Government of the District of Columbia
OFFICE OF ZONING



MEMORANDUM

TO: Arnold R Finlayson, Administrator
Office of Documents and Administrative Issuance

FROM: Sharon S. Schellin
Acting Secretary to the Zoning Commission

DATE: October 25, 2005

SUBJECT: Publication for the Office of Zoning

Please publish the following in the *D C Register* on November 4, 2005

1 Z C Notice of Final Rulemaking & Z C Order No 05-08 (Case No 05-08)

The Final Rulemaking is also included on the enclosed diskette

Attachments

Office Of Documents And Administrative Issuances
2005 OCT 25 PM 4:49

District of Columbia
CASE NO. 05-08
EXHIBIT NO. 27

441 4th St , N W , Suite 210-S, Washington, D C 20001
Telephone (202) 727-6311 E-Mail Address zoning info@dcoz dc gov Web Site www dcoz dc gov

ZONING COMMISSION
District of Columbia
CASE NO.05-08
EXHIBIT NO.27

RULEMAKING TRANSMITTAL FORM

TYPE OF RULEMAKING ACTION: [ ] EMERGENCY RULES [X] FINAL RULES [ ] PROPOSED RULES [ ] COMBINED

DATE AND TIME RECEIVED
Office of Documents use only

AGENCY: OFFICE OF ZONING

AGENCY REPRESENTATIVE: SHARON SCHELLIN

ADDRESS 441 4th Street, N W , Suite 210 South TELEPHONE 727-0340

TITLE AND DESCRIPTION OF RULES Text Amendment - Capital Gateway Overlay District

If this rulemaking action will amend or repeal existing rules, give a complete citation to the rules being amended or repealed Title 11 (Zoning) Chapters 16 and 30

FINAL RULES ONLY Give the D C REGISTER citation and date of publication of the Notice of Proposed Rulemaking for these rules DCR 50 DCR 7838 DATE July 29, 2005

COMPLETE CITATION to the statute, regulation, or other legal authority which specifically authorizes the issuance of the substance of these rules. Section 1 and 8 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat 797, 799 D C Official Code § 6-641 01)

LEGAL CERTIFICATION I certify that I have reviewed the attached rulemaking and, in my opinion, the substance of the text of the rules is legally sufficient

DATE OCTOBER 19, 2005 SIGNED Alan Beyster for PHONE (202) 442-9777

X	FINAL		CONDITIONAL	NAME: ROBERT J SPAGNOLETTI	TITLE ATTORNEY GENERAL

PROMULGATOR Name and title of the person legally authorized to adopt and promulgate these rules (or the name of the board or other body authorized to adopt rules by vote)
Zoning Commission For The District Of Columbia Title

COMPLETE CITATION to the statute, regulation, order, or other legal authority that specifically authorizes this person or agency to adopt and promulgate these rules Section 1 and 8 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat 797, 799 D C Official Code § 6-641 01)

SIGNATURE OF THE PERSON AUTHORIZED TO ADOPT RULES OR ATTEST TO THE ADOPTION OF RULES

DATE OF APPROVAL OF VOTE 10-17-05

APPROVAL OF ATTEST Sharon J. Schellin

TITLE Acting Secretary to the Zoning Commission PHONE (202) 727-0340

Office of Documents use only THIS NOTICE PUBLISHED AT VOL DCR DATE

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF FINAL RULEMAKING
and
Z.C. ORDER NO. 05-08
Z.C. Case No. 05-08
(Text Amendments – 11 DCMR)
(Text Amendment - Capitol Gateway Overlay District)
October 17, 2005

The Zoning Commission for the District of Columbia (the "Commission"), pursuant to its authority under § 1 and § 8 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat 797, as amended, D C Official Code §§ 6-641 01 and 6-641 07) (2001); having held a public hearing as required by § 3 of the Act (D.C Official Code § 6-641 03), and having referred the proposed amendments to the National Capital Planning Commission for a 30-day period of review pursuant to of § 492 of the District of Columbia Home Rule Act hereby gives notice of the adoption of the following amendments to Chapters 16 (Capitol Gateway Overlay District) and 30 (Zoning Commission Rules of Practice and Procedure)

A notice of proposed rulemaking was published on July 29, 2005, at 50 DCR 7838 Comments were received from the National Capital Planning Commission In addition, the Office of Planning submitted a supplementary report providing information requested by the Zoning Commission at the proposed action public meeting

