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The Honorable Vincent C. Gray

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The Honorable Phil Mendelson

Executive Director

Marcel C. Acosta

IN RELPY REFER TO:
NCPC File No. Z.C. 09-22

NOV 06 2012

Zoning Commission of the
District of Columbia
2nd Floor, Suite 210
441 4th Street, NW
Washington, D.C. 20001

Members of the Commission:

Pursuant to delegations of authority adopted by the Commission on August 6, 1999, I have reviewed this proposal for the construction of a new mixed-use building 130 feet in height and 300,000 gross square feet located at the intersection of South Capitol Street and M Street within the Capitol Gateway Overlay and find that it is not inconsistent with the Comprehensive Plan for the National Capital. A copy of the Delegated Action of the Executive Director is enclosed.

Sincerely,



Marcel C. Acosta
Executive Director

Enclosure

cc: Harriet Tregoning, Director, District of Columbia Office of Planning
Anthony Hood, Chairman, Zoning Commission

ZONING COMMISSION
District of Columbia
CASE NO. 09-22
EXHIBIT NO. 13
13



Delegated Action of the Executive Director

PROJECT

Capitol Gateway Overlay at Square 700, Lots 866 and 73

*South Capitol Street and M Street, SE
Washington, D.C.*

NCPC FILE NUMBER

ZC 09-22

NCPC MAP FILE NUMBER

24.14(06.20)43669

REFERRED BY

Zoning Commission of the District of Columbia

DETERMINATION

*Approval of report to the Zoning
Commission of the District of Columbia*

REVIEW AUTHORITY

Advisory

*per 40 U.S.C. § 8724(a) and DC Code § 2-
1006(a) and § 11-3012.1(a)*

In accordance with Title 11 Section 3012.1(a) of the District of Columbia Municipal Regulations, the Zoning Commission of the District of Columbia has referred this case for NCPC review and comment. The proposal is to construct a mixed-use (commercial/retail) structure at Square 700, Lots 866 and 73 which is located at the southeast corner of the intersection of South Capitol and M Streets, SE. MR Ballpark 4 LLC, the developer of this project, is proposing a building design that it states meets all of the matter-of-right Capitol Gateway Overlay District/Commercial Residential (CG/CR) zoning criteria except for the building having at least 60 percent of the streetwall on the setback line.

The proposal is for new construction of a twelve-story structure of 300,000 gross square feet, which will include new office uses and 25,000 gross square feet of retail space. Currently this site is being used as temporary parking lot for used by the Nationals Ballpark visitors. Directly abutting this site to the south is an existing five-story brick building.

The federal interest associated with the proposed project is its compliance with the Comprehensive Plan for the National Capital, the Height of Buildings Act and the CG Overlay. The proposal complies with the Height of Buildings Act as the roof is at 130 feet, the maximum height allowed along this 130 foot right-of-way, and the penthouses are appropriately set back at a one-to-one ratio from the edge of the roof. Furthermore, this project is not inconsistent with the policies established in the Historic Preservation Element of the Comprehensive Plan. In addition, listed below are criteria for new construction being proposed along South Capitol Street within the CG Overlay. The criteria are as follows:

- Establishes a 15-foot minimum setback line,
- Allows building heights to reach 130 feet where permissible under the Height of Buildings Act, and where combined lot development is being utilized.
- Establishes a 1:1 setback for any portion of buildings that exceed 110 feet.
- Prohibits new private driveways, parking or loading berths on South Capitol Street.

- Permits an increase in FAR to 8.0 for buildings which are 110 feet in height and 8.5 for buildings which are 130 feet in height if the projects are being developed under combined lot development.
- States that for new construction at least 60 percent of the buildings' streetwall must be on the established setback line.

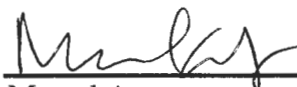
The developer states that, with one exception, all of the criteria listed above are met with this design. This one exception is that the building façade along South Capitol Street does not have at least 60 percent of the streetwall built on the 15-foot setback line. This provision was included because there is significant interest in ensuring that buildings create a strong street presence along South Capitol Street, one of the main view corridors for the U.S. Capitol. While the first floor of this building is not constructed on the 15-foot setback line, the other floors above it are built to the setback line and therefore it is in accordance with this provision of the CG Overlay.

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Pursuant to delegations of authority adopted by the Commission on August 6, 1999 and 40 U.S.C. § 8724(a) and DC Codes § 2-1006(a) and 11-3012.1(a), I have reviewed this proposal for the construction of a new mixed-use building 130 feet in height and 300,000 gross square feet located at the intersection of South Capitol Street and M Street within the Capitol Gateway Overlay and find that it is not inconsistent with the Comprehensive Plan for the National Capital.



Marcel Acosta
Executive Director

10/20/12
[Date]