vision 2020, Office of Planning (OP).*

The regulatory approach in the instant overlay zone differs in several critical ways from zoning approaches that were being considered in the late 1980s. The most detailed of those was the BPPA Special District submitted to the Zoning Commission in 1989. In the late 1980s, a stronger, more sustained office market was projected for the Buzzard Point area and central Washington in general, in the near term. Accordingly, the BPPA approach provided a larger office density "up front," but also mandated some important and expensive companion actions: a specified minimum quantity of residential development when an office development exceeded a certain density; street dedications in order to reconfigue some streets and create public squares and circles; and waterfront setbacks.

The bonus density approach in the instant, BP overlay zone reflects the uncertainty of the mid-1990s regarding future absorption rates for various uses (most importantly office space) in the Buzzard Point-Capitol Gateway area. Accordingly, the BP overlay zone allows a broad mixture of uses, existing and new, and encourages the desired mixture of uses by "bonusing up" from a medium-high density mixed use base. The base commercial-office density in CR is 3.0 FAR; bonus density incentives for commercial uses are added to this base, derived from provision of residential uses and/or from reduced density along the waterfront.

The relative size of total residential and commercial space that is ultimately built in the area if this overlay zone is adopted is difficult to project, because of the zone's flexibility, the very large land area and the very long time frame for redevelopment. The WRT plan proposed a mixture of approximately 30 percent residential and 70 percent office/commercial, whereas the BPPA plan proposed a development mix of approximately 20 percent residential and 80 percent commercial. The BP overlay zone, if adopted, would encourage a similar residential/commercial mix.

Market realities suggest that a relatively large commercial component -- as recommended in all of the plans -- will be needed to leverage a critical mass of residential space. There may nonetheless be market cycles when a property owner will prefer a mixed use or a predominantly residential development to the option of waiting several more years to build a larger office component. The very large amount of underutilized land that exists in the area represents huge amounts of market absorption for all uses, which space will take many years to be built and occupied. Demand for major, sustained office development in the study area may be a number of years in the future, after development in the Downtown and North Capitol Street office precincts are moving towards build-out. The potential for matter-of-right apartment buildings to be built up to 130' in height may enhance market feasibility because of the exceptional views that will be provided from the upper floors of such buildings.

It is emphasized that the preceding statements are not based on a financial feasibility study, but reflect general, long-term conditions in and on the edge of the Central Employment Area of Washington.

The general result of the bonus height and matter-of-right height provisions is that buildings utilizing bonus density in the CR and C-3-C zones will be able to exceed the normal height limit of 90 feet. Given street widths in the area, bonus buildings could range in height up to 130 feet. Building heights will step down towards the waterfront, adjacent to Fort McNair, and adjacent to existing residential development north of P Street in Square 657. This general pattern of building heights is favored in the small area planning studies. Specifically, building heights along the waterfront would be limited to 60 feet by the W-2 zone's standards, and building segments adjacent to Ft. McNair (Second Street) or to moderate-density residential areas would be limited to 90 feet.

Projected market conditions as of the mid-1990s appear to be too uncertain to utilize the ingenious, but costly, street dedication provisions of the BPPA special zone district. The concept of sequential dedication of street segments, building by building, was especially dependent on a steady stream of major office and mixed use buildings, so that the period of interim street segments would not be unduly long. This overlay zone does not attempt to mandate the creation or modification of certain streets, circles, etc., in furtherance of an expanded "L'Enfant Plan" street network; this issue will have to be addressed separately, outside of the zoning process. This proposed overlay zone does, however, require the continuity of open space along the waterfront that all plans agree is critical for achieving public objectives for the area.

1602 COMBINED LOT DEVELOPMENT

1602.1 Two or more lots, in the same square or in different squares, may be combined for the purpose of allocating residential and non-residential floor area among them, or for the purpose of transferring bonus density from one lot to one or more other lots; Provided, that the requirements of subsections 1602.2 through 1602.5 shall be met.

