GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING



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Office of the Director

SUPPLEMENTAL REPORT

ZONING COMMISSION
District of Columbia
CASE NO. 05-08
EXHIBIT NO. 7

DATE: May 23, 2005

TO: District of Columbia Zoning Commission

FROM: Ellen McCarthy, Interim Director OP

SUBJECT: Supplemental Report for 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 Zone

II. RECOMMENDED ACTION

In accordance with the agreement between the District and Major League Baseball, as well as the Anacostia Waterfront Initiative and planning studies for the Near Southeast and South Capitol Street area, the Office of Planning recommends approval of text amendments to:

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

(b) Provide for a ballpark within the Ballpark Area;

(c) Amend specific regulations pertaining to a ballpark and the Ballpark Area, including ones related to height, floor area ratio, setbacks, ground floor preferred uses, and parking; and

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

III. EXECUTIVE SUMMARY

At its March 14, 2005 public meeting, the Zoning Commission voted to set down for consideration a proposal to amend zoning regulations and establish a process by which the Zoning Commission and the public could review the Ballpark site and building design against a proposed set of objectives and provisions intended to address site planning and building design issues such as streetscape character, neighborhood fit, pedestrian and vehicular movement, and architectural form and character

Since that time, the Office of Planning (OP) has attended community workshops, and met with neighborhood groups, individual residents of the area, and the local ANC. OP has also discussed details of the proposal with the Anacostia Waterfront Corporation (AWC) and other District agencies, consultants working for the District, the DC Sport and Entertainment Commission (DCSEC), and the architects chosen to lead the Ballpark building design. The version of the proposed text amendment attached to this report as Attachment I incorporates a number of changes to the text.

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IV. SITE – refer also to Site Map Attachment III



The proposed text amendment includes 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. The approximately 21 acre site 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 (adopted in 2002) permits medium to high density commercial, residential, and mixed use development.

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, for which Zoning Commission PUD Case 04-14 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 Half Streets SE. To the east is South Capitol Street with predominantly low density residential and office / warehouse uses facing the ballpark site.

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 District through the AWC will own the site, and the DCSEC has been charged with construction of the ballpark structure. In accordance with the agreement between the District and Major League Baseball, the ballpark is required to provide 41,000 seats, 1,225 ballpark related parking spaces, office space for team management, concession and restaurant areas, and other baseball related uses. The DCSEC has selected Hellmuth Obata Kassabaum (HOK) Sport Venue Entertainment Inc. of St. Louis, MO and Devrouax & Purnell Architects-Planners of Washington, DC (HOK/D&P Joint Venture) as designers for the new

stadium. Concept design work has been initiated, with construction anticipated to commence in 2006 in time for completion prior to the start of the 2008 baseball season.

VI. CAPITAL GATEWAY OVERLAY DISTRICT

As noted in the March 4, 2005 OP report, 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. Following detailed planning studies for the area initiated as early as 1988, public hearings were held in November of 1996, September 2001, and September 2002 for map and text amendment changes intended to create an active mixed-use community in this area. The Commission took final action to adopt the rulemaking at its regularