GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

MEMORANDUM

TO: Zoning Commission

FROM: Andrew Altman
Director

DATE: January 7, 2001

SUBJECT: Z.C. 96-3/89-1

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Attached is a summary of the consensus decisions reached by the Zoning Commission regarding the Buzzard Point Overlay, Case Number 96-3/89-1. The summary was prepared for the Office of Planning by Nathan Gross of Arnold and Porter, as part of OP's Waterfront Initiative planning effort. Mr. Gross' summary was based on listening to the tapes of the Commission meetings of 3/10/97 and 6/9/97. We are forwarding the summary to the Commission, as a refresher for the Commission members who were participants in that case, and as a guide for the new members who must read the record.

ZONING COMMISSION
CASE No. 96-3/89-1
EXHIBIT No. 83

Zoning Commission Case No. 96-3/89-1
Summary of Consensus Decisions by the Commission
At Decision Meetings of 3/10/97 and 6/9/97
Public Hearing Dates: 11/21/96 and 11/25/96

1. ***Adopt advertised zoning map amendments, except:***

   a. Adopt BP/CR zoning instead of C-2-B for the southern portions of Squares 601 and 656. This can be adopted now, as BP/CR was advertised in the alternative.

   b. Adopt BP/C-3-C rather than BP/CR for Squares 700 and 701; BP/C-3-C not advertised, would require further public hearing.

   c. Amend boundaries of proposed BP/W-2 zone. Instead of 110-foot depth from waterfront, include specific squares following street boundaries. This would incorporate a generally similar land area, but would be a clearer boundary with better opportunity for planning high-quality development. See map from record of case.

2. ***Adopt advertised BP overlay zone, except as discussed further in this summary.***

3. ***Waterfront Provisions.*** This was clearly the highest priority issue, and the Commission devoted a few hours of discussion about how to ensure high-quality treatment of this rare resource in the city – private, developable land along the waterfront.

   a. There was general agreement that project-by-project review was desirable, possibly using the PUD regulations together with guidelines to be added to the BP overlay zone in the section on waterfront setbacks.

   b. The issue of whether a mandatory PUD provision would present legal problems was referred to the Corporation Counsel, but the response from the Land Use Section completely misunderstood the question and the situation and responded inappropriately. Commissioners noted two analogous situations, namely that college and university campuses can only be developed with mandatory public review, likewise townhouses and garden apartments in R-5-A districts.

   c. The Commission set forth a list of desired components to be included in the development guidelines for waterfront PUDs, including:

      1. Required ground floor festive retail uses along the waterfront;
      2. Required setback of 75 feet (or 50 feet) from waterfront, to be developed for public open space/walkway/bikeway use, with guarantee

of private maintenance of the space and permanent public access;[1] consider bonuses for open space setback, extra setback.

3. Adopt the concept of a step-down in building heights near the waterfront for openness of vistas. Consideration of effect of proposed building design on vistas to and from the river, the Capitol Dome and other federal landmarks;[2]
4. Good site plan, urban design, vehicular access and similar provisions already in the PUD evaluation standards;
5. Advance the mixed-use purposes of the Buzzard Point (BP) overlay zone and the Comprehensive Plan, e.g., residential uses, visitor-oriented uses, retail-entertainment uses, hotels, suitable public recreation uses.

4. Regulation of Existing Industrial Uses

a. The base CR zone and the overlay zone provide flexibility for existing industrial uses, as follows:

1. Existing CM and M uses are conforming uses and may expand as a matter of right up to the maximum commercial density of the underlying CR (3.0 FAR) or W-3 (2.0 FAR) zone. *Commissioners discussed: a) Whether expansion should require a special exception, as in Uptown Mixed Use-Arts overlay zone to ensure environment for future mixed use; and b) whether certain open air and detrimental uses, e.g., trash transfer, junk yard, should not be regulated more strictly, probably as nonconforming uses. The Prohibited Uses listed in the CR and W zones may well accomplish this purpose, if § 1605.1 of the BP overlay zone were modified to provide that uses prohibited by § 602 of the CR zone and § 902 of the W zones are deemed nonconforming uses in the BP district*

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[1] Commissioner Parsons provided important information and recommendations about setbacks and bulk head/property line/shoreline as measuring point. The bulkhead line was established by the Army Corps of Engineers in 1890, with the intent that owners could fill to that line for development and use, with a pier head line beyond that. Many areas have never been filled to the bulkhead line in this industrial area, but some were built beyond. Under present-day regulations, no filling in the river is allowed at all. Thus, the bulkhead line would be a highly irregular and poor measuring point for building setbacks along the waterfront. Mr. Parsons suggested that a 75-foot setback be required, measured from "the bulk head line or the shoreline, whichever is more landward (or comparable term)."

[2] It was noted favorably by Commissioners that the W-2 zone does not allow increased height with a PUD; rather the maximum height remains 60 feet. There was some discussion that in a PUD case the Commission could adjust bonuses to provide incentives. The option of rezoning the waterfront area to W-1 with normal matter-of-right uses as a means of encouraging PUDs without an actual mandatory public review was discussed but ruled out as being unnecessarily restrictive and perhaps overly cautious about a potential mandatory review provision. In general, Commissioners felt that the development of the few remaining waterfront parcels was of such importance to the city and the immediate area that mandatory development review was in the public interest.

2. A limited number of light industrial uses may be established by special exception as new uses pursuant to provisions in the base CR and W zones.

5. Special Uses

a. WMATA and Pepco each requested special use provisions for transit facilities and certain Pepco facilities.

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CASE No. 96-3/89-1
EXHIBIT No. 1
FAX

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TRANSMITTAL SHEET

TO: Alberto Batista	FROM: Uwe Steven Brandes AICP
COMPANY: Office of Zoning	DATE: January 26, 2001
FAX NUMBER 727.6072	TOTAL NO. OF PAGES INCLUDING COVER: 4 Pages
PHONE NUMBER:	SENDER'S REFERENCE NUMBER: 202.442.8965
RE: Anacostia Waterfront Initiative	uwe.brandes@dc.gov

☐ URGENT ☐ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ PLEASE RECYCLE

Attached please find requested information prepared by Nate Gross.

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