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OFFICE OF ZONING
DISTRICT OF COLUMBIA

January 24, 1997

BY HAND

D.C. Zoning Commission
441 4th Street, N.W.
Suite 210
Washington, D.C. 20001

Re: Post-Hearing Submission of Buzzard Point Planning Association (BPPA); Buzzard Point and Capitol Gateway Map Amendment and Overlay District--Case No. 96-3/89-1

Dear Members of the Commission:

On behalf of the Buzzard Point Planning Association ("BPPA"), this letter and enclosed statement represent our post-hearing statement in the above-referenced map amendment and overlay district. This statement provides additional information about how existing industrial uses were treated in the West End, Georgetown and Fort Totten, and how existing industrial uses such as PEPCO have responded to redevelopment opportunities over time in other areas.

In addition, as a basis for supporting the Office of Planning's proposed rezoning, this statement provides a detailed summary of the BPPA Plan. Finally, at the request of the Commission, this statement includes BPPA's response to the Florida Rock presentation at the November 25th public hearing.

Respectfully submitted,

WILKES, ARTIS, HEDRICK & LANE, CHARTERED

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Enclosure

cc: Jill Dennis

ZONING COMMISSION
CASE No. 96-3/89-1
EXHIBIT No. 69

1/24/97

ZONING COMMISSION
District of Columbia
CASE NO.96-3
EXHIBIT NO.69A1

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POST-HEARING STATEMENT OF

BUZZARD POINT PLANNING ASSOCIATION (BPPA)

IN SUPPORT OF THE

PROPOSED REZONING OF

THE BUZZARD POINT/CAPITAL GATEWAY AREA

I. The Plan submitted by the Buzzard Point Planning Association supports the proposed rezoning.

A. History of the Buzzard Point Planning Association

The Buzzard Point Planning Association (BPPA) was incorporated in 1987 as a non-profit organization. When it was started, and as it went through its planning process, the BPPA included the private property owners of over seventy percent (70%) of the land subject to zoning in the Buzzard Point area, including most private property owners, including Potomac Capital Investment Company (PEPCO), Steuart Investment and Florida Rock Properties. BPPA undertook extensive studies of the Buzzard Point area with a team consisting of Keyes Condon Florance (KCF), architects and planners; GA Partners, economic and market consultants; JHK and Associates, traffic consultants; David Volkert and Associates, civil and utility consultants; Wilkes, Artis, Hedrick and Lane, land use counsel; and JBG Associates, development advisers.

As summarized below, the BPPA developed proposed text and map amendments to create the Buzzard Point Special Development District. A petition for rezoning was filed with the Zoning Commission on January 9, 1989. That petition was never acted on by the Zoning Commission. We believe that it is important to review the basic tenets and proposal of the BPPA plan to provide a further understanding of the area and the basis for BPPA's support of the Office of Planning's proposed rezoning at this time. We also note the planning efforts of the Anacostia Waterfront Master Plan and the Southeast Federal Center Plan, which were on-going at the time of, and corollary to, the BPPA plan.

B. Rationale for Zoning Change in Buzzard Point

In addition to reviewing the specifics of the BPPA plan, it is important to review the rationale for a zoning change in the Buzzard Point area. These reasons are essentially the same in 1997 as they were in 1987, when BPPA was formed. The prime factor is the District of Columbia

Comprehensive Plan, with which the Zoning Regulations and maps must be "not inconsistent." The Generalized Land Use Map classifies the entire area as high-density residential/medium-high density commercial and production and technical employment (PTE) (see Exhibit A). The PTE component of the mix was added by the Comprehensive Plan Amendments Act of 1989. The Comprehensive Plan also classifies the area as a development opportunity area. The majority of the Buzzard Point area is zoned C-M and M. The existing industrial zoning prohibits residential use.

C. Unique Elements of Buzzard Point

The Buzzard Point area has many unique elements which must be considered in any proposed rezoning of the area. These unique features include:

- Existing industrial uses;
- Waterfront and open space opportunities;
- Fort McNair;
- Adjacent residential uses to the northeast; and
- Need for improvements to existing infrastructure.

D. Basic Goals

The following goals were established by the BPPA to guide its planning process for the Buzzard Point area:

a. To participate in the evolution of the land use from primarily industrial to mixed-use comprised of commercial, residential, and waterfront-dependent industrial;

b. To protect and enhance the important property rights which Buzzard Point landowners presently enjoy by providing direction to the future planning and development of Buzzard Point;

c. To encourage the broadest spectrum of participation by all landowners in the planning process;

d. To balance equitably the competing interests of existing property owners to ensure that entitlements to existing uses as well as future development rights are fully preserved;

e. To create a process whereby the potential development rights of each property interest can be realized independently;

f. To respect the vital waterfront and historical context of Buzzard Point by establishing an equitable formula for allocating the burden and realizing the benefit of open space;

g. To specifically address the Office of Planning's and the Mayor's desire that housing be included in the future development of Buzzard Point in a way which will accommodate a broad spectrum of constituents through creative and flexible land use criteria; and

h. To promote a sense of community with and among the neighboring citizens, various land users and property owners.

The BPPA plan has a mix of densities, with no specific distribution or assignment of uses -- a concept followed by the OP proposal. We believe that the past experience in Washington, D.C., makes it clear that, in land use terms, it is extremely difficult to predict with certainty where users will develop or when such development may occur. Current examples include the MCI Center and the Washington Opera projects which are vitally important to downtown but neither of which were, or could have been predicted by, the Downtown Plan. Further, to the degree that zoning has attempted to force residential zoning restrictions on an area, e.g., DDD and Mount Vernon Square East, no development is likely to occur unless it is economically feasible.

E. BPPA Plan Summary

The ultimate objective of the BPPA was to create a zoning scheme which would allow the continuation of the existing industrial uses while at the same time promoting new, orderly development and to take other, non-zoning actions to implement the detailed planning concepts that had been prepared. The BPPA considered and rejected rezoning of the area to other existing zone districts after determining that none of those districts could adequately address the issues posed. Many features in Buzzard Point make it a unique area of the District of Columbia: its proximity to the waterfront, historic Fort McNair and residential neighborhood uses; the existence of industrial uses which need to be protected; and the need to improve the existing infrastructure system as development occurs. No combination of existing districts would achieve the planning goals and

obtain the desired amenities and still provide proper protection of the rights and values of the property owners through a transfer of development rights system.

The BPPA plan for Buzzard Point was designed to achieve a variety of public purposes, especially in terms of its relationship to surrounding areas. The plan proposed variations in height across the area, with lower heights along the River, adjacent to Fort McNair and facing the residential areas to the north across P Street, and permitting the highest height in the center of the area away from these more sensitive locations. The plan also proposed a series of connected public open spaces, including a sixty-five foot (65') wide riverfront promenade, a square at the terminus of South Capitol Street along the waterfront, a circle on 1st Street, S.W., a crescent at the connection between an extended Potomac Avenue and Fort McNair, and triangular parks along Potomac Avenue. The variations in height and the creation of these open spaces would be achieved through a transfer of development rights mechanism within the area, creating a substantial public benefit through private means and expense. The plan also established a hierarchy of emphasis on public streets, with South Capitol Street and Potomac Avenue being the most important and 1st Street, S.W., serving as an organizing element south of Potomac Avenue.

Because the objectives of the plan could not be achieved through rezoning using existing categories, the BPPA proposed creation of a Buzzard Point (BP) Special Development District. The BP District included a zoning text containing those regulations which apply to all properties and a development plan indicating specific limitations applicable to each property. The development plan also included a development schedule which set forth certain criteria for each lot and open space design requirements which set forth streetscape criteria. The following are a few of the key features included in the BP District:

- Regulation of existing uses and structures, to allow their continuation and continued technological viability[1];

- Feasible mixed-use densities providing for 20% residential use and 80% commercial use and resulting in slightly higher overall density, but representing lower commercial density than currently permitted;

[1] Excerpts from the BPPA plan zoning text regarding existing uses and structures are attached as Exhibit B.

- The transfer of development rights mechanism to protect land values, while providing open space and height sensitivity;

- Phasing of development to coincide with infrastructure capacity;

- Requirements and incentives to create housing and open space; and

- A comprehensive approach to achieving a planned community.

Excerpts of the BPPA plan are attached as Exhibit C.

We would finally note that many of the economic assumptions which underlie the BPPA Plan are no longer correct. The BPPA Plan (developed in the late 1980s) was dependent upon federal and District contributions (primarily for infrastructure) of $31,776,800 (in 1989 dollars with a three percent (3%) per-year escalation factor). In addition, as noted by the OP (p.5 of the text, attached to the March 29, 1996 report):

> 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.

BPPA now therefore believes that the OP proposal to zone the area W-2 and CR with the BP overlay is an appropriate land use control mechanism. That proposal achieves many of the same goals which BPPA had originally attempted to reach. The use, height and density controls establish the framework around which future development can occur. As discussed further below, that development could

be abetted by a management entity or might occur as a strictly private response to market forces.

II. Protection of Existing Uses

A. BPPA Revisions to Section 1605 of the Proposed Regulations

At the November 25, 1996, Zoning Commission hearing, BPPA (on behalf of PEPCO) submitted a proposed revision to Section 1605 of the regulations. We note that one of the tenets of the BPPA Plan was the protection of existing industrial uses in the area. The OP proposal recognizes the importance of the existing industrial uses and provides, in Section 1605.1, for their expansion as needed (up to the new permitted FAR and height). Because of the extensive number of these facilities in the area, particularly in terms of PEPCO, we believe that Section 1605.1 requires additional clarification to address these issues. We propose to modify the text of Section 1605.1 to ensure that the existing uses can remain conforming uses and expand consistent with the regulations.

The proposed language is as follows:

BPPA Proposed Revision to Section 1605.1

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 within the BP Overlay District** up to the commercial floor area ratio and height limits of the underlying zone district~~; Provided, ;~~ **Provided that the owner thereof has a valid certificate of occupancy as of the date of application for expansion or the owner has a Certificate of Public Convenience and Necessity; and Provided further** that the performance standards of ~~s~~**Sections** 804 and 805 of the CM district or ~~s~~**Sections** 825 and 826 of the M district applicable to the use shall apply to any expansion.

As a public utility, PEPCO is regulated by the District's Public Service Commission which has authority to issue Certificates of Public Convenience and Necessity, as

well as to otherwise regulate with respect to facilities used to provide electric service in the District of Columbia. We propose that all such facilities be allowed the continuation and expansion rights set forth in Section 1605.1.

B. Protection of Existing Industrial Uses Does Not Impede or Hamper Future Development

1. Summary

At the Zoning Commission's November 25th public hearing, several members of the Commission expressed concern that actions to protect existing industrial users, and allow these users to expand as necessary, may hamper or negatively impact the future development of the area. Concerns were specifically directed to the representatives of PEPCO as to whether their proposals to protect existing uses were at odds with future redevelopment efforts.

As stated at the hearing, all of the existing industrial users are focusing on the future development of the area, as evidenced by the creation of the BPPA and BPPA's support for the Office of Planning's proposed rezoning. Until market forces are present, however, the existing industrial users must be able to expand as necessary to ensure their economic viability.

2. Summary of Experience in the West End, Georgetown and Fort Totten

West End

At the hearing, representatives of BPPA characterized the future redevelopment of Buzzard Point as similar to the gradual transformation of the West End. Commissioner Franklin specifically requested BPPA to address the West End experience in the treatment of industrial uses. Prior to the creation of the CR zone in the West End, that area was characterized by a mix of uses including numerous industrial, manufacturing and automobile-related uses.

It is important to note that in the rezoning of the West End, the Zoning Commission, in Order 108, which created the CR zone in 1974, included specific provisions for existing uses and structures. (see Exhibit D). In fact, in the "Statement of Reasons" supporting the CR rezoning (see Exhibit E), the Zoning Commission defined the primary objectives for drafting the new CR district. One of those objectives was

> Protection of the rights of existing property owners by avoiding non-conforming status for existing buildings and uses, except for a limited category of specifically prohibited uses.

Statement of Reasons, at 3.

In the Preamble, Section 4501.1, the regulations provided that "[t]he purpose of the Mixed Use (CR) District is to encourage a diversity of compatible land uses, which may include a mixture of residential, office, retail, recreational, light industrial, and other miscellaneous uses."

Section 4502.5 specifically provided that

> 4502.5 All uses in existence on the effective date of the designation of a CR District, which have a valid certificate of occupancy and uses intended to occupy a building or structure for which a valid building permit has been issued, and which are permitted in a CR District as a special exception under Sub-section 4502.3 shall be considered as conforming uses, and any such use may occupy any amount of space within that allotted to the entire certificate of occupancy at the time of designation of the CR District. Any expansion of such use beyond the total space allotment for the entire certificate of occupancy or the introduction of an additional use must be approved by the Board of Zoning Adjustment in accordance with the applicable paragraph of Sub-section 4502.3. All uses in existence on the effective date of the designation of a CR District which have a valid certificate of occupancy and uses intended to occupy a building or structure for which a valid certificate of occupancy has been issued, and which are prohibited in a CR District under Sub-section 4502.4 shall be considered as non-conforming uses and shall be governed by the applicable provisions of Article 71.

(See Exhibit D.)

Electric substations, light manufacturing and warehouses are permitted under subsection 4502.3.

Section 4502.6 (Exhibit D) provided that

> 4502.6 Existing Structures - All structures in existence or under construction pursuant to a valid building permit on the effective date of the designation of a CR District and which do not otherwise conform to the applicable standards of the CR District shall be considered as conforming structures. All such structures may be renovated, remodeled, altered, expanded or replaced provided that there shall be no increase in height, floor area or lot occupancy, yard, court and roof structure requirements above those normally allowed in the CR District. In the case of restoration of a structure, such restoration shall be subject to the terms of Sub-sections 7108.2 and 7108.3.

In 1983, the Zoning Commission, in Case No. 81-17 (Exhibit F), revised the Zoning Regulations regulating the treatment of non-conforming uses and structures. As part of these revisions, sections 4502.5 and 4502.6 were deleted. The nonconforming use and structure regulations remain in place today and are codified in Chapter 20 of the Zoning Regulations.

Thus, while redevelopment was beginning in the West End, the existing use provisions were in place and did not deter mixed-use development.

Georgetown

In the rezoning of the Georgetown waterfront (Zoning Commission Order No. 103), the Zoning Commission provided similar protections for existing uses and structures as noted above for West End. See, §§ 4402.5 and 4402.6 (Order No. 103 attached as Exhibit G).

Fort Totten

It should also be noted that the Zoning Commission has recently undertaken the rezoning of the Fort Totten area, an area characterized by many industrial uses. The Commission created the Fort Totten Overlay District (FT) as Section 1561 of the Zoning Regulations. Section 1561.3 provides the purposes of the FT overlay district. Section 1561.3(b) states that a purpose of the FT zone is "[t]o encourage future residential and commercial development by means of the provisions of the underlying CR and C-3-A zones while enabling existing industries, which provide jobs, tax

revenues and critical support functions for the development of the District of Columbia to remain". (Exhibit H.) Section 1563 provides that

> 1563.1 An existing commercial or industrial use with a valid certificate of occupancy (C of O) as of the effective date of this overlay zone shall be deemed a conforming use.
>
> 1563.2 An existing business or industrial use as provided in § 1563.1 shall be permitted to expand pursuant to the height, bulk and other area standards of the underlying zone district.
>
> 1563.3 A business or industrial use that expands pursuant to § 1563.2 shall comply with the following yard and screening standards:
>
> * * *

(See Exhibit H.)

C. The Existence of Industrial Uses Has Not Deterred Redevelopment; When the Market Forces Are Right, Existing Industrial Uses will Be Redeveloped

In response to questions at the November 25th hearing specifically related to PEPCO's facilities in Buzzard Point, discussed below are instances where PEPCO has either redeveloped its sites or found ways to make the industrial uses compatible with the future uses.

As noted above, the presence of existing industrial uses in the West End and Georgetown did not deter redevelopment over time. When market forces are right, the existing industrial uses will either relocate to other industrial areas or find a means of compatibly existing with the new uses.

For instance, at PEPCO's Georgetown Substation, 3301 K Street, N.W., the property owner received large-tract review approval from OP for a mixed-use office/residential project incorporating the substation. A picture of the existing substation and a rendering of the proposed development are attached as Exhibits I and J. The proposed project is compatible with the adjacent uses. The project has not gone forward due to the present market conditions, but it is being actively marketed.

In the Dupont Circle/West End area, PEPCO has the 22nd Street substation at 2140 N Street, N.W. The attached photograph (Exhibit K) show the exterior appearance of the substation and its compatibility with the adjacent new development. The development rights for this property were transferred to the adjacent development.

Another very interesting example is the L Street substation at 1616 L Street (see Exhibit L). The substation is located in the high-rise building to the right of the three-story building in the center of the photograph. The substation occupies the left half of the lower four floors of the twelve-story building.

The New Jersey Avenue substation is located at 45 E Street, N.W. (corner of E and New Jersey Avenue). It is adjacent to a hotel on New Jersey Avenue and an office building on E Street, N.W., and is shown in Exhibit M.

The Ninth Street substation (so named because it was at one time part of property owned by PEPCO that fronted on Ninth Street) is located 422 Eighth Street, N.W., and is shown in Exhibit N. The scaffolding in the picture is in connection with construction in progress by GSA to install an historic facade on the substation. This construction is the result of an agreement between PEPCO and the Pennsylvania Avenue Development Corporation (PADC) prior to its dissolution wherein PADC would install an historic facade from its inventory and PEPCO would maintain it.

The Van Ness substation is located at 4000 Van Ness Street, N.W., between Nebraska and Wisconsin Avenues and is shown in Exhibit O. The substation is directly across the street from single-family houses.

Lastly, the I Street substation is located within a high-rise office building at 1919 Pennsylvania Avenue, N.W. The substation is within a wing of the building that fronts on the southwest corner of 19th and I Streets, N.W. The substation occupies four stories of the building adjacent to an alley entering off 19th Street. See Exhibit P.

The exhibits show that PEPCO's industrial uses do adapt to redevelopment or reuse. A similar redevelopment experience is expected in the Buzzard Point area.

In conclusion, we note that all users are looking forward; but, in the interim, those users must ensure maintenance of those existing uses, with ability to expand as necessary.

III. C-2-B Zone District In Southern Half of Squares 601 and 602

The OP proposal would rezone the southern halves of Squares 601 and 602 to C-2-B, rather than CR. We would note the Comprehensive Plan Generalized Land Use Map, as adopted in 1985 and amended in 1989 and 1994, includes these properties in the same classification as the other properties in Buzzard Point. In fact, the map prepared by OP in 1990 was specifically corrected by the Council in 1992 to include the southern half of Square 601 in the mixed-use category, rather than medium density residential (See Resolution 9-275, July 7, 1992, ¶32). Theses squares are presently shown as mixed use medium-high density commercial/high density residential/production and technical employment (PTE). This has two consequences:

- There is no basis under the Comprehensive Plan to distinguish between these sites and others situated in the same category; and

- Designating these properties C-2-B is not consistent with any of the components of the Plan mix: the overall and commercial FARs are too low for high density residential or medium-high density commercial and the permitted uses are not responsive to the PTE component of the mix.

We further note, as stated above, that one of the goals of the BPPA proposal and one of the primary benefits of the OP proposal is to put all property owners on an equal footing. There are no designations which distribute the mix (e.g., property A requires all residential and property B allows all commercial). The reductions in density along the waterfront (and in the BPPA proposal along Fort McNair and the residential area to the north) were in part balanced by bonus density and the ability to transfer unbuildable FAR to other sites in the area. That concept is preserved by OP for the waterfront properties but not for Squares 601 and 602. There is no reasonable or valid basis for that distinction.

The impact of development on these sites is limited because the width of the streets does not allow the maximum height as is allowed elsewhere. Half Street is eighty feet wide, Q Street is eighty-five feet wide and 1st and 2nd Streets are ninety feet wide. If these heights (the width plus twenty feet) are deemed to be too high, the overlay can impose a lower height limit as is proposed for the waterfront, but the owners are not damaged by the loss of the density, which could be transferred elsewhere if the properties are zoned BP/CR.

IV. Management Entity

At its November 25th hearing, the Zoning Commission discussed whether some type of management entity was necessary for the development of the Buzzard Point area. BPPA's position is that zoning, and any rezoning, is distinct from whether a management entity should be established. BPPA believes that the Zoning Commission must establish the appropriate framework for redevelopment of the area. An institutional entity can come later at any time. Rezoning neither precludes nor requires establishment of a management entity.

V. BPPA Response to Florida Rock presentation (and request for C-3-C by others)

At the November 25th hearing, members of the Zoning Commission specifically requested that the BPPA address the Florida Rock presentation. We first note that the planning concepts presented by Florida Rock were prepared subsequent to the BPPA and Anacostia Waterfront Task Force plans.

The Comprehensive Plan does not distinguish or differentiate between properties across Buzzard Point and Capital Gateway. Therefore, the BPPA believes that the same base zoning should apply to all property owners in the area. Therefore, if the Zoning Commission determines to assign C-3-C zoning to the Florida Rock property, the same classification should apply to all others.[2]

As noted above, the BPPA Plan sought to treat all landowners equally since it cannot predict where or when development will begin. Thus the BPPA does not support the urban design theory posited by Florida Rock categorizing the area into three sub areas: metro impact area (MIA)

[2] The BPPA plan, and the OP zoning proposal as well, were based on the mixed-use designation, including residential, on the Generalized Land Use Map. The actual construction of residential in this area is likely to be very difficult, because of the infrastructure issues, the access to the area and the economics of residential development. It may well be appropriate for the Council of the District of Columbia to again consider changing the Land Use Map for this area to modify or eliminate the residential component. However, given the Plan criteria as they now exist, including residential in the mix for areas south of M Street (including Capital Gateway), we believe that the OP proposal should be adopted as conforming to the present Map. If the Comprehensive Plan is later amended, then the Commission would have an appropriate basis to determine whether changes to the zoning should be made.

(generally Capitol Gateway); Douglass Bridge impact area (DBIA) (generally Capital Gateway/upper Buzzard Point); and Housing Priority area (HPA) (lower Buzzard Point). The Florida Rock plan assigns higher density development and usage to the MIA and portions of the DBIA, while providing lower density and usage to the HPA adjacent to Fort McNair. As indicated in the discussion of the BPPA Plan above, there is no rational planning basis for the distinctions drawn by the Florida Rock Plan.

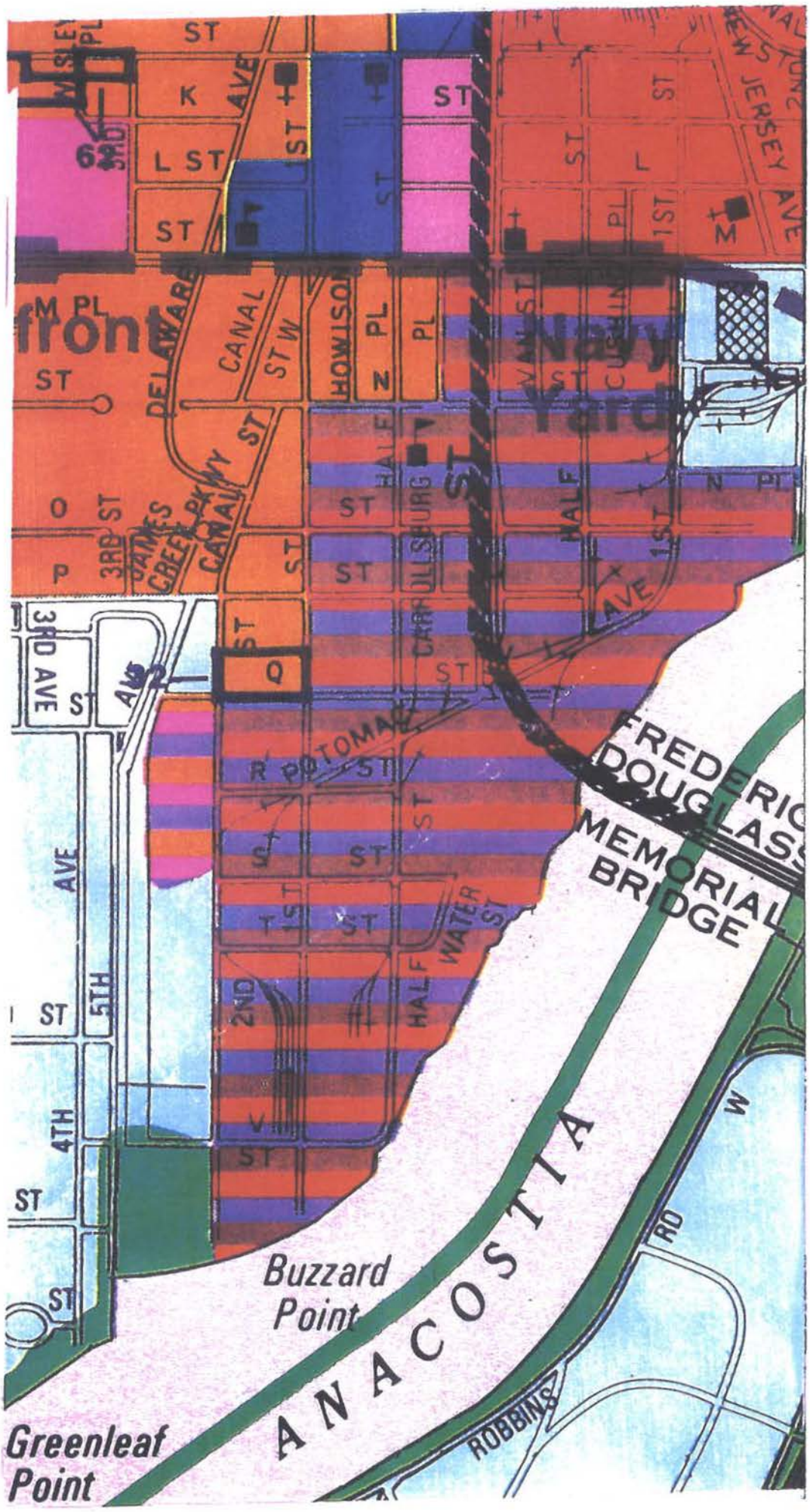
BPPA does support the notion (as supported by the OP—see March 29, 1996 report, p.9, "Land Use and Zoning Study")that, given a base underlying zone, any individual property owner should be given the opportunity to pursue PUDs as long as there is no impact upon the development rights of other property owners. In fact, Florida Rock is proceeding with a PUD for its parcel. That hearing is scheduled for April 3, 1997.

