Government of the District of Columbia

Office of the
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MEMORANDUM

TO: D.C. Zoning Commission

FROM: Jill C. Dennis
Director

Nathan W. Gross, Chief
Comprehensive Plan Implementation

SUBJECT: Summary-Abstract, Zoning Commission Case No. 96-3/89-1 (Capitol Gateway/Buzzard Point)

The advertised zoning proposal in this case comprises map amendments and a proposed overlay zone for the Buzzard Point and Capitol Gateway areas, in Southeast and Southwest Washington. The public hearing was conducted and completed on November 21 and 25, 1996. The record closed on January 24, 1997.

This summary-abstract highlights the key issues in the case in summary form, based on testimony in the case. It is intended to assist the Zoning Commission in its deliberations and decision on the case. This summary does not presume to reflect the full record of the case, which speaks for itself.

1. Rationale by Proponents and Testimony In Support

- The proposed zoning is based on the Comprehensive Plan as a policy and legal guide to future land use and development in the area.

- The proposed zoning also benefits from detailed planning studies of the Buzzard Point/Near Southeast area that were done in 1988-92, partly with District of Columbia government funding, and with significant private-public sector participation.

- A large amount of community participation in the planning process has occurred in this area — local and federal government agencies, private sector business organizations, property owners, Advisory Neighborhood Commissions and other citizens groups.

- Capitol Gateway/Buzzard Point is considered a unique waterfront development opportunity for the city, and the experiences from Alexandria, Georgetown, Charleston, Southwest Washington, Vancouver, Seattle and other places should be (and to a degree, have been) utilized in planning the area.

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- The area has major assets, such as the waterfront location; the Navy Yard Metrorail Station; the attractive setting of historic Fort McNair; dramatic vistas of federal monuments and the bluffs across the Anacostia River; and large assemblages of underutilized land in single ownership.

- On the other hand, the area has a number of constraints, such as vehicular movement capacity, blighted appearance, distance from Metrorail for much of the area, poor infrastructure and the high cost of doing business.

- There will be a long transition period during which older and newer uses coexist in parts of the area, but the area is large enough to accommodate this pattern in different subareas with differing contexts.

- The proposed rezoning and overlay district are considered generally consistent with the Generalized Land Use Map of the Comprehensive Plan, which indicates Mixed Use: High Density Residential/PTE/Medium-High Density Commercial as the adopted future zoning and development pattern for the Capitol Gateway and Buzzard Point area. Other written policies in the Plan support mixed use zoning and development. The Home Rule Act requires zoning to be "not inconsistent" with the Comprehensive Plan.

- The existing CM and M zones are inconsistent with the Plan to the extent that they do not allow residential development, which is indicated as one of the major preferred uses in the land use designation of the Plan.

- A related problem is that the existing M and CM zoning is more likely to produce offices than industrial development as the predominant use in the future, resulting in a single-purpose office precinct with severe traffic constraints, poor public safety at night, and missed opportunity for mixed use development in a unique location.

- The proposed zoning accommodates the PTE/industrial component of development required by the Comprehensive Plan by making existing industrial uses conforming, allowing their expansion and allowing certain new industrial uses by special exception.

- Two critical functions of the overlay zone relate to residential uses and public open space along the Anacostia riverfront. The proposed zoning will allow residential development, unlike the existing zoning. Second, the advertised overlay zone includes a building setback restriction along the Anacostia waterfront, so that continuous public open space is reserved there and additional buildings are not constructed that would obstruct the potential for a future walkway/bikeway/public park along the waterfront.

- The proposed map and text amendments aim to provide flexible, mixed use zoning that allows the real estate development market the opportunity to respond in market cycles for different uses over time and achieve the desired mixture of uses over an extended period of years. Given the very large amount of underutilized land in the area, market absorption of the permitted uses will inevitably require many years to occur.

- This approach is intended to be generalized and to allow the market to work. It is also recommended that, if a rezoning is adopted, the development response and other planning issues should be reviewed in five years to determine whether any adjustments are necessary and desirable.

2. Mixed Use (CR) or Commercial (C-3-C) Zoning In Capitol Gateway

Although not advertised for the public hearing, testimony pro and con was received on the issue of whether the Capitol Gateway subarea should be zoned C-3-C, a medium-high density office classification.

Pro

- Office development should be concentrated in this sector that is relatively near the Navy Yard Metrorail station to provide an economic development stimulus, convenience for commuters, and increased transit ridership for Metrorail.

- The Development Opportunity Area designation in the Comprehensive Plan implies office development. C-3-C is consistent with the Medium-High Density Commercial part of the land use designation.

- Because of their greater profitability, office buildings can "pioneer" development in the area, make some infrastructure improvements and begin to change the image of the area. Bulkheading and open space improvements along the waterfront are especially expensive, and office buildings can better afford these costs than mixed use or residential development.

- Residential development can follow later, after the area has begun to improve. Hotel is the only type of residential development feasible in the near term.

- The Capitol Gateway subarea is situated in between the Southeast Federal Center and South Capitol Street on the east and west, thereby creating a logical environment for office development. The office market may be stronger than it appears, because many Government Services Administration (GSA) leases are up for renewal in the next few years.

- The proposed zoning is too much of a down-zoning and will discourage development. The zoning mix should have a larger commercial component and a smaller residential component. A combination of 6.0 FAR office and 2.0 FAR hotel may be feasible at present or in the near future.