1602.2 The allowable floor area for residential uses and non-residential uses may be apportioned between two or more lots in the BP overlay district, regardless of the normal limitation on floor area by uses on each lot; Provided, that the aggregate residential and non-residential floor area may not exceed the normal maximum FAR of the underlying zone district, except in the case of bonus density as authorized by Section 1601 of this chapter.

1602.3 No allocation of residential and non-residential floor area, nor any transfer of bonus density, shall be effective unless an instrument, legally sufficient in both form and content to effect such a transfer, in a form approved by the Corporation Counsel, has been entered into among all of the parties concerned, including the District of Columbia.

1602.4 A certified copy of the instrument of transfer shall be filed with the Zoning Administrator, Department of Consumer and Regulatory Affairs, before approval by that Department of any building permit application that is affected by such allocation of uses or transfer of bonus density.

1602.5 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.

Comment: *The combined lot development provisions of Section 1602 allow flexible FAR allocation between sites for development of commercial and residential uses respectively, on separate lots. This system has worked constructively for 20 years in the West End CR zone to encourage construction of a significant mixture of residential, office, hotel and other uses. In the basic CR provisions (see CR zone, 631.3 and 631.4), such FAR swapping is limited to lots that are within a single square. Combined Lot Development extends this provision to any lots that are located within the Buzzard Point overlay zone area.*

The CR zone allows a 90-foot building with up to a 6.0 FAR, which may be all-residential or may include up to 3.0 FAR of commercial uses. Normal development of one site may therefore be either an apartment house or a vertical mixed use building, typically with retail and office floors on the lower levels and the apartments on the upper floors. The combined lot development flexibility, or "FAR-swapping," allows all-residential and all-commercial buildings to be built on separate lots (e.g., a 6.0 FAR apartment building on Lot A and a 6.0 FAR office-retail building on Lot B), so as to avoid the extra costs and functional complexities of vertical mixed use buildings. Such problems are especially pronounced given the height limits in Washington, D.C. Also, the development of one component (typically office use) may need to proceed ahead of the other component based on cycles of market conditions, while the linked property can be legally restricted to the other use (typically residential). The linked property can be developed at the same time as the commercial building or at a later time when development feasibility is better. The West End has experienced several successful cycles of residential and hotel development, interspersed with periods when the market was primarily for office development.

1603 WATERFRONT SETBACK REQUIREMENT

1603.1 In the underlying W-2 district, each new building on a lot that abuts the Anacostia River shall be set back from the property line or lines nearest the river by a distance of not less than fifty (50) feet; Provided, that:

(a) The open space created by this required setback shall be maintained as public open space in cooperation with District of Columbia and federal government agencies; and

(b) Each lot in the underlying W-2 zone shall be eligible for extra bonus density as set forth in Sub-section 1601.4 of this chapter.

Comment: *The grant of extra bonus density (to be used off-site) to sites zoned W-2 helps offset development restrictions in the waterfront area and achieve the desired development pattern. The waterfront properties are recommended for W-2 zoning, which permits a lower height and bulk than does the CR zoning recommended for most other properties, in the interest of achieving lower building heights along the water and improved vistas to the river from interior locations. The W-2-zoned properties are also affected by the required building setback necessary to create continuous public open space along the Anacostia River frontage.*

Therefore, some lots -- especially small or shallow lots -- may not be able to achieve their normal density. Whether or not this is the result, the extra bonus density is intended to offset the difference in density between the W-2 zone along the waterfront and the CR zone mapped in most of the Buzzard Point-Capitol Gateway area. Another goal is for density transfers to shift some office development from locations on or near the waterfront to sites relatively near the Navy Yard Metrorail station, where accessibility for commuters is much better.

The recommended depth of W-2 zoning is 110' from the property lines along the waterfront. This will allow for the required 50' building setback, plus 60' for buildings. The 60' buildable area will allow either two structural bays of 30' each or three bays of 20' each. If the lot and/or building extend beyond that point, the standards of the CR zone come into play, a transition from 60'/4.0 FAR in W-2 to 90'/6.0 FAR in CR. Permitted uses in W-2 and CR are very similar.