The Commission took final action to adopt the amendments at a public meeting held on October 17, 2005

This final rulemaking is effective upon publication in the *D C Register*

Set Down Proceeding

The Commission initiated this rulemaking in response to a petition from the District of Columbia Office of Planning, which recommended text amendments to the existing Capitol Gateway Overlay District This petition followed the announcement from the Mayor in September 2004 that an agreement had been reached with Major League Baseball for the return of a major league team to Washington D C. This agreement includes a requirement for the construction of a new baseball stadium in the Near Southeast within Squares 702-706 and Reservation 247, adjacent to South Capitol Street between N Street S E and Potomac Avenue S E , as well as a number of more specific obligations for the new structure, such as seating and parking requirements In December 2004, the Council of the District of Columbia adopted the Ballpark Omnibus

Financing and Revenue Act of 2004, effective April 8, 2005 (D C Law 15-320, 52 DCR 1757), which provides for the financing of the ballpark As the baseball use for this site has been established by the Mayor and the Council, the Office of Planning proposed that the Capitol Gateway Overlay District be amended as it applies to the subject site, to·

- Provide a definition for a "Ballpark" and a "Ballpark Area",
- Provide for a District and Major League Baseball and in accordance with adopted Council policy; and
- Establish a Commission review and approval process and design guidelines for a ballpark and associated uses

At its March 14, 2005 regular meeting, the Commission agreed to set down the proposed rulemaking for a public hearing. A Notice of Public Hearing was published in the April 1, 2005 edition of the *D C Register* (52 DCR 3246), for a Public Hearing to be held on June 2, 2005

Description of Text Amendment

The Office of Planning proposed that the Capital Gateway Overlay District be amended to recognize a ballpark as a permitted use subject to design criteria and Commission approval of the design Specifically, the proposed amendments would·

- 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
- Make explicit that a ballpark is a permitted use on the subject site.
- Allow for a non-residential density of 6 0 floor area ratio ("FAR") within the Ballpark Area.
- Provide for a maximum height of 130 feet
- Establish a building setback requirement of fifteen (15) feet along South Capitol Street, require sixty percent (60%) of the façade to be constructed to that setback line, and establish a one-to-one (1 1) setback for the building above a height of 100 feet
- Establish a parking requirement that would also operate as a cap, require all such parking to be underground, and allow for Commission approval to diverge from these requirements
- Require that all loading facilities and any bus parking be internal to buildings, but provide for Commission to grant relief from this requirement
- Require twenty percent (20%) of the ground floor of all new buildings (including the Ballpark to be devoted to retail and other public uses, to encourage streetscape vitality and safety throughout the year

- Prohibit new driveway access for loading or parking from either South Capitol Street or P Street S.E.

- Require Commission review of any proposed new building or structure, including a ballpark, in the subject area 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 address potential neighborhood and streetscape impacts An application may be scheduled for hearing, without the Commission first holding a "set down" proceeding, if the application is accompanied by a written report from the Office of Planning certifying that the application is compliant with the established standards, prior to any Commission review

- Permit the Commission to consider requests for additional zoning relief, such as special exceptions or variances, as part of the required review.

Relationship to the Comprehensive Plan

The proposed amendments to the CG Overlay would further a number of major themes of the Comprehensive Plan, as outlined and detailed in Chapter 1 - General Provisions Element, including

(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 proposal would also help to ensure that eventual construction on the subject site furthers Economic Development, Environmental Protection, Transportation, Urban Design, and Land Use goals and objectives of the Comprehensive Plan, as well as Ward 6 Economic Development, Transportation, Urban Design, and Land Use objectives

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 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

Public Hearing

The Commission held a public hearing on this case on June 2, 2005 Commission members present were Vice Chairperson Anthony J Hood, and Commissioners Kevin L Hildebrand, Gregory N Jeffries, and John G Parsons

In its testimony, the Office of Planning used a PowerPoint presentation to describe the site and surrounding area, and how the proposed text amendment would further general planning objectives for the Ballpark site and for the Near Southeast area in general The Office of Planning included in its presentation objectives related to encouraging active streetscapes, minimizing negative impacts on surrounding residential communities, providing access to the waterfront, ensuring neighborhood connectivity, enabling traffic management, encouraging "green" design, and providing for neighborhood input, as well as responding to the agreement between Major League Baseball and the District.