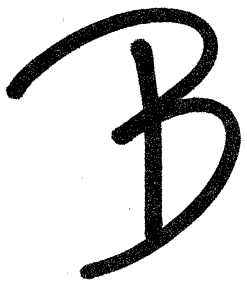
VI. Conclusion

For the above-stated reasons, the BPPA supports the proposed rezoning, with revisions to existing uses (section 1605.1) and the change from C-2-B to CR for the southern halves of Squares 601 and 602. Finally, should the Commission determine that C-3-C is appropriate for Florida Rock property and the Capital Gateway area, the BPPA requests that C-3-C be mapped for the entire Capital Gateway/Buzzard Point area.

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K AVE
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1ST
NEW JERSEY AVE
M PL
DELAWARE
CANAL
HOWISON
PL
Navy Yard
O ST
P
3RD
JAMES CREEK CANAL
HALF ST
3RD AVE
AVE
R POTOMAC
FREDERICK DOUGLASS MEMORIAL BRIDGE
WATER ST
2ND
5TH
4TH
Buzzard Point
ANACOSTIA
Greenleaf Point
ROBBINS



X4 EXCEPTIONS TO THE REGULATIONS FOR EXISTING USES

X4.1 All uses permitted as a special exception, pursuant to §X3.1, and all uses prohibited under §X2.1, lawfully in existence on _____ or uses intended to occupy a building or structure for which a valid building permit had been issued on ____, 19___ [effective date of BP District] shall be considered conforming uses in the Buzzard Point District.

X4.2 A new structure devoted to an existing use qualifying under §X4.1 may be constructed on any property which is in the same ownership on the effective date of the BP District and which is devoted to that use, including areas devoted to open storage. The new structure shall meet the height, area and density requirements of the zone district in effect prior to the adoption of the Buzzard Point District. Such structure is not required to meet the requirements of §§X6-X14.

X4.3 An existing use qualifying under §X4.1 may be extended to other portions of an existing structure or to additions to an existing structure permitted as a matter-of-right, or as authorized by §X15.4.

X4.4 Electrical production and substation facilities may be constructed or relocated anywhere within the BP zone if included in a building which otherwise complies with the requirements of the BP district.

X5 DEVELOPMENT PLAN

X5.1 In addition to complying with all of the other use, height, and bulk requirements of the BP District, all new construction and additions to existing structures, shall conform to the adopted Development Plan for the BP District, which is incorporated as part of these regulations. Structures permitted under §§X4.2 and X15 are not required to comply with the adopted Development Plan for the BP District.

X5.2 The Development Plan consists of six detailed maps (Figures 1. through 6), a Development Schedule, and Open Space Design Requirements, which indicate the specific limits applicable to the various properties in the area where those limits are not uniform for each property. The Development Plan identifies and specifies the following:

(a) Waterfront, right-of-way and open space easements (Figure 1);

(b) Height and setbacks (Figure 2);

(c) Sublot area for Development Schedule (Figure 3 and Accompanying Development Schedule; includes maximum buildable area and lot occupancy);

(d) Mandatory development lines (Figure 4);

(e) Parking and loading access (Figure 5); and

(f) Easement landscape (Figure 6 and Accompanying Open Space Design Requirements).

X5.3 Any proposed exception to the requirements of the Development Plan shall be subject to review and approval of the Board of Zoning Adjustment, as set forth in §X16.1(c).

X5.4 The following requirements apply to the right-of-way easements shown on Figure 1 of the Development Plan:

(a) The easements shall be for the purpose of providing public use and access across private land.

(b) An easement shall be granted for that portion of the right-of-way on the lot on which development is to occur and shall extend to the midpoint of the subject right-of-way.

X15 EXCEPTIONS TO THE HEIGHT, AREA AND BULK REGULATIONS FOR EXISTING STRUCTURES

X15.1 All structures devoted to uses specified in §X4 existing on _____, 19___, (effective date of the BP District) shall be considered conforming structures.

X15.2 For the purpose of this Chapter, a conforming structure shall include any structure for which a building permit is issued prior to the adoption of the Buzzard Point District Zoning Regulations.

X15.3 Any conforming structure qualifying under §X15.1 may be renovated, remodeled, repaired, structurally altered or rebuilt.

X15.4 Any conforming structure qualifying under §X15.1 may be modified or added to for purposes of expansion in accordance with the height, area and density requirements of the zone district in effect prior to the adoption of the Buzzard Point regulations.



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EXECUTIVE SUMMARY

The Buzzard Point Planning Association, Inc. (BPPA) is submitting this petition to the District of Columbia Zoning Commission for text and map amendments to create a Buzzard Point (BP) Special Development District and to apply that district to Buzzard Point, the area bounded by P Street, S.W. and S.E. on the north, the Anacostia River on the south, Fort McNair on the west and 1st Street, S.E. on the east. This petition is submitted in accordance with Section 3010.1 of the Rules of Practice and Procedure before the Zoning Commission.

A number of factors have combined to draw attention to the future of the area. The District of Columbia's Comprehensive Plan, adopted in 1984 and 1985, calls for mixed-use, high density residential and medium density commercial uses in Buzzard Point, whereas the existing zoning is almost entirely M (heavy industrial) and C-M-2 (commercial-light industrial). The Plan also designates the area as a Development Opportunity Area. The submission of a zoning application affecting the Riverside Associates property, an eight acre site formerly owned by the Federal government as part of Fort McNair and presently unzoned, also raised issues about the overall area.

Accordingly, many of the major property owners in the area determined to consider the impact of the Plan and the

Riverside application and to take actions to preserve the ability of the viable existing uses to continue and to allow the appropriate mix and level of new development to be phased over time. These owners joined together to form the BPPA, which is now composed of the owners of approximately three-quarters of the 67 acres in the area which is currently zoned. Over the past 20 months, the BPPA has worked with other owners, District and Federal agencies and local citizen interests to come up with a realistic plan and zoning package for the area. The BPPA has also participated with the Anacostia Waterfront Task Force and its consultant, Wallace, Roberts and Todd, in the study of the broader area along the west bank of the Anacostia River. The Task Force Study has provided a general framework for this petition.

The BPPA has utilized the services of Keyes Condon Florance Architects, architects and planners; JHK and Associates, traffic consultants; David Volkert and Associates, civil and utility consultants; GA Partners, economic and market consultants; JBG Associates, development advisers; and Wilkes, Artis, Hedrick and Lane, legal counsel. This professional staff has worked with the members of the BPPA to produce the plan for Buzzard Point and this petition for zoning action.

The initial analysis undertaken by BPPA led to an early conclusion that zoning changes in the area would be required. The Comprehensive Plan's recommendation for residential use cannot be achieved in the C-M and M zones.

Those districts currently apply to all of Buzzard Point except for a very small portion of the area zoned R-4 in the northwest corner of the area. In addition, the density and height pattern allowed under the current zoning is more reflective of the nature of existing uses than of a thoughtful approach responsive to appropriate planning concerns.

A major concern of many of the Buzzard Point property owners was whether their existing industrial land uses could be conducted and developed in a manner consistent with the Comprehensive Plan and any subsequent rezoning. The area is currently devoted to many industrial type uses which need to be located close to the riverfront. These uses, including concrete plants, oil storage and distribution, and electrical generation and transmission, are also vital to the ongoing needs of the city.

The ultimate objective of the BPPA was to create a zoning scheme which would allow the continuation of the existing industrial uses while at the same time promoting new, orderly development and to take other, non-zoning actions to implement the detailed planning concepts which have been prepared. The BPPA considered and ultimately rejected rezoning of the area to other existing zone districts, after determining that none of those districts could adequately address the issues posed. Many features in Buzzard Point make it a unique area of the District of Columbia: its proximity to the waterfront, historic Fort McNair and residential neighborhood uses; the existence of industrial uses which need to be

protected; and the need to improve the existing infrastructure system as development occurs. No combination of existing districts would achieve the planning goals and obtain the desired amenities and still provide proper protection of the rights and values of the property owners through a transfer of development rights system.

The plan for Buzzard Point is designed to achieve a variety of public purposes, especially in terms of its relationship to surrounding areas. The plan proposes variations in height across the area, with lower heights along the River, adjacent to Fort McNair and facing the residential areas to the north across P Street, and permitting the highest height in the center of the area away from these more sensitive locations. Under the plan, heights would range from 65 feet to 130 feet and FARs would range from 1.98 to 6.6 (of which no more than 80 percent may be devoted to non-residential uses). The plan also proposes a series of connected public open spaces, including a sixty-five (65') foot wide riverfront promenade, a square at the terminus of South Capitol Street along the waterfront, a circle on 1st Street S.W., a crescent at the connection between an extended Potomac Avenue and Fort McNair, and triangular parks along Potomac Avenue. The variations in height and the creation of these open spaces would be achieved through a transfer of development rights mechanism within the area, creating a substantial public benefit through private means and expense. The plan also establishes a hierarchy of emphasis on public streets, with

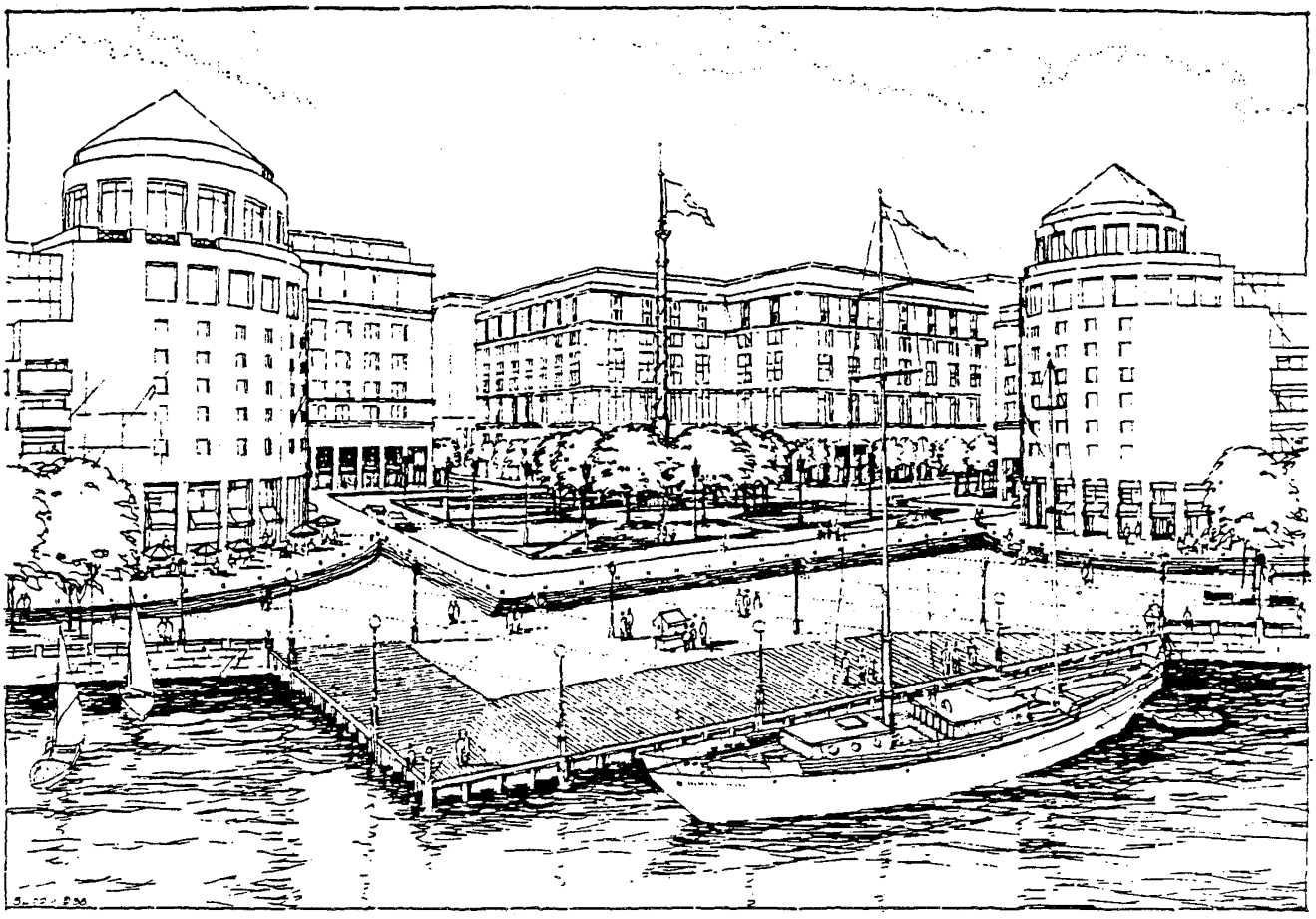
South Capitol Street and Potomac Avenue being the most important and 1st Street S.W. serving as an organizing element south of Potomac Avenue.

Because the objectives of the plan could not be achieved through rezoning using existing categories, the BPPA proposes creation of the Buzzard Point (BP) Special Development District. The BP District includes a zoning text containing those regulations which apply to all properties and a development plan indicating specific limitations applicable to each property. The development plan also includes a development schedule which sets forth certain criteria for each lot and open space design requirements which set forth streetscape criteria. The following are a few of the key features included in the BP District:

- Regulation of existing uses and structures, to allow their continuation and continued technological viability;
- Feasible mixed use densities providing for 20% residential use and 80% commercial use and, resulting in slightly higher overall density, but representing lower commercial density than currently permitted;
- The transfer of development rights mechanism to protect land values, while providing open space and height sensitivity;
- Phasing of development to coincide with infrastructure capacity;
- Requirements and incentives to create housing and open space; and
- A comprehensive approach to achieving a planned community.

A variety of other actions will be required to implement the Buzzard Point plan. Such actions as street and

alley closings, capital improvements programming, adoption of open space design standards for public rights-of-way and discussions with Fort McNair regarding the connection at the end of Potomac Avenue are outside the purview of the Zoning Commission but are all under consideration by the BPPA. The adoption of the proposed zoning package by the Zoning Commission will be consistent with the requirements of applicable laws and will be a major step along the way to achievement of the city's goals and policies for the Buzzard Point area.



South Capitol Square

BEFORE THE

ZONING COMMISSION

OF THE

DISTRICT OF COLUMBIA

PETITION OF THE BUZZARD POINT PLANNING ASSOCIATION, INC. (BPPA) FOR TEXT AND MAP AMENDMENTS TO CREATE A BUZZARD POINT (BP) SPECIAL DEVELOPMENT DISTRICT AND TO REZONE THE BUZZARD POINT AREA FROM C-M-2, M, R-4, AND UNZONED TO THE BP DISTRICT

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January 9, 1989

III.

THE BPPA PLAN FOR BUZZARD POINT

A. Introduction

Located on the Anacostia River waterfront one mile from the United States Capitol, Buzzard Point has the potential to change from an isolated peninsula to a vital and thriving part of the city of Washington. This is where L'Enfant in his original plan envisioned that the city would grow first and fastest, becoming a center of commerce and the waterfront gateway to the city. The plan developed by the BPPA seeks to realize some of the potential which has not yet been achieved at Buzzard Point (See Figure 3). The plan seeks to make Buzzard Point a good neighbor and an integral part of the city, to balance the historic context of the area with future possibilities for development, and to provide public amenities through private initiatives.

The BPPA study area is bounded by P Street, S.E. and S.W. to the north, the Anacostia River to the south, Fort McNair to the west, and 1st Street, S.E. to the east. There are approximately 2,932,769 square feet, or approximately 67 acres, of land within Buzzard Point proposed for rezoning.

B. Planning Area Boundaries

The boundaries of the planning area were selected after much care and consideration, especially in respect to the northern P Street boundary. The western boundary (Fort McNair) and the southern boundary (the Anacostia River) were reasonable givens.

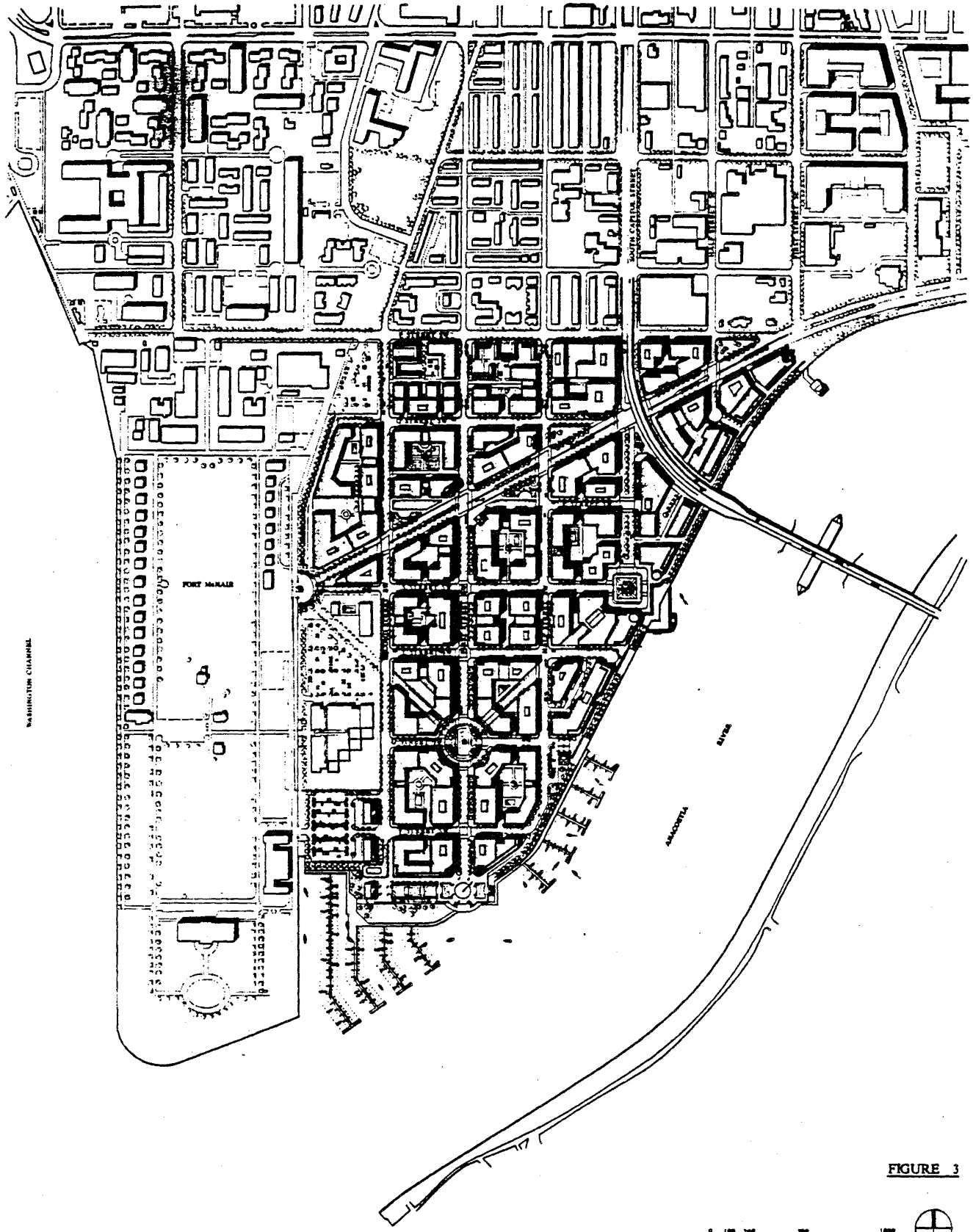


FIGURE 3

BUZZARD POINT PLANNING ASSOCIATION, INC.
KEYES CONDON FLORANCE ARCHITECTS

BUZZARD POINT

ILLUSTRATIVE PLAN

Initially, the BPPA gave thought to extending the BP District north to include the Capital Gateway area. It was determined by the BPPA, however, that the area south of P Street contains unique features absent in the Capital Gateway area, which require special attention. Therefore the BPPA decided on P Street as the northern boundary.

The selection of P Street as the BPPA's northern boundary is reflective of the careful planning considerations which distinguish the area south of P from the adjacent northern area. From a transportation standpoint, the area north of P Street does not require the same consideration that the area south of P Street requires. The northern area is generally more accessible as witnessed by the access roads to the Southeast/Southwest Freeway. In contrast, access to the regional transportation system (i.e., the Frederick Douglass Bridge) from the Buzzard Point area will require special attention and the construction of access ramps. The difference in the distance of the area north of P Street and the area south of P Street from the Green Line Metrorail Station also distinguishes the two areas. The northern area is in such close proximity to the Metro Station that metrorail utilization is assured. The relative greater distance to the area south of P Street, however, indicates that without special consideration, fewer residents or employees would rely on the Metrorail for primary site access. In order to maximize Metrorail ridership, consideration must be given to augmenting local transportation services, including construction of safe and secure pedestrian ways, Metrobus feeder lines, and a shuttle bus service. Unlike the

area north of P Street, the BPPA area is most directly surrounded by conditions that call for height modulation. The proximity of the BPPA area to the waterfront, Fort McNair and the adjacent residential areas to the north necessitates that special attention be paid to height allowances and set back requirements. Because of equitable concerns, the BPPA developed the Transfer of Density Rights (TDR) program for the areas subject to the height restrictions and the various easements which are an essential part of the BPPA plan. The TDR program provides a market-driven mechanism for compensating owners who would otherwise be adversely affected by such controls.

Since the special features in the BPPA area which provide the impetus for the TDR program (proximity to waterfront, Fort McNair and residential areas) are absent from the area north of P Street, there is no reason why the implementation of the BP District, including the TDR program, north of P street should be necessary. The BPPA determined that a normal rezoning process would be adequate to address the needs of the area north of P Street.

In establishing appropriate boundaries, the BPPA determined that to implement a successful TDR program, it is essential that the area in which the trading of density rights is to occur be a cohesive, controllable area. The more homogenous an area, the greater its potential for successful initiation, administration and implementation of a TDR program.

C. Key Features of the Plan

The plan is highly developed and multi-layered, addressing both short-term needs and long-term opportunities. The goal of the plan is to create the best possible urban environment for this part of the City. The Plan includes the following key features (see Figure 4):

1. A series of open spaces, axially linked, and integrated into the City's existing system of monuments, buildings, and parks. These open spaces consist of a square where South Capitol Street meets the waterfront; a circle at the intersection of First Street, S.W. and U Street; a crescent at the meeting of Potomac Avenue and Fort McNair; an upgraded and landscaped Potomac Avenue; and an open and landscaped waterfront promenade that becomes part of a continuous network along the Anacostia River from Fort McNair to the Navy Yard and beyond. The street system proposed for Buzzard Point reestablishes the basic framework and urban design opportunities of the L'Enfant Plan and becomes an extension of the street grid of adjacent parts of the city;
2. Adherence to the intent of the L'Enfant Plan in the design of the street and open space systems. These open spaces within the site are linked together and to important open spaces and

