GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

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Office of the Director

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MEMORANDUM

ZONING COMMISSION
District of Columbia
Case 05-08
Date

DATE: **March 4, 2005**

TO: **District of Columbia Zoning Commission**

FROM: **Ellen McCarthy, Interim Director OP**

SUBJECT: **Zoning Commission Case No. 05-08**
Capital Gateway Overlay District Text Amendment, Squares 702-706 & Res. 247

I. APPLICATION-IN-BRIEF

Applicant: Office of Planning

Location: Squares 702, 703, 704, 705, and 706 and Reservation 247, located between South Capitol Street SE and 1st Street SE, and N Street SE and Potomac Place SE

Ward 6; Advisory Neighborhood Commission 6D

Proposal: An amendment to the Capitol Gateway (CG) Overlay District Zoning Regulations to.

(a) Provide a definition for a "Ballpark" and a "Ballpark Area";

(b) Provide for a ballpark within the squares in question, in conformance with the agreement between the City and Major League Baseball and in accordance with adopted Council policy; and

(c) Establish a Zoning Commission review and approval process and design guidelines for a ballpark and associated uses

This report also serves as the pre-hearing statement as required under Section 3013.

II. RECOMMENDED ACTION

The Office of Planning recommends that the Zoning Commission set down this proposal for public hearing.

III. EXECUTIVE SUMMARY

In September of 2004, the Mayor announced that an agreement had been reached with Major League Baseball for the return of a major league team to Washington DC This agreement includes a requirement for the construction of a new baseball stadium in the Near Southeast, adjacent to South Capitol Street, as well as a number of more specific obligations for the new structure, such as seating and parking requirements The new ballpark will not only provide a new home for the new baseball team, but will act as a catalyst for new development in this emerging part of the city. Although the principle use will be as a ballpark for major league baseball, the facility would also be available for entertainment events such as music concerts, and for other special non-professional sporting events

In December 2004, the Council of the District of Columbia adopted the Ballpark Omnibus Financing and Revenue Act of 2004. This Act provides for the financing of the ballpark, and states that the

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EXHIBIT NO.1

ballpark construction for a new major league team will be of social and economic benefit to the District (Bill 15-1028, p. 2). This Act can be viewed at www.dccouncil.washington.dc.us.

As the baseball use for this site has been established by the Mayor and the City Council as being of benefit to the District, the process to provide for the construction of a new ballpark for major league baseball in the District is well underway. In accordance, the Office of Planning is proposing that the Capitol Gateway Overlay District be amended as it applies to the subject site, to permit a "ballpark". OP is also proposing amendments to require that the ballpark and any other stadium related facility within the Ballpark Area require Zoning Commission approval through an established public process, with review against a proposed set of objectives and guidelines intended to address design and site planning issues such as streetscape character, neighborhood fit, pedestrian and vehicular movement, and architectural form and design.

IV. SITE – refer also to Context Map Attachment I and Site Map Attachment II



The specific site chosen for the new ballpark is within an area encompassing Squares 702, 703, 704, 705 and 706 and Reservation 247 in the Near Southeast neighborhood. This land is located between South Capitol Street and 1st Street SE, and between N Street SE and Potomac Avenue SE. A separate Council action to close some or all of the streets that are internal to the subject site (including portions of Half Street SE, O Street SE, and / or P Street SE) will be necessary.

Directly to the west is WASA land, and the Southeast Federal Center site for which the SEFC Overlay District was adopted in 2003 (Zoning Commission Case 03-06). To the south is the Florida Rock Properties site, subject of Zoning Commission PUD Case 04-14 which has been set down for a public hearing, and the Anacostia River. A block to the north is M Street, with a Green Line metro station located at the corner of M and 1st Streets SE.

The site is within the Near Southeast area of the Anacostia Waterfront Initiative. The site is also located along a section of South Capitol Street for which the District Department of Transportation and the National Capital Planning Commission are undertaking separate planning studies, with the intent of

rehabilitating the street to become a monumental corridor befitting its location (refer to Section VII of this report for more information on area planning initiatives)

The site is about 20 acres in size, including internal roads About 15 acres is within existing squares It slopes up from its southeast to northwest corner by about 20 feet The area currently contains predominantly low-density warehouse, light industrial and adult entertainment businesses, established when the property was zoned M (industrial) and CM (commercial / light industrial). The current CG/CR zoning permits medium to high density commercial, residential, or mixed use development, although the CG Overlay permits the retention, but not the extension, of pre-existing uses that no longer conform for use

V. SITE DEVELOPMENT

The subject site has been identified for the construction of a new ballpark, for use by the Washington Nationals Major League Baseball Team, and for entertainment and amateur sporting events The site will be owned by the District through the Anacostia Waterfront Corporation, and the DC Sport and Entertainment Commission (DCSEC) has been charged with construction of the ballpark structure. Once completed, the District will own the structure In accordance with the agreement between the District and Major League Baseball, the ballpark is required to provide 41,000 seats, 1,100 parking spaces, office space for team management, concession and restaurant areas, and other baseball related uses. The DCSEC is in the process of selecting a design team for the ballpark Construction is anticipated to commence in 2006, with completion in time for the start of the 2008 baseball season.

VI. CAPITAL GATEWAY OVERLAY DISTRICT – refer to Context Map, Attachment I

Zoning Commission case No. 96-3/89-1 was an initiative to rezone the Buzzard Point-Capital Gateway area and to map a new overlay district. Detailed planning studies for the area were completed in 1988 to 1992, with the intention of encouraging the development of an active mixed-use community in this currently underdeveloped warehouse and industrial area.

Public hearings on the Capitol Gateway Overlay District (CG Overlay) (then referred to as the Buzzard Point Overlay) map and text amendment were originally held in November of 1996 Advertised changes included a proposal to rezone the area from the then predominantly industrial M and CM zones to the more mixed use CR and W-2 zones The subject site was zoned C-M-2 (Squares 702 and 704) and M (Squares 703, 705 and 706 and Reservation 247), and was proposed to be rezoned to CR. Although the proposals were advertised and public hearings were held, no proposed action was taken at that time

The Commission re-advertised the case, including the map amendments and establishment of the new overlay, in June 2001, and additional public hearings were held in September 2001 and September 2002 The Commission took final action to adopt the rulemaking at its regularly scheduled public meeting of October 28, 2002. A copy of the Order may be obtained from the DC Office of Zoning, and is available on the DCOZ website at http //dcoz dc gov/main shtm.