1604 M STREET SETBACK AND USES

1604.1 The streetwall of each new building that fronts on M Street, S.E., between South Capitol Street and 4th Street, S.E., shall be set back from the property line along M Street by not less than five feet (5').

Comment: *The existing sidewalk is too narrow (10') for an area near a Metrorail station that is also subject to future high-density development, especially office development with high pedestrian flows in peak hours. The additional five-foot setback required by 1604.1 will not create a loss of buildable density and will make the sidewalks an acceptable 15 feet wide.*

1604.2 Each new building that fronts on M Street, S.E., between South Capitol Street and 4th Street, S.E., 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 subsections 701.1 through 701.5 and 721.1 through 721.6 of this title; Provided, that the following uses shall not be deemed qualifying uses for preferred ground floor space: car wash, drive through accessory to any use, gasoline service station and any office use.

Comment: *This is the only use mandate in this overlay zone, which otherwise seeks to use only incentives to achieve its purposes. Any new office or mixed use building in this location will at least need to provide services (lunch, sundries) for its own tenants. Additional retail, service and entertainment uses are desirable. This will probably be accomplished by market forces, but a building not designed to include ground level active uses would be highly undesirable. This requirement is included to ensure that all new buildings contribute to a grouping of active, pedestrian-oriented uses near the Metrorail station. Note that the M Street provisions would apply to the north frontage of M Street, which has been zoned C-3-C, pursuant to a separate zoning case (95-7). For the purpose of effectuating the M Street requirements, the BP overlay boundary would be mapped to a depth of 100 feet on the north frontage, i.e., into the C-3-C District.*

1605 EXISTING INDUSTRIAL USES

1605.1 A commercial or industrial use that is first permitted in the CM or M zone 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 as a matter-of-right up to the commercial floor area ratio and

height limits of the underlying zone district; Provided, that the performance standards of sections 804 and 805 of the CM district or sections 825 and 826 of the M district applicable to the use shall apply to any expansion.

Comment: *The remaining industrial uses in the area are significant and provide important utilities and service functions (e.g., sand, gravel, concrete) for the development and functioning of the city. Actual development of the projected replacement uses (residential and commercial) is not imminent. Even after development of residential and commercial buildings begins, the phase-out period for industrial uses may be quite long. The earliest new developments will probably be oriented to one of the principal amenities in the area -- the Metrorail station, the Anacostia waterfront, or Fort McNair. The industrial uses may not depart entirely until a substantial amount of office and residential development has occured. After new residential-commercial development actually begins, rising land values will encourage the departure of industrial uses. Performance standards should continue to apply to on-going industrial uses to control potential adverse effects on neighbors.*

As to <u>new</u> industrial uses, note that the CR District allows certain heavy commercial and light industrial uses as special exceptions. This potential would not be abrogated by the overlay zone's provisions. Thus, if there were a long, continuing delay in market support for commercial and residential development, light manufacturing and heavy commercial uses could still be established, after review and possible imposition of special controls by the Board of Zoning Adjustment. The applicable sections and uses in CR are: 608 Utilities, 610 Manufacturing and Processing, 611 Warehouses and Wholesaling, 612 Building Service Trades, 613 Research and Testing, 614 Vehicle Sales and Repair and 618 Miscellaneous Uses. Section 618 allows any use by special exception that is not specifically prohibited by Section 602 and not allowed as a matter-of-right. The W zones have the same provisions at sections 907, 909, 910, 911 and 915. Both the CR and W zones were designed for mapping in locations that were previously zoned M or CM and therefore make these allowances for compatible light industrial uses with public review.