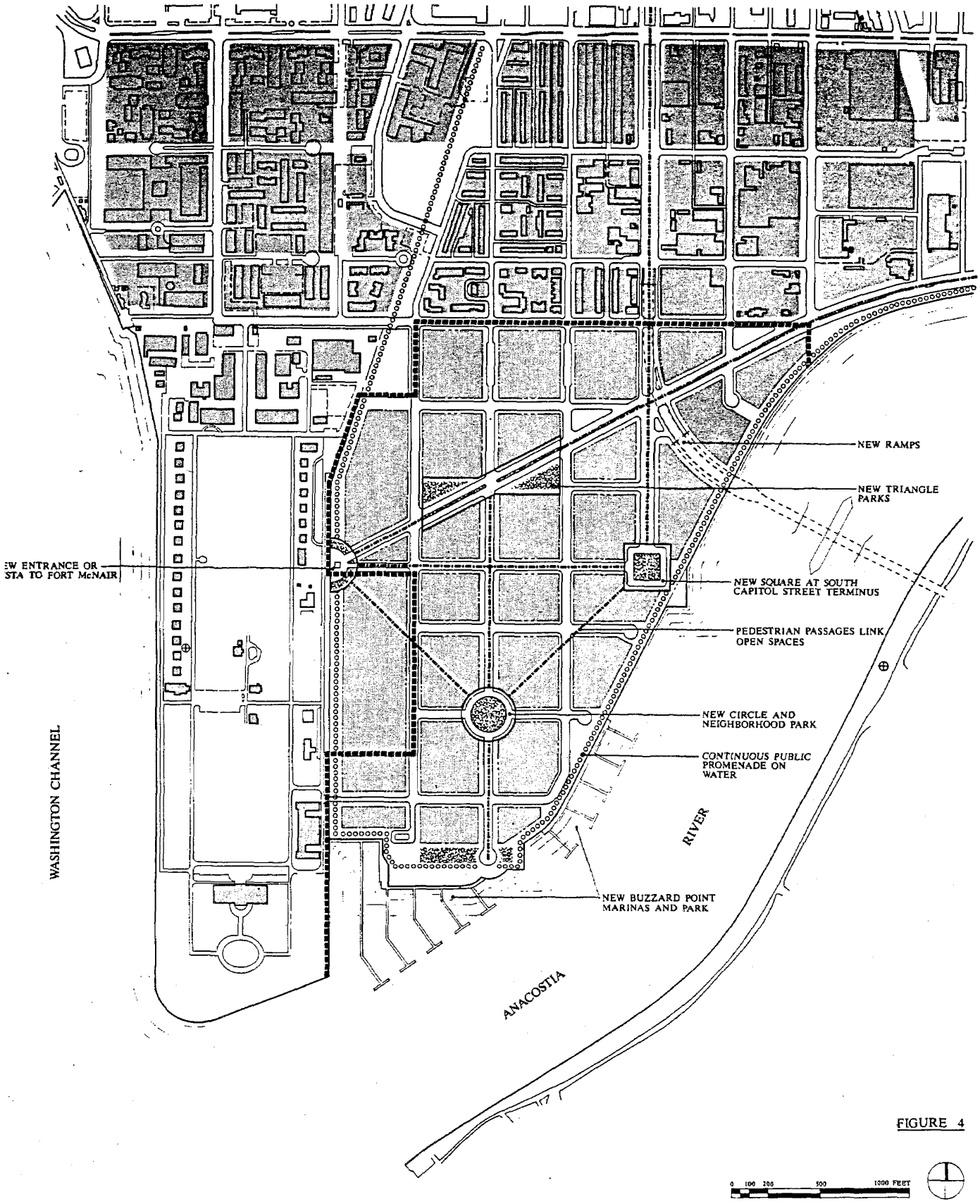


FIGURE 4

BUZZARD POINT PLANNING ASSOCIATION, INC.
KEYES CONDON FLORANCE ARCHITECTS

BUZZARD POINT

CONCEPTUAL PLAN

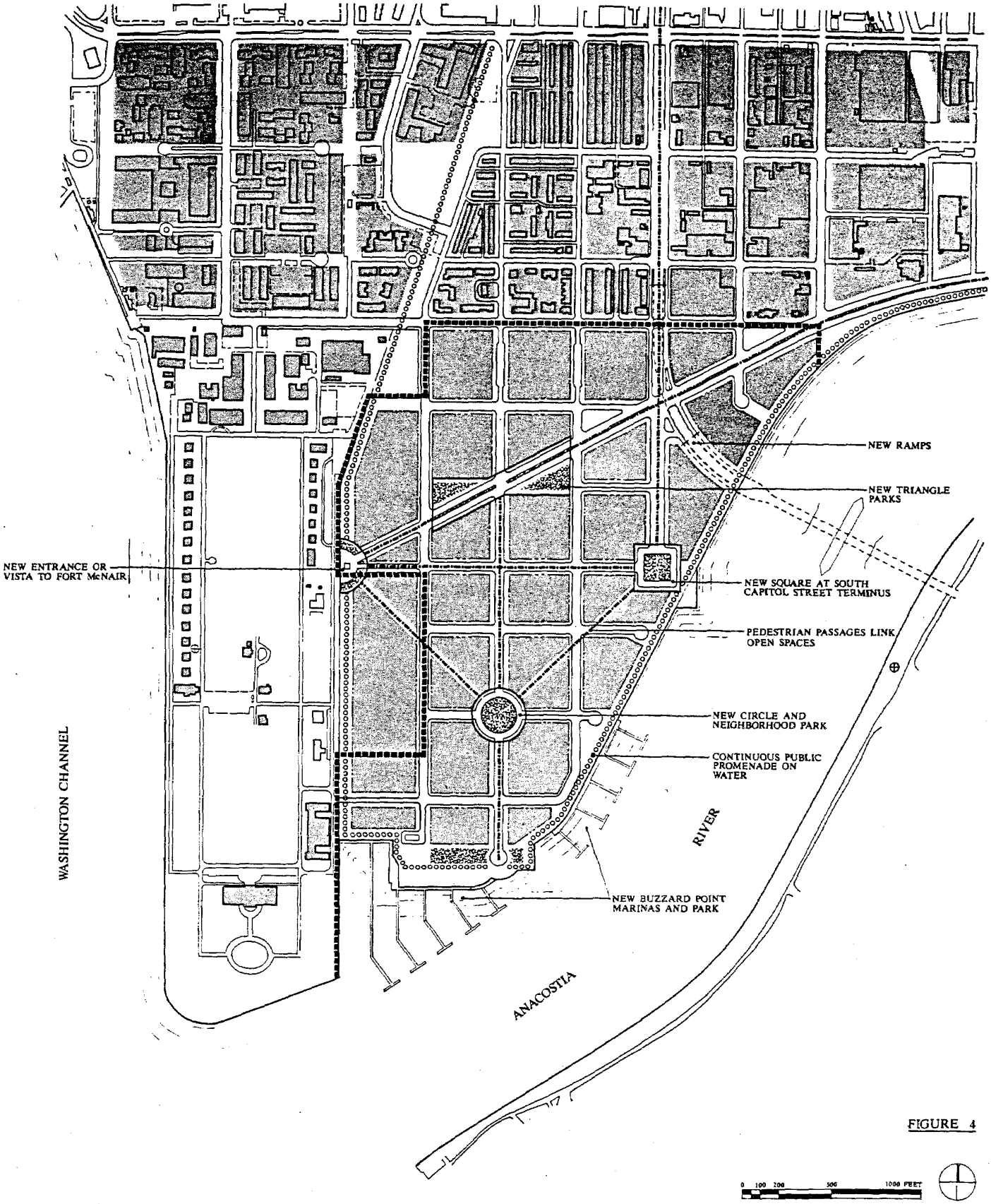


FIGURE 4

BUZZARD POINT PLANNING ASSOCIATION, INC.
KEYES CONDON FLORANCE ARCHITECTS

BUZZARD POINT

CONCEPTUAL PLAN

monuments off-site including the U.S. Capitol, Fort McNair, the proposed Southeast Federal Center square and Greenleaf Park;

3. Height controls ensuring that new development is sensitive to existing uses and features; and
4. A requirement that 20 percent of the total eventual development be built for residential purposes.

The planning context includes conceptual and physical opportunities, as well as constraints. In deriving the BPPA plan, the historic L'Enfant, Ellicott, and McMillan Plans for the area were studied, as was the actual history of the site itself. More recent planning efforts for the area were also examined, including the contemporaneous Anacostia Waterfront Master Plan, and the Master Plans for Fort McNair, the Southeast Federal Center and the Navy Yard. Public policies, including those of the Comprehensive Plan for the National Capital, the National Park Service and the National Capital Planning Commission were also studied. The physical conditions which were found to be pertinent to the planning study include existing land uses (both on-site and adjacent), natural and built features, view corridors and National Airport flight paths. All of these issues were instrumental in guiding the planning effort.

The planning approach sought to build a strong urban design structure through a step-by-step process. The physical, historical, and environmental conditions and the public plans and policies for the area were first established. This information,

along with the identified goals of the BPPA, formed the basis upon which various urban design schemes could be tested.

Once the plan was established, the proper zoning mechanisms had to be formulated to support the plan. A TDR system was found to be the best means by which the plan could be achieved. Those sites which dedicate easements along the waterfront or other open spaces for public use may transfer what would otherwise be lost development potential to those sites which are suitable for higher density development. The TDR process is thus the underlying mechanism which makes the Buzzard Point Plan possible.

The TDR system forms the basis of the Buzzard Point zoning and has, as a companion, a series of development controls that are intended to further reinforce the planning concepts for Buzzard Point. These controls are referred to as the Development Plan, and they go beyond traditional zoning mechanisms to ensure that a high-quality, urban fabric is developed. The Development Plan governs:

1. easements;
2. building height;
3. build-to lines (mandatory development lines);
4. parking and loading locations; and
5. easement landscaping.

D. The Basis for the Plan

1. Planning Context

The Buzzard Point planning area is a large piece of land with widely varying conditions. The site as it exists today has numerous assets and some liabilities. The specific site

conditions found at Buzzard Point create issues and opportunities that guide the urban design effort for the area.

a. Connection to the City

It is essential that significant efforts be made to reconnect the Buzzard Point area to its surroundings and the city, both physically and visually (Figure 5). South Capitol Street is the primary link that connects Buzzard Point with the monumental core and provides the ceremonial entrance to the site. South Capitol Street, however, curves to become the Douglass Bridge, and the extension of this important street through to an appropriate termination at the water's edge has been ignored in the past. Automobile access from South Capitol Street to the site is limited, as is visual access.

The Douglass Bridge provides a second key link between Buzzard Point and the rest of the city. This important element, along with its approach ramps, dominates the surrounding area. The Douglass Bridge provides a visual connection between Buzzard Point and the rest of the city. Potomac Avenue is the other major potential boulevard in Buzzard Point. Its importance in the urban fabric is likewise unacknowledged. Its original role as a connecting boulevard between major public institutions is not currently realized.

b. Historic Context

(1) The L'Enfant Plan

The relationship of Buzzard Point to the City of Washington is deeply rooted in the history of the area (Figure 6). Buzzard Point is part of the original plan for Washington created

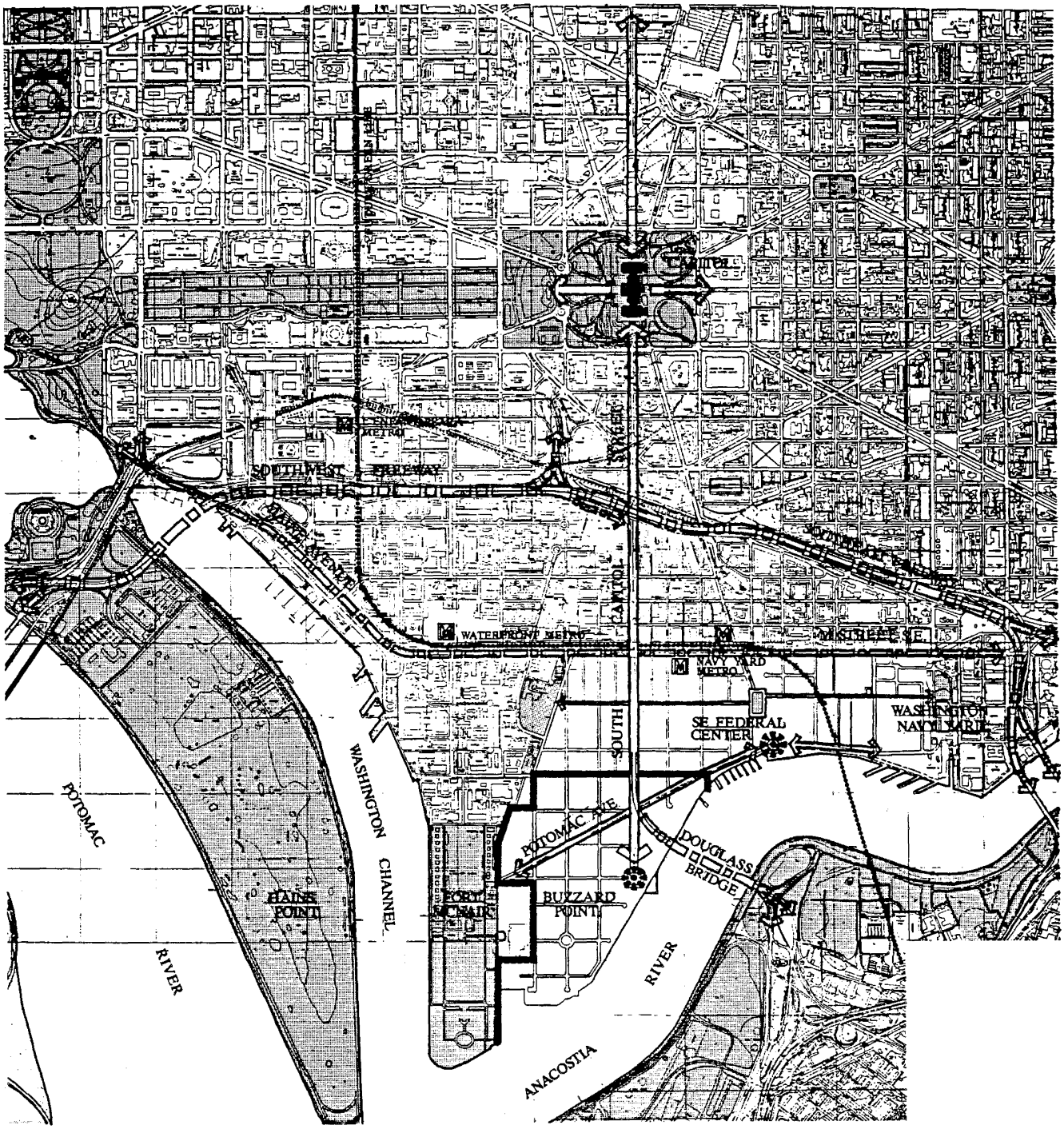


FIGURE 5

BUZZARD POINT PLANNING ASSOCIATION, INC.
KEYES CONDON FLORANCE ARCHITECTS

BUZZARD POINT

CITY CONTEXT

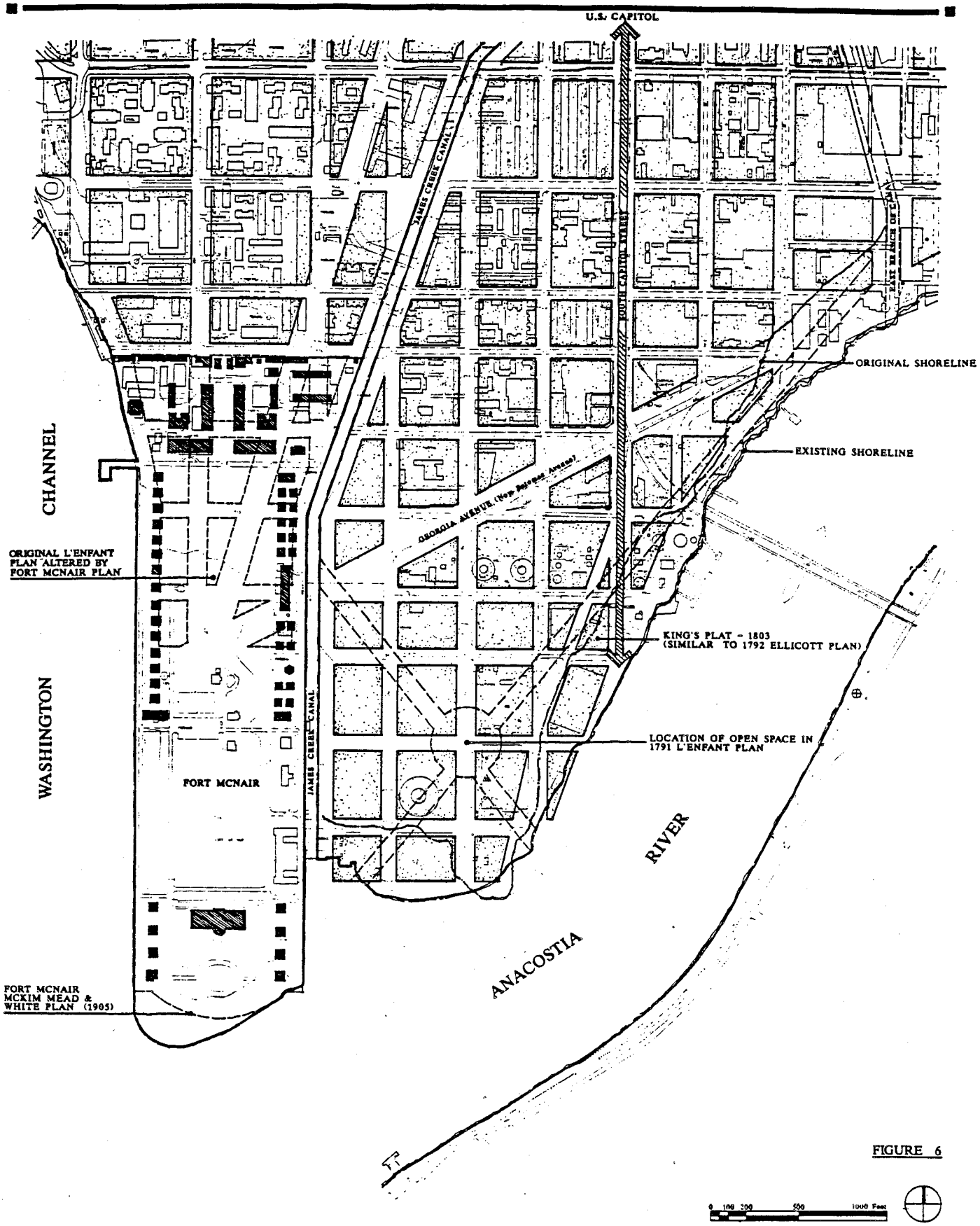


FIGURE 6

BUZZARD POINT PLANNING ASSOCIATION, INC.
KEYES CONDON FLORANCE ARCHITECTS

BUZZARD POINT

HISTORIC CONTEXT

by Pierre L'Enfant. Buzzard Point was expected to be the area where the city grew first. Its proximity to the Capitol and its location on the water were to make Buzzard Point the commercial hub of the city. Although deviations from it have been made over the years, the L'Enfant Plan is nevertheless primarily responsible for the physical form of Buzzard Point as it exists today.

In the L'Enfant Plan, hills, streams, valleys and waterfront areas were integrated into a scheme for the most advantageous placement of public buildings, monuments, and open spaces. Locations for these were first selected based upon the natural characteristics of the land, and then were linked through an overarching system of major streets and avenues. The plan embodied goals and aspirations for the new federal city and the new nation and, while based on historic models, was also a visionary look at the future. Inspired in large part by the gardens of Versailles, the plan employed diagonal avenues and vistas, waterworks, pools and canals, and large open spaces.

The L'Enfant Plan established, for the most part, the current street system at Buzzard Point. A number of rights-of-way have been, however, turned over to private usage, including portions of Water Street and Q, R, S, T, and U Streets, S.W. In addition, Q Street, S.E. has been vacated, as has Half Street, S.E. below Potomac Avenue. South Capitol Street has been severely modified from the original plan by its deflection into the Douglass Bridge approach ramp. This ramp essentially cuts the five southernmost blocks of South Capitol Street off from the remainder of this important avenue further north.

The L'Enfant Plan sought to establish a hierarchy of streets and public spaces. The relative importance and function of streets in the urban fabric was determined by the width of their right-of-way, orientation, and connection to public spaces. In his explanation of the plan, L'Enfant stated that "[t]he grand avenues and such streets as lead immediately to public places, are from 130 to 160 feet wide". Two of these grand avenues are present at Buzzard Point: South Capitol Street, with a right-of-way of 130 feet, and Potomac Avenue, with a right-of-way of 160 feet.

The importance of South Capitol Street in the plan is clear; this is a grand avenue leading directly to the Capitol. Diagonals, such as Potomac Avenue, are also given special significance in the L'Enfant Plan. Of diagonal streets L'Enfant stated:

> Lines or Avenues of direct communication have been devised, to connect the separate and most distant objects with the principal, and to preserve through the whole a reciprocity of sight at the same time. Attention has been paid to the passing of these leading Avenues over the most favorable ground for prospect and convenience.

Thus, as the Plan was originally laid out, Potomac Avenue was a direct line of communication between the public institutions of Fort McNair and the Navy Yard.

Another feature of the L'Enfant Plan was a canal system which was intended to be both a functional and ceremonial waterway through the capital city. The system as planned joined the Anacostia River at two points which bracketed Buzzard Point on the east and the west. The west branch of the canal ran along the east edge of Fort McNair, north to R Street, S.W., then angled to

the northeast and from there to an intersection with South Capitol Street, where the east branch of the canal joined in. The east branch of the canal was never built, but was planned to join the Anacostia River at First Street, S.E. The canal running along the east side of Fort McNair (James Creek Canal) was approximately 80 feet in width and was flanked on each side by an 80 foot street right-of-way. Thus, the canal constituted a substantial open promenade through the city.

The BPPA plan proposes closing the current alignment of Water Street in the two blocks south of R Street, S.W. L'Enfant had intended in his original plan that Water Street run throughout the city and be located directly on the water's edge, facilitating the movement of goods and services into the city. The BPPA plan proposes that the Anacostia River Promenade become the new "Water Street", consistent with L'Enfant's intention for a public way along the river.

(2) Fort McNair

Fort McNair lies directly west of Buzzard Point and is an important historic site. Originally positioned for the protection of the capital city, Fort McNair was planned in 1905 by McKim, Mead and White Architects, who also designed the Beaux Arts-style War College at the tip of the site. The McKim, Mead and White plan expanded the site of Fort McNair beyond what was originally conceived by L'Enfant. A designated historic district, Fort McNair is notable for both its site plan and architecture. Buzzard Point provides an important backdrop to the installation, as well as a place from which panoramic views of the Fort may be

enjoyed. Thus, the relationship between any new development proposed for Buzzard Point and the existing Fort must be carefully considered.

c. Current Planning Efforts

(1) The Anacostia Waterfront Master Plan

A review of the Task Force Plan and the BPPA Plan (as set forth in the proposed zoning regulations) makes it clear that many of the same urban planning concepts, policies and general objectives are shared by the two plans. Uses, proposed density of development and open space considerations are generally similar in the two plans. The Task Force Plan has adopted many of the recommendations of the BPPA Plan, which resulted from a more thorough depth analysis. Consistency between the two plans is important because it is an affirmation that the future goals and objectives for the development of Buzzard Point are shared by all those entities involved in the Task Force and most importantly by the District and the current property owners. In some instances the BPPA Plan, in recognition of the uniqueness of the area, has taken an objective shared by the two plans and either taken it a step further by adding necessary specifics or introduced a different mechanism by which that objective could be achieved. It is important to recognize these initial "differences" are in fact a different method by which similar goals may be achieved.

The geographic focus of the Task Force Report is more extensive than the BPPA study area and comprises the area bounded by M Street on the north, the Washington Channel on the west, the Anacostia River on the south and southeast, and the

Southwest/Southeast Freeway on the east. The Task Force Report recommends that the Buzzard Point and Capitol Gateway areas be developed for commercial and residential mixed use, with approximately 25 to 30 percent of the area being developed for residential use and 70 to 75 percent being developed for commercial use.

The Task Force Plan and the BPPA Plan recognize the area's importance as the "last and largest in the District capable of supporting new commercial development" (Task Force Report, p. 2) and as the southern gateway to the District of Columbia. The area presents the opportunity "to create an outstanding urban environment", and both plans recognize the importance of a master plan in achieving this result.

Consistent with the BPPA Plan approach, the Task Force recommends the creation of a new zone for the area. The BPPA's decision to create the new zone under the BPPA Plan was reached after determining that no zone currently existing in the District of Columbia would provide the planning flexibility necessary for redevelopment of the area through private market forces. The Task Force Plan notes this dilemma as well, stating that "other currently used zones in the District of Columbia such as Waterfront (W-3), Mixed Use (Cr), or Central Business District (C-4) are closer to the intent of the Master Plan than the district now in place, however, none of them would result in the mix of uses and intensities proposed" (Task Force Report, p. 28).

The Task Force and the BPPA Plans are both based upon the land use designations contained in the District's Comprehensive

Plan. The Comprehensive Plan calls for mixed commercial and residential uses on either side of South Capitol Street and recognizes the importance of high quality development along the waterfront. The BPPA Plan's consistency with the Comprehensive Plan is discussed in detail in Section VI.A.

An important consideration in the development of Buzzard Point recognized by the Task Force and the BPPA Plan is the continuation and reinforcement of the current land uses, which are recognized as providing important benefits to the city. In addition to recognizing these uses, as the Task Force does in its "short-term/long-term planning givens" designation, the BPPA Plan proposes specific measures to protect these uses and allow for modification of and additions to them. This provision is necessary to provide the current property owners the security they are entitled to, while being sensitive to the need to promote the future redevelopment of the area.

As previously noted, the Task Force Plan and the BPPA Plan recognize the importance of a commercial/residential mix in Buzzard Point. There is some divergence between the two plans as to the way in which this mixed-use should be achieved. In order to achieve the necessary flexibility in terms of future development responding to private market conditions, and to impose FAR and equal development restrictions on all properties, the BPPA has from its inception subscribed to the approach that the mix of uses permitted should be allowed across the board on all sites, and that there should be no attempt to define particular sites for residential or commercial use. The Task Force, in contrast,

suggests certain locations where residential or commercial should be the predominate use. The BPPA Plan does require, however, that beyond a minimum level of start up commercial development, residential space must be developed.

Recognizing that there are sensitive elements within the BP District which need to be protected, the Task Force Plan and the BPPA Plan have proposed a system of height modulation. Under each plan, the building height is modulated to respect the sensitive adjacent uses -- the waterfront, the low rise residential area and Fort McNair. Similarly, both plans recognize the appropriateness of 130 foot heights for the interior sites of Buzzard Point. Although those sites designated under one plan for a height of 130' may not be the exact sites so designated under the other, the general concept of modulation and the ultimate objectives are identical.

The Buzzard Point waterfront, and the way in which the two plans address it, is another example of consistent objectives being pursued with different approaches. One of the unique features of Buzzard Point which makes the area so attractive for future development is its waterfront. The Task Force's recommendations for the waterfront provide for a combination of hard-edged waterfront and soft-edged existing shoreline. The BPPA Plan recommends creating a continuous waterfront open space system. In order to focus special attention on the waterfront, the Buzzard Point Plan suggests a uniform 65-foot wide, two-level promenade extending from 1st Street, S.E. south to Fort McNair. To assure uniformity, the landscaping of the promenade is to be done in

accordance with the Open Space Design Requirements of the Development Plan. The Task Force Plan (page 18) recommends the use of building walls to create defined public space which is the approach the BPPA Plan adopts for the waterfront. A common feature among prominent waterfronts around the world is an uninterrupted esplanade with all buildings set back equidistant from the waterfront. The BPPA Plan proposes the use of mandatory development lines (build-to-lines) to achieve this result, in hopes of emulating some of the world's distinguished waterfronts.

The importance of streets, streetscapes and parks in creating an urban area of superior quality is apparent in the Task Force and BPPA Plans. Both plans recognize the potential for Potomac Avenue and the need to specifically address it. The Task Force suggests promoting Potomac Avenue to a special street and developing a linear space along Potomac Avenue. Similarly, the BPPA Plan, in recognition of the visual axis of Potomac Avenue and its importance as a diagonal avenue, recommends extending the Avenue west to Fort McNair in keeping with the L'Enfant Plan of connecting public institutions with diagonal streets (See Development Plan, Exhibit B, Figure 1). This extension enhances Potomac Avenue as a major commercial street and, from an urban design standpoint, acts as a unifying element by connecting the vistas of the two prominent features: Fort McNair and the Frederick Douglass Bridge. In addition, the extension will facilitate access to the proposed expansion of the National Defense University.

The Task Force Plan proposes a large "Dupont Circle" at the intersection of Potomac Avenue and First Street, S.W., and does not

extend Potomac Avenue through to Fort McNair. The Task Force's proposed circle is inconsistent with the L'Enfant Plan and does little to enhance the urban fabric of the waterfront area. In the context of the entire L'Enfant Plan, the proposed circle is very oddly located, and certainly should not be of the scale of Dupont Circle, which is the largest in the historic city. The BPPA Plan notes that the major open space focus at Buzzard Point should be the terminus of South Capitol Street and its interface with the waterfront. Potomac Avenue is less important in the open space hierarchy than South Capitol Street. The large circle proposed in the Task Force plan overturns this important hierarchy.