The CG Overlay also amended a number of specific regulations related to residential density, height, and setback, including ones for the CG/CR district, which includes the ballpark area, to allows an additional 1.0 FAR of density for residential development to a maximum residential FAR of 7 0 (§1601.1) and to permits additional height, to the amount permitted by the Height Act of 1910, for the this bonus residential density, but requires a 1.1 setback above a height of 90 ft (§1601.2). The CG/CR zone also permits a combined lot development within the Overlay area for the purposes of allocating residential and commercial uses The CG Overlay further established a Zoning Commission review

process for all properties facing M Street, SE, including ones zoned CG/CR, as well as for sites along the Anacostia Waterfront in the CG/W-2 District, to ensure quality development

The Zoning Commission is currently reviewing a separate proposed amendment to the CG Overlay – Zoning Commission Case # 04-02, Cap Gateway II / East M Street, intended to expand the boundaries of the CG Overlay to the area east of the 11th Street Bridge access

VII. PLANNING AND ZONING ISSUES

1. Anacostia Waterfront Initiative

The Ballpark Area is within the Anacostia Waterfront Initiative (AWI). Mayor Williams officially released the AWI Framework Plan on December 3, 2003. The vision of the AWI is of a clean and vibrant waterfront with a variety of parks, recreation opportunities, and places for people to meet, relax, encounter nature and experience the heritage of the waterfront. The AWI also seeks to revitalize surrounding neighborhoods, enhance and protect park areas, improve water quality and environment, and, where appropriate, increase access to the water and maritime activities along the waterfront Additional information is available on the Office of Planning website at http://planning.dc.gov

The AWI includes a number of target areas, including the Near Southeast target area within which the subject site lies Planning principles cited in the AWI for the Near Southeast target area, which includes the baseball site, are·

1. *Extend the surrounding urban fabric to the waterfront, bringing the city to the Anacostia River*
2. *Build upon the current wave of public and private development to create a comprehensive vision for the Near Southeast, integrating diverse projects.*
3. *Create continuous public access to the Anacostia River waterfront, as part of the Anacostia Riverwalk and Trail.*
4. *Create a linked network of public parks, open spaces, greenways, and tree-lined streets to tie the Near Southeast neighborhood together and to the waterfront.*
5. *Create a major waterfront park destination for residents, employees, and visitors.*
6. *Maximize access to the waterfront from residential areas by extending existing streets and view corridors to the river.*
7. *Emphasize mixed-use development, integrating commercial and residential areas, to form a lively and active neighborhood throughout the Near Southeast.*
8. *Provide diversity in housing types and income levels to ensure a strong and balanced neighborhood.*
9. *Encourage commercial development to maximize economic growth and job creation, emphasizing major street corridors and transit connections.*
10. *Create linkages to the adjacent neighborhoods of Capitol Hill and Southwest by overcoming the physical and psychological barriers of the highway network.*
11. *Encourage low-impact development with "green" building techniques for sustainable architecture and landscape design. (AWI Framework Plan, p. 119)*

The review process and associated guidelines for the baseball site are intended to be in keeping with the AWI and Near Southeast Target Area objectives. In particular, the guidelines are intended to allow issues of circulation, neighborhood impacts, public space form and design, views, connectivity to the Anacostia River, and environmental design to be analyzed and addressed as part of the public Zoning Commission review process.

2. **Near Southeast Target Area Plan**

The baseball site is on the western edge of the Near Southeast Target Area, which is undergoing rapid transition. Approval by the Commission has already been given for a number of separate development projects, including the Southeast Federal Center site, the Hope VI Arthur Capper / Carrollsburg site, and the US Department of Transportation Headquarters, while PUD Phase II review of the Florida Rock Property site is also underway. The area is also close to the Washington Navy Yard, which has received significant investment to accommodate over 10,000 employees, including restoring historic structures, constructing infrastructure improvements, and enhancing the waterfront area. A number of other commercial developments are recently completed or are under construction, while a design for the new Canal Blocks Park has been chosen and construction is eminent Together, these projects represent significant public and private investment in this area.

The Near Southeast Area Urban Design Framework Plan has been drafted to tie together these many separate development initiatives. The Plan includes a number of Urban Design Principles for the area and for specific sites within the area, which are generally more detailed and specific versions of the AWI Near Southeast Area planning principles, noted above The proposed review process and associated guidelines for the baseball site are intended to further the general urban design objectives, by addressing the introduction of a mixture of uses along the Waterfront, and encouraging an interconnected system of parks and trails (connectivity to and through the site to the waterfront).

3. **South Capitol Street Studies**

The District Department of Transportation is currently managing the Environmental Impact Statement (EIS) process for the reconstruction of South Capital Street. The street is envisioned as a grand and lively urban boulevard in the tradition of Pennsylvania Avenue and Connecticut Avenue, serving residents and visitors as a principal gateway to the U.S Capitol, the Anacostia waterfront and the Southwest, Southeast and Buzzard Point neighborhoods. The study area is a 3 5 mile long corridor, including adjacent sites to New Jersey Avenue, the Anacostia waterfront and Howard Road. Through meetings with stakeholders, including area residents and business owners, the study will build on the broad principles that underlie the AWI, including improving public access to the waterfront, providing greater continuity in the waterfront open space system and trail network, encouraging economic revitalization, and respecting the Anacostia River as a central element of the city and region. The EIS is expected to be completed in 2006.

4. **South Capitol Street, Ballpark District and Ballpark Master Plan**

The newly formed Anacostia Waterfront Corporation (AWC) has been charged with overseeing a Master Planning process for the baseball site and the surrounding area. This study is intended to build upon the DDOT South Capitol Street study, broadening its study area but also focusing on the immediate area of the ballpark The intent is to create a more detailed set of urban design guidelines for the 20 acre ballpark site; create a development plan for a larger baseball district,

encompassing lands from M Street to the north to the Anacostia River to the south, and complete a corridor wide plan for South Capitol Street The AWC will work closely with DCSEC, OP, DDOT and other relevant District agencies on this study.

This planning exercise is intended to inform the future design process for the ballpark and surrounding lands, and is expected to be completed by June 2005 The first public meeting to discuss the master plan and development of the baseball site has been scheduled for March 8, 2005 at Van Ness School on M Street SE.