1699 DEFINITIONS

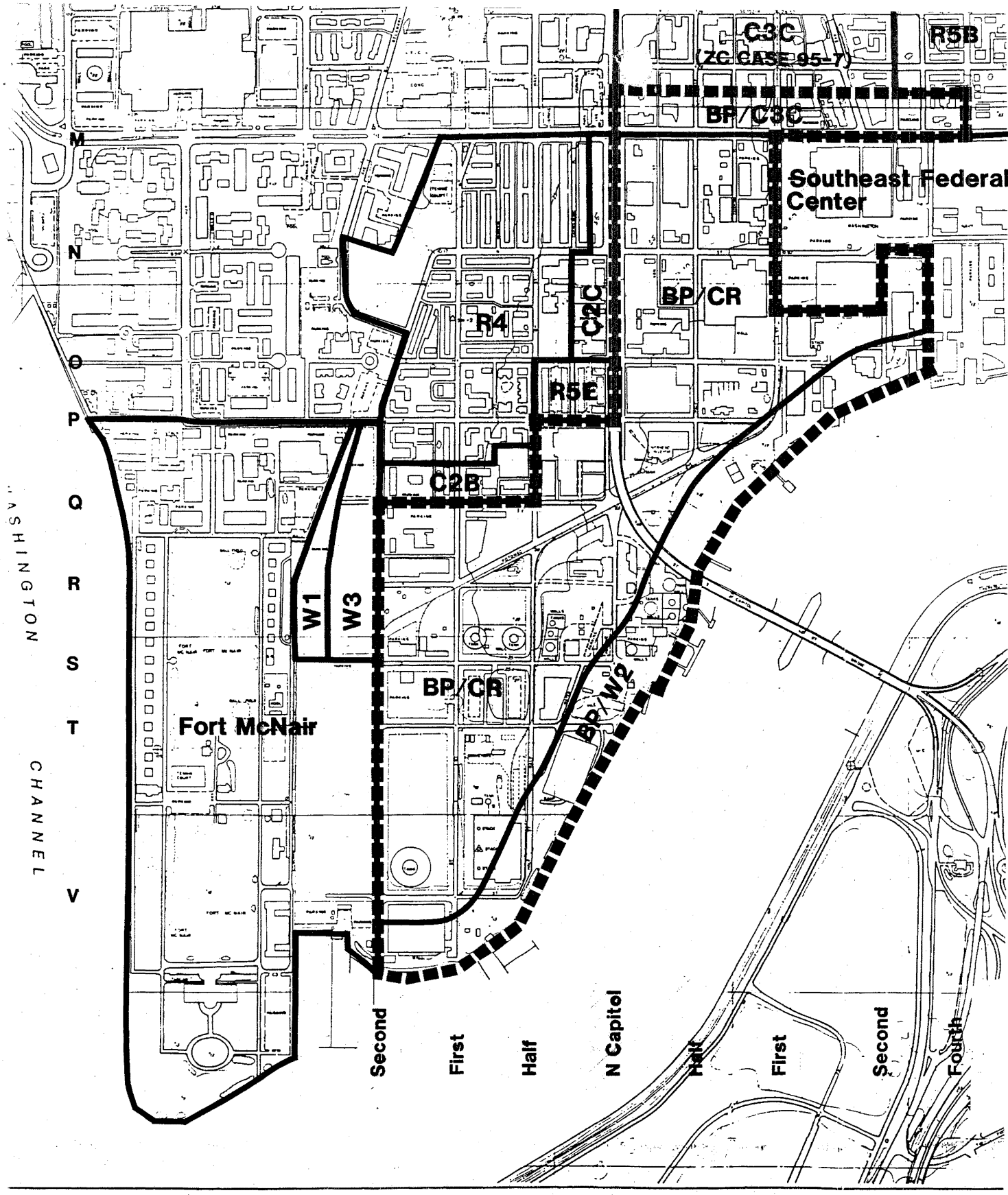
1699.1 The provisions of Section 199 of Chapter 1 of this title, and the definitions set forth in that section, shall be incorporated by reference in this chapter.

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 (CBRF), subject to the size or other limitations normally applicable to the specific type of CBRF in the underlying zone.