The BPPA Plan would create a Potomac Avenue that, in its length from the Douglass Bridge to Fort McNair, would approximate the length of Connecticut Avenue from Farragut Square to Dupont Circle. With its mix of uses and proximity to the waterfront, this new Potomac Avenue could one day also rival the vitality and excitement of Connecticut Avenue.

The BPPA Plan, as does the Task Force Plan, recognizes the importance of public open space and has provided for it in the form of a circle at First Street, S.E., a square at South Capitol Street and S Street, S.W. and a park at the southern end of Buzzard Point. The BPPA Plan has taken a realistic approach to the amount of public space to be provided by the private sector, recognizing that large expenditures of public monies would be required to achieve all of the open space proposed by the Task Force Plan. The BPPA Plan seeks to balance the amount of public open space and

private development in a way that can be realistically achieved through private market forces.

As on the waterfront, the use of mandatory development lines is suggested to enhance the definition of the public spaces. The Task Force Plan and the BPPA Plan acknowledge the benefits of unified landscaping, and to this end, the BPPA Plan proposes a landscaping scheme as part of the Development Plan to be used throughout the entire Buzzard Point area. Open Space Design Requirements are included as part of the Development Plan. These requirements describe the streetscape and landscape improvements required within the private easements, with the objective of achieving continuity of the landscape.

The Task Force Plan contemplates a TDR program as a way to encourage private market forces to activate the plan. Similarly, the BPPA Plan sets forth such a program which is intended to permit the trading of density rights, by sale or transfer.

In regard to traffic capacity, the Task Force Report states that the existing internal road system, with minor improvements, is adequate to handle site-generated traffic and the traffic generated from up to one half of the estimated 25 million square feet of future development on all sites (the Task Force includes both Buzzard Point and Capitol Gateway). According to the Task Force Report, the water supply, sanitary sewer and storm drainage systems have the capacity to serve the projected levels of development.

The Task Force Study recognizes that certain public improvements must be implemented up front to facilitate

development. The report specifically identifies the following as "Phase I improvements": (1) Construction of Potomac Avenue as a six-lane boulevard and a new circle of the scale of Dupont Circle at First Street, S.W.; (2) Reconstruction of First Street, S.E., from M Street to Potomac Avenue; (3) Reconstruction of Half Street S.E., from M Street to Potomac Avenue; (4) Reconstruction of Half Street S.W. from P Street to Potomac Avenue; and (5) Reconstruction of First Street S.W., from P street to T Street.

The Task Force Report recommends zoning and management options as a development strategy to encourage development in the Anacostia waterfront area. The Task Force Report recommends that the M and C-M-2 zones in the core area of Buzzard Point be rezoned to a new zone classification which would address the area's unique elements and permit a mixture of uses throughout the area. Under the Task Force Plan, certain uses, such as residential, would be encouraged within sub-areas. The Report states that development goals can be achieved and public investment minimized through the use of a TDR program.

The Report presents a management framework by which its plan can be implemented, which includes assigning implementation tasks for the next stages of planning, prioritizing and budgeting capital improvements, and designing land controls. In order to achieve the plan's objectives, the Report recommends either the adoption of a joint-powers agreement outlining the roles and responsibilities of the District, federal institutions and the private sector, or the establishment of some type of management

entity to oversee the plan. Entities suggested include: an advisory organization, public sector development entity, a non-profit development organization or a for-profit development organization.

In regard to funding the needed infrastructure and other elements, the Task Force Report identifies the following funding options: (1) tax increment financing; (2) voluntary or mandatory benefit assessment; (3) impact fees; (4) public sector funds and/or loan guarantees; (5) developer proffers; and (6) earned income received by the management entity for their development or management work.

Finally, the Task Force Report identifies the establishment of the management entity, the detailing of the next steps and the adoption of a budget as the most critical priorities for implementation of the Anacostia Waterfront Master Plan.

(2) The Southeast Federal Center Master Plan

A number of development activities in the vicinity of Buzzard Point are expected to occur in the near future. The Southeast Federal Center is located to the northeast of the site, and is one of the more significant new developments that establishes a context for Buzzard Point. Existing buildings at the Southeast Federal Center are large, warehouse-type structures, located close to the riverfront and placed in close proximity to one another.

The Master Plan for the Southeast Federal Center calls for the establishment of a major Federal employment center. The creation of an urban square along an extended New Jersey Avenue and

a riverfront drive and promenade are features of this plan. Tingey and N Streets, S.E. intersect the proposed urban square and provide an east-west axis in the urban plan. The terminus of New Jersey Avenue at the water's edge is given special significance in the Southeast Federal Center Master Plan.

(3) Fort McNair Master Plan

Fort McNair is also slated for limited new development and a continued strengthening of its role as the site of the InterAmerican Defense College. Development to the east of the historic canal is to include the new National Defense University Library, related parking, and new physical fitness facilities including a swimming pool.

2. Physical Context

a. Existing Land Uses

(1) On-Site Uses

Existing land uses in the Buzzard Point area range from residential to industrial. The majority of the Buzzard Point planning area is currently zoned either C-M-2 or M, while a smaller portion of land at the northern boundary of the area is zoned R-4. The Riverside parcel is unzoned. See Zoning Map, Figure 7. Because the Anacostia River has historically been the working waterfront of the District of Columbia and industrial users predominate, Buzzard Point provides an important resource for the City. It is one of the very few areas of private, waterfront land within the District of Columbia that is available for industrial uses (Figure 8). Waterfront-dependent uses including sand and gravel storage and related concrete batching plants are located

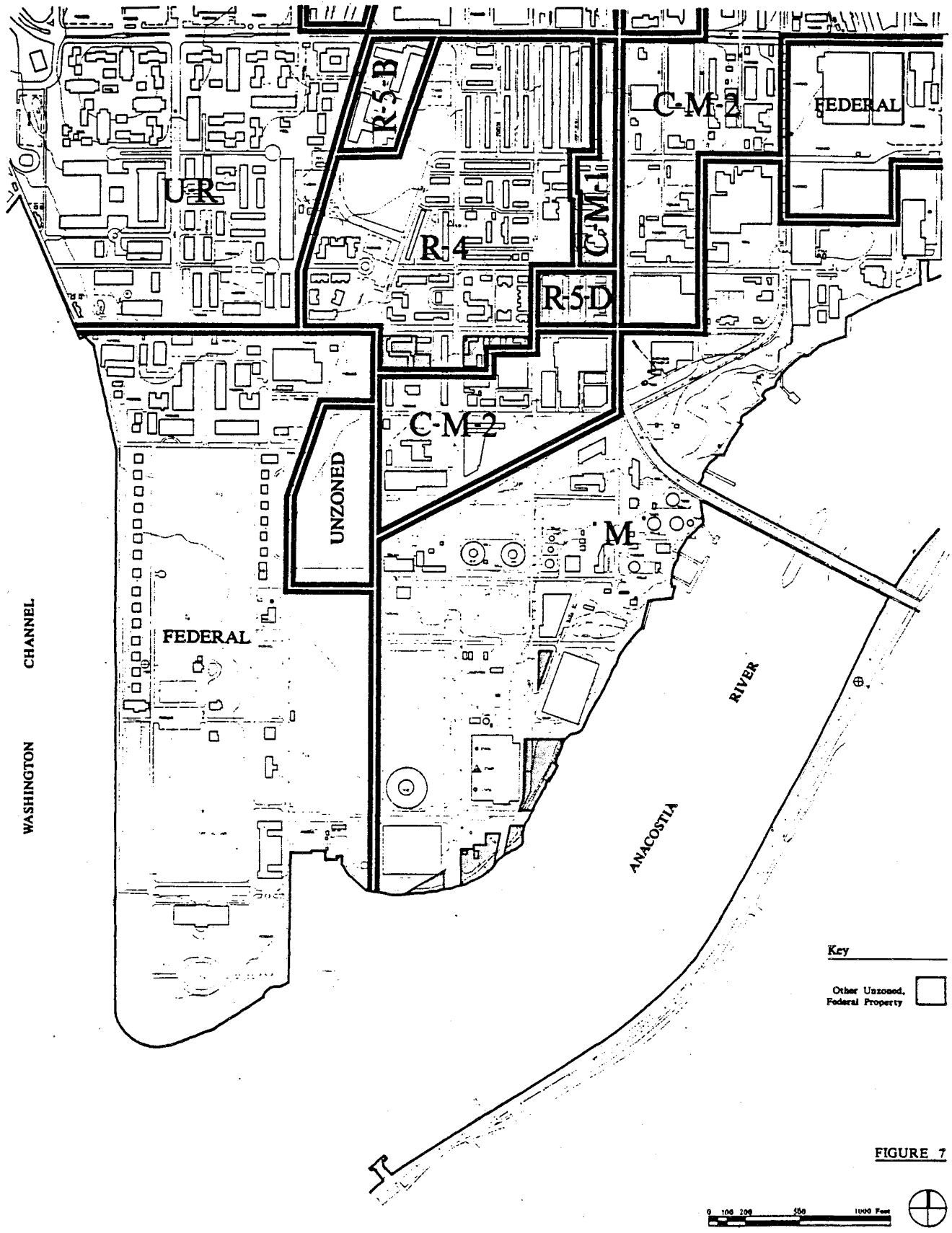


FIGURE 7

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BUZZARD POINT

EXISTING ZONING

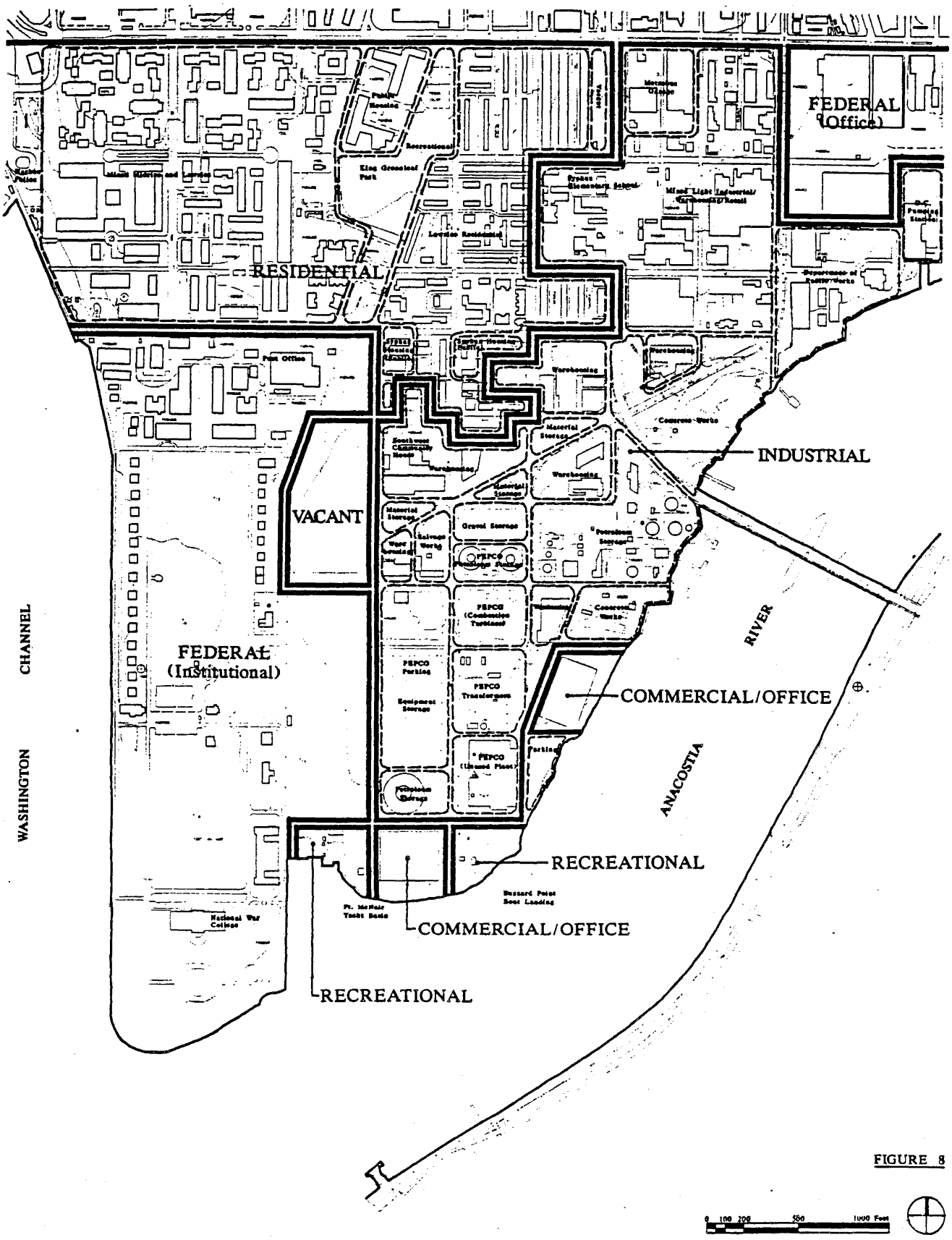


FIGURE 8

BUZZARD POINT PLANNING ASSOCIATION, INC.
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BUZZARD POINT

EXISTING LAND USES

along the waterfront, both north and south of the Douglass Bridge. There is also a substantial installation of oil and petroleum products tank storage in this area. The concrete and petroleum operations rely on supplies arriving by barge and both utilize off-shore unloading facilities.

Another existing use at Buzzard Point with a substantial presence is PEPCO's electrical utility facilities. These facilities consist primarily of an existing but unused power plant, and an operational transformer station and combustion turbine generators north of the plant, as well as other PEPCO-related services, PEPCO sub-contractors, parking and storage. In addition, several large petroleum storage tanks are located on PEPCO property.

A number of light-industrial uses exist at Buzzard Point which are not directly related to the waterfront. These include a material salvage operation located west of 1st Street and north of S Street, S.W., various warehousing operations, a stone supplier, and other uses.

Two major office buildings (Transpoint and Harkins) with a total gross floor area of over approximately 1.3 million square feet of office space are located along the Anacostia waterfront. One building is located at the very tip of Buzzard Point and serves as headquarters of the U.S. Coast Guard. The other building provides office space for the FBI and is located on the waterfront just south of T Street. Other office space in Buzzard Point is minimal. Most existing commercial buildings function as industrial or warehouse space.

The northwest corner of the planning area is comprised primarily of residential uses. Townhouses in private ownership as well as two clusters of public housing are located along the south side of P Street, between Half and 2nd Streets, S.W. The Southwest Community House, a neighborhood community center, is located at the corner of Q and 2nd Streets, S.W. Associated with this residential area are a limited number of neighborhood retail uses.

(2) Adjacent Uses

Land uses in the study area surrounding Buzzard Point are many and varied. Many of these will not change significantly in the near future, and thus provide a context for the type of development proposed at Buzzard Point.

(a) Residential

Existing residential areas are located to the north of Buzzard Point, between P Street, S.W., and M Street S.W., and bordered by Half Street, S.W., on the east. This area includes high-rise apartments and condominiums built during the 1960's in an urban renewal area; low-rise, privately-owned row houses; and public housing. Residential areas also exist north of M Street, S.W., both east and west of South Capitol Street. Additionally, much of Anacostia across the Douglass Bridge consists of residential neighborhoods.

(b) Commercial/Office

South Capitol and M Streets are primarily commercial strips and comprise the areas of commercial use closest to the subject site. Gas stations, fast food restaurants and small

businesses are found on these two streets. The Waterside Mall at M and Fourth Streets, S.W., contains additional retail use, including a grocery store.

Federal offices are beginning to be developed and located at the Southeast Federal Center, to the northeast of the site. This employment center is expected to eventually contain a daytime population of 20,000 to 25,000 people. Other Federal Government offices are concentrated north of the Southeast/Southwest Freeway, stretching from Second Street, S.E. on the east to 14th Street, S.W. on the west.

(c) Industrial

Existing industrial uses located near the planning area are concentrated between South Capitol Street and Second Street, S.E., south of M Street, S.E. This area is characterized by light-industrial operations. This area has previously been the subject of a master planning effort for redevelopment (Capitol Gateway).

(d) Institutional

Fort McNair occupies approximately 100 acres west of the site. The mission of the Fort is to house the National Defense University and the Inter-American Defense College. Fort McNair also serves as the headquarters of the Military District of Washington and provides housing for Senior Officers. Its current population of 2,000 officers and students is expected to increase to 2,400 with the development of new facilities.

(e) Recreational

Open space and recreational uses in the Buzzard Point area include the marinas at Buzzard Point itself. Numerous recreational opportunities are available on Haines Point and along the Anacostia River with additional resources contemplated along the river frontage at the Navy Yard and the Southeast Federal Center.

b. Natural Features

(1) Water

The Anacostia River is the outstanding natural feature in the area. Buzzard Point is near the confluence of the Potomac and Anacostia Rivers and is an area in the city where a natural body of water dominates one's perception of the environment.

While the Anacostia River is improving in quality, it is in an area of tidal action and has a tendency to collect debris at eddying points. The river currents are not strong enough to flush out bays and inlets. The existing shoreline of the Anacostia is much altered from its original, natural state. A straightened shore and levee system are found on the east bank of the river. A bulkhead, piers, and landfill are found at Fort McNair, Buzzard Point and the Southeast Federal Center.

(2) Vegetation

Little natural or native vegetation is left at Buzzard Point. The existing vegetation consists primarily of planted street trees on First and Second Streets, S.W., and on South Capitol Street. Some natural vegetation, including several large trees, is found at the shoreline.

(3) Topography

Buzzard Point consists of very gently sloping land with a high point on-site of approximately 30 feet, near Potomac Avenue and First Street, S.W. The Anacostia riverbank slopes up sharply from the water's edge to a relatively level area with elevations varying between six and twelve feet.

c. Built Features

The existing built environment in the Buzzard Point area presents both opportunities and problems. The outstanding built features relating to Buzzard Point include Fort McNair and the monumental city of Washington with the Capitol building nearby.

(1) The Frederick Douglass Bridge

The bridge effectively isolates Buzzard Point from the rest of the city, due to its placement and approach ramps. The Douglass Bridge diverts South Capitol Street away from its true path into Buzzard Point, and is uncharacteristic of Washington's other bridges which are generally lower to the water and thus, integrate better with the city street system at the water's edge. With a large center pivot swing span, the bridge also presents unique engineering challenges. Due to the condition of its pile foundations, along with the characteristics of the swing span, the structure cannot feasibly be widened to handle additional traffic capacity. The provision of new ramps connecting the bridge with Potomac Avenue is, however, possible and would help relieve traffic pressures on local streets currently leading to the bridge approach.

(2) PEPCO Facilities

PEPCO's facilities at Buzzard Point function as an important component in the PEPCO power supply and transmission grid. Active operations include power generation (combustion turbines) and transformer substations for power distribution. Twenty-five percent of all electric power distributed by PEPCO passes through the Buzzard Point facilities. Only portions of the existing plant are currently used for switchgear. Further detailed study is needed to determine whether the Buzzard Point plant should be retained for consolidation of existing facilities, retained and converted to other uses, or demolished to make way for more appropriate waterfront uses. The BPPA Plan has been formulated to accommodate all three of these options.

(3) Other built features

The Transpoint and Harkins Buildings are very prominent, large-scale office buildings on the waterfront. These buildings do not take advantage of the waterfront as an amenity, as evidenced by the location of the parking and service access areas at the water's edge. Architecturally undistinguished, these buildings are of fairly recent construction and are likely to remain in place for the near future.

Other buildings and structures within the subject site do not present any outstanding problems or opportunities. The residential areas to the north of the subject site comprise relatively uniform and consistent streets of houses, which provide a pleasant environment that could be enhanced through improvements to the building stock.

d. Planning/Development Constraints

(1) Views

Views from the other parts of the city across the site must be considered in developing the plan. The most significant views have been defined by the National Capital Planning Commission (NCPC) and in the Task Force Plan. These views include the following:

1. Views from the Douglass Bridge towards the Capitol Dome, providing a dramatic introduction to the city of Washington;
2. Views across the site from the Anacostia Freeway south of the Douglass Bridge and towards the Washington monument; and
3. Views from the historic National War College building at the tip of Fort McNair towards the Capitol Dome.

(See Figure 9).

Panoramic views from Buzzard Point to surrounding areas occur often, and provide a figurative connection between the planning area and the rest of the city. Views from the southern tip of Buzzard Point are especially pleasant, providing vistas of the War College at Fort McNair, the hills of Anacostia, and the Potomac and Anacostia Rivers. Alexandria can be seen in the distance. Views into Fort McNair are very attractive. The War College, lawn areas, and picturesque officer's housing of Fort McNair all appear prominently from vantage points along Second Street, S.W.

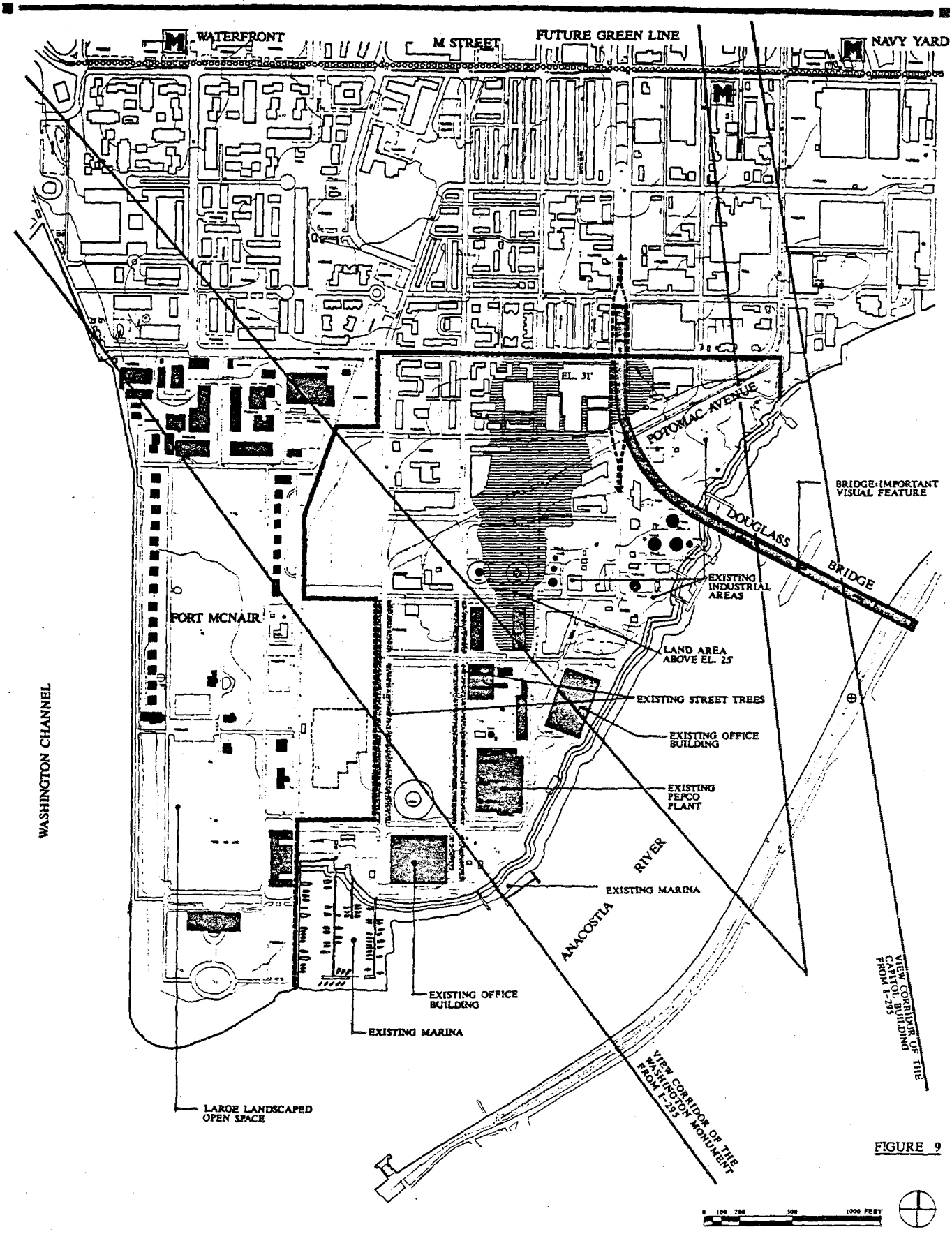


FIGURE 9

BUZZARD POINT PLANNING ASSOCIATION, INC.
KEYES CONDON FLORANCE ARCHITECTS

BUZZARD POINT

NATURAL & BUILT FEATURES

From the southern end of South Capitol Street the dome of the Capitol can be seen looking north. This sightline is, however, blocked by the approach ramp to the Douglass Bridge from vantage points further north.

(2) Flight Paths

National Airport is within relatively close proximity to Buzzard Point. Some of the construction within Buzzard Point will be subject to Federal Aviation Agency (FAA) review. Such constraints, however, are related more to individual sites than to the planning area as a whole, and should not impose any significant restrictions relative to the formulation of the BPPA plan.