VIII. COMPREHENSIVE PLAN

Proposed CG Overlay amendments to establish a public Zoning Commission review process with review guidelines for the subject site would further the following major themes of the Comprehensive Plan, as outlined and detailed in Chapter 1 - General Provisions Element

(a) Stabilizing and improving the District's neighborhoods

(e) Respecting and improving the physical character of the District

(f) Preserving and ensuring community input

(g) Preserving the historic character of the District

(i) Promoting enhanced public safety

The major league baseball stadium use would additionally further the following major themes of the Comprehensive Plan.

(b) Increasing the quantity and quality of employment opportunities in the District

(h) Reaffirming and strengthening the District's role as the economic hub of the National Capital Region

(j) Providing for diversity and overall social responsibilities

The Zoning Commission review process and the proposed guidelines would also help to ensure that eventual construction on the subject site furthers additional Comprehensive Plan goals and objectives within the Economic Development, Environmental Protection, Transportation, Urban Design, Land Use, and Ward 6 Chapters.

CHAPTER 4 ENVIRONEMENTAL PROTECTION ELEMENT

403 Improving Air Quality

403.2 (c) Promote land use patterns and transportation services which decrease reliance on automobiles for commuting and other routine trips.

405 Protecting The Quality Of The Land Areas

405.2 (f) Ensure public access to waterfront areas and protect and enhance their aesthetic and recreational qualities; Pedestrian and visual access from and through the site to the waterfront is proposed within the special exception review guidelines

CHAPTER 5 TRANSPORTATION ELEMENT

502 Transportation: General

502.1 The general objectives for transportation are to support District policy to preserve and improve neighborhoods, to facilitate the commerce of the District, and to support District growth and development objectives to expand business and job opportunities.

CHAPTER 7 URBAN DESIGN ELEMENT

702 Urban Design: General

702.2 The policy established in support of the urban design objectives is to strengthen and enhance the physical image and symbolic qualities of the District that establish its character as an urban center and the Nation's Capital.

706 Waterfront Design Areas Policies

706.2 (d) Require that site planning in these areas establish, and be sensitive to, the close interrelationship between buildings, parks and open spaces, and the rivers;

708 Buildings

708.2 (a) Design residential, commercial, and all other buildings to complement or enhance the physical character of the District; and

(b) Design buildings to include the use of appropriate arrangements of building materials, height, scale, massing, and buffering to complement the immediate region.

709 Streetscape

709.2 (a) Develop a unifying system of well-designed streets, sidewalks, parks, and pedestrian ways;

(b) Reduce conflicts between pedestrians and vehicular traffic in order to increase pedestrian safety and comfort;

(c) Create a visually interesting environment that utilizes the design opportunities present in the public space and defines a special image for both Downtown and District neighborhoods;

712 Areas In Need Of New And Improved Character

712.2 (e) Establish a new physical identity in areas having a strong negative image and where the surrounding areas lack character;

(g) Utilize large-scale development or capital improvement projects as opportunities for establishing a positive image or redirection in deteriorated areas.

713 Commercial Activity Corridors

713.2 (e) Orient major new development toward the street in order to emphasize the public space as a setting for active use,

CHAPTER 11 LAND USE ELEMENT

1101 Land Use Goal

1101.1 It is the goal of the District to assure the efficient use of land resources within legal, economic, fiscal, environmental, and other public policy constraints to meet neighborhood, community; and District-wide needs, and to help foster other District goals.

1105 Objectives For Commercial Areas

1105.1 The objectives for commercial areas are to promote the vitality of the District's commercial areas, including Downtown, and to provide for the continued growth and vitality of the District's economy and its employment base.

CHAPTER 17 WARD 6 PLAN

1701 Ward 6 Objectives For Economic Development

1701.1 (a) To encourage a range of commercial services and facilities for Ward 6 residents through appropriate development of commercial areas when needed and to upgrade commercial areas such as South Capitol from the Capitol to Buzzard's Point; and

(b) To stimulate economic activity and employment opportunities and growth consistent with the respective needs of the various neighborhoods in Ward 6.

1714 Ward 6 Policies In Support Of Transportation Objectives

1714.1 (b) Seek to ensure that development adjacent to the Ward 6 Metrorail Stations enhances ridership;

(c) Minimize conflicts between vehicular and pedestrian traffic;

1721 Ward 6 Objectives For Urban Design

1721.1 (c) To encourage a high quality of architecture consistent with the styles and characteristics of buildings in Ward 6.;

1733 Ward 6 Objectives For Land Use

1733.1 (c) To locate the more intensive and active land uses in areas of Ward 6 that, by virtue of existing and planned infrastructures, can accommodate and support those types of uses and to monitor development and redevelopment adjacent to designated historic districts to ensure compatibility.

IX. COMPREHENSIVE PLAN GENERALIZED LAND USE MAP

The area is designated on the Generalized Land Use Map as mixed Production and Technical Employment; Medium to High Density Commercial, "*a shopping and service area that generally offers the largest concentration and variety of good and services outside the Central Employment Area*"; and High Density Residential (Comprehensive Land Use Map) This designation generally corresponds to zoning currently on the site.

A ballpark would not be inconsistent with this designation, particularly since the Generalized Land Use Map does not include a fully relevant land use category For comparison, RFK Stadium, which was in existence prior to adoption of the current Generalized Land Use Map, is designated a "local public facility", a designation it shares with a wide variety of District owned facilities such as the University of DC campus, the District owned portion of St Elizabeth's, and Judiciary Square The MCI Center was

not in existence when the current Generalized Land Use Map was adopted, and has a designation of mixed high density residential / commercial / local public facility, similar to that existing on the baseball site.

The site is within the Navy Yard Metro Development Area, and within the Central Employment Area, the core area of the District where the greatest concentration of employment in the city and region is encouraged.

X. **OFFICE OF PLANNING PROPOSAL** – refer also to **DRAFT** CG Overlay amendment, Attachment III

In accordance with the agreement between the District and Major League Baseball and DC Council adopted policy for the site, the Office of Planning is proposing that the Capital Gateway Overlay District be amended. The amendments are intended to recognize a ballpark as a permitted use subject to design criteria and Zoning Commission approval.

OP proposed amendments include the following

1 Definitions - Define a "Ballpark" as a "*stadium or arena, including accessory buildings or structures (including, but not limited to office and transportation facilities) that has as its primary purpose the hosting of professional athletic team events*", and define the "Ballpark Area" as the subject site, consisting of Squares 702-706 and Reservation 247

2 Use – Make explicit that a ballpark is a permitted use on the subject site.

3 Floor Area Ratio (FAR) - OP proposes that a non-residential FAR of 6 0 be permitted within the Ballpark Area. The CG/CR District currently permits a residential FAR of 7 0, but a maximum non-residential FAR of 3.0 (4.0 under a PUD) It is anticipated that the actual FAR required for the ballpark will be well within the proposed amount.