In response to comments made by the Commission at set down, and comments made by ANC commissioners at ANC meetings, other District government departments, and members of the public, the Office of Planning proposed a number of modifications to the draft as presented to the Commission in concept form at the set-down meeting and advertised for public hearing These changes were described in a report to the Commission from the Office of Planning dated May 23, 2005 Generally, the changes were intended to provide clarity or to provide additional direction with regards to their intent and priorities, and included the following·

- Remove "office use" from the list of the preferred use retail types,
- Allow parking access driveway from P Street S E ;
- Separate review guidelines into two separate clauses – one to address neighborhood impact and the second to address building form,
- Add review guideline provisions to minimize parking and traffic conflicts between Ballpark patrons and neighborhood residents and to encourage use of bicycles and other alternative modes of transportation,
- Separate the view analysis provision into two – one addressing openness of views from multiple points around the ballpark and one to address views from the stadium seating,
- Note the existing low density residential neighborhood as part of South Capitol Street character,
- Expand the "active streetscape" provision to include articulation and landscape design in addition to active uses,
- Refer to stormwater management and recycling as part of best practice environmental design assessment, and
- Note that the provision addressing signage is intended to apply to external signage only

The Commission questioned the Office of Planning on issues related to Ballpark height and method of measurement, view shed analysis, other potential development on the Ballpark site;

traffic and proposed parking regulations, signage regulations, and the proposed design review process

No other District government department or agency testified before the Commission The report from the Office of Planning included comments from the Department of Housing and Community Development which noted support, and the Department of Employment Services which noted, in essence, no concerns with this text amendment.

Advisory Neighborhood Commission ("ANC") 6D, within which the site lies that is the focus of the proposed text amendment, provided written and verbal testimony in opposition to the text amendment At its May 9, 2005 meeting, the ANC unanimously voted to oppose the text amendment, for the following reasons

- Opposition to the chosen Ballpark site,
- Insufficient prioritization of neighborhood protection related guidelines over building design guidelines;
- Insufficient on-site parking required,
- Impacts of vehicular and pedestrian (from Metro station) traffic through existing neighborhoods and along M Street,
- Insufficient bus parking, and the need to ensure that buses do not use local streets through neighborhoods to access the ballpark,
- Inclusion of a guideline related to assessment of views from the stadium,
- Insufficient community engagement in planning and design for the stadium site,
- Potential north-west orientation of the ballpark having a greater neighborhood impact than a more southerly orientation,
- Potential light spill from the ballpark,
- Emergency Preparedness, and
- Lack of comprehensive traffic management planning given the many new area developments

One area resident testified in support of the proposal noting the urban context for the site and the need to integrate the site into the surrounding neighborhood In addition, a written submission in support of the text amendment was received from the Anacostia Waterfront Corporation

The Southwest Neighborhood Assembly in written and verbal testimony at the Public Hearing recommended that the Commission not take action on this proposal at this time, pending resolution of concerns related to

- The cumulative amount of (re)development in the general area,
- Lack of confidence that the tax revenues generated will match expenditures, and
- Loss of industrial lands

Four area residents, including two ANC 6D Commissioners, testified in opposition, based upon the potential adverse impact of the proposed use on

- The Federal presence and Homeland Security,
- Adjacent residential communities,
- The ability to clean up the Anacostia River,
- Views from area residential units, and
- Traffic and parking in residential areas

The Commission left the record open for receipt of ANC 6D's report that met the requirements of 11 DCMR § 3012.5, a written presentation from the SWNA, and additional analysis by the Office of Planning regarding scoreboard design, the design approval process, height measurement, view impacts, traffic and mitigation, and case studies of other ballparks in urban settings

In its written testimony dated June 27, 2005, the SWNA reiterated its recommendation that the Commission not take action on the proposal until it is determined that the South Capitol Street site is the most suitable and financially beneficial site for the city and the ball team. The SWNA report also noted a need to amend the Comprehensive Plan Generalized Land Use Map, and questioned the potential tax revenue lost, the use of eminent domain to acquire land, and "spot zoning"