(3) Building Height

A study of appropriate building heights for the area was conducted as an integral step in the planning process. An important factor in the way in which Buzzard Point relates to surrounding areas is the scale relationship between adjacent buildings and open spaces. Figure 10 shows the general heights of existing buildings in areas surrounding Buzzard Point and shows the heights to which buildings could be constructed within the planning area, under the 1910 Act. In order to accomplish the open space and urban design goals, the BPPA Plan seeks to maximize height in appropriate areas. Those parts of the site where consideration of building height is particularly important are shown hatched, and consist primarily of the edges of the planning area: the waterfront, Fort McNair, and the residential areas to the north. The BPPA concluded that it was critical that the height and scale of buildings in these areas be considered within the context of

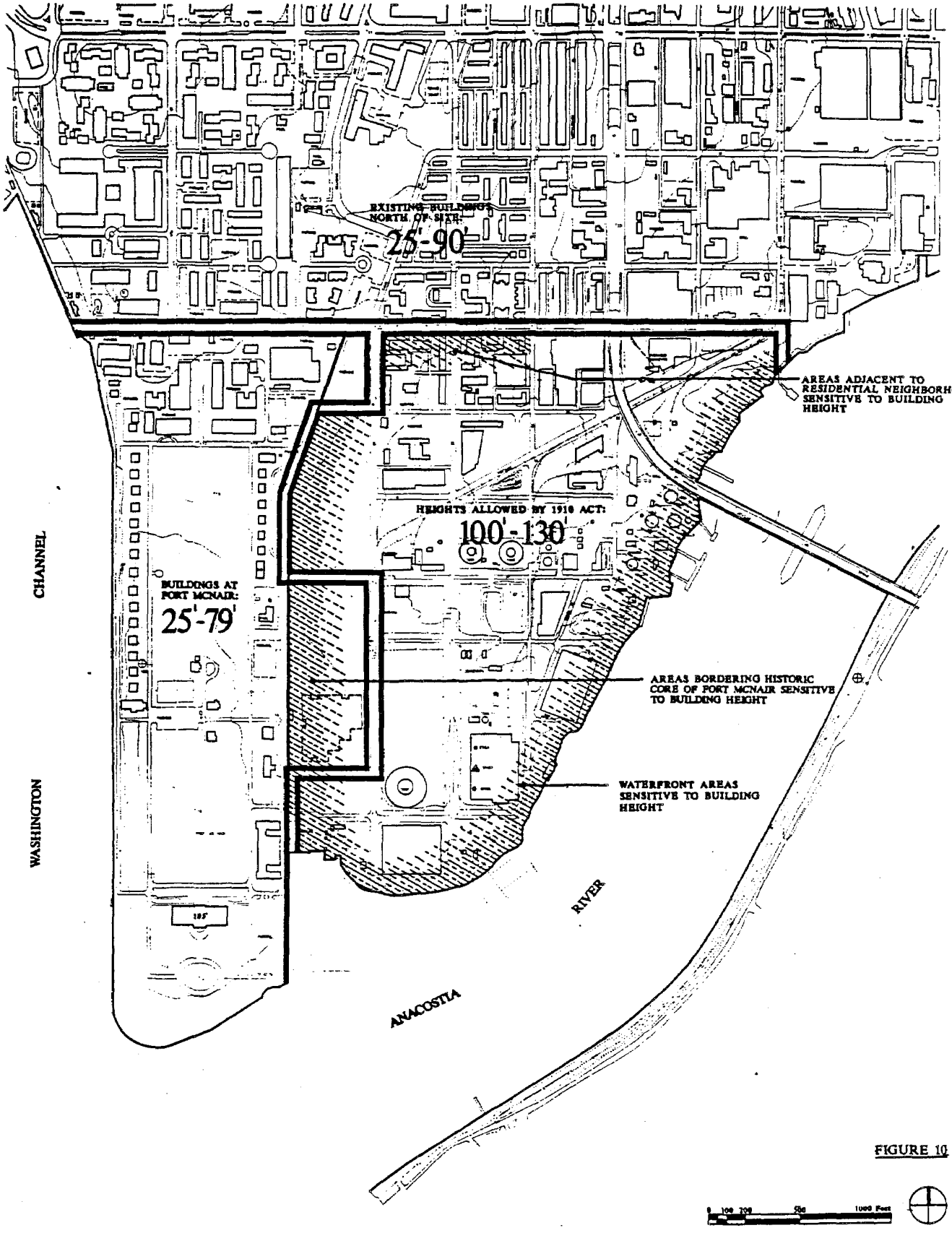


FIGURE 10

BUZZARD POINT PLANNING ASSOCIATION, INC.
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BUZZARD POINT

HEIGHT STUDY

adjacent land uses and the broader urban fabric. Based upon this conclusion a series of varying building heights was established for the planning area. 2/

e. Planning Methodology

The BPPA Plan was formulated as an integral part of the new zoning proposed for Buzzard Point. The plan seeks to optimize public amenities as a means of improving land values and at the same time achieve the development potential needed to support the proposed public amenities and open spaces.

The first step in the planning methodology was to identify the urban and historic context for the area, and the physical constraints present. Planning goals were then established. Upon this basis, the conceptual urban design framework was formulated -- consisting of the street system, open space network, waterfront promenade, and height limits.

Given the urban design framework which defined land areas available for development and corresponding building heights, the resultant development potential for Buzzard Point was calculated. This calculation was performed by multiplying each net lot area by a percentage of lot occupancy and building height for each lot according to the plan. A range of lot occupancies was defined, allowing slightly higher lot occupancies on sites with shorter buildings, and lower lot occupancies on sites with taller buildings.

2/ The maximum building heights for existing zoning within the planning area are 60 feet in the C-M-2 zone and 90 feet in the M zone. In the R-4 zone, a maximum height of 40 feet is permitted.

The BPPA Plan seeks to balance the amount of public open space and private development in a way that can be realistically achieved through private market forces. The accomplishment of this through the TDR process requires a careful analysis of the amounts of open space that can be supported by various densities of development. Factors in the equation include building height, lot coverage, land use, setbacks, plazas, open spaces and street easements.

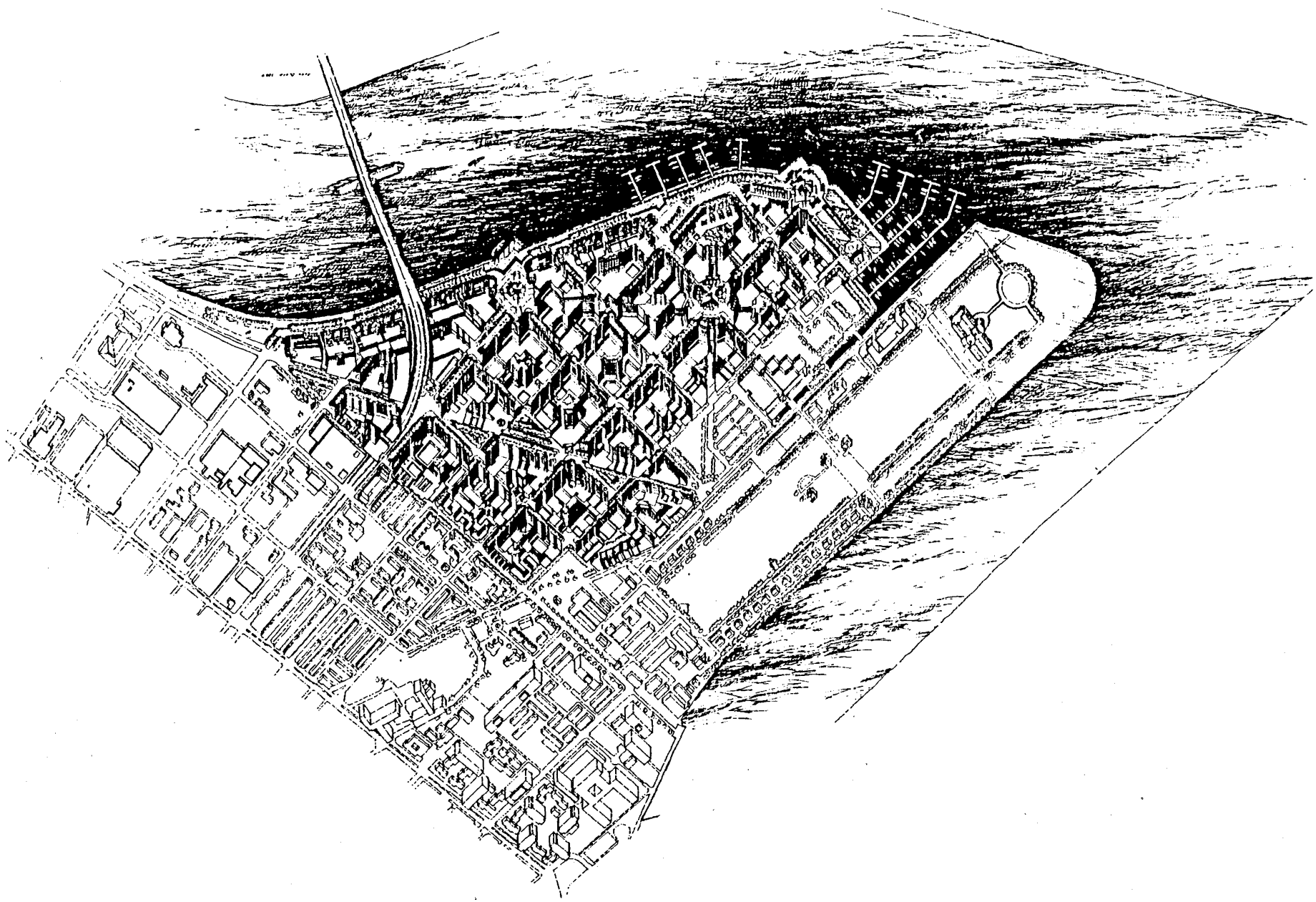
E. The BPPA Plan for Buzzard Point

The BPPA plan seeks to create a place that is unique in its own right and to re-establish connections between Buzzard Point and the rest of the city (Figure 11). Each of the primary streets and open spaces in the plan has been designed to respond to specific issues and opportunities, while remaining a part of the larger whole. The design intent of the primary streets and open spaces is as follows:

1. Street System

The basis of the Buzzard Point open space system is a grid of streets overlaid by diagonals and punctuated by large scale urban spaces which mark intersections, gateways, and destination points. The system originated in the historic schemes for Buzzard Point which envisioned an urban center in proximity to an active commercial waterfront on the Anacostia River, all tied literally and symbolically to Washington's monumental core by South Capitol Street.

The street system for Buzzard Point has been designed as connections to the rest of the city by re-establishing the city



grid and reinforcing the surrounding, tree-lined neighborhood streets. Streetscape standards recommended for paving, landscaping, street furniture, etc., in Buzzard Point are intended to impose consistency in character and quality throughout the development in the same way that the Downtown streetscape standards do for the urban core (See Figure 12 and Exhibit B). Pressed concrete pavers, street trees in conformance with the District of Columbia Master Street Tree Plan, and furnishings including D.C. light fixtures, tree grates and benches, are important elements of the standards.

By virtue of the tidewater topography of Buzzard Point, the proposed development will have a more direct relationship to the river environment than either of its urban predecessors in the District of Columbia -- Georgetown or Washington's downtown core. This opportunity for vistas, waterfront lots, and direct access to and from the river for recreation and transportation purposes has been a major influence in the designation of a hierarchy of streets and open spaces. Characteristically, the more important streets are wider with more generous sidewalks, more elaborate landscaping, furnishing, and lighting, and serve to link open spaces to the waterfront. Streets emphasized by the hierarchy are South Capitol, Potomac Avenue, First Street, S.W. and S Street, S.W. These key streets reinforce the pedestrian and open space network, and because of enhanced landscape treatment, become the main ceremonial streets of Buzzard Point. The hierarchy adds value to the development lots by the distinction of address and facilitates and clarifies the

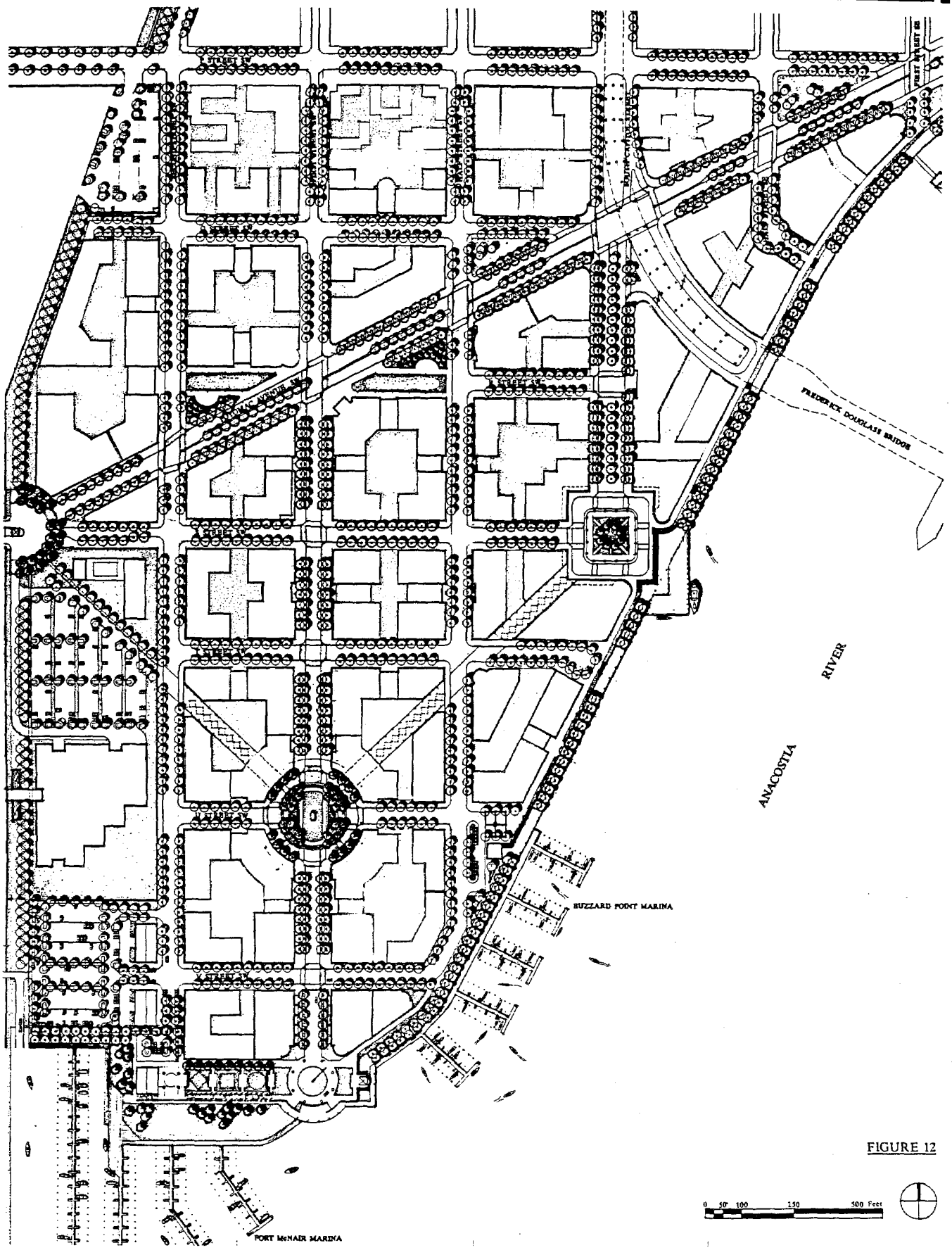


FIGURE 12

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BUZZARD POINT

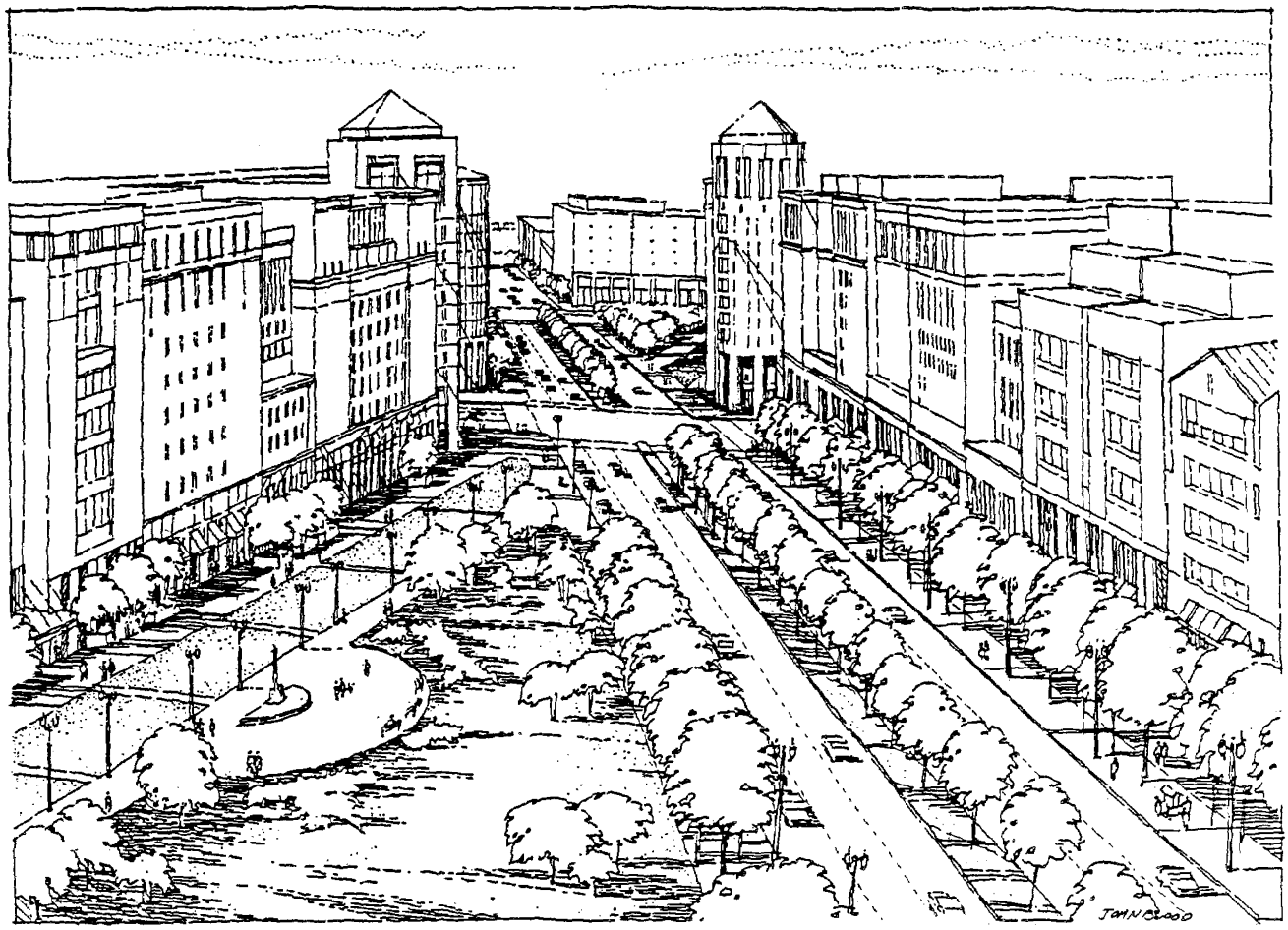
LANDSCAPE CONCEPT

distribution of traffic and service by the designation of secondary street frontages for garage entrances and loading docks.

2. Potomac Avenue

This landscaped boulevard will become the ceremonial promenade leading into the site and connecting Fort McNair with the Southeast Federal Center (Figure 13). Potomac Avenue is to be the "main street" of the new Anacostia waterfront and will become a vibrant element in the urban landscape -- a rich and varied street contrasting with the ordered and spare environment of Fort McNair.

The intersection of Potomac Avenue and First Street, S.W. will become the focus of an urban park. Specifically, by closing R Street, S.W. between Half and Second Streets, the plan proposes to effectively link the park to the adjacent development lots. The R Street vista from South Capitol to Second Street, S.W. will be maintained across low-scale, formal lawns and sidewalks with seasonal plantings. Prominent towers are encouraged as elements on the buildings located at the Potomac and First Street intersection to further signify its importance. Potomac Avenue will often be experienced from the automobile, as it will be the main vehicular entrance to the site. Variety in building form and architecture is encouraged in order to lend visual interest to this broad avenue. Development of the publicly-owned triangular parcels to the west of South Capitol Street and First Street, S.E. with public-oriented buildings such as galleries, small museums, or community buildings should be considered as a further means of lending variety and programmatic interest to this important avenue.



Potomac Avenue

Figure 13

The landscaping of Potomac Avenue is intended to enhance its ceremonial and traffic functions and is in keeping with its distinction as the BPPA Plan's widest street, its only "Avenue", and as a diagonal link between Fort McNair and the Southeast Federal Center (Figure 14).

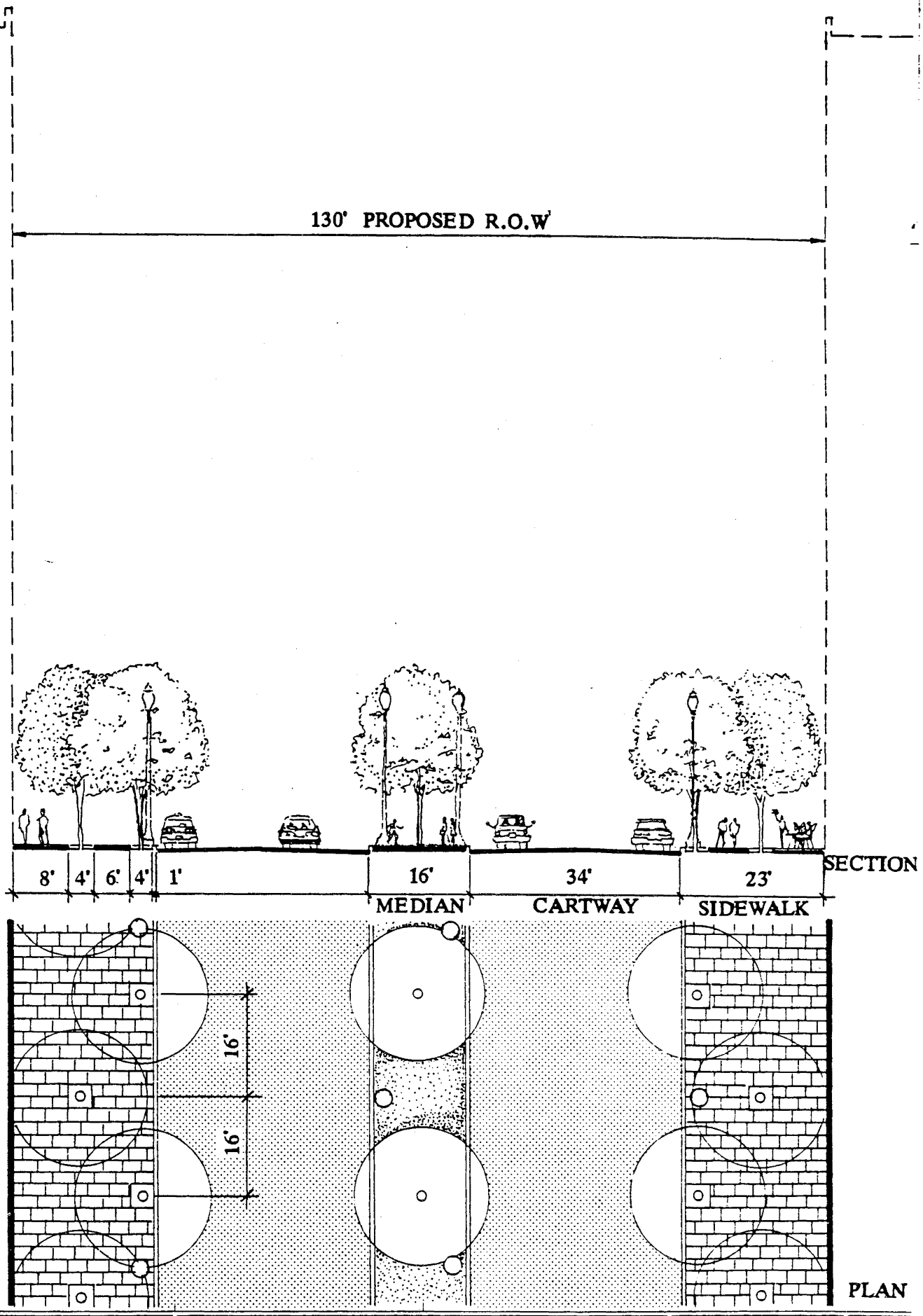
The standard Potomac Avenue section is a six-lane divided boulevard with double rows of trees staggered in the flanking sidewalks and a single row of trees in grassy medians. This landscaping and distinctive crosswalk paving are intended to give coherence to the avenue which suffers somewhat from frequent intersections, the Douglass Bridge overpass, and irregular development.

Potomac Avenue narrows west of Second Street, S.W., and thus the landscaping is proportionately reduced, but its axial focus on Fort McNair is maintained.

3. South Capitol Square

A public square is proposed where South Capitol Street meets the waterfront (Figure 15). A large pier or landing attached to the promenade will complement the Square. These elements together will provide a space for public festivals, performances, and exhibits, as well as accommodate boats pulling up to shore.