4. Height - OP proposes that the ballpark be permitted to a height of 130 feet, in conformance with the 1910 Height Act. The existing CG/CR district permits a maximum height of 90 feet, 110 feet under a PUD, and 130 feet for residential development. A height of 130 feet along South Capitol Street also acknowledges its potential as a major, monumental boulevard.

5. Parking - OP proposes that parking requirements be as per the agreement between the District and Major League Baseball –a minimum of 1,100 parking spaces §2101 1 of the Zoning Regulations states that parking for a stadium or arena shall be provided in an amount equal to 1 / 10 seats for the first 10,000 seats, and 1 / 20 seats for additional seats For a 41,000 seat facility, as proposed, this amounts to 2,550 parking spaces OP feels that the proposed amount is both adequate and preferable, as the site is within easy walking distance of Metro and bus transit, and the alternatives to the use of private automobiles will be highly encouraged to minimize traffic impacts to the neighborhood. This proposal requires that any above grade parking require Zoning Commission approval, balancing need with potential impacts on streetscape character

6 Bus Parking and Loading Areas - Require that all loading facilities and any bus parking be internal to buildings to minimize potential streetscape character impacts, but provide for Zoning Commission review for relief from this requirement

7 Ground Floor Retail - OP has included a proposal to require a percentage of the ground floor to be devoted to retail and other public uses, to encourage streetscape vitality and safety throughout the year. A required retail requirement currently exists within the CG Overlay for properties facing M Street, and within the adjacent SEFC Overlay for properties facing M Street and the waterfront park However, due to the unique nature and form of a ballpark, additional review and refinement of this requirement is anticipated prior to the public hearing

8. Building Setbacks - Establish a building setback requirement of 15 feet along South Capitol Street. To provide a consistent street wall and monumental character to South Capitol Street, it is also proposed that upper portions of building be set back from the building face, and that a majority of the street wall of any building be constructed at the setback line.

9. Driveways – Prohibit new driveway access for loading or parking from either South Capitol Street or P Street SE.

10. Mandatory Zoning Commission Review - Require Zoning Commission review of any building or structure, including a ballpark, in the subject area. This review would be against a specific set of objectives and guidelines for the area, intended to ensure that siting, architectural design, site plan, landscaping, and sidewalk treatment will:

    - be of superior design quality;
    - further the objectives of the CG Overlay District;
    - recognize its neighborhood context and street patterns;
    - provide for openness of views and vistas between the ballpark, federal monumental buildings, the waterfront, and the surrounding neighborhood;
    - provide for safe and convenient movement to and through the site;
    - minimize conflict between vehicles and pedestrians;
    - be sensitive to the establishment of South Capitol Street as a monumental civic boulevard;
    - encourage safe and active streetscapes through the provision of active ground level uses including retail, entertainment, cultural pedestrian concourse space;
    - minimize unarticulated blank walls adjacent to public spaces through facade articulation;
    - promote the use of best practice environmental design;
    - minimize associated noise;
    - minimize light spill; and
    - utilize signage design and location to maximize effectiveness while minimizing adverse visual impact on streetscape character.

    Any application would be required to be accompanied by a written report from the Office of Planning certifying that the application is compliant with the established standards, prior to any Zoning Commission review.

11. Relief - OP is proposing that the Commission be permitted to consider requests for additional Zoning Regulations relief, as part of its otherwise required review.

With these amendments, OP feels that the CG Overlay will provide adequate assurance that the new ballpark and its associated accessory uses will further neighborhood and District wide goals and objectives, and will provide maximum benefit and minimal adverse impacts. A complete copy of the CD Overlay with proposed amendments highlighted in **bold, underlined text** is provided as Attachment III.

XI. AGENCY REFERRALS

This application will be referred to the following agencies for review and comment

1 Department of Consumer and Regulatory Affairs (DCRA)
2 Department of Health (DOH),
3. Department of Parks and Recreation (DPR),
4 Department of Public Works (DPW),
5 Department of Transportation (DDOT);
6 Fire and Emergency Medical Services Department (FEMS),
7 Metropolitan Police Department (MPD),
8. Water and Sewer Agency (WASA),
9 The Anacostia Waterfront Corporation (AWC), and
10 The DC Sport and Entertainment Commission (DCSEC)

