Government of the District of Columbia

OFFICE OF ZONING

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M E M O R A N D U M

TO: Bertrand S. Thomas, Administrator
Office of Documents and Administrative Issuances

FROM: Madeliene H. Dobbins
Director

SUBJECT: Publication for the Office of Zoning

Please publish the following in the D.C. Register on FRIDAY, October 4, 1996:

1. Zoning Commission Notice of Filing
(Z.C. Case No. 96-7C)

2. Zoning Commission Notice of Filing
(Z.C. Case No. 96-10)

3. Zoning Commission Notice of Filing
(Z.C. Case No. 96-8)

4. Zoning Commission Notice of Filing
(Z.C. Case No. 96-9C)

5. Zoning Commission Order No. 805
(Z.C. Case Nos. 96-7 and 96-10)

6. Zoning Commission Rescheduled Public Hearing Notice
(Z.C. Case No. 96-3/89-1)

Attachments

Thomas.mem/vco/disk/bjw

ZONING COMMISSION
Case No. 96-3/89-1
Exh No. 31

ZONING COMMISSION
District of Columbia
CASE NO.96-3
EXHIBIT NO.31

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF RESCHEDULED PUBLIC HEARING

TIME AND PLACE: Thursday, November 21, 1996 @ 7:00 P.M., & if needed, Monday, November 25, 1996 @ 7:00 P.M.
Office of Zoning Hearing Room
441 Fourth Street, N.W. - Suite 220
Washington, D.C. 20001

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

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

THIS CASE IS OF INTEREST TO ADVISORY NEIGHBORHOOD COMMISSIONS 2D AND 6B:

Zoning Commission Case No. 96-3/89-1 is an initiative of the Zoning Commission at the request of the District of Columbia Office of Planning (OP) to rezone the Buzzard Point-Capitol Gateway area from C-M-2 and M to CR and W-2, and to map the Buzzard Point-Capitol Gateway Overlay District, with the underlying CR, W-2 and C-3-C zone districts for the following squares and portions of Squares: "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."

The southern portion of Squares 601 and 656 are proposed to be rezoned from C-M-2 to C-2-B, or in the alternative to BP/C-2-B, BP/C-2-C or BP/CR. Testimony regarding these zones should consider the appropriate mixture of residential and commercial uses; the suitable permitted building height and bulk; and whether any special limitations should be placed on combined lot developments affecting these properties. These commercially-zoned properties abut an area of R-4 zoning and existing housing to the north.

Those portions of Squares 651 and 653 that are currently zoned C-M-1 and make up the west frontage of South Capitol Street from Q to M Streets, S.W. are proposed for rezoning to C-2-C.

This Office of Planning rezoning proposal stems from "Vision 2020", a planning document published by OP in 1992 about the Buzzard Point-Capitol Gateway area. Vision 2020 contains information on existing conditions, Comprehensive Plan policies, a comparison of small area plans of various parts of the area, and a set of consensus policies between public and private sectors to guide planning and zoning activities affecting the future development of the area.

The Buzzard Point-Capitol Gateway area is a large and complex irregularly shaped area, characterized by very large amounts of underutilized developable land. It extends from Fort McNair (2nd Street, S.W.) on the west to the Southeast Federal Center (First Street, S.E.) on the east and from north of M Street, S.E. on the

north to the Anacostia River on the south. It encompasses approximately 108 acres (excluding street rights-of-way). The area lies between a medium-density residential district to the northwest and a medium-high density commercial district to the north.

The specific properties affected by the rezoning, and the specific recommended zoning categories for the various squares and lot are as follows:

1. **Rezone from C-M-1 to C-2-C: Those lots now zoned C-M-1 in squares 651 and 653:**

2. **Rezone from C-M-2 to C-2-B or in the alternative to BP/C-2-B, BP/C-2-C or BP/CR:**

   Those lots now zoned C-M-2 in squares 601 and 656.

3. **Rezone from C-3-C to BP/C-3-C:**

   Square 698, lots 1, 20, 23, 801, 805, 807 and 813;

   Squares 699, lots 816 and the southern part of Lot 28, to a depth of 145 feet from M Street, S.E.

   Square N743, lots 44 through 53, 58, 59, 63 through 66, 800, 816 and 817.

   Square 742, lots 27 through 29, 36, 37 and the southern part of Lot 826, to a depth of 145 feet from M Street, S.E.

   Square 769, the southern parts of lots 18, 20, 21 and 821, to a depth of 145 from M Street, S.E.

4. **Rezone from C-M-2 to BP/CR**

   All of squares 603, 657, 658, 700, 701, 702 and 704.