A commemorative column, such as originally envisioned by L'Enfant, is proposed as a landmark at the center of the Square where it would be visible to boaters from the water and to drivers on South Capitol Street and the Douglass Bridge. Towers would frame the entrance to the Square from the waterfront and serve to

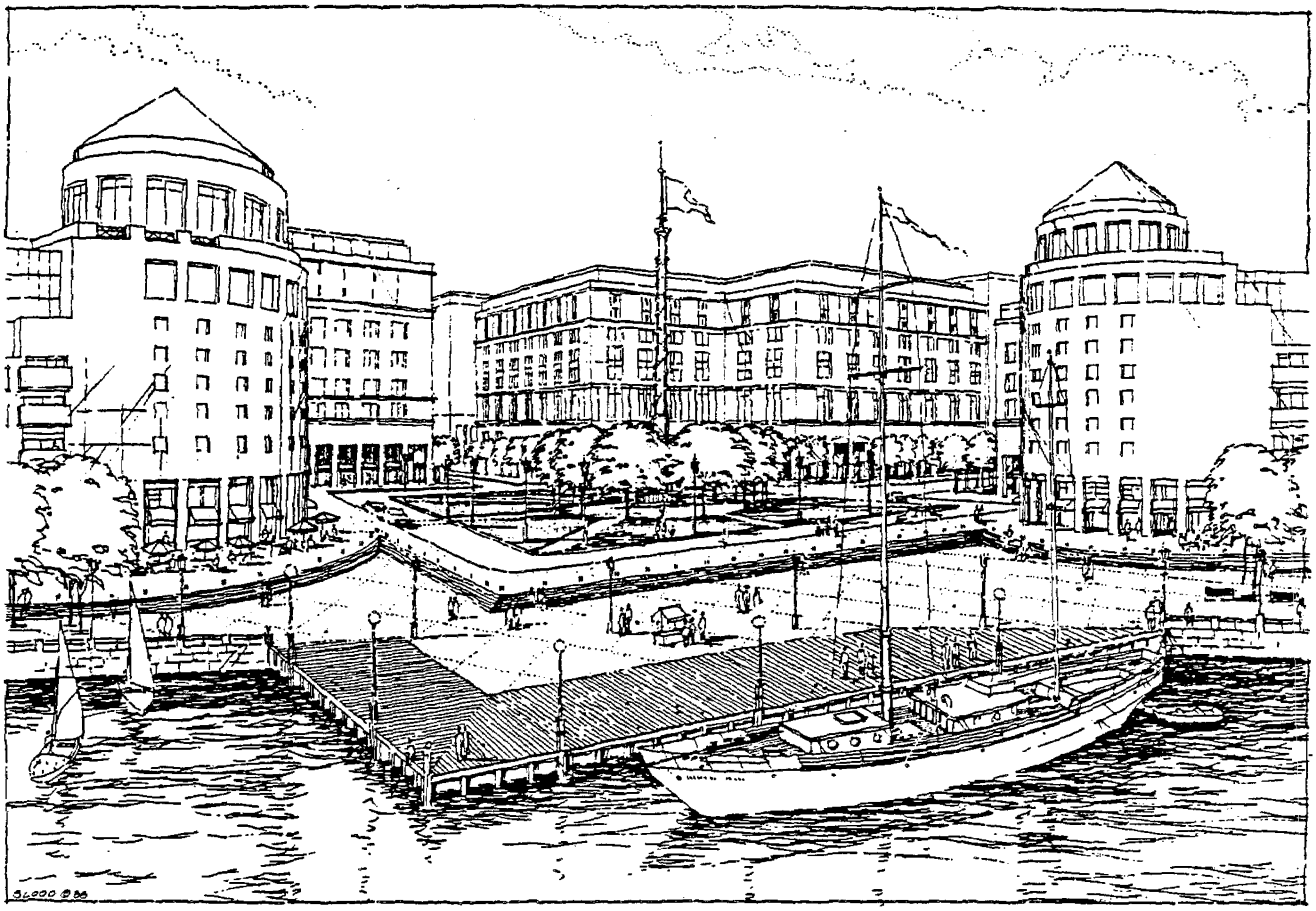


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POTOMAC AVENUE STANDARDS

BUZZARD POINT SPECIAL DEVELOPMENT DISTRICT
DEVELOPMENT PLAN

FIGURE 14



South Capitol Square

Figure 15

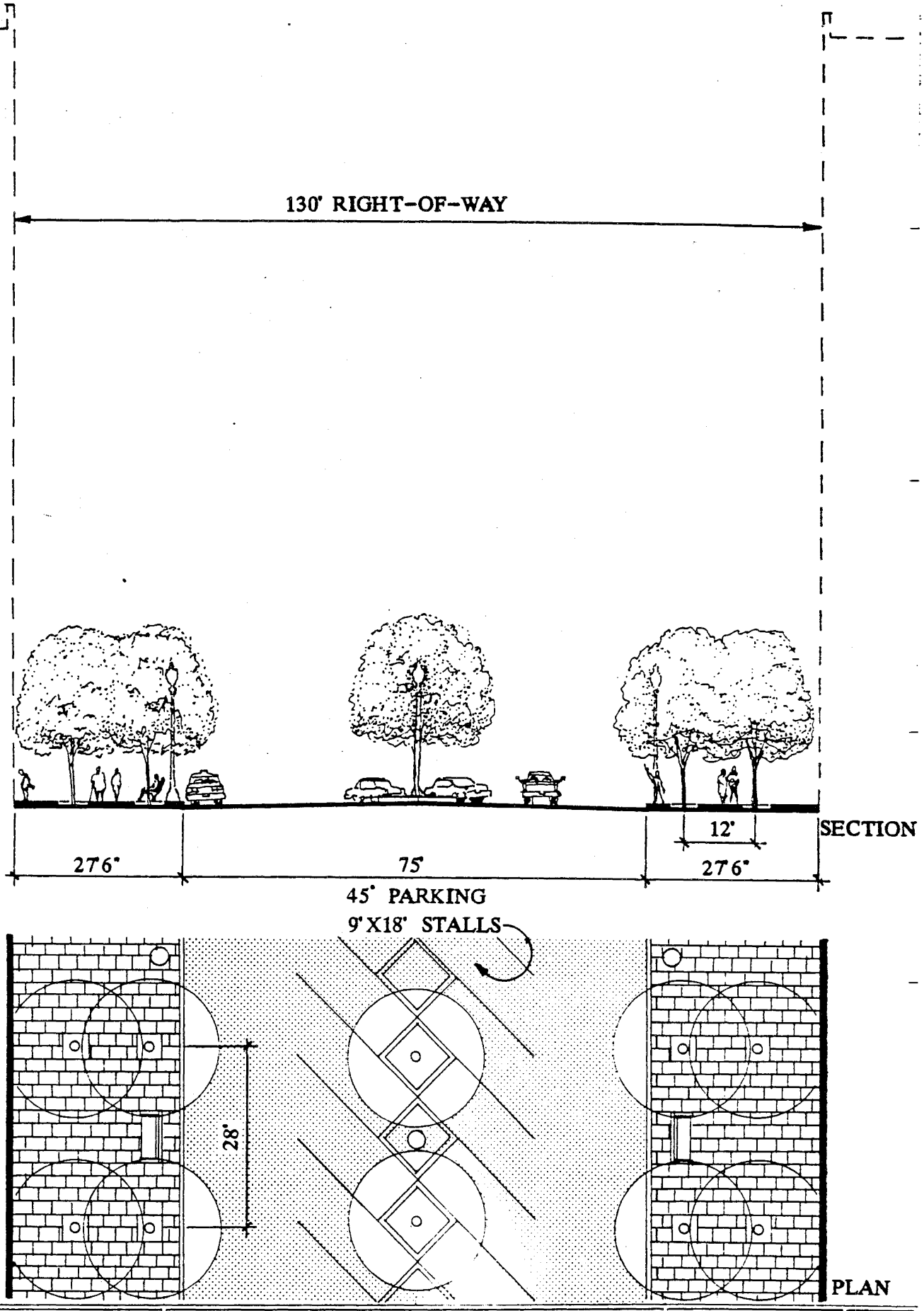
identify the location of this important open space along the promenade.

By virtue of its location on one of the cardinal axes radiating from the Capitol Building, the Square is related to the rest of the Washington monumental core. Given this, the architecture surrounding the Square should be classically-inspired and proportioned. An open arcade around the perimeter of the square is recommended, relating symbolically to the columnated architecture on the mall.

South Capitol Street and the large Square which is its waterfront terminus, are intended to be regarded as complementary landscape components of the BPPA Plan. Whereas the street is heavily treed to screen the bridge overpass and to shade parking and pedestrians, the majority of the Square is an open plaza with only a formal ring of trees around the central column. This maximizes the vista to the river and provides the flexibility to accommodate a myriad of community events. The sidewalks of South Capitol Street are planted with double rows of trees (Willow Oaks) enfilade. On the center-line, trees in nine foot square planters on diagonal accommodate 45 degree metered parking for the users of the proposed retail shops lining the street and Square (Figure 16). In the tradition of European piazzas, South Capitol Square opens to the river with its distinctive paving, steps, lighting, and bollards extending to a large boat landing.

4. First Street, S.W. and First Street Circle

First Street is the backbone of Buzzard Point and is thus an important organizing element connecting the internal open



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SOUTH CAPITOL STREET STANDARDS

BUZZARD POINT SPECIAL DEVELOPMENT DISTRICT
DEVELOPMENT PLAN

FIGURE 16

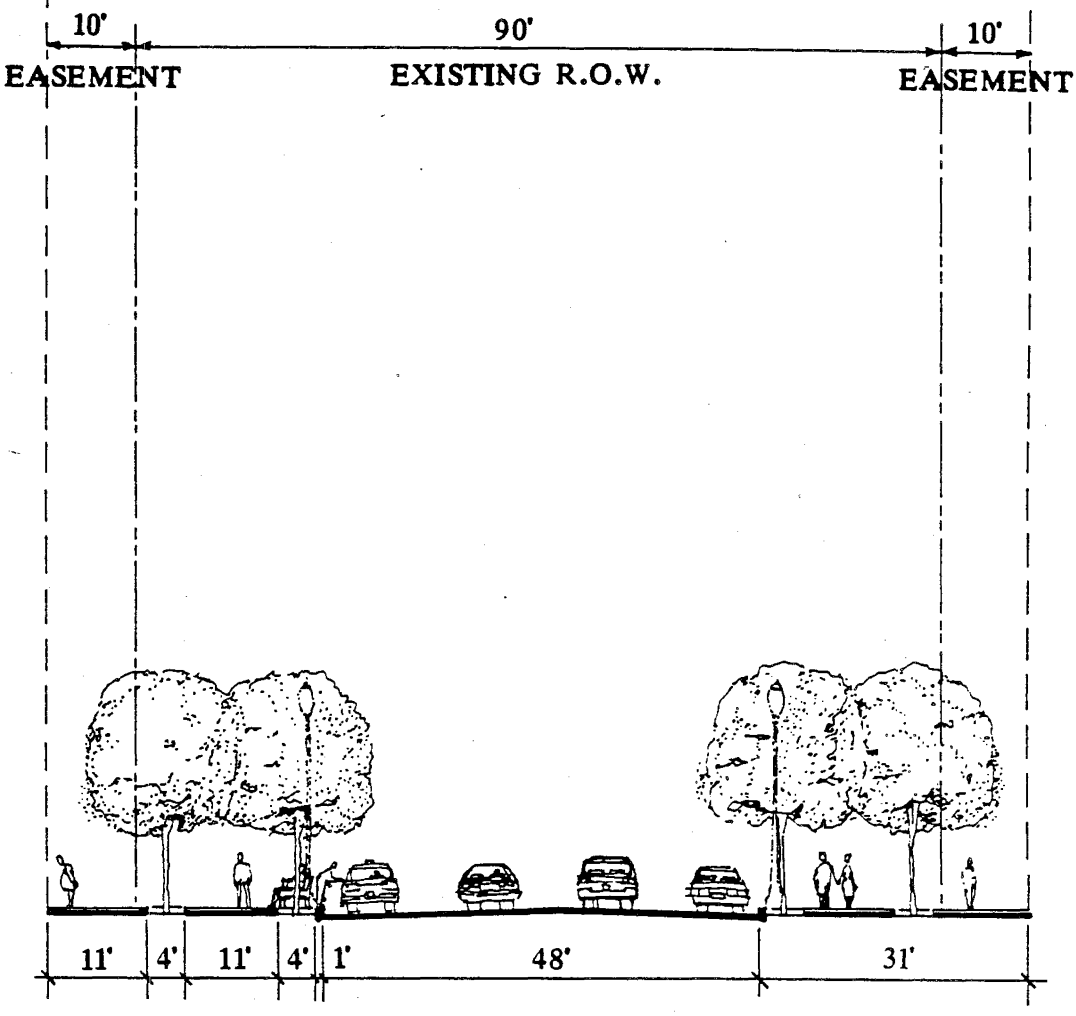
spaces of the Plan with each other and with the waterfront. Where the landscaping of Potomac Avenue and South Capitol Street responds to those thoroughfares' traffic functions, the landscaping of First Street is intended to favor the pedestrian with broad sidewalks planted with double rows of trees (Chinese Zelkova) enfilade and short crosswalks at relatively small intersections (Figure 17).

First Street Circle, similar in scale to South Capitol Square, but more intimate and green, is designed to encourage passive activity in contrast to the programs envisioned for the Square (See Figure 18). Crosswalks provide pedestrian linkage to the diagonal passages, described below. First Street is also planned to have a promenade from U Street, S.W. to the Point. The promenade would be a primarily pedestrian mall with limited vehicular access, distinguished by special paving, single rows of trees, benches, lighting and storefronts animated by awnings.

5. The Anacostia River Promenade

The promenade provides continuous public access to the Anacostia River and the expansive views and recreation opportunities which this linear park affords (See Figure 19, Perspective of Promenade). Accessible from several public streets, the promenade also links to a regional open space system, including existing and proposed waterfront promenades beyond the limits of the BPPA District.

The promenade is two-tiered (See Figure 20, Promenade Standards). The lower tier, just inboard of the sea wall and only six feet above mean water level, is 32 feet wide. The upper tier is adjacent to the building line and ties directly to the several

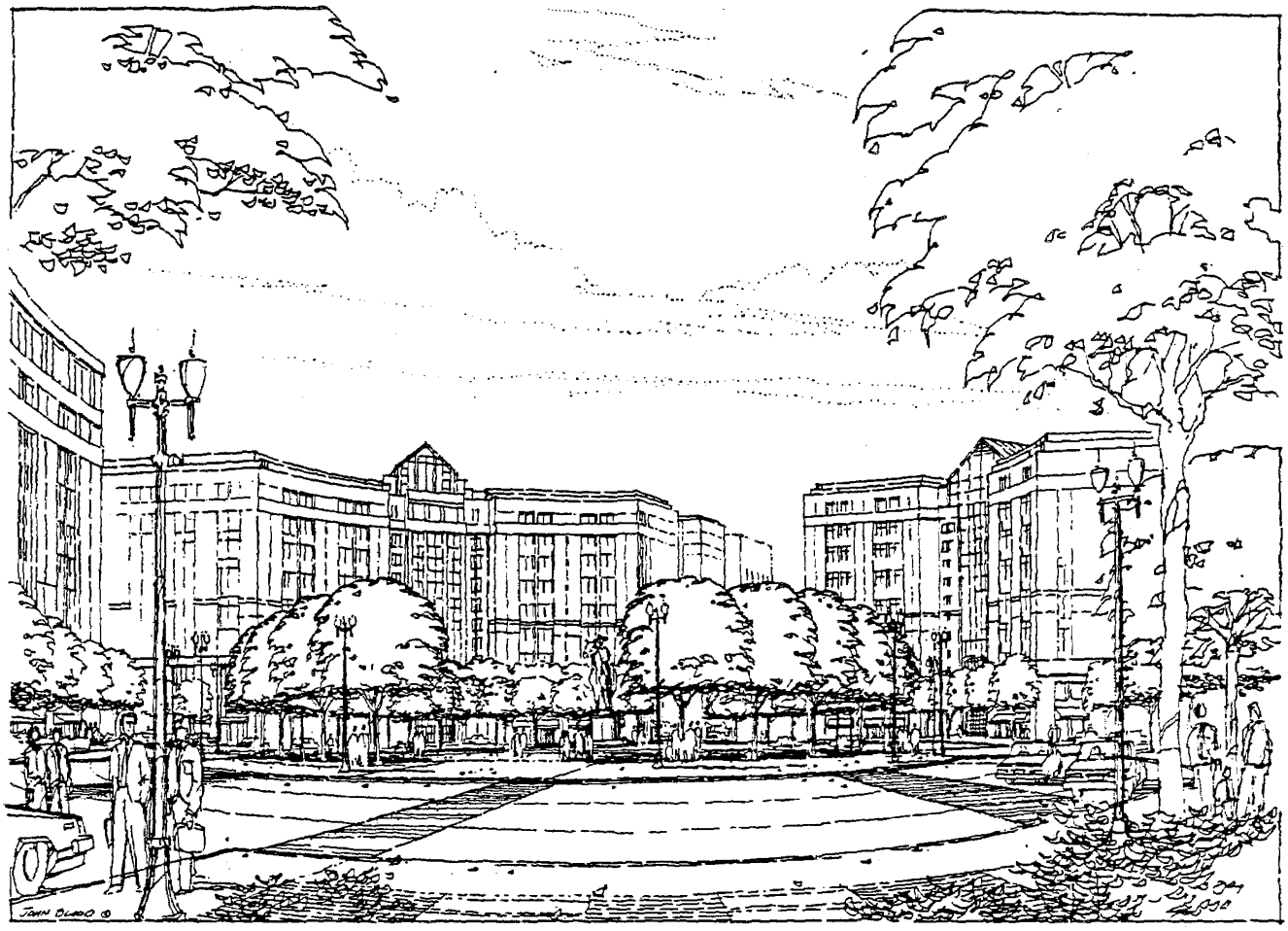


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FIRST STREET STANDARDS

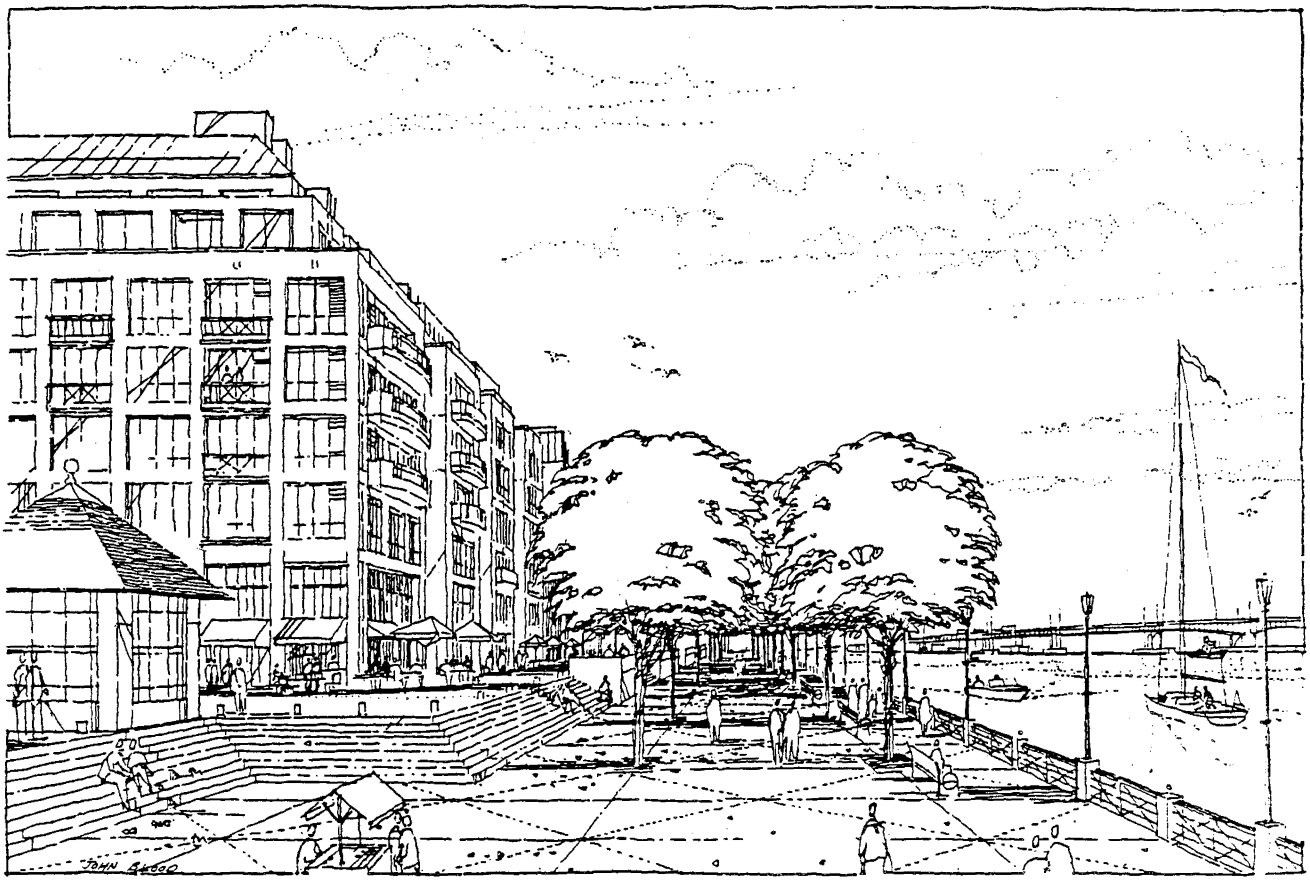
BUZZARD POINT SPECIAL DEVELOPMENT DISTRICT
DEVELOPMENT PLAN

FIGURE 17



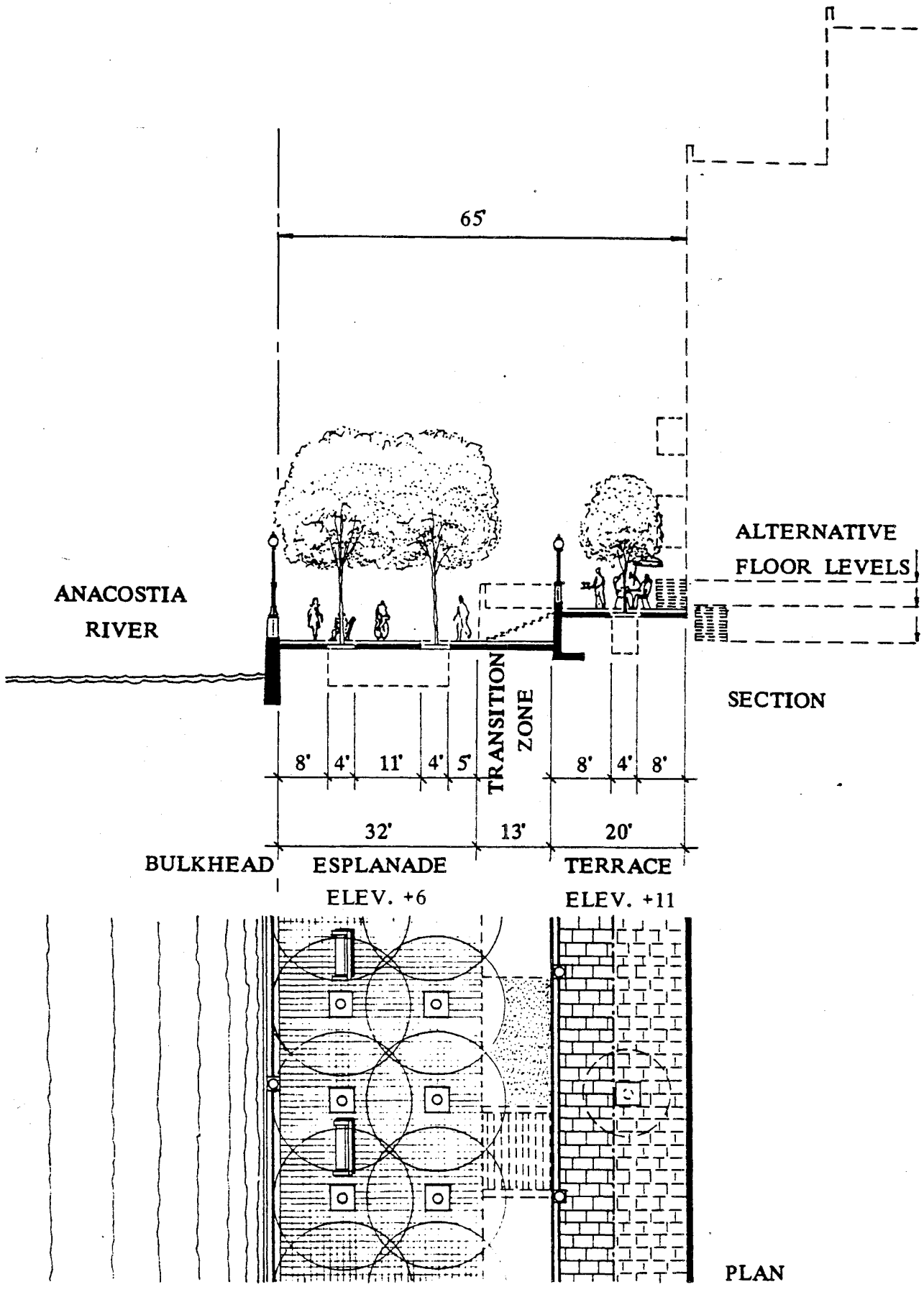
First Street Circle

Figure 18



Anacostia River Promenade

Figure 19



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BY
KEYSER CONDON FLORANCE ARCHITECTS

RIVERFRONT PROMENADE STANDARDS

BUZZARD POINT SPECIAL DEVELOPMENT DISTRICT
DEVELOPMENT PLAN

FIGURE 20

major public spaces which punctuate the waterfront. The upper tier is at an elevation of 11.4 and is 33 feet wide. Both tiers of the promenade contain generous plantings and trees.

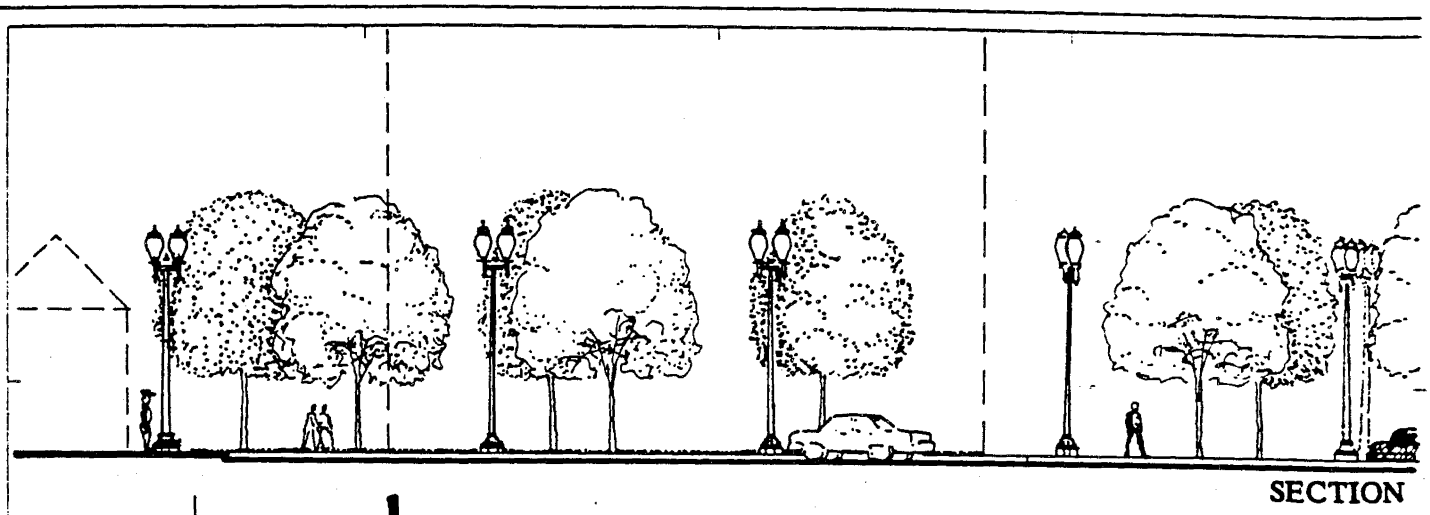
The two major public spaces of the waterfront are decidedly different in character from one another. A corner of South Capitol Square is thrust into the promenade, generating an expansive public landing. Four blocks to the south, at the bend in the river, the Point is a three-acre public park.