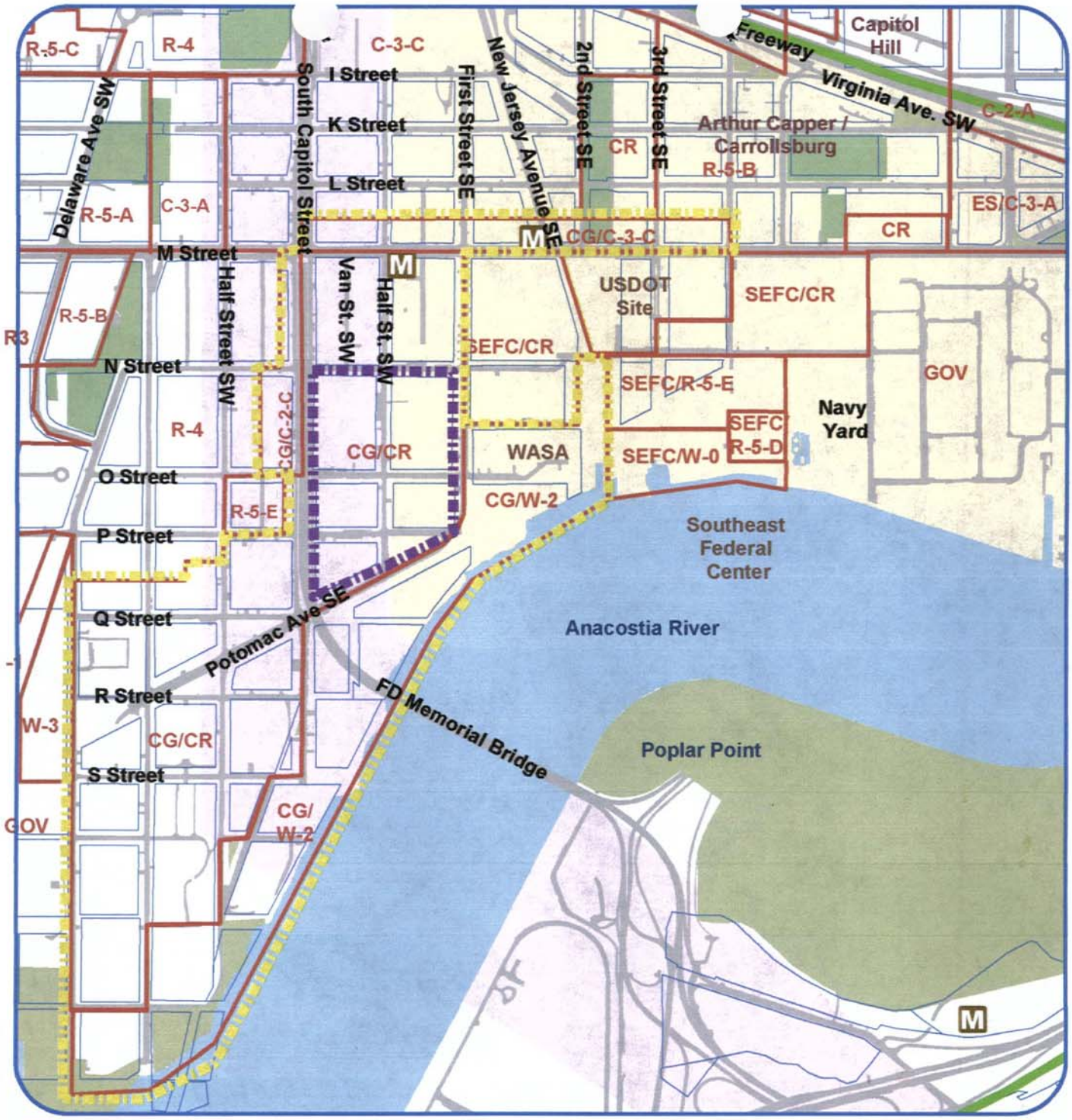
XII. RECOMMENDATION

The Office of Planning recommends that this proposal, to amend the Capitol Gateway Overlay text to provide for a ballpark within the specified Ballpark Area, be set down for public hearing This is in keeping with District policy and recent planning initiatives for the area and for the District and region as a whole Additional refinement of the proposal is anticipated, and will be provided to the Commission prior to the public hearing

EM/jl

ATTACHMENTS:

I. Context Map
II. Site Map
III DRAFT CG Overlay Amendment



OPID0002399

Legend

- Anacostia Waterfront Initiative Framework
- Near Southeast
- South Capitol Street Gateway
- DC Parks
- Ballpark Area Boundary
- Capitol Gateway O.D. Boundary

Ballpark Area - Context Map

Government of the District of Columbia
Anthony A. Williams, Mayor

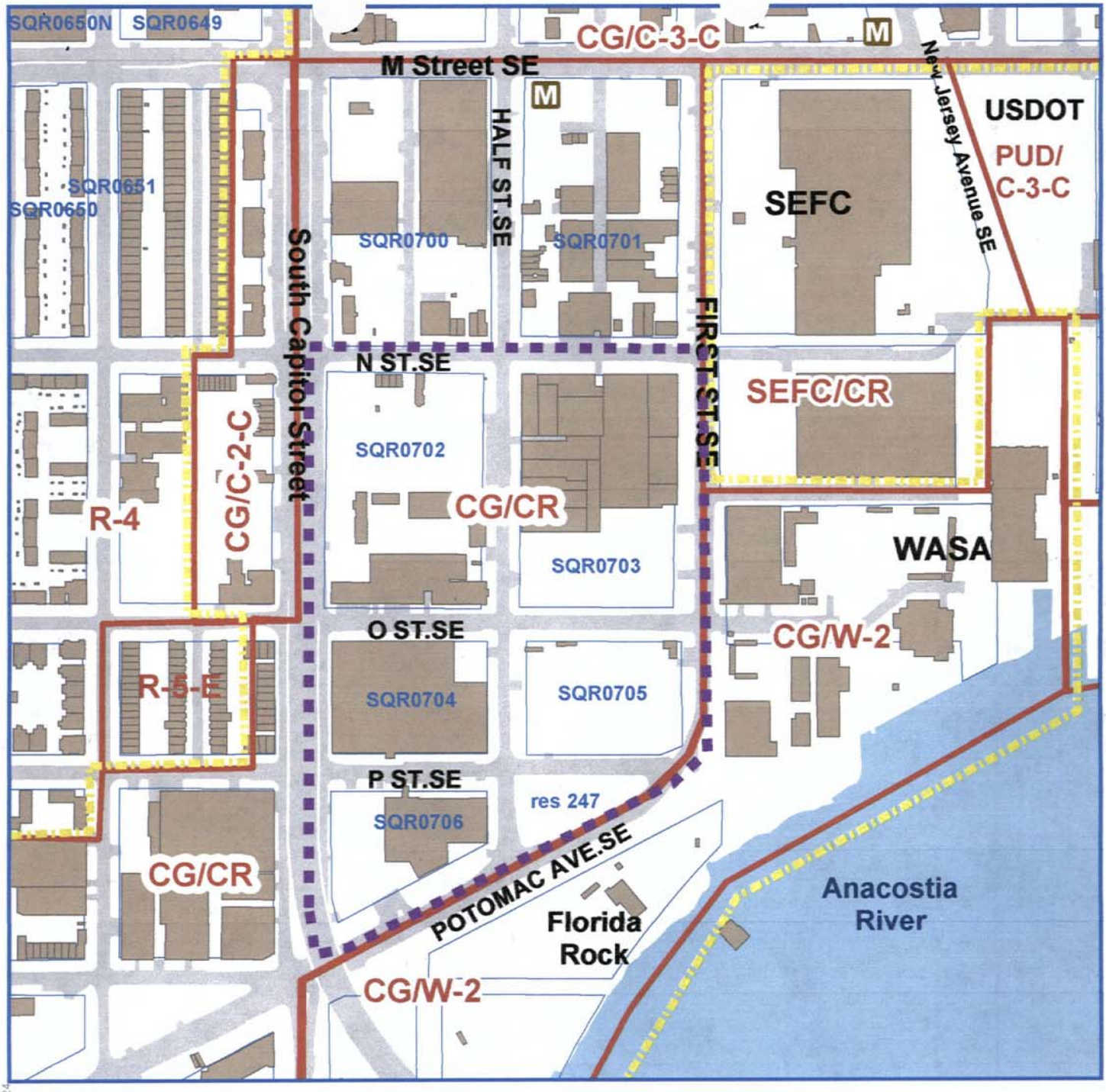
Office of Planning ~ March, 2005

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This map was created for planning purposes from a variety of sources. It is neither a survey nor a legal document. Information provided by other agencies should be verified with them where appropriate.