Proposed Rulemaking

Following the public hearing, the Commission took proposed action pursuant to 11 DCMR § 3027 2 at a regular meeting on July 11, 2005 The Office of Planning, in a report dated June 30, 2005, provided additional information on other comparably sited ballparks In response to this additional analysis and concerns and issues raised by the Commission and members of the public at the Public Hearing, the Office of Planning made the following recommendations including

- The limitations on FAR, heights, and step-backs proposed in the text amendment should remain generally as proposed to adequately accommodate a new ballpark building,
- A multi-faceted approach is necessary to address accessibility to the ballpark, including various forms of public transportation, safe pedestrian routes, taxis, ferries, bicycles, buses, and remote parking to compliment (or in some cases replace) driving and parking adjacent to the stadium, to reduce traffic impacts,
- An amendment to clarify §1616.5 to add a clause specifically describing how height will be measured for a Ballpark,
- A minor wording clarification to the view analysis requirement of §1606.19, and possible deletion of § 1606 20 in response to concerns raised by the community,

- Addition of a new guideline provision in § 1606.19 to provide for specific review of the scoreboard and other signage for safety, enjoyment of adjacent residential property and impact the character and integrity of the ballpark site,
- That the maximum amount of relief from required retail (§ 1605 14) not be limited, but the report provided the necessary amendment language to §1604 15 should the Commission decide to do so;
- No change to the bus parking requirement (§1606 10) or relief (§ 1606 11) provisions; and
- A new provision, § 1606.24, which would provide an opportunity for the Commission to give preliminary comments regarding the submitted ballpark design proposal subsequent to submission of an application but prior to the hearing

The Commission accepted most of these recommendations, but decided to limit the amount of relief that may be granted from the ground floor retail requirement of § 1605.14 to fifty percent (50%)

A Notice of Proposed Rulemaking was published in the *D C Register* on July 29, 2005 at 50 DCR 7838, for a 30-day notice and comment period

The proposed rulemaking was referred to the National Capital Planning Commission ("NCPC") in accordance with the provisions of § 492 of the District of Columbia Home Rule Act. NCPC reviewed this proposal at its meeting of August 4, 2005, and by report dated August 10, 2005, found that the text amendment would not in itself adversely affect the identified federal interests. The NCPC noted

(a) Retail space should be utilized to articulate the South Capitol façade,

(b) Stadium lighting should be designed to minimize adverse night views of the illuminated Capitol Dome,

(c) The definition of stadium height should include light standards;

(d) Internal and external signage should be designed to minimize adverse affect on the Capitol building, the waterfront, and South Capitol Street,

(e) Parking facilities should be located interior to the site and below grade, and that compliance not be limited by adverse impacts on the economic viability of the ballpark,

(f) Total number of parking spaces should be limited to 1,225 unless otherwise demonstrated that more are needed and can be accomplished without adverse impact,

(g) A higher percentage than the required sixty percent (60%) of the South Capitol Street façade be built to the setback line, and that building articulation not be used as a substitute for street level activity, and

(h) That security concerns of the Architect of the Capitol and the Capitol Police Board be given due consideration in the Ballpark design process

In a submission dated August 29, 2005, the United Stated Capitol Police Board requested that the process for review of the final design include an opportunity for timely and meaningful input from the Capitol Police Board with regards to building height and sightlines to address its security concerns

The Office of Planning submitted a Supplemental Report dated September 2, 2005, providing additional information on similarly sited ballparks, and noting no concerns with limiting the amount of relief from the required retail requirement of §1614 as discussed above

The Office of Zoning did not receive any other submissions in response to the notice

Final Rulemaking

The Commission took final action to adopt the rulemaking at its regularly scheduled public meeting on October 17, 2005 In response to the security issues raised by United States Capitol Police and NCPC, the Commission decided to refer all design review applications to the Capitol Police Board for review and comment In addition, the Commission decided to revise proposed § 1606.19 to require that the siting, architectural design, site plan, landscaping, sidewalk treatment, and operation of any building within the ballpark site must minimize potential impacts to the United States Capitol As proposed, the subsection only addressed potential impacts to the neighborhood

The Office of the Attorney General has determined that this rulemaking meets its standards of legal sufficiency and that no re-advertisement or re-publication of the proposed rule is required by virtue of the changes made

Based on the above, the Commission finds that the proposed amendments to the Zoning Regulations are in the best interests of the District of Columbia, consistent with the purpose of the Zoning Regulations and Zoning Act, and not inconsistent with the Comprehensive Plan for the National Capital

In consideration of the reasons set forth herein, the Zoning Commission hereby **APPROVES** the following amendments to Chapters 16 (Capitol Gateway Overlay District), and 30 (Zoning Commission Rules of Practice and Procedure) of the Zoning Regulations, Title 11 DCMR

Added wording to existing provisions is underlined, and deleted wording is shown in ~~strike-through~~ lettering

A Chapter 16, CAPITAL GATEWAY OVERLAY DISTRICT, is amended as follows.