6. Diagonal Passages

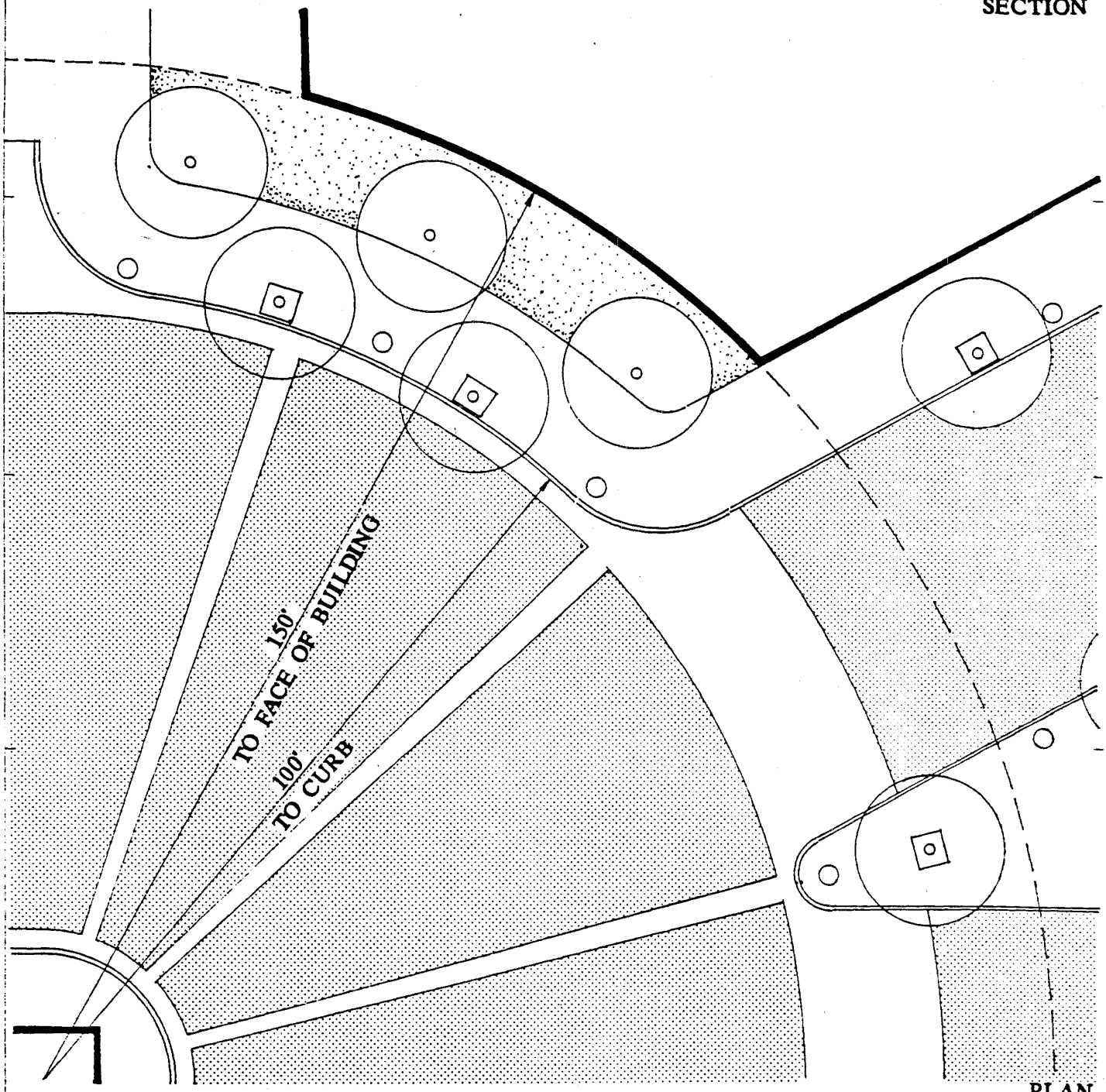
The diagonal passages are important pedestrian links between open spaces. The passages encourage pedestrian movement through the site and provide an experience and scale to the pedestrian different from that found on the street. Following the rights-of-way for diagonal streets originally drawn by L'Enfant, the passages may be left open or covered to form galleries. The two eastern passages connect to the Square while the western passage connects to Fort McNair, making the amenities of Buzzard Point more readily accessible to residents and employees of the Fort.

7. The Crescent

This important open space provides an appropriate end to Potomac Avenue at the threshold of historic Fort McNair (Figure 21). The Crescent faces a proposed gate to Fort McNair, providing a vista across the Fort grounds and accommodating traffic bound for the Fort and for the proposed National Defense University Library. Principally, a vehicular plaza, the Crescent is framed by a



SECTION



PLAN

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EDYTHE COMDEN FLORANCE ARCHITECTS

FORT MCNAIR CRESCENT STANDARDS

BUZZARD POINT SPECIAL DEVELOPMENT DISTRICT
DEVELOPMENT PLAN

FIGURE 21

staggered double row of shade trees interspersed with light standards.

8. The James Creek Canal Park

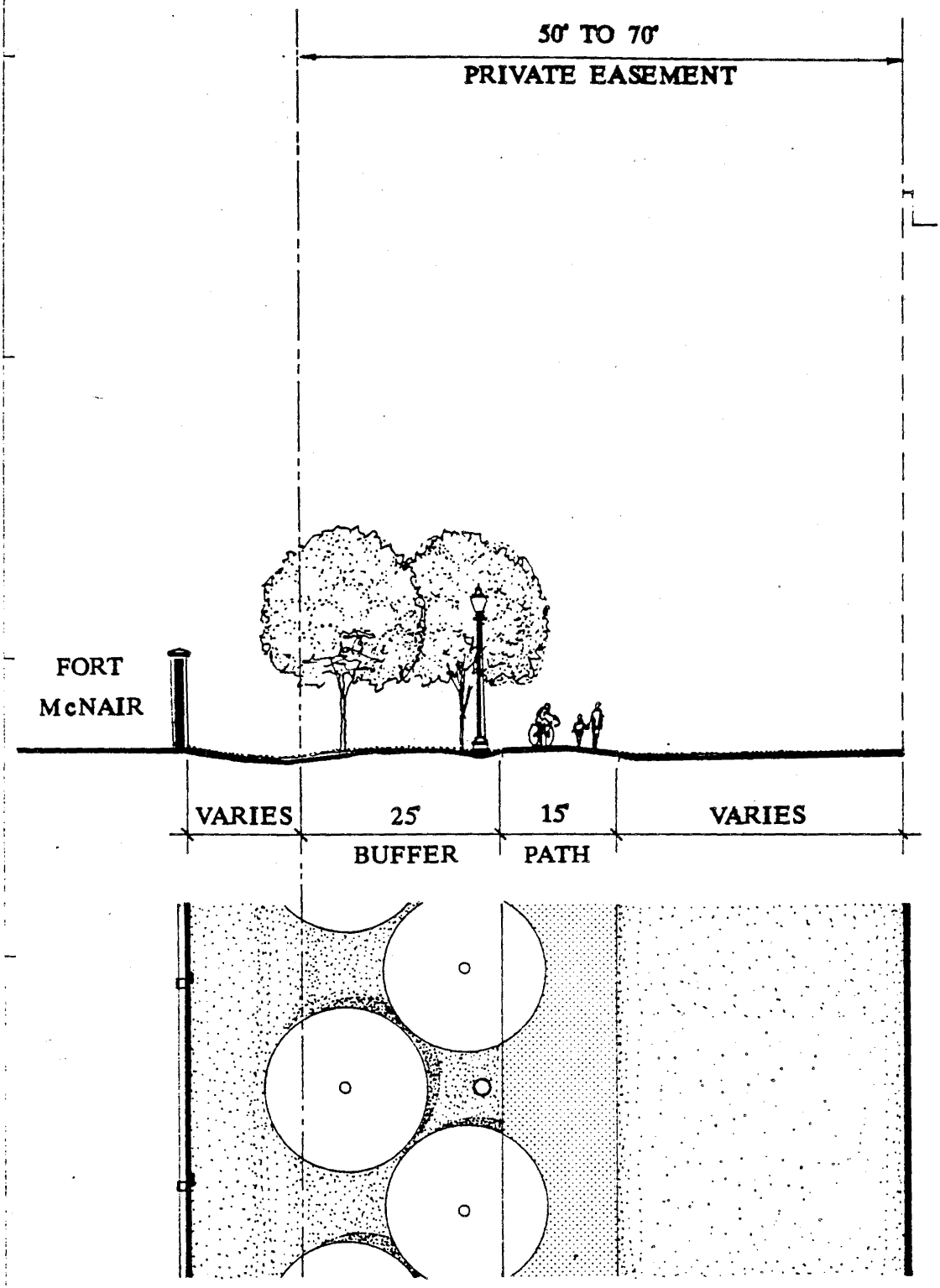
The purpose of the James Creek Canal Park easement is threefold:

a. To preserve, protect, and visually buffer the historic Fort McNair wall;

b. To recall the site of the James Creek Canal; and

c. To provide a visual linkage between the Waterfront Promenade and existing and proposed open spaces on the former canal route (such as Greenleaf Park) for the use, convenience and enjoyment of the public.

The open space design requirements provide that within the easement there shall be a twenty-five foot minimum linear landscaped buffer adjacent to the western property boundary planted with shade trees and grass (Figure 22). A fifteen foot wide asphalt path, well-lit with D.C. Light Standards, will suggest the canal alignment and serve as a pedestrian path and bike trail.

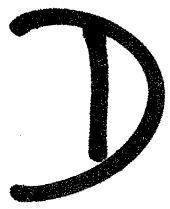


PREPARED FOR
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BY
KEYES CONDON FLORANCE ARCHITECTS

JAMES CREEK CANAL PARK STANDARDS

BUZZARD POINT SPECIAL DEVELOPMENT DISTRICT
DEVELOPMENT PLAN

FIGURE 22



Government of the District of Columbia

ZONING COMMISSION

ZONING COMMISSION ORDER NO. 108

CASE NO. 74-8

December 23, 1974

Pursuant to notice, a public hearing of the Zoning Commission was held on July 31, 1974, to consider an amendment to the text of the Zoning Regulations. Thereafter, having met in Executive Session, the Commission hereby ORDERS the adoption of the following amendments to the text of the Zoning Regulations:

TEXT CHANGE INSTRUCTIONS

1. Add a new Paragraph 2101.13 - Mixed Use Districts, as follows:

2101.13 - Mixed Use (Commercial-Residential) Districts

C-R - Mixed Uses (retail, residential, office, light industry)

Renumber existing paragraphs 2101.13, 2101.14 and 2101.15 to 2101.14, 2101.15 and 2101.16, respectively

2. Revise the title for Chapter 4 to read as follows: Use, Height, Area and Bulk Regulations for Special Purpose, Waterfront and Mixed Use Districts.

3. Add a new Article 45 as follows:

Article 45 - Mixed Use Districts

Section 4501 - Preamble

4501.1 - The Mixed Use (CR) zone district is applied to selected geographic areas where a mixture of uses and buildings densities is intended to carry out elements of the city's development plans including goals in employment, population, transportation, housing, public facilities, and environmental quality. More specifically, CR Districts may be located in the periphery of the Central Employment Area, uptown centers, or other subway stops, and selected areas under-going economic and physical decline. In certain of these areas, as designated now or in the future by public plans and policies, a mixture of uses and building densities is intended to promote and protect the public health, safety, convenience, order, prosperity, and general welfare of the community as best accomplished by the CR District.

No CR District shall be mapped after January 2, 1975, unless such mapping is proposed as part of a Sectional Development Plan by the Mayor's designated planning agency or the National Capital Planning Commission.

The purpose of the Mixed Use (CR) District is to encourage a diversity of compatible land uses, which may include a mixture of residential, office, retail, recreational, light industrial, and other miscellaneous uses. Development will be guided by an approved public policy or plan and through the use of the Planned Unit Development, special exception or other site plan review process. By the use of these public review and planning powers, these regulations are also intended to:

a. Help create major new residential and mixed use areas in planned locations at appropriate densities, heights, and mixtures of uses.

b. Encourage the preservation and rehabilitation of structures of historic or architectural merit in the District.

c. Encourage areas devoted primarily to pedestrians by separating pedestrian and vehicular circulation patterns and by requiring off-street parking spaces in accordance with this objective and with the objectives of specific area plans.

d. Encourage flexibility in architectural design and building bulk and conformance to an approved Sectional Development Plan, if adopted, provided that such designs and building bulk are compatible and harmonious with adjoining development over the CR District as a whole.

e. Make recreation areas more accessible to both the CR District's residents and visitors.

f. In a variety of ways, create environments conducive to a higher quality of life and environment for residents, businesses, employees, and institutions in the District of Columbia as specified in District plans and policies.

Section 4502 - Use Regulations

4502.1 - Except as provided in Chapter 7 and Sub-sections 4502.5 and 4502.6 of these regulations, in the CR District no building or permises shall be used and no building shall be erected or altered which is arranged, intended or designed to be used except for one or more of the uses listed in the following Sub-sections.

4502.2 - The following uses are permitted as a matter of right:

4502.21 - Dwelling, flat, or multiple dwelling.

4502.22 - Rooming or boarding house.

4502.23 - Halfway house, social service or community center.

4502.24 - Hotel or motel.

4502.25 - Church or other place of worship.

4502.26 - Convalescent home, nursing home, or personal care home.

4502.27 - Philanthropic or eleemosynary institution

4502.28 - Retail sales or services not specified in Sub-sections 4502.3 and 4502.4.

4502.29 - Office.

4502.210 - Private school or trade school.

4502.211 - Restaurant or private club.

4502.212 - Artist's studio.

4502.213 - Private or public theater.

4502.214 - Boat club or marina.

4502.215 - Swimming pool.

4502.216 - Recreational building or use.

4502.217 - Park or open space.

4502.218 - Library.

4502.219 - Museum.

4502.220 - Accessory use (including parking), building or structure customarily incidental and subordinate to the principal uses permitted above

4502.3 - The following uses are permitted as Special Exceptions when authorized by the Board of Zoning Adjustment, if the Board considers that they are appropriate in furthering the objectives of the Mixed Use Districts, subject to the provisions of Sub-section 8207.2, and in addition, any further conditions specified in each case:

4502.31 - Hospital or clinic, provided that:

A. Such use is located so that it is not likely to become objectionable to surrounding and nearby property because of noise, traffic or parking.

B. There is a demonstrated need for the facility.

C. The applicant shall submit to the Board a detailed plan for the hospital or clinic and accessory facilities, showing location, height and bulk of all improvements including but not limited to buildings, parking and loading facilities, screening, signs, and public utility facilities, and a description of the activities to be carried on at the hospital or clinic, including the capacities of the various facilities within the hospital or clinic.

D. Before taking final action on an application for such use, the Board shall refer the application to the Office of Planning and Management for coordination, review and report, said report to include the reports and recommendations of the Department of Highways and

Traffic, the Department of Environmental Services, and other departments and agencies of the District of Columbia Government as appropriate.

E. Before taking final action on an application for such use, the Board shall refer the application to the Office of Planning and Management for review and report by the Department of Human Resources on the need for the facility as well as the specific design of the facility.

4502.32 - Off-street parking in excess of the maximum specified in Sub-section 4505.1, provided that:

A. All such parking shall be entirely within a building or structure.

B. All provisions of Paragraph 7402.12 are complied with.

C. Such parking shall not result in dangerous or otherwise objectionable traffic conditions, and the present character and future development of the neighborhood will not be adversely affected

D. Such parking is reasonably necessary and convenient to uses on the same lot or in the vicinity.

E. Before taking final action on an application for such use, the Board shall refer the application to the Office of Planning and Management for co-ordination, review and report, said report to include the reports and recommendations of the Department of Highways and Traffic, the Department of Environmental Services and other departments and agencies of the District of Columbia as appropriate.

4502.33 - Electric substation, natural gas regulator station, public utility pumping station or telephone exchange, subject to such requirements for setbacks, screening or other safeguards as the Board shall deem necessary for protection of the neighborhood.

4502.34 - Bowling Alley, provided that:

A. The use shall not be within 25 feet of a residence district unless separated therefrom by a street or alley.

B. Soundproofing to the extent deemed necessary for the protection of adjoining and nearby property shall be required.

C. Accessory off-street parking spaces shall be required on the basis of a place of public assemblage as provided by Sub-section 4505.1.

D. Before taking final action on an application for such use, the Board shall refer the application to the Office of Planning and Management for coordination, review and report, said report to include the reports and recommendations of the Department of Highways and Traffic, the Department of Environmental Services and other departments and agencies of the District of Columbia as appropriate

E. The Board may impose requirements pertaining to design, appearance, screening, lighting, additional off-street parking spaces, signs or any other requirements as it shall deem necessary for the protection of neighboring or adjacent property.

4502.35 - Light manufacturing, processing, fabricating or milling establishment, provided that:

A. Such use shall comply with the standards of external effects for C-M Districts contained in Sub-section 6101.5, and further, shall have no adverse effects on other uses on the same or adjoining properties.

B. Such use will not result in dangerous or otherwise objectionable traffic conditions.

C. There is adequate off-street parking for trucks and other service vehicles.

D. There is no outdoor storage of materials.

E. The Board may impose requirements pertaining to design, appearance, screening or any other requirement which it shall deem necessary for the protection of neighboring or adjacent property.

F. Before taking final action on an application for such use, the Board shall refer the application to the Office of Planning and Management for coordination, review and report, said report to include the reports and recommendations of the Department of Highways and Traffic, the Department of Environmental Services and other departments and agencies of the District of Columbia as appropriate.

4502.36 - Warehouse or wholesale use, subject to the conditions of Paragraph 4502.35, above.

4502.37 - Building service trade, including but not limited to plumber, electrician, exterminator, or air conditioning mechanic, subject to the conditions specified in Paragraph 4502.35, above.

4502.38 - Experimental research or testing laboratory, subject to the conditions specified in Paragraph 4502.35, above.

4502.39 - Automobile or motorcycle sales or repairs, provided that:

A. Such use is so located that it is not objectionable to other uses on the same or neighboring property because of noise, fumes or other conditions.

B. Such use will not result in dangerous or otherwise objectionable traffic conditions.

C. The use and all its accessory facilities, including automobile storage, are located within a building.

D. No portion of a building so used is within 50 feet of a Residence District or Special Purpose District.

E. The Board may impose additional requirements pertaining to location of buildings, other structures, entrances, exits, soundproofing, or such other requirements as the Board shall deem necessary to protect adjacent or nearby property.

F. Before taking final action on an application for such use, the Board shall refer the application

to the Office of Planning and Management for coordination, review and report, said report to include the reports and recommendations of the Department of Highways and Traffic, the Department of Environmental Services and other departments and agencies of the District of Columbia as appropriate.

4502.310 - College or university, provided that:

A. Such use is so located that it is not likely to become objectionable to neighboring property because of noise, traffic, number of students, or other objectionable conditions;

B. The applicant shall submit to the Board a plan for developing the campus as a whole, showing the location, height and bulk, where appropriate, of all present and proposed improvements, including, but not limited to buildings, parking and loading facilities, screening, signs, streets, and public utility facilities athletic and other recreational facilities, and a description of all activities conducted or to be conducted therein, and of the capacity of all present and proposed campus development; and,

C. Within a reasonable distance of the college or university campus and subject to compliance with the provisions of sub-paragraph (A) hereof and Sub-section 8207.2 the Board may also permit the interim use of land or improved property with any use which the Board may determine is a proper college or university function; and,

D. Before taking final action on an application for such use, the Board shall refer the application to the Office of Planning and Management for coordination, review and report, said report to include the reports and recommendations of the Department of Highways and Traffic, the Department of Environmental Services and other departments and agencies of the District of Columbia as appropriate.

4502.311 - Other uses not specified in Sub-section 4502.2 and not prohibited by Sub-section 4502.4, provided that:

A. Such use will not adversely affect the present character and future development of the neighborhood

B. No dangerous or otherwise objectionable traffic conditions shall result from the establishment of such use.

C. The Board may impose requirements pertaining to the design, appearance, screening or any other requirement which it shall deem necessary for the protection of neighboring or adjacent property.

D. Before taking final action on an application for such use, the Board shall refer the application to the Office of Planning and Management for coordination, review and report, said report to include the reports and recommendations of the Department of Highways and Traffic, the Department of Environmental Services and other departments and agencies of the District of Columbia as appropriate.

4502.312 - Wherever the provisions of Sub-section 4502.3 require referral of an application to the Office of Planning and Management for coordination, review and report, such coordination, review and report shall consider:

A. Whether the proposed use furthers the objectives of the Mixed Use District.

B. The relationship of the proposed use to other planning considerations for the area and the District of Columbia as a whole, including the plans, programs, and policies of other departments and agencies of the District Government.

C. The proposed site plan, including the relationship of different uses on the site.

D. The impact of the proposed site plan on neighboring properties.

E. Any other matters which are within the Office's jurisdiction.

Wherever the provisions of Sub-section 4502.3 require referral of an application by the Office of Planning and Management to the Department of Highways and Traffic, the Department of Highways and Traffic report to the Office of Planning and Management shall include the following:

A. Considerations of the traffic to be generated and its impact.

B. The location and design of vehicular access and parking facilities.

C. The number of parking and loading facilities.

D. The treatment of public space.

E. Any other matters which are within the Department's jurisdiction.

Wherever the provisions of Sub-section 4502.3

require referral by the Office of Planning and Management of an application to the Department of Environmental Services, the Department of Environmental Services report to the Office of Planning and Management shall include the following:

A. The availability of sewer and water capacity

B. The impact on air quality.

C. The potential noise from commercial, industrial and traffic sources.

D. Any other matters which are within the Department's jurisdiction.

4502.4 - The following uses are specifically prohibited in CR Districts:

4502.41 - Animal hospital or veterinarian.

4502.42 - Car wash, as a principal use.

4502.43 - Chemical manufacturing, storage or distribution.

4502.44 - Drive-in establishment (any establishment where goods or services are rendered directly to occupants of motor vehicles while in such vehicles).

4502.45 - Enameling, plating or painting (except artist's studio), as a principal use.

4502.46 - Material salvage.

4502.47 - Outdoor advertising or billboard as a principal use.

4502.48 - Outdoor material storage.

4502.49 - Packing or crating operations as a principal use.

4502.410 - Parking lot.

4502.411 - Gasoline Service Station.

4502.412 - Smelting or rendering.

4502.413 - Carting, express, moving, or hauling terminal or yard, except a cooperative central delivery or pick-up system for goods or merchandise solely to serve businesses in the area.

4502.414 - Any industrial use prohibited in an M District.

4502.415 - Any use first permitted in the M District.

4502.5 - All uses in existence on the effective date of the designation of a CR District, which have a valid certificate of occupancy and uses intended to occupy a building or structure for which a valid building permit has been issued, and which are permitted in a CR District as a special exception under Sub-section 4502.3 shall be considered as conforming uses, and any such use may occupy any amount of space within that allotted to the entire certificate of occupancy at the time of designa

tion of the CR District. Any expansion of such use beyond the total space allotment for the entire certificate of occupancy or the introduction of an additional use must be approved by the Board of Zoning Adjustment in accordance with the applicable paragraph of Sub-section 4502.3. All uses in existence on the effective date of the designation of a CR District which have a valid certificate of occupancy and uses intended to occupy a building or structure for which a valid certificate of occupancy has been issued, and which are prohibited in a CR District under Sub-section 4502.4 shall be considered as non-conforming uses and shall be governed by the applicable provisions of Article 71.

4502.6 - Existing Structures - All structures in existence or under construction pursuant to a valid building permit on the effective date of the designation of a CR District and which do not otherwise conform to the applicable standards of the CR District shall be considered as conforming structures. All such structures may be renovated, remodeled, altered, expanded or replaced provided that there shall be no increase in height, floor area or lot occupancy, yard, court and roof structure requirements above those normally allowed in

the CR District. In the case of restoration of a structure, such restoration shall be subject to the terms of Sub-sections 7108.2 and 7108.3.

Section 4503 - Heights of Buildings or Structures

4503.1 - Except as provided below, the height of buildings and structures shall not exceed 90 feet.

4503.2 - For that portion of any property zoned CR lying within 220 feet of the boundary of Rock Creek Park or for that portion of any property zoned CR lying within 220 feet of that portion of a street abutting Rock Creek Park, the height of buildings and structures shall not exceed 60 feet, provided that this Sub-section shall not apply to any property zoned CR which is separated from Rock Creek Pary by property in a zone district that limits height to 60 feet.

4503.3 - Freestanding, primarily ground supported signs shall not exceed 20 feet in height.

4503.4 - In the CR District, the height of buildings and structures shall be measured as provided elsewhere in these regulations, except that height shall be measured to the highest point of the roof excluding parapets not exceeding five feet in height.

4503.5 - A spire, tower, dome,pinnacle or minaret serving as an architectural embellishment, radio or television tower, chimney or smokestack may be erected to a height in excess of that authorized in Sub-section 4503.1 and 4503.2.

4503.6 - If erected or enlarged as provided in Subsection 4506.8, housing for mechanical equipment, or a stairway or elevator penthouse may be erected to a height in excess of that authorized in the district in which located, provided that such housing or penthouse is set back from all lot lines of the lot upon which such structure is located a distance equal to their respective heights above the roof of the top story.

Section 4504 - Floor Area Ratio

4504.1 - In the CR District, the floor area ratio of all buildings and structures on a lot shall not exceed 6.0, not more than 3.0 of which may be used for other than residential purposes.

4504.2 - For the purposes of this Section, "residential purposes" shall include dwellings, flats, multiple dwellings, rooming and boarding houses, hotels and motels.

4504.3 - For the purposes of this Section, the allowable residential and non-residential bulk of a CR District may be apportioned between two or more lots in the same square regardless of the normal limitation on floor area, provided that the aggregate residential and non-residential floor area may not exceed the normal limits for the CR

District. A covenant running with the land and applicable to all properties involved in such apportionment shall be executed by all of the owners of such properties and the Government of the District of Columbia prior to the issuance of any building permits. Such covenant shall be for the purpose of insuring that the total floor area does not exceed the limits applicable to residential and non-residential uses.

Section 4505 - Off-street Parking and Loading

4505.1 - All buildings and structures shall be provided with off-street parking spaces as specified in the following parking schedule. All such parking spaces shall conform to the provisions of Sections 7204, 7205, 7206 and 7207 except Paragraph 7207.17.