ATTACHMENT I



OPID0005324

Ballpark Area
SITE PLAN

ATTACHMENT II

Legend

- Property Squares
- Zoning
- BASEBALL SITE
- Capitol Gateway Overlay District

★ ★ ★ **Government of the District of Columbia**
Anthony A. Williams, Mayor

Office of Planning ~ March, 2005

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CHAPTER 16 CAPITOL GATEWAY OVERLAY DISTRICT

1600 PREAMBLE

1600.1 The Capitol Gateway (CG) Overlay District is applied to the Buzzard Point and Capitol Gateway areas, which are designated for mixed use development in the Comprehensive Plan for the National Capital. The following Squares and portions of Squares in the Southwest and Southeast quadrants of the District of Columbia are included in the CG Overlay District: 601, 602, 603, 605, 607, 609, 611, 612, 613, 656, 657, 658, 660, 661, 662, E662, 664, E664, 665, 666, E667, S667, ES667, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, E708, S708, 742, N743, S744, 769, 771, and 800.

1600.2 The purposes of the CG Overlay District are to:

(a) Assure development of the area with a mixture of residential and commercial uses, and a suitable height, bulk and design of buildings, as generally indicated in the Comprehensive Plan and recommended by planning studies of the area;

(b) Encourage a variety of support and visitor-related uses, such as retail, service, entertainment, cultural and hotel or inn uses;

(c) Allow for continuation of existing industrial uses, which are important economic assets to the city, during the extended period projected for redevelopment;

(d) Provide for a reduced height and bulk of buildings along the Anacostia riverfront in the interest of ensuring views over and around waterfront buildings, and provide for continuous public open space along the waterfront with frequent public access points; ~~and~~

(e) Require suitable ground-level retail and service uses and adequate sidewalk width along M Street, S.E., near the Navy Yard Metrorail station; and

(f) Provide for development of Squares 702-706 and Reservation 247 as a ballpark for major league sport and entertainment and associated uses.

1600.3 The CG Overlay District and the underlying CR, W-1, W-2, W-3, and C-3-C Districts shall constitute the Zoning Regulations for the geographic area referred to in § 1600.1. Where there are conflicts between this chapter and the underlying zoning, the provisions of the CG Overlay District shall govern.

1601 BONUS DENSITY AND HEIGHT

1601.1 In the CG/CR and CG/W-3 Districts, a building or combined lot development shall be allowed a maximum density of 7.0 FAR; provided that the additional 1.0 FAR in excess of the matter-of-right maximum of 6.0 FAR shall be devoted solely to residential uses, which, for the purposes of this subsection, does not include hotel uses.

1601.2 For the purpose of accommodating bonus density as authorized by § 1601.1, the maximum permitted building height shall be that permitted by the Act to Regulate the Height of Buildings in the District of Columbia, approved June 1, 1910 (36 Stat. 452; D.C. Official Code §§ 6-601.01 to 6-601.09), as amended; provided that in Squares 601, 656, and 657 those lots abutting or separated only by a street or alley from residentially zoned property shall provide a one-to-

one (1:1) building setback for any part of a building that exceeds ninety (90) feet in height on the side abutting the residential zone

1601.3 In the CG/W-1 District, a building or combined lot development shall be allowed a maximum density of 3 5 FAR and a maximum height of fifty-five (55) feet to accommodate the additional density. The additional 1.0 FAR in excess of the matter-of-right maximum of 2.5 FAR shall be devoted solely to residential uses unless the building or the combined lot development includes at least 2.0 FAR of residential uses, in which case the additional 1.0 FAR may be devoted to any permitted use in the W-1 zone. For the purposes of this subsection, the term "residential uses" does not include hotel uses

1601 4 In the CG/W-2 District, the Zoning Commission may grant additional density to lots as part of the review and approval process applicable to that area, in the manner set forth in §§ 1603 5 and 1603.6.

1601.5 A building that qualifies as a Capitol South Receiving Zone site under § 1709 18 shall be subject to the maximum height and bulk limits of § 1709 21 of this Title

1602 COMBINED LOT DEVELOPMENT

1602.1 Two (2) or more lots within the Overlay District may be combined for the purpose of allocating residential and nonresidential uses regardless of the normal limitation on floor area by uses on each lot; provided, that the aggregate residential and nonresidential floor area shall not exceed the matter-of-right maximum height or density of the underlying zone district(s), except when bonus density is being constructed.

1602.3 No allocation of gross floor area shall be effective unless an instrument, legally sufficient to effect such a transfer, is filed with the Zoning Administrator and recorded by the Recorder of Deeds in the land records against all lots included in the combined lot development.

1602.3 The instrument shall be in the form of a declaration of covenants that:

(a) Is signed by the owners of all affected lots;

(b) Runs with the land in perpetuity;

(c) Burdens all lots involved in the allocation of gross floor area,

(d) Binds the present and future owners of the lot sending nonresidential gross floor area to forgo the nonresidential development and occupation of an on-site area equal to the amount of gross floor area of nonresidential uses transferred; and

(e) States the maximum permitted gross floor areas for all uses in all lots, the maximum allowed gross floor area for nonresidential uses in all lots, and the gross floor area of nonresidential uses allocated. The covenant shall further state that, after the transfer, the combined lots conform with the maximum gross floor area limitations for nonresidential uses on the lots before the transfer.

1602.4 The declaration of covenants shall expressly state that it may be substantively amended or terminated only with the approval of the Zoning Commission, after public hearing, and only upon a finding that the proposed amendment or termination is fully justified and consistent with the purposes of this chapter.

1602.5 The declaration of covenants shall be approved in content by the Zoning Administrator and certified for legal sufficiency by the Office of the Attorney General. The declaration shall also contain a written statement by the Director of the D C. Office of Planning attesting to

(a) The lots' eligibility to allocate residential and nonresidential uses,

(b) The accuracy of the computations with respect to the amount of residential and nonresidential uses allocated; and

(c) Whether, after the transfer, the combined lots will conform with the maximum gross floor area limitations on nonresidential uses for the lots before any such transfer.