Con

- The Comprehensive Plan has designated both Capitol Gateway and Buzzard Point as mixed

use (residential and commercial) since 1984-85. The PTE/industrial designation was added to the designation in the Comprehensive Plan amendments of 1989. The Plan is authoritative as general policy guidance.

- C-3-C zoning, if adopted, would be inconsistent with the residential component of the land use designation. Although residential development is allowed in C-3-C at equal density with office development (at 6.5 FAR for either use), the lack of a density incentive for residential development makes residential development extremely unlikely in this zone. Property owners and developers are much more likely to wait for the feasibility of building a full-envelope office building than to build mixed use or residential. In short, C-3-C is not a mixed-use zone because of the inherent bias in the market towards commercial development.

- The proposed CR zoning in most of the area allows a large amount of office development to occur, especially on the large sites that dominate the area. Office development can pioneer in the area under mixed use zoning, as there is no requirement for concurrent residential development, which can be left for future development. Combined lot development can also allow high density office buildings to proceed on 100 percent of one of the paired lots.

- Residential and mixed use development can benefit from being relatively near the Metrorail station, as well as office development. Apartment buildings and hotels produce significant ridership for Metrorail, and a mixed use development pattern helps balance inbound and outbound vehicular trips.

3. PTE/Industrial Policy Issues

- The area should continue to be retained as an industrial area in order to retain and expand blue collar jobs and infrastructure services to the city in a location well-removed from residential neighborhoods. It could be a clean industrial area. It is a designated "Enterprise Community" and should be an industrial park.

  -The proposed CR, W and overlay zoning allows considerable flexibility for existing and new industrial uses, and there is a large amount of land to permit industrial uses, together with evolution of other developments in other parts of this large area.

- The city has been rezoning too many M and CM areas to other zones and thereby losing too much future industrial potential; a policy and land use study of industry in the city is needed before we lose more industrial land. The District needs a long-term plan for accommodating industrial and trash-related businesses, for the stability of these businesses, which are important to the functioning of the city.

  -There is general agreement that such a study should be done, when resources are available.

-This area has been zoned M and CM since 1958, with trends being a steady loss of industrial businesses; the private sector's general response has been to locate new industry in locations with better truck or railroad access and lower land prices.

-One issue is whether the city is losing industrial zoning or office zoning?

- The grandfathering provisions of the proposed zoning allow industries to make structural alterations and take advantage of new technologies, so that continuing industrial uses can be smaller and cleaner, perhaps enclosed.

- Some testimony encouraged a stronger approach to encourage more rapid phasing out of industrial uses, so that the transformation of the area to commercial and residential development is less constrained by visual blight and other impacts. The proposed flexibility for industrial uses runs the risk of residential buildings having noxious industrial uses next door or nearby.

  -One option proposed is to require a special exception for new or expanded industrial uses so as to assess the potential impact on future residential and commercial development, together with the usual site planning and impact review.

  -Counter to the comment immediately above was testimony that the existing performance standards for new industrial uses in the zoning regulations are actually quite strong, ensuring good controls over emissions and other impact factors. New or expanded industrial development can locate in the area without affecting other development potential a few blocks away.

4. Some Specific Issues and Proposals

<u>Waterfront-Related</u>

- The building setback along the waterfront should be measured from "the face of the bulkhead of the lot that fronts on the waterfront" (Davis Buckley), rather than the lot lines along the waterfront. Some lot lines are actually under water. The bulkhead line is more reasonable basis for setback.

- A bonus could be considered for property owners who improve the open space along the waterfront, rather than simply providing TDRs to offset the required setback. This would recognize that waterfront improvements are expensive.

- An extra amount of bonus density could be awarded to property owners who set buildings back an extra distance from the waterfront.

- The Committee of 100 recommended a wider building setback requirement along the waterfront, combined with a requirement that these sites be developed as PUDs that include 50 percent residential development.

Squares 601 and 656

- The issue is what height, bulk and mixed use provisions should apply to the southern half of these squares which were advertised in the alternative for C-2-B, C-2-C or CR zoning. This location is adjacent to moderate density residential development to the north, raising the question of a transition of height, bulk and use.

  -Property owners request BP/CR, based on: (a) uniform treatment with other properties having the same mixed use designation in the Comprehensive Plan; (b) C-2-B is not consistent with the Comprehensive Plan, in that PTE uses are not allowed; (c) overdevelopment will not occur because the width of the street limits development to 90 feet; and, (d) C-2-B doesn't allow enough density to encourage development.

Industrial Use Provisions

- Metro (WMATA) requested that transit facilities be explicitly referenced as one of the permitted CM and M uses that is allowed to be conforming and to expand.

- Pepco recommended a modified text regarding continuing and expanding industrial uses that would accommodate the unique status of some of their facilities, some of which, being structures, do not require Certificates of Occupancy. See proposed modifications to advertised subsection 1605.1, submitted by Wilkes/Artis and Pepco.

  -Pepco testified that it will need to retain and potentially expand electric generation facilities, especially in squares 661 and 665. However, modernization can make them more compatible with future development.

Public Review Processes

- The BP overlay should encourage planned unit developments for projects that have the potential to further the redevelopment of the area to mixed use and which make waterfront improvements, especially public amenities.

- An expansion of an existing industrial use should require a special exception to consider area impacts and the effect on achieving the goal of future mixed use development.

Parking

- Above-grade residential parking should not count in FAR calculations, because below-grade parking is very expensive, especially in a flood plain area.