PARKING SCHEDULE

USE	MINIMUM NUMBER OF SPACES	MAXIMUM NUMBER OF SPACES
Single-family dwelling or flat	0	1/dwelling unit
Multiple dwelling	1/6 dwelling units	1/3 dwelling units
Multiple dwelling constructed as a cooperative or condominium	1/6 dwelling units	2/3 dwelling units
Hotel or Motel	0	1/4 sleeping rooms or suites

PARKING SCHEDULE
(cont.)

USE	MINIMUM NUMBER OF SPACES	MAXIMUM NUMBER OF SPACES
Hospital or Nursing Home	0	1/8 beds
Retail Sales or Service	0	1/1,000 square feet of gross floor area
Office or Clinic	0	1/1,500 square feet of gross floor area
Manufacturing or Wholesale Use	0	1/4,000 square feet of gross floor area
Warehouse	0	0
Theater or place of public assemblage	0	1/112 square feet of floor area devoted to seating
All Others	0	0

4505.2 - The Board of Zoning Adjustment is authorized to reduce the number of required parking spaces. Such reduction shall be governed by the provisions of Subsections 7203.2 and 7203.3.

4505.3 - All buildings and structures shall be provided with off-street parking facilities for bicycles provided that no such spaces shall be required for a hotel or motel. Such facilities shall contain space for a number of bicycles at least equivalent to the maximum number of

automobile parking spaces permitted under Sub-section 4505.1. Such bicycle facilities shall have convenient access from building and street or other bicycle right-of-way, be secure, and shall be located within a building or structure, either on the ground floor, first basement or first cellar level.

4505.4 - All buildings and structures shall be provided with off-street loading berths and off-street service/delivery parking spaces as specified in the following schedule:

USE	NUMBER OF LOADING BERTHS		NUMBER OF SERVICE SPACES	
	Minimum	Maximum	Minimum	Maximum
Multiple dwelling with more than 50 units	1	2	3	6
Hotel - for each 200 rooms	1	2	3	6
Hospital	1	2	3	6
Offices				
5,000 to 20,000 square feet of gross floor area -	0	1	1	2
20,000 to 50,000 square feet of gross floor area -	1	2	3	6
50,000 to 100,000 square feet of gross floor area -	1	2	3	6
For each additional 100,000 square feet of gross floor area -	1	2	3	6

USE (cont.)	NUMBER OF LOADING BERTHS		NUMBER OF SERVICE SPACES	
	Minimum	Maximum	Minimum	Maximum
Retail				
1,000 to 5,000 square feet of gross floor area -	0	1	2	4
5,000 to 10,000 square feet of gross floor area -	1	2	3	6
10,000 to 50,000 square feet of gross floor area -	2	4	6	12
For each additional 100,000 square feet of gross floor area -	1	2	3	6
Theater - with more than 500 seats -	1	2	3	6
Warehouses, Wholesale and Manufacturing				
5,000 to 20,000 square feet of gross floor area -	1	2	2	4
20,000 to 100,000 square feet of gross floor area -	2	4	4	8
For each additional 100,000 square feet of gross floor area -	1	2	2	4
All Others	0	1	1	2

All such loading berths shall conform to the requirements of Sections 7303 and 7305 and Sub-sections 7302.2 and Paragraphs 7306.11 and 7306.12. All such service spaces shall conform to the requirements of the above sections and sub-sections except that the size of each service space shall be 20 feet long by 12 feet wide with a vertical clearance of 10 feet and shall not require loading platforms or space for such platforms. Loading berths and service spaces shall be located within the building or in the rear or side yard of the building.

Section 4506 - Yards, Courts, and Open Space Requirements

4506.1 - Required Public Space at Ground Level - An area equivalent to 10 percent of the total lot area shall be provided for all new development. Such area shall be located immediately adjacent to the main entrance to the principal building or structure on the lot and shall serve as a transitional space between the street or pedestrian right-of-way and the building or structure. Such area shall be open to the sky or have a minimum vertical clearance of one story or ten feet. Such area shall be suitably lighted and landscaped for public use, and may be utilized for temporary commercial displays. Such space shall be open and available to the general public on a continuous basis. Such area shall not be charged against the gross floor area of the building.

4506.2 - Percentage of Lot Occupancy

4506.21 - No structure, including accessory buildings, devoted to a residential use shall

occupy more than 75% of the lot upon which it is located.

4506.22 - For the purposes of this Subsection, the percentage of lot occupancy may be calculated on a horizontal plane located at the lowest level where residential uses begin.

4506.23 - For the purposes of this Subsection, "residential uses" shall include dwellings, flats, multiple dwellings, rooming and boarding houses, halfway houses, personal care homes, convalescent or nursing homes, and hospitals.

4506.3 - Private Residential Recreation Space

4506.31 - Private residential recreation space is that space suitably equipped and devoted to active or passive recreation for the residents of a particular residential building or structure. Such space may be located at ground level, on or above the residential plane, on rooftops, or within the building or structure, provided that 70% of the total of such space shall be open to the sky.

4506.32 - An area equal to 15% of the gross floor area devoted to residential purposes shall be provided as private residential recreation space.

4506.33 - For the purposes of this Subsection, "residential purposes" shall include dwellings, flats, multiple dwellings, rooming and boarding houses, halfway houses, personal care homes and convalescent or nursing homes.

4506.4 - Rear Yards

4506.41 - A rear yard shall be provided for each residential building or structure.

4506.42 - When the residential use begins at or below grade, the minimum depth of rear yard shall be 3" per foot of vertical distance from the mean finished grade at the middle of the rear of the structure to the highest point of the main roof, but not less than 12 feet.

4506.43 - When the residential use begins above grade, the minimum depth of rear yard shall be 3" per foot of vertical distance from the horizontal plane upon which the residential use begins to the

highest point of the main roof, but not less than 12 feet. Such rear yard need be provided at and above the residential plane.

4506.44 - In the case of a through lot or a corner lot abutting three or more streets, no rear yard is required for any building or structure.

4506.45 - For the purposes of this Subsection, "residential building or structure" shall include those used as or intended to be used as dwellings, flats, multiple dwellings, rooming and boarding houses, halfway houses, personal care homes, convalescent and nursing homes, hospitals, hotels and motels

4506.5 - Side Yards - No side yard is required for any structure located in a CR District. If a side yard is provided, its minimum width shall be 3" per foot of height of building but not less than 8 feet.

4506.6 - Width of Open Court - Where an open court is provided in a CR District, such court shall have the following minimum dimensions:

Residential building except hotel: 3" per foot

of height of court, but not less than 10 feet

Hotel and other permitted structure: 2 1/2" per foot of height of court, but not less than 6 feet.

For the purposes of this Subsection, "residential building" shall include those used as or intended to be used as dwellings, flats, multiple dwellings, rooming and boarding houses, halfway houses, personal care homes, convalescent or nursing homes and hospitals.

4506.7 - Width and Area of Closed Court - Where a Closed Court is provided in a CR District, such court shall have the following minimum dimensions:

Residential building except hotel:

Width: 4 inches per foot of height of court but not less than 15 feet

Area: Twice the square of the required width of court dimension.

Hotel and other permitted structure:

Width: 2 1/2 inches per foot of height of court, but not less than 12 feet

Area: Twice the square of the required width of court dimension.

For the purposes of this Sub-section, "residential building" shall include those used as or intended to be used as dwellings, flats, multiple dwellings, rooming and boarding houses, halfway houses, personal care homes, convalescent or nursing homes and hospitals.

4506.8 - Roof Structures

4506.81 - The provisions of Section 3308 in toto shall apply to roof structures in the Mixed Use Districts.

4506.82 - The gross floor area of roof structures permitted under this section shall not be counted in determining the required number of off-street parking spaces or loading berths as required elsewhere in these regulations.

Section 4507 - Development Bonuses

4507.1 - Additional floor area and/or height greater than the maximum specified above may be permitted only with the approval of the Zoning Commission. Such requests may also include variations of the normally required yards, courts, roof structure set back, and parking and loading limits. With such approval, the maximum heights and FARS are as follows:

CR	110 feet	7.0 (of which no more than 3.0 may be used for other than residential purposes)

4507.2 - For purposes of this Section, "residential purposes" shall include dwellings, flats, multiple dwellings, rooming and boarding houses, hotels and motels.

4507.3 - Application for such increases in floor area and/or height and associated variations in the yard, court, roof structure setback, parking or loading requirements must be filed in accordance with Section 7503. Applications will be evaluated by the Zoning Commission in light of the purposes set out in the preamble to the Mixed Use District and any public policy or plan then in effect.

4507.4 - In particular, the bonuses are to be awarded for the following economic policies or design characteristics intended to achieve a special environment in the CR Districts

4507.41 - Provision of housing units qualifying as moderate income housing as defined in area plans or official programs prepared by appropriate public agencies.

4507.42 - Provision of space for small retail uses or other small businesses which have been physically displaced (by private or public demolition) from the sub-

ject property or other locations in the District of Columbia as designated by the Mayor or his economic development representative.

4507.43 - Creation of areas devoted primarily to pedestrians and bicyclists in functional relationship to adjacent and area-wide pedestrian ways and bicycle paths or routes; creation of convenient access to waterfront areas and other public recreation and open space areas for residents and visitors.

4507.44 - Provision of space for retail and service establishments which contribute to creation of evening activity centers.

4507.45 - A high quality of urban design, including

but not limited to landscaped open space and plazas accessible to the public and attractive and functional buildings or groups of buildings.

4507.46 - Preservation and enhancement of any place, building or structure contained on the National Register of Historic Places or in the District of Columbia's Inventory of Historic Sites contained in the District of Columbia's Comprehensive Historic Preservation Plan or any other place, building or structure which may be defined as architecturally,

historically or culturally significant by any Sectional Development Plan prepared by the Mayor's designated planning agency or the National Capital Planning Commission.

4507.47 - Other features of social, economic or physical value designed to further improve the quality of life in the Mixed Use District.

4507.5 - More than half of the maximum allowable bonus may only be achieved by provision of moderate income housing units or space for small retail and business uses, or both as defined in paragraphs 4507.41 and 4507.42.

4. ADD A NEW SECTION 7503 as follows:

7503 - Procedures for Review and Approval of Development Bonuses

7503.1 - The purpose of this section is to establish the requirements and procedures for the review and approval of development bonuses which may be provided in the use, bulk, height, and area regulations of the several districts. Notwithstanding the provisions of Article 71 (Non-conforming Uses and Non-conforming Structures) and Article 82 (Board of Zoning Adjustment), an application for review under this section and any concurrent requests for processing under Article 71 and/or Sub-section 8207.2 will be under the

jurisdiction of the Zoning Commission.

7503.2 - Prefiling Conference

7503.21 - Before filing an application for a development project as provided by this section, the applicant shall submit a written request for a conference with the Director of the Office of Planning and Management. The request shall set forth the nature of the proposed project, the appropriate zone district regulations, and the type and extent of bonuses sought. The Office of Planning and Management shall process the application within the time periods specified in Section 7503.

7503.22 - Based on the information supplied in the request, the Director shall schedule within thirty days a conference with the applicant and his representatives, appropriate representatives of District, Federal or inter-governmental agencies, representatives of advisory neighborhood councils, if any, and other appropriate community representatives.

7503.23 - At the prefiling conference, the applicant and his representatives shall give a full explanation of the proposed development. The government agency

and neighborhood representatives may raise questions, suggest project improvements or modifications and/or suggest additional information that may be appropriate for a more complete understanding of the proposal when it is filed.

7503.24 - Within fifteen days following the conference, the Director will transmit the minutes of the conference to the applicant and each agency and neighborhood representative attending the conference. Minutes of the conference shall also be transmitted to the members of the Zoning Commission and to heads of D.C. Departments and Agencies not in attendance at the conference but who should be aware of the proposed project and its implications.

7503.3 - Filing Requirements

7503.31 - Following the prefiling conference and receipt of the minutes of said conference, the applicant may file an application for development bonuses incorporating suggested changes growing out of the prefiling conference which in the judgment of the applicant are appropriate. The application shall be filed on the appropriate form provided by the Zoning Secretariat Office and shall include the following information:

a. A finished site plan showing the location and external dimensions of all buildings and other structures, utilities and other easements, walkways, driveways, plazas and any other open space.

b. Typical floor plans and architectural elevations for all open sides of each building.

c. A landscape plan showing all existing contour lines and landscaping to be retained and all new contours, planting and landscaping.

d. A circulation plan, including pedestrian and vehicular access ways and areas devoted to parking and loading.

e. A Development Schedule showing for each building: the lot area, FAR, height, total gross floor area, gross ground floor area, percentage of lot occupancy, proposed uses, the FAR and gross floor area devoted to each use, the number by type of residential uses, and the number of off-street parking spaces and loading spaces devoted to each use.

f. A Development Schedule for the total site showing: the total lot area, total FAR, total

percentage of lot occupancy, the FAR and gross floor area devoted to each use, the total number by type of residential uses, the gross area and percentage of lot devoted to public open space at ground level, and the gross area, gross area expressed as a percent of the total gross floor area, location and percent of gross area open to the sky for all private recreation space.

g. A detailed statement and other information necessary for understanding the economic features, design characteristics, or other amenities which are provided which would qualify the application for bonus increases in height or density.

h. A copy of the minutes of the prefiling conference.

7503.32 - No application shall be processed until all the required information is furnished.

7503.4 - Zoning Commission Review - Within 30 days of receipt of a completed application, the Zoning Commission shall review the application on a preliminary basis and determine whether a public hearing shall be granted. Applications may be dismissed without a hearing, but no application shall be granted unless such a public hearing is held. If no determination is made within 30 days con-

cerning the granting of a hearing, the application shall be considered as if it had been denied.

7503.5 - Public Hearing

7503.51 - If a public hearing is granted, such hearing shall be held within 60 days of the date upon which such hearing was granted.

7503.52 - Notice of such hearing shall be given in the same manner as for amendments to the Zoning Map as contained in the Rules of Practice and Procedure before the Zoning Commission of the District of Columbia. Such hearing shall be conducted as a contested case in accordance with those Rules.

7503.6 - Zoning Commission Decision

7503.61 - Within 40 days of the end of the public hearing, the Zoning Commission shall issue a proposed order, granting, denying or conditionally granting the application.

7503.62 - Thirty days from the date of publication, the proposed order of the Zoning Commission shall

become final, unless it is withdrawn or modified by the Zoning Commission. Subsequent to such withdrawal or modification, the Commission shall again issue a proposed order, to be circulated for an additional 30 day period. During these 30 days periods, the Zoning Commission may receive and consider additional comments from the applicant or any other party or person, including suggested amendments to the proposed order or other action.

7503.63 - No order of the Zoning Commission approving a site plan review application shall be valid for a period longer than six months unless within such period the plans therefor are filed for the purpose of securing a building permit. Any permit approved hereunder shall be issued within a period of six months after the date of the filing of an application therefor. The erection or alteration approved shall be started within six months after the date of the issuance of the permit and shall proceed to completion in accordance with its terms. If such work is not started within such period the permit shall expire and shall not be renewed.

7503.7 - Enforcement

7503.71 - A covenant running with the land and ap-

plicable to all properties involved in an approved application shall be executed by all of the owners of such properties and the District of Columbia Government prior to the issuance of any building permits.

7503.72 - Such covenant shall bind the property owners and their successors to develop their properties only in accordance with the order approved by the Zoning Commission.

7503.73 - Any application which involves bonuses granted for non-physical amenities, such as moderate income housing or provision of space for small businesses, shall be subject to the requirements that reports, bi-annual from the date of approval, be filed with the Zoning Commission indicating that they are still in compliance with the order of the Zoning Commission. Any application found not to be in compliance shall be prosecuted in accordance with Section 8105.

5. ADD TO SECTION 7501 the following:

A. To sub-paragraph 7501.23a, after "SP":

"CR"

B. To sub-paragraph 7501.24a, after "R-5-D":

"CR"

C. To sub-paragraph 7501.24b:

"CR 6.0 not more than 3.0 of which may be used for other than residential purposes"

6. AMEND SUB-SECTION 8207.2 TO INCLUDE THOSE SPECIAL EXCEPTIONS IN CR DISTRICTS, as follows:

Type of Special Exception	District	Section, Paragraph, or Sub-paragraph in Which Conditions Are Specified
Automobile Sales or Repair	CR	4502.39
Bowling Alley	W,CR, C-1	4402.33, 4502.34, 5101.44
Building Service Trade	W,CR	4402.36, 4502.37
Electric Substation	Any R Dist.	
	W, CR	3101.43, 4402.32, 4502.33
Hospital or Clinic	W, CR	4402.31, 4502.31
Laboratory	CR	4502.38
Light Manufacturing, Processing, Fabricating	W, CR	4402.34, 4502.35
Milling	W, CR	4402.34, 4502.35
Motorcycle Sales or Repair	C-2, C-3-A, CR	5102.42, 5103.42, 4502.39
Natural Gas Regulator Station	Any R Dist.,	
	W, CR	3101.43, 4402.32, 4502.33
Off-street Parking	CR	4502.32
Public Utility Pumping Station	Any R, SP or C Dist., W, CR	3101.43, 4101.44, 4402.36, 4902.33, 5101.42, 5102.43, 5103.43, 5104.41
School - College, university or other academic institution of higher learning	Any R Dist., CR	3101.46, 4502.310
Telephone Exchange	R-4, R-5, SP, W, CR	3104.42, 4101.43, 4402.32, 4502.33
Warehouse	W, CR	4402.35, 4502.36
Wholesale Use	W, CR	4402.35, 4502.36
Uses not specified in 4502.2 and not prohibited in 4502.4	CR	4502.311

elements, developed in a manner which serves the surrounding lower density community while protecting it from avoidable intrusions.

B. DELETE THE EXISTING DEFINITION OF "CLUB, PRIVATE."

C. ADD TO THE DEFINITION OF "MOTEL" AFTER THE TERM "SUB-SECTION 4405.1," the following:

"and in the CR District in Sub-section 4505.1.

D. ADD TO THE DEFINITION OF "PERCENTAGE OF LOT OCCUPANCY" AFTER THE WORD "WATERFRONT" the following:

"and Mixed Use".

8. In order to specify that streets in Mixed Use Districts are considered "business streets" for purposes of the Height Act, ADD TO SUB-SECTION 7610.1 between "Waterfront" and "Commercial" the following:

"Mixed Use"

9. AMEND SUB-SECTION 7103.1 to insert "CR" after"W-3" and before "C-M-1".

10. MODIFY PARAGRAPH 7613.24 TO READ as follows:

"7613.24 W-1, W-2, W-3 and CR Districts."

11. AMEND SECTION 7614 to insert "CR" after "W" in Paragraphs 7614.11, 7614.13 and 7614.2a.

12. MODIFY PARTS OF ARTICLE 72 as follows:

A. Add to the end of Sub-section 7201.1 and 7201.2 the following: "or in the case of a CR District, Subsection 4505.1"

B. Add to Sub-section 7201.3 after the term "Sub-section 4405.1" the following:
"or in the case of a CR District, Sub-section 4505.1."

C. Add to Sub-section 7202.1 after the term "Sub-section 4405.1" the following:
"and except as provided in Sub-section 4505.1 for the case of a CR District".

D. Add to Paragraph 7207.14, 7207.15 7207.16 after the term "Sub-section 4405.1" the following:
"or in the case of a CR District, Sub-section 4505.1."

WALTER E. WASHINGTON

JOHN A. NEVIUS

STERLING TUCKER

GEORGE M. WHITE

RICHARD L. STANTON

ATTEST:

Martin Klauber
Executive Secretary

E

Government of the District of Columbia

ZONING COMMISSION

STATEMENT OF REASONS

Case No. 74-8 C-R Zone District Text Amendment

Case No. 74-9 Mapping of the West End

December 30, 1974

Since the comprehensive rezoning of 1958, the largest portion of the West End has been zoned for light industrial uses (C-M-2). Warehousing and other industrial activities in the West End date back many years before the 1958 zoning. Before industry came to the West End, it was largely a row house residential district.

The existing C-M-2 zoning permits light industrial uses and offices to a height of 60 feet and a floor area ratio of 4.0. In recent years, many industries have moved away from the West End, some to locations around the Beltway, often to secure superior loading and materials-handling facilities. There is now a significant amount of vacant land used primarily

for parking lots. Due to the cumulative nature of the C-M-2 district, the "highest and best use" appears to be a six story office building. A number of such buildings have been built in recent years. The C-M-2 district does not permit housing and the cost of land discourages new light industry. Unless the zoning is modified, the C-M-2 part of the West End will become an office district, an appendage to the office development west of Connecticut Avenue and east of New Hampshire We consider such a continued development solely of day time offices to be undesirable.

In April, 1972, the District of Columbia Office of Planning and Management published a report entitled "A New Town for the West End", which proposed conversion of under-utilized land in the West End to high density residential use.

Based on this background, Office of Planning and Management at the direction of this Commission, undertook an extensive planning analysis for the West End which resulted in the document entitled "A Plan for the West End" published in December, 1973. The preparation of this plan included a complete survey of existing buildings, residents and employees,

an analysis of traffic capacities, economic feasibility, retail services, recreation and other community facilities, as well as consultations with residents and property owners.

The plan included a draft zoning text for application to the C-M-2 area of the West End, entitled "Proposed New Mixed Use Zoning District". The basic philosophy of this text is that certain areas of the city (the West End is the prime example) lend themselves to combinations of residential, office, retail, and light industrial uses with the Board of Zoning Adjustment (BZA) review. The primary objectives in drafting the "CR" District include:

1) Reduction of the office potential of existing commercial zoning, to discourage exclusively office precincts that are used only 8 to 10 hours a day.

2) Encouragement of residential use of commercial land by allowing a higher FAR for residential than for commercial construction.

3) Retention of commercial development rights, both to preserve existing property rights and to allow mixing of residential, office and retail uses in as flexible a fashion as possible.

4) Protection of the rights of existing property owners by avoiding non-conforming status for existing buildings and uses, except for a limited category of specifically prohibited uses.

5) Allowing for new light industry with BZA review to protect residents from environmental hazards.

The new CR district is intended to encourage in-town residential living, working and shopping in key areas of underdeveloped land, easily accessible to good mass transit services. We believe that the zone can be used as a tool to attract people of varying incomes and family sizes back to the city and to encourage present residents to remain. The idea of work, shopping and home within easy walking distances, is an attractive urban concept which we would like to create in the West End. The 24 hour activity to be encouraged also would add to city revenues through increased collections of income, retail sales, and real property taxes. The mixed use concept also supports the city's basic transportation and air quality strategies.

This proposed zoning tool is intended to be used outside the West End only in connection with a Sectional Development Plan, as recently provided for in the Zoning Regulations. We see CR as a useful technique to bring housing into areas which are already commercially zoned. It should be noted that the hearing and citizen participation processes employed in West End were similar to the Sectional Development Plan procedures which were created subsequent to the West End hearing before this Commission.

To gain the widest possible community participation and views on these proposals, the Zoning Commission directed the staff of the Office of Planning and Management to conduct a public forum. The West End public forum afforded the opportunity for presentation and discussion of a number of plans, criticisms and objectives. Testimony, at the public forum and in subsequent documents, was considered and modifications were made to the text advertised for public hearing by the Zoning Commission.

The West End Planning Inc. proposal, the OPM Plan and two other proposals, one submitted by the West End-Washington Circle Associates and one by the Lincoln Civic Association, were presented and fully discussed at the public forum which was conducted jointly by the directors of the Office of Planning and Management, the Office of Housing Programs and the Department of Economic Development in March, 1974.

Subsequent to the July 31, 1974 public hearing, the text and the map were again revised in light of some of the points which were raised. The Commission made adjustments in the advertised mapping proposal and changed the proposed C-R District Regulations to reduce to 60' the maximum height

permitted in any C-R districts adjacent to Rock Creek Park, thereby protecting the park, and environs.

The mapping of the West End area with the newly created CR zone district will accomplish important short and long term municipal planning and zoning objectives for the development of the District of Columbia.

It is hoped that an immediate result of our action will be the development of the last important undeveloped section of land west of the downtown business district. The type of development, which we expect the West End to undergo, should finally stop the spread of 8 and 10 story office buildings along K and M Streets, west of the original downtown business district core.

It is desired that the development of West End in accordance with the objectives of the CR zone district serve to direct further commercial office development eastward and along the riot corridors. This Commission has been aware of the potential for such development east of the present downtown core, as is evidenced by the rezoning of Mount Vernon Square East.

The Commission believes that the CR zone district can provide the mechanism to insure that development of the District will also provide for a desirable in-city life style, as well as commercial and retail enterprises.

The adoption of the CR zone district is in accordance with the Home Rule initiative with respect to citizen participation in the land-use planning processes of the District of Columbia. The prefiling conference mandated by this zone district will assure that residents, owners, and citizens will be able to make their views known at the earliest possible stage in the consideration of a zoning proposal.

The Commission recognizes its responsibilities set forth in the Zoning Act of Section 5-414 of the D.C. Code as follows:

> "Such regulations shall be made in accordance with a comprehensive plan and designed to lessen congestion in the street, to secure safety from fire, panic, and other dangers, to promote health and the general welfare, to provide adequate light and air, to prevent the undue concentration of population and the overcrowding of land, and to promote such distribution of population and of the uses of land as would tend to create conditions favorable to health, safety, transportation, prosperity, protection of property, civic activity, and recreational, educational, and cultural opportunities, and as would tend to further economy and efficiency in the supply of public services. Such regulations shall be made with reasonable consideration, among other things, of the character of the respective districts and their suitability for

the uses provided in the regulations, and with a view to encouraging stability of district and of land values therein."

Meeting the requirements of the statute obliges the Commission to weigh carefully the sometimes competing statutory criteria and the sometime conflicting interests of all diverse parties including the concerns of the City itself. It must be recognized that many complex factors including public action affect the appreciation and depreciation of land values.

Having considered all of the facts, interests and claims presented to it, and after carefully deliberating upon and balancing them, the Commission, to fulfill its statutory responsibilities, has weighed the considerations, discussed above, in connection with the mapping of the West End area in accordance with the adopted C-R Zone Districts.

JOHN A. NEVIUS

GEORGE M. WHITE

RICHARD L. STANTON

ATTEST:

MARTIN KLAUBER
Executive Secretary