1603 ZONING COMMISSION REVIEW OF BUILDINGS, STRUCTURES, AND USES IN THE CG/W-2 DISTRICT

1603.1 All proposed uses, buildings, and structures in the CG/W-2 District, or any proposed exterior renovation to any existing buildings or structures in the CG/W-2 District that would result in an alteration of the exterior design, shall be subject to review and approval by the Zoning Commission.

1603.2 In addition to proving that the proposed use, building, or structure meets the standards set forth in § 3104, the applicant shall further demonstrate that the use, building, or structure:

(a) Will help achieve the desired mixture of uses in the CG Overlay District as set forth in §§ 1600.2(a) and (b), with the identified preferred uses specifically being residential, hotel or inn, cultural, entertainment, retail or service uses, and

(b) In the case of waterfront lots, provides suitably designed public open space along the waterfront, as specified in § 1603 3

1603.3 With respect to a building or structure to be constructed on a lot that faces or abuts the Anacostia River:

(a) The building or structure shall be set back by no less than seventy-five (75) feet from the bulkhead, unless the Commission finds that such setback creates an undue economic hardship for the owner of the lot and in no case less than fifty (50) feet from the bulkhead, and

(b) The application shall include a plan for suitable open space treatment of the setback area for such uses as walkway and bikeway, passive or active recreational use, and including provisions assuring private maintenance of the space, convenient and permanent public access to the space, and suitable connections to adjacent public space along the waterfront.

1603.4 With respect to all applications, the proposed building or structure shall be designed with a height, bulk, and siting so as to provide for openness of views and vistas to and from the waterfront and, where practical, to maintain views of federal monumental buildings

1603.5 The Zoning Commission, at its discretion, may also provide for additional on-site or off-site bonus density to be earned for setbacks required under this section, based on the land area of the setback and the proposed features for public open space uses; provided, that 2.0 FAR based on the land area of the open space setback shall be used as a general guideline.

1603.6 In the CG/W-2 District, the Zoning Commission, at its discretion, may grant bonus density for residential development in a building or a combined lot development, using a guideline of 1.0 FAR in excess of the normally allowed maximum of 4.0 FAR and an additional ten (10) feet in excess of the normally allowed maximum height of sixty (60) feet; provided that:

(a) The building or combined lot development shall include at least 2 0 FAR of residential development,

(b) The Zoning Commission, at its discretion, may allow construction of such bonus density on the property zoned CG/W-2 or may allow only for the bonus density to be transferred off-site to a lot or lots zoned CG/CR; and

(c) The provisions of §§ 1709 6 through 1709 12 and § 1709 14 shall govern the procedures for transferring bonus density off-site if permitted by the Commission.

1603.7 The Commission may hear and decide any additional requests for special exception or variance relief needed for the subject property. Such requests shall be advertised, heard, and decided together with the application for Zoning Commission review and approval.

1603 8 At the time of filing an application with the Commission, the applicant shall pay the filing fee specified in § 3180 1(b)(16), plus such fees as apply to any additional zoning relief requested The provisions of § 3181 relating to the administration of fees shall apply, except that the applicant may appeal any decision of the Director regarding the fee schedule to the Commission, which shall decide the appeal as a preliminary matter to hearing the application.

1604 ZONING COMMISSION REVIEW OF BUILDINGS AND STRUCTURES ON M STREET, S.E.

1604.1 Any proposed building on a lot that abuts M Street, S.E , between South Capitol Street and 4th Street, S.E., shall be subject to review and approval by the Zoning Commission.

1604.2 An applicant requesting approval under this section must prove that the proposed building's architectural design, site plan, landscaping, and sidewalk treatment are of a superior quality, pursuant to the design and use requirements set forth in §§ 1604.3 through 1604 7

1604.3 The streetwall of each new building shall be set back for its entire height and frontage along M Street not less than fifteen (15) feet measured from the face of the adjacent curb along M Street, S E.

1604.4 Each new building shall devote not less than thirty-five percent (35%) of the gross floor area of the ground floor to retail, service, entertainment, or arts uses ("preferred uses") as permitted in §§ 701.1 through 701 5 and §§ 721.1 through 721 6 of this Title; provided, that the following uses shall not be permitted: automobile, laundry, drive-through accessory to any use, gasoline service stations, and office uses (other than those accessory to the administration, maintenance, or leasing of the building) Such preferred uses shall occupy 100% of the building's street frontage along M Street, except for space devoted to building entrances or required to be devoted to fire control.

1604.5 For good cause shown, the Commission may authorize interim occupancy of the preferred use space required by § 1604 4 by non-preferred uses for up to a five (5) year period; provided, that the ground floor space is suitably designed for future occupancy by the preferred uses.

1604.6 Not less than fifty percent (50%) of the surface area of the streetwall of any new building along M Street shall be devoted to display windows having clear or low-emissivity glass except for decorative accent, and to entrances to commercial uses or the building.

1604.7 No driveway may be constructed or used from M Street to required parking spaces or loading berths in or adjacent to a new building.

1604.8 A building that qualifies as a Capitol South Receiving Zone site under § 1709.18 and for which a building permit has been applied for prior to August 31, 2001, shall not be subject to the requirements of this section.

1604.9 The Commission may hear and decide any additional requests for special exception or variance relief needed for the subject property. Such requests shall be advertised, heard, and decided together with the application for Zoning Commission review and approval.

1604.10 At the time of filing an application with the Commission, the applicant shall pay the filing fee specified in § 3180.1(b)(16), plus such fees as apply to any additional zoning relief requested. The provisions of § 3181 relating to the administration of fees shall apply, except that the applicant may appeal any decision of the Director regarding the fee schedule to the Commission, which shall decide the appeal as a preliminary matter to hearing the application.

1605 EXISTING INDUSTRIAL USES

1605.1 A commercial or industrial use that is first permitted in the CM or M Zone Districts and that is in existence with a valid Certificate of Occupancy *as of the date the provisions of this Chapter first became effective* shall be deemed a conforming use, but shall not be entitled to expand.

1606 BALLPARK

1606.1 A Ballpark may be constructed and operated within Squares 702, 703, 704, 705 and 706 and Reservation 247 (the "Ballpark Area").

1606.2 For the purposes of this section, the term Ballpark means a stadium or arena, including accessory buildings or structures (including, but not limited to office and transportation facilities) that has as its primary purpose the hosting of professional athletic team events.