Comment: *This definition allows the full range of dwelling types, from single family to row dwellings to apartments. Rooming houses, a type of multiple dwelling, are also allowed. CBRFs are a type of residential use and should be allowed, subject to the normal standards of the underlying CR and W-2 zones. The guest room areas of hotels count as residential FAR, whereas the commercial areas -- defined in the Zoning Regulations as commercial adjuncts, exhibition areas, function rooms and other public areas of a hotel, count as commercial FAR. This is the same formulation that applies to hotels in other commercial and mixed use zones. All planning studies for the BP area refer to the desirability of one or more hotel or inn uses. See the Definitions in Section 199 of the Zoning Regulations for more details.*

Attachments



BUZZARD POINT/CAPITOL GATEWAY AREA
PROPOSED ZONING
DRAFT
Office of Planning, 9/95

Boundary – Proposed Buzzard Point/Capitol Gateway (BP) Overlay Zone

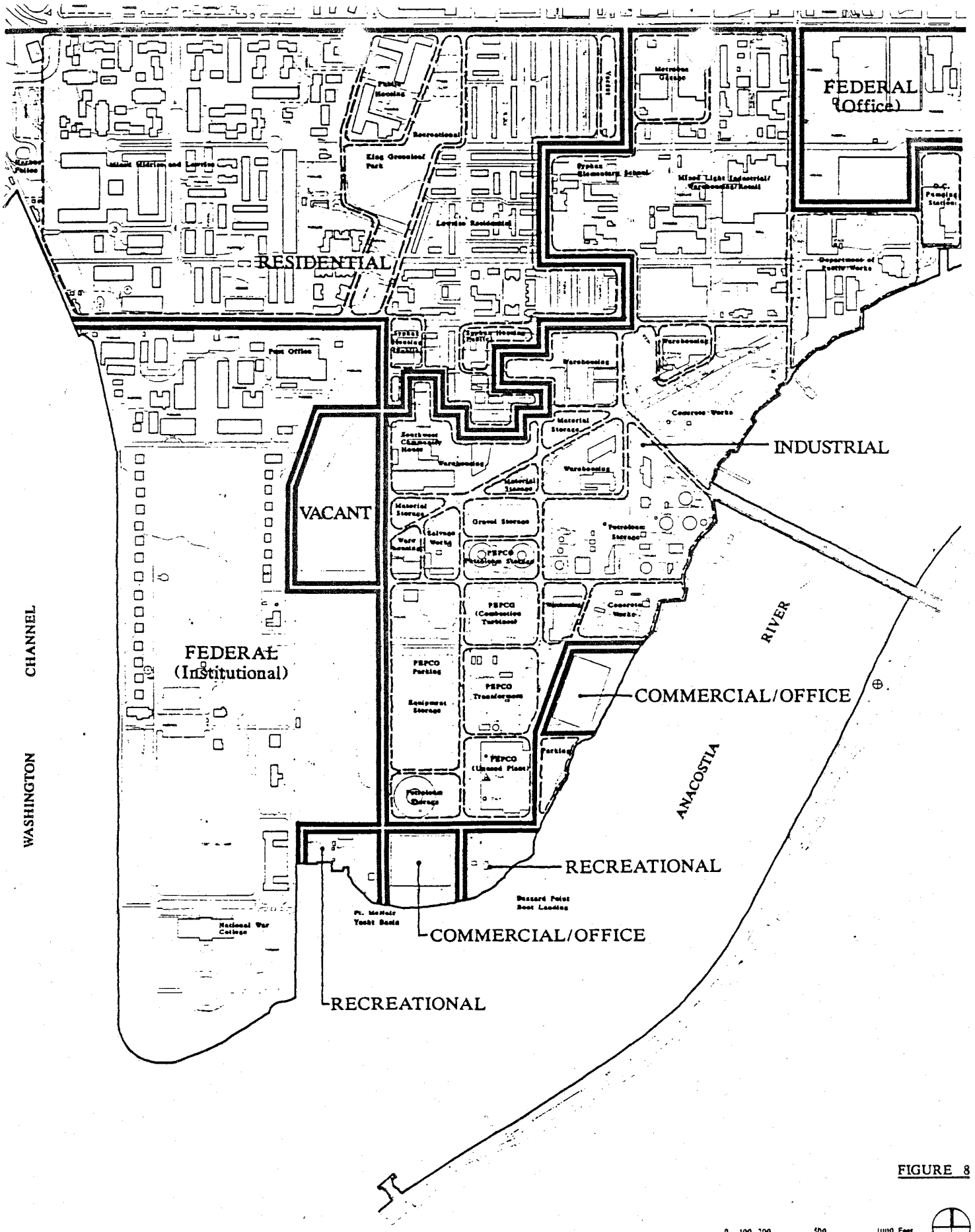


FIGURE 8

0 100 200 500 1000 Feet

BUZZARD POINT PLANNING ASSOCIATION, INC.
REYES CONDON FLORANCE ARCHITECTS

BUZZARD POINT

EXISTING LAND USES

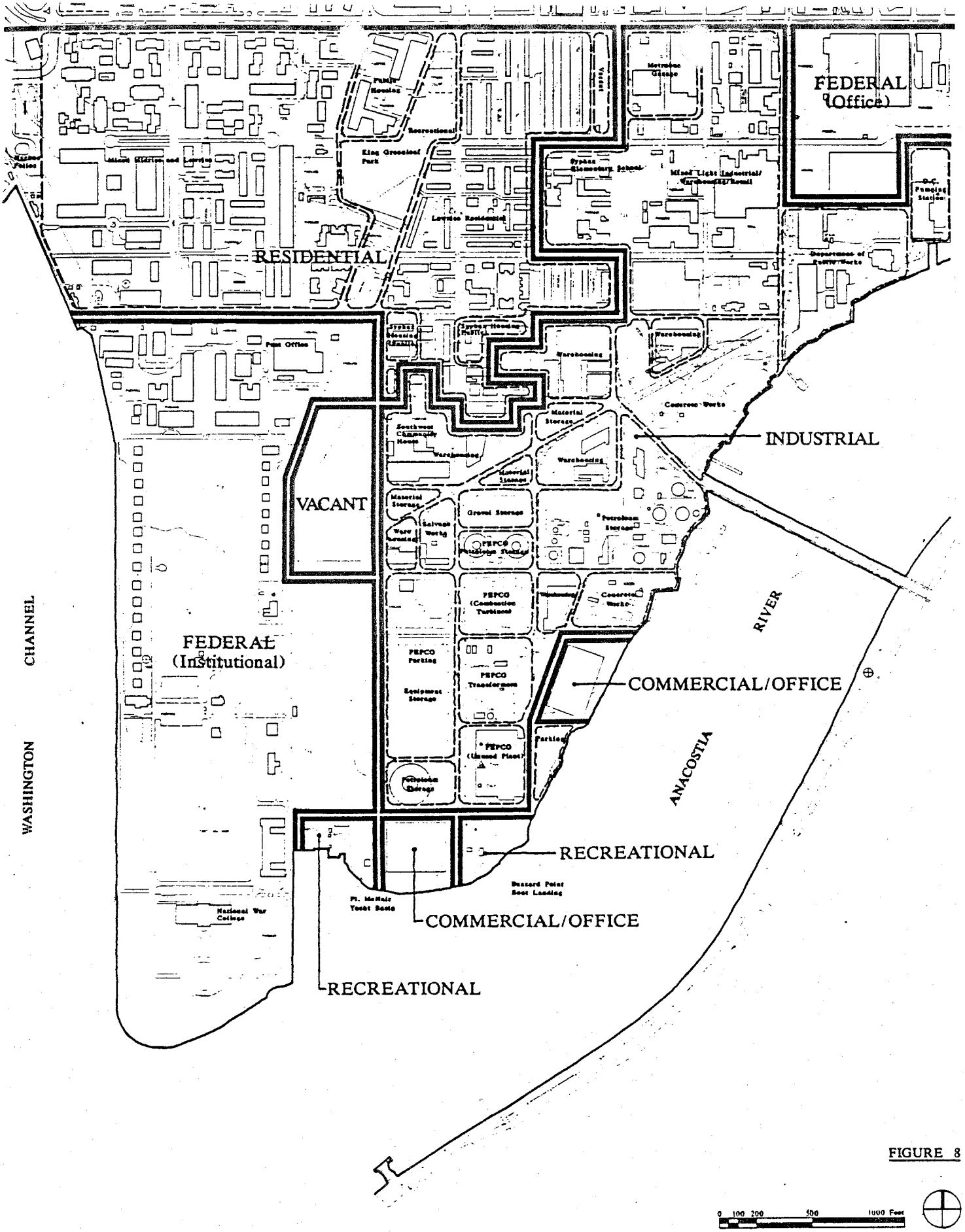


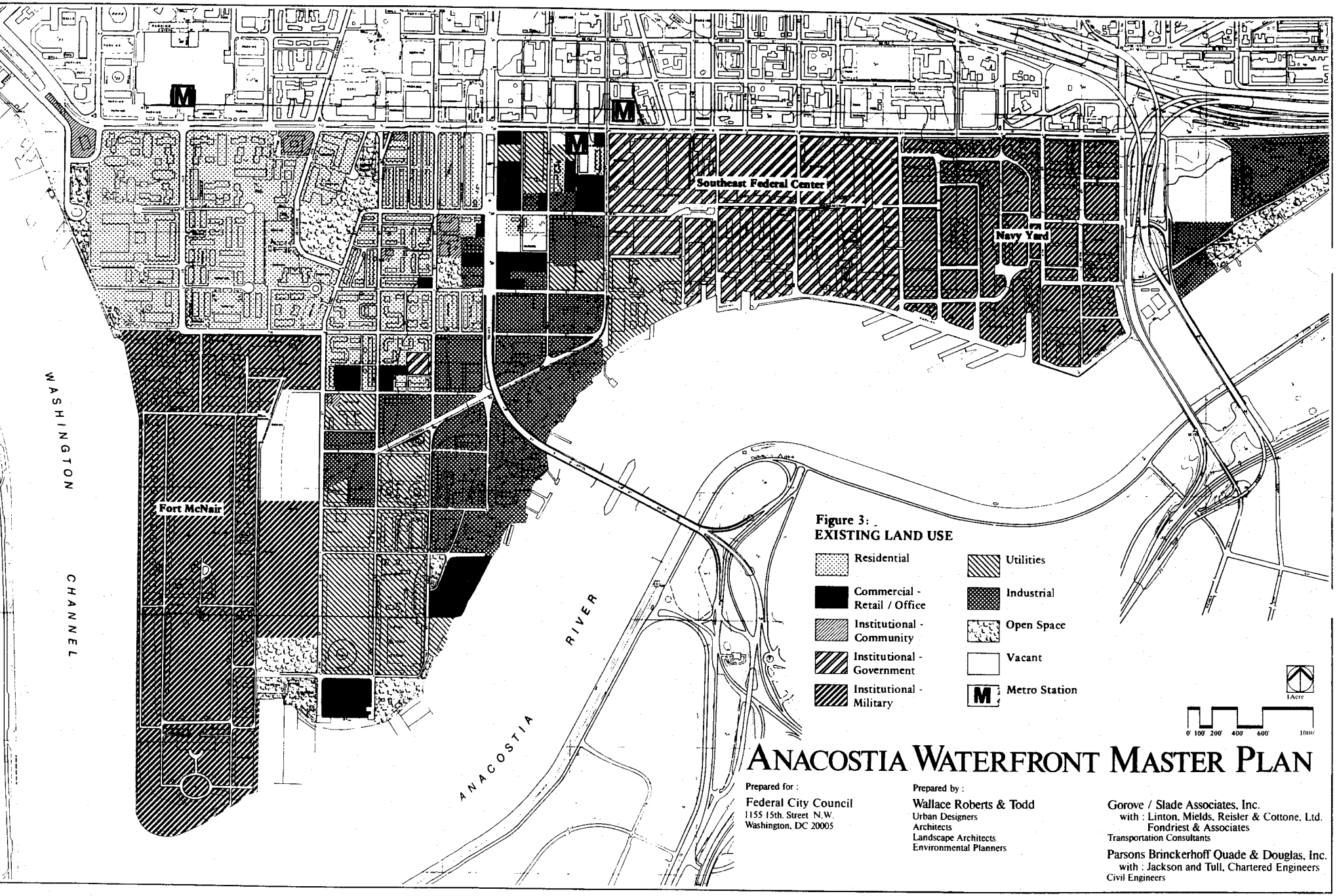
FIGURE 8