1 Subsection 1600 1, PREAMBLE, is amended by adding a new paragraph (f) to read as follows

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

2. By adding a new Section 1606 to read as follows

1606 BALLPARK

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

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 Site

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 For the purposes of determining height for a Ballpark, height shall mean the vertical distance measured from the level of the curb opposite the middle of the front of the building to the highest point of the building including a scoreboard, roof, cantilevered sunscreen, or parapet, with the exception of elements noted in § 630 3

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 All parking spaces within the Ballpark Site shall be provided underground At or above grade parking spaces shall be permitted if approved by the Zoning Commission pursuant to §1606 18, subject to the applicant demonstrating

(a) Practical difficulty with the provision of underground parking, and

(b) Compliance with the provisions of §§ 1606.19 and 1606 20.

1606 8 A maximum of 1,225 vehicular parking spaces shall be provided for the Ballpark use within the Ballpark Site, in addition to bus parking requirements of §1606 10. Of this number, a minimum of 125 shall be designated handicapped parking spaces Any parking spaces in addition to the 1,225 amount shall be permitted if approved by the Zoning Commission pursuant to §1606 18, 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 19 and 1606 20

1606 9 In considering whether to approve additional ballpark-related at or above-ground parking spaces under §1606 8, the Zoning Commission shall judge, balance, and reconcile the need for additional on-site parking against any adverse impacts the presence of the parking will have on traffic, and the aesthetics and development of the surrounding neighborhood

1606 10 Any on-site bus parking shall be located internal to a building, with doors and entranceways 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 pursuant to §1606 18 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 19 and 1606 20

1606 12 Loading platforms and berths for the Ballpark shall be located internal to a building, with doors and entranceways designed to compliment the building façade, and shall permit safe and convenient vehicular and pedestrian movement

1606 13 A minimum of one pedestrian entrance gate to the Ballpark shall be provided on each street frontage

1606 14 Not less than twenty percent (20%) of the Ballpark building's exterior perimeter frontage, not including any detached accessory building, shall be devoted to retail, service, entertainment, or arts uses ("preferred uses") as permitted in §1807.2 of this Title, with the addition of "museum", in accordance with the following provisions:

(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,

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

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

1606 15 The Zoning Commission may grant relief to a maximum of fifty percent (50%) of the amount of space required by § 1606 14 if necessary for 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 19 and 1606 20

1606 16 Each building or structure located on the portion of South Capitol Street that lies within the Ballpark Site shall be set back for its entire height and frontage not less than fifteen (15) feet, provided that a minimum of sixty percent (60%) of the street-wall shall be constructed on the setback line

1606 17 No private driveway may be constructed or used from South Capitol Street to any parking or loading berth areas in or adjacent to a building or structure constructed after November 4, 2005.

1606 18 The Ballpark and all other proposed buildings or structures within the Ballpark Site shall be subject to the approval of the Zoning Commission in accordance with the provisions of §§1606 19 and 1606 20

1606.19 An applicant requesting approval under this section must prove that the proposed building or structure, including the siting, architectural design, site plan, landscaping, sidewalk treatment, and operation, will minimize potential impacts to the neighborhood and the United States Capitol by

(a) Minimizing associated noise, particularly into adjacent residential neighborhoods;

(b) Minimizing light spill, particularly into adjacent residential neighborhoods;

(c) Minimizing parking and traffic conflict between Ballpark patrons and neighborhood residents,

(d) Encouraging the use of bicycles through the provision of safe, secure and convenient bike storage, as well as other forms of alternative transportation to the site,

(e) Minimizing conflict between vehicles and pedestrians;

(f) Encouraging the design and development of properties in a manner that is sensitive to the establishment of South Capitol Street as a monumental civic boulevard while recognizing the proximate residential neighborhood use and context,