1606.3 The Ballpark may also be used to host events customarily held in such facilities including, but not limited to performances, amateur sporting events, municipal functions, and public or private ceremonies.

1606.4 Notwithstanding § 631.1 of this Title, no portion of the FAR need be used for residential purposes within the Ballpark Area.

1606.5 The Ballpark's maximum permitted height shall be that permitted by the Act to Regulate the Height of Buildings in the District of Columbia, approved June 1, 1910 (36 Stat. 452; D.C. Official Code §§ 6-601.01 to 6-601.09), as amended.

1606.6 In addition to the streetwall setbacks of §1606.15, any portion of the Ballpark that exceeds 110 feet in height shall provide an additional one-to-one (1:1) step back from the building line along South Capitol Street.

1606.7 1,100 parking spaces for passenger vehicles shall be provided for the Ballpark use within the Ballpark Area. Any parking spaces in addition to this amount and not located underground shall only be permitted subject to the approval of the Zoning Commission pursuant to §1606.17; subject to the applicant demonstrating:

(a) that the parking spaces are needed to satisfy parking demand generated by the Ballpark not met by existing or approved but not yet constructed parking facilities; and

(b) compliance with the provisions of § 1606.18.

1616.8 All parking shall be located underground. The Zoning Commission may waive this requirement pursuant to §1606.17 for good cause shown and subject to the applicant demonstrating:

(c) practical difficulty with the provision of undergrounds parking; and

(d) compliance with the provisions of §1606.18.

1606.9 In considering whether to approve additional parking spaces under §1606.7, or a waiver to the underground parking requirement under §1606.8, the Commission shall judge, balance, and reconcile the need for additional off-street parking against any adverse impacts the presence of the parking structure will have on traffic, and the aesthetics and development of the surrounding neighborhood.

1606.10 Any bus parking and loading platforms and berths shall be located internal to a building, with doors and entrance ways designed to compliment the building façade, and shall permit safe and convenient vehicular and pedestrian movement.

1606.11 The Zoning Commission may grant relief from the requirements of § 1606.10 if necessary to the economic viability of the Ballpark and if consistent with the purposes of the CG Overlay as stated in §1600.2.

1606.12 A minimum of one pedestrian entrance gate shall be provided on each street frontage.

1606.13 The Ballpark shall devote not less than twenty percent (20%)of the building's exterior perimeter façade to neighborhood serving retail, service, entertainment, or arts uses ("preferred uses") as permitted in §1807.2 of this Title, with the addition of "museum" and "office associated with baseball use".

(a) Preferred uses shall have a street orientation;

(b) Preferred uses shall provide direct exterior access at ground level;

(c) Not less than fifty percent (50%) of area devoted to preferred uses shall be devoted to display windows having clear or low-emissivity; and

(d) The minimum floor to ceiling height of area devoted to preferred uses shall be 14 feet clear.

(e) The average depth from the exterior façade in towards the center of the building for space devoted to preferred retail shall be 50 feet.

1606.14 The Zoning Commission may grant relief from the any or all of the requirements of § 1606.13 if necessary to the economic viability of the Ballpark and if consistent with the purposes of the CG Overlay as stated in §1600.2 and the provisions of §1606.18.

1606.15 Each building or structure in the Ballpark Area shall be set back for its entire height and frontage not less than the following amounts, measured from the property line:

(a) South Capitol Street – 15 feet minimum, provided that a minimum of 60% of the street-wall shall be constructed on the setback line

1606.16 No private driveway may be constructed or used from either South Capitol Street of P Street SE to any parking or loading berth areas in or adjacent to a building or structure constructed after {*Effective Date Of This Section*].

1606.17 The Ballpark and all other proposed buildings or structures within the Ballpark Area shall be subject to the approval of the Zoning Commission.

1606.18 An applicant requesting approval under this section must prove that the proposed siting, architectural design, site plan, landscaping, and sidewalk treatment for the building or structure will:

(a) Be of a superior quality;

(b) Help achieve the objectives of the CG Overlay District as set forth in §1600.2;

(c) Be in context with the surrounding neighborhood and street patterns;

(d) Provide for openness of views and vistas between the Ballpark, federal monumental buildings, the waterfront, and the surrounding neighborhood;

(e) Provide for safe and convenient movement to and through the site, including to public transit and to the Anacostia River;

(f) Minimize conflict between vehicles and pedestrians;

(g) Encourage the design and development of properties in a manner that is sensitive to the establishment of South Capitol Street as a monumental civic boulevard;

(i) Encourage safe and active streetscapes through the provision of active ground level uses including retail, entertainment, cultural, and pedestrian concourse space;

(j) Minimize unarticulated blank walls adjacent to public spaces through facade articulation;

(k) Promote the use of best practice environmental design

(l) Minimize associated noise;

(m) Minimize light spill; and

(n) Utilize signage design and location to maximize effectiveness while minimizing adverse visual impact on streetscape character.

1606.19 The Commission may impose requirements pertaining to building or structure design, appearance, landscaping, signage, lighting, and other such requirements, as it deems necessary to protect neighboring property and to achieve the purposes of the Capitol Gateway Overlay District.

1606.20 The Commission may hear and decide any additional requests for relief from Zoning Regulations for the subject site. Such requests may be advertised, heard, and decided together with the application for Zoning Commission review and approval.

1606.21 At the time of filing an application with the Commission, the applicant shall pay the filing fee specified in § 3180.1(b)(16), plus such fees as apply to any additional zoning relief requested. The provisions of § 3181 relating to the administration of fees shall apply, except that the applicant may appeal any decision of the Director regarding the fee schedule to the Commission, which shall decide the appeal as a preliminary matter to hearing the application

CHAPTER 30 ZONING COMMISSION RULES OF PRACTICE AND PROCEDURE

3011 REVIEW AND PROCESSING OF APPLICATIONS AND PETITIONS

3011.1 As soon as an application or petition is accepted for filing by the Director of the Office of Zoning, the Director shall place a copy of the application or petition in the public record of the Commission and refer a copy to the D.C. Office of Planning for review and recommendation on whether the matter should be processed further, except that applications for Zoning Commission review and approval filed pursuant to Chapters 16 and 18 of this Title, which are deemed complete by the Director, shall be immediately scheduled for hearing consistent with the notice provisions of this chapter. **The exception from the requirements of this subsection shall not apply to an application for Zoning Commission approval pursuant to § 1606 unless accompanied by a written report of the Office of Planning certifying that the application is compliant with the standards of that section.**