GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

D.C. OFFICE OF ZONING
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MEMORANDUM

TO: **Carol Mitten, Chair and Members**
D.C. Zoning Commission

FROM: **Andrew Altman, Director**

DATE: **March 3, 2001**

SUBJECT: **Zoning Commission Case No. 96-3/89-1 – Appendix**

INTRODUCTION

This memo furnishes additional information related to Case No. 96-3/89-1. It contains the following sections:

I. Case Summary

II. Zoning Commission Consensus at 1997 Decision Meetings

III. Attachment - May 2000 Workshop Flier.

I. CASE SUMMARY

The following review information was presented by the Office of Planning to the Zoning Commission on February 12, 2001.

Case Number:	96-3 / 89-1
Case Name:	Buzzard Point / Capital Gateway Rezoning
Description:	Mixed-Use Zoning for area known as Buzzard Point and Capital Gateway in the Southwest and Near Southeast quadrants.
Public Hearing Dates:	November 21, 1996 and November 25, 1996

ZONING COMMISSION
District of Columbia
Case No. 96-3/89-1
EXHIBIT NO. 84

Decision Meetings:	March 10, 1997 and June 9, 1997
Proposed Zones:	CR (Commercial / Residential) - 6.0 FAR 6.0 FAR Residential or Mixed Use 3.0 FAR Commercial 90' Height Limit W-2 (Medium Density Waterfront) – 4.0 FAR 4.0 FAR Residential or Mixed Use 2.0 FAR Commercial 60' Height Limit
Proposed Bonus:	CR (Commercial / Residential) - 2.0 FAR (8.0 Total) 2.0 FAR Residential No Commercial Bonus W-2 (Medium Density Waterfront) – No Bonus On-Site Bonus for setback and for residential may transfer
Combined Lot Development:	Two or more lots may swap residential and commercial density. Residential may be built on one lot with Commercial on another with same total density mixture.
Building Setbacks:	New buildings along Waterfront must provide 50' additional setback from shoreline so as to reserve continuous public open space along waterfront. New buildings along M Street must provide 5' setback to increase width of sidewalk around Metrorail station.
Existing Industrial Uses:	Existing uses are conforming. Industrial Uses may expand within height and commercial bulk limits of CR (3.0 FAR) and W-2 (2.0 FAR) zone. CM performance standards apply.

II. ZONING COMMISSION CONSENSUS AT 1997 DECISION MEETINGS

The following information was presented by the Office of Planning to the Zoning Commission on February 12, 2001. This information is a synopsis of the Zoning Commission Decision Meeting tapes, which were reviewed by Nate Gross of Arnold & Porter at the request of the Office of Planning. It should be noted that the full rationale for the zoning map and text amendments is presented in the OP hearing report, which is in the record of the case.

A. Map Amendments. The Commission reached consensus to adopt the Zoning Map amendments to CR and W-2 as advertised, with the following **exceptions**:

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

2. Adopt BP/C-3-C rather than BP/CR for Squares 700 and 701. BP/C-3-C was not advertised, and its adoption would require further public hearing.

3. Amend the boundaries of proposed BP/W-2 zone. Instead of the zone being defined by a 110-foot depth from the waterfront, include certain 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. This boundary was not advertised for the public hearing and is probably not feasible to adopt now. Some of the alternative street boundaries are within the advertised 110-foot depth, but other areas extend father from the waterfront. However, adoption of the 110-foot depth is a reasonable and desirable action given the importance of the waterfront, and the amended boundary can be considered later. (See Recommendation.)

B. BP Overlay Zone. The Commission reached consensus to adopt the BP Overlay Zone amendments as advertised, with the following **exceptions**:

1. 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. Mandatory Public Review. 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. There was considerable discussion about the concept of a mandatory PUD provision given the extreme importance of building scale, uses and design along the waterfront.

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

1. Required ground floor retail uses along the waterfront;

2. Required setback of 75 feet (or 50 feet) from the 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.

As with several other items discussed by the Commission, this concept was not advertised for public hearing and consequently cannot be adopted now. It is, however, an ideal topic for the consultants in the Anacostia Waterfront Initiative to report back on in early 2002 with specific recommendations. In the meantime, the proposed W-2 zoning will be generally consistent with both the Comprehensive Plan and the several small area plans and analyses that have been done of Buzzard Point over a period of many years.

b. Regulation of Existing Industrial Uses

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

a. 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

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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.

FAR) or W-3 (2.0 FAR) zone. A few light industrial uses are allowed as new uses by special exception in the underlying W and CR zones.

Commissioners discussed:

- Whether expansion should require a special exception, as in Uptown Mixed Use-Arts overlay zone to ensure environment for future mixed use; and

- 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

- There was no advertisement of a provision for expansion of existing M and CM uses to require a special exception. Again, this is an option that can best be considered after recommendations are received from the Anacostia Waterfront Initiative. In the meantime, the permitted density of any expansion is reduced.

3. ***Special Uses.*** WMATA and Pepco each requested special use provisions for transit facilities and certain Pepco facilities.

III. May 2000 Workshop Flier (attached)