(g) Being in context with the surrounding neighborhood and street patterns,

(h) Providing view analysis which assesses openness of views and vistas around the Ballpark, including views toward the Capitol Dome, other federal monumental buildings, and the waterfront, from the surrounding neighborhood and neighborhoods east of the Anacostia River, South Capitol Street, the Frederick Douglas Bridge, and the waterfront,

(i) Providing for safe and convenient movement to and through the site, including to public transit and to the Anacostia River, and

(j) Ensuring that signage on the exterior of building or internal to the ballpark structure but visible from the outside, including the scoreboard, will not have such intensity or brilliance as to cause glare or impair the vision of any driver, or otherwise interfere with the driver's operation of a motor vehicle, adversely impact an owner's enjoyment of residential property located proximate to the ballpark, or impact the character and integrity of the ballpark site

1606 20 In addition to the required provisions of § 1606 19, an applicant requesting approval under this section shall also demonstrate that the proposed building or structure, including the siting, architectural design, site plan, landscaping, sidewalk treatment, and operation will

(a) Help achieve the objectives of the CG Overlay District as set forth in §1600 2,

(b) Be of a superior quality,

(c) Encourage safe and active streetscapes through building articulation, landscaping, and the provision of active ground level uses including retail, entertainment, cultural, and pedestrian concourse space,

(d) Minimize unarticulated blank walls adjacent to public spaces through facade articulation, and

(e) Promote the use of best practice environmental design, including minimizing potential impacts on the Anacostia River through stormwater management and recycling practices

1606.21 The Zoning 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

1606.22 The Zoning 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 23 At the time of filing an application with the Zoning 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 Zoning Commission, which shall decide the appeal as a preliminary matter to hearing the application "

1606 24 At any time after the application is filed, but no later than 30 days prior to the hearing date, at the request of one or more Zoning Commission member(s), the Zoning Commission may, at a regular or special public meeting, offer preliminary comment on the design presented Written notice of the Zoning Commission's intent to offer preliminary comment shall be provided to the Applicant, ANC 6D, and the Office of Planning The Office Planning may participate at the meeting only through responding to the Zoning Commission's questions and offering solutions to any concerns expressed

B. Chapter 30, ZONING COMMISSION RULES OF PRACTICE AND PROCEDURE, is amended as follows (new language is shown in bold and underline and deletions in strikethrough)

1 Subsection 3011 1 is amended to read as follows

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.**

2. Subsection 3012 1 is amended to read as follows.

3012 1 As soon as an application or petition is set down for a public hearing, the matter shall be referred to the D C Office of Planning and any other public agencies that may be requested to provide information and assistance, depending on the nature of the case. As soon as an application requesting Zoning Commission review and approval pursuant to Chapter 16 or 18 of this Title is accepted for filing by the Director of the Office of Zoning, a copy of the application shall be referred to the D C Office of Planning and other appropriate agencies for review and comment A copy shall also be sent **for review and comment** to·

(a) The National Capital Planning Commission ~~for review and comment,~~ of all Chapter 18 applications and those applications for approval pursuant to 11 DCMR § 1603, **and**

(b) The Capitol Police Board for those applications for approval pursuant to 11 DCMR § 1606.18.

Vote of the Zoning Commission taken at its public meeting on July 11, 2005, to **APPROVE** the proposed rulemaking **4-0-1** (Anthony J Hood, Kevin L. Hildebrand, Gregory N Jeffries, and John G Parsons to approve, Carol J. Mitten, having recused herself, not voting)

This order was **ADOPTED** by the Zoning Commission at its public meeting on October 17, 2005, by a vote of **4-0-1** (Anthony J Hood, Gregory N Jeffries, Kevin L Hildebrand, and John G Parsons to adopt, Carol J Mitten, having recused herself, not voting)

In accordance with the provisions of 11 DCMR § 3028 9, this order shall become effective upon publication in the *D C Register*; that is, on NOV - 4 2005

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF FINAL RULEMAKING
and
ORDER NO. 05-08
Z.C. Case No. 05-08
(Text Amendment – 11 DCMR)
(Text Amendment - Capitol Gateway Overlay District)

The full text of this Zoning Commission order is published in the "Final Rulemaking" section of this edition of the *D C Register*