0 100 200 500 1000 Feet

BUZZARD POINT PLANNING ASSOCIATION, INC.
EEYES CONDON FLORANCE ARCHITECTS

BUZZARD POINT

EXISTING LAND USES



ANACOSTIA WATERFRONT MASTER PLAN

Prepared for :
Federal City Council
1155 15th. Street N.W.
Washington, DC 20005

Prepared by :
Wallace Roberts & Todd
Urban Designers
Architects
Landscape Architects
Environmental Planners

Gorove / Slade Associates, Inc.
with : Linton, Mields, Reisler & Cottone, Ltd.
Fondriest & Associates
Transportation Consultants

Parsons Brinckerhoff Quade & Douglas, Inc.
with : Jackson and Tull, Chartered Engineers
Civil Engineers

Government of the District of Columbia

Office of the
Director

Office of Planning
415 12th Street, N.W.,
Washington, D.C. 20004

DEC 27 1995

Dear Advisory Neighborhood Commissioner, community association officer, or other affected party:

Attached for your review is a copy of a land use and zoning concept report for the Buzzard Point/Capitol Gateway area of Near Southeast. The Office of Planning has prepared this revised version of its report to reactivate the planning and zoning work on this area that occured several years ago.

Last summer the Office of Planning mailed each of you a copy of the preceding version of this report, to inform you of the general direction of this work and to provide you the opportunity to comment at a very preliminary stage. Some of you have commented, and the attached, revised report has been prepared for submission to the Zoning Commission in late January. The Zoning Commission would likely then schedule a public hearing, which would be the formal public participation process with full notice to property owners and the public and the opportunity to testify at the hearing. According to this timetable, the actual public hearing would occur either in late spring or in the summer.

The zoning recommendations in the attached report are based on the policy guidance of the Comprehensive Plan for the National Capital. This project furthers the mission of the Office of Planning and the D.C. Zoning Commission to eliminate inconsistencies between existing zoning in the city and the Comprehensive Plan. The study, especially the provisions of the proposed overlay zone, also incorporate the critical policies developed in the small area plans and studies that were prepared by consultants in conjunction with the District and federal governments, property owners and the community in the 1988-92 period.

The small area planning studies include the Wallace, Roberts and Todd (WRT) plan prepared for the Federal City Council and the District and federal governments -- "The Anacostia Waterfront Master Plan." Also, the Buzzard Point Planning Association (BPPA), an association of property owners, assembled a team of consultants that prepared a plan and a proposed special zone district for the Buzzard Point subarea in 1989. The Buzzard Point/Capitol Gateway property owners group also submitted a draft overlay zone to the Zoning Commission in that time period.

The Office of Planning's 1992 report, "Buzzard Point/Near Southeast: Vision 2020," includes a comparison of the prior small area planning studies and provides a consolidated planning reference document for the area. "Vision 2020" is the planning report which underlies the preliminary zoning proposals in the enclosed document.

The Office of Planning wishes to receive additional community comments prior to submitting this report to the Zoning Commission. For this purpose, you are invited to a **meeting at the Office of Planning, on Wednesday, January 24, 1996, at 6:30 p.m.** We look forward to seeing you at the meeting.

If you have questions about the enclosed zoning proposals or the planning process, please call Nate Gross on 727-6500 or John Fondersmith on 727-6503.

Sincerely,

Jill C. Dennis
Director

Enclosure