5. **Rezone from M to BP/CR:**

   All of squares 605, 607, 609, 611, 660, 661, 662, E662, 664, 703, 705 and 706.

   Those parts of the following squares that are situated 110 feet or more from the lot boundaries nearest to the Anacostia riverfront: squares 612, 613, S667, E667, 666, 665, E664, 707, S708, 708, E708, S744 and 771.

6. **Rezone from M to BP/W-2:**

Those parts of the following squares that are situated 110 feet or less from the lot boundaries nearest to the Anacostia riverfront: squares 612, 613, S667, ES667, 666, 665, E664, 707, S708, 708, E708, S744 and 771.

The W-2 District permits medium density residential, commercial and certain light industrial development in waterfront areas to a maximum height of 60 feet, a maximum floor area ratio (FAR) of 4.0 for residential and 2.0 for other permitted uses, and a maximum lot occupancy of 75 percent for residential uses.

The CR District permits matter of right residential, commercial, and certain light industrial development to a maximum height of 90-feet, a maximum floor area ratio (FAR) of 6.0 for resdential and 3.0 for all other pwermitted uses, and a maximum lot occupancy of 75 percent for residential uses.

The C-2-B District permits matter of right medium density development, including office, retail, housing. and mixed uses to a maximum height of sixty-five feet, a maximum floor area ratio (FAR) of 3.5 for residential and 1.5 for other permitted uses, and a maximum lot occupancy of eighty percent for residential uses.

The C-2-C District permits matter of right high density development, including office, retail, housing, and mixed uses to a maximum height of 90 feet, a maximum floor area ratio (FAR) of 6.0 for residential and 2.0 for other permitted uses, and a maximum lot occupancy of 80 percent.

The C-3-C District permits matter of right major business and employment centers of medium/high density development, including office, retail, housing, and mixed uses to a maximum height of 90 feet, a maximum floor area ratio (FAR) of 6.5 for residential and other permitted uses, and a maximum lot occupancy of 100 percent.

The specific language proposed for adoption as Chapter 16, Buzzard Point - Capitol Gateway Overlay District, of the Zoning Regulations is as follows:

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: (601), 603, 605, 607, 609, 611, 612, 613, (656), 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) Provide for a reduced height and bulk of buildings along the Anacostia riverfront 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) Require suitable ground-level retail and service uses and adequate sidewalk width along M Street, S.E., near the Navy Yard Metrorail station.

1600.3 The BP overlay district and the underlying CR, W-2, (C-2-B) 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.

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 (C-2-B) or 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 generated 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.

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 1601.2 through 1601.5 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 exeed 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 the 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.

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 Subsection 1601.4 of this chapter.

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').

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.

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.

1605.2 An office building that is in existence with a valid Certificate of Occupancy and which is built to more than eighty percent (80%) of the height or floor area ratio of the zoning in effect prior to the inclusion of the site in the BP overlay shall be considered a conforming structure. Such a building may be renovated, altered, maintained and continued.

1699 **DEFINITIONS**

1699.1 The provisions of Section 199 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 following term has the meaning ascribed:

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.

The Zoning Commission will also receive testimony and written submissions about, and will consider adoption of other alternative proposals that are reasonably related to the scope of the amendments that are set forth in this public hearing notice.

Proposed amendments to the text of the Zoning Regulations and the Zoning Map of the District of Columbia, are authorized pursuant to the Zoning Act of June 20, 1938, (52 Stat. 797), as amended, and Section 5-413 et seq., D.C. Code, (1981 Ed).

The public hearing in this case will be conducted in accordance with the provisions of Section 3021 of the District of Columbia Municipal Regulations, Title 11, Zoning. Pursuant to that section, the Commission will impose time limits on testimony presented at the public hearing.

All individuals, organizations, or associations wishing to testify in this case should file their intention to testify in writing with the Director of the Office of Zoning by **November 11, 1996.** Written statements, in lieu of personal appearances or oral presentations, may be submitted for inclusion in the record.

Information should be forwarded to the Director, Office of Zoning, 441 4th Street, N.W., Suite 210, Washington, D.C. 20001. Please include the number of the particular case, whether you are a proponent or an opponent, and your daytime telephone number. **FOR FURTHER INFORMATION CONTACT THE OFFICE OF ZONING ON (202) 727-6311.**

WILLIAM L. ENSIGN OR HERBERT M. FRANKLIN, JOHN G. PARSONS, MAYBELLE TAYLOR BENNETT, JERRILY R. KRESS AND HOWARD R. CROFT --------- ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA, BY MADELIENE H. DOBBINS, DIRECTOR.

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