Memorandum • Government of the District of Columbia

June 2, 1997

TO: Madeliene H. Dobbins
Director, Zoning Commission

FROM: Andrew Earl Ridley
Assistant Corporation Counsel, D.C.
Land Use Section; Government Operations Division

RE: Zoning Commission Case No. 96-3/89-1 (Text and Map Amendment @ Buzzard Point & Capitol Gateway)

This responds to your request for legal advice on the issue of the Commission's consideration of zoning the subject matter waterfront area W-2 or in the alternative W-1.

The Commission is correct in its assessment that W-1 and W-2 zoning would permit certain development as a matter of right. Under 11 DCMR 901.1 et seq. (July, 1995), certain restrictions pertaining to occupancy percentage, building heights, usage and Far are clearly described for the purposes of waterfront development. Needless to say, even in its specificity, Chapter 9 of 11 DCMR does afford the commission review opportunities of any proposed development to assure conformity with the W zoning classification. [See 11 DCMR 905.1 et seq.]

The Zoning Commission intends to, in effect, eliminate the W-2 zone and its more dense zoning requirements and allowances. If this is the Commission's intent, then it should so state and engage in appropriate rulemaking, eliminating the W-2 zone classification entirely. Enactment of appropriate regulation would be necessary, allowing PUD's, including designated characteristics, in a W-1 zone.

If a new regulation is desired to accomplish the commission's elimination of the W-2 zone and enhancement of the W-1 zone, I stand ready to assist in the drafting of the same.

ZONING COMMISSION
CASE NO. 96-3/89-1
EXHIBIT NO. 82
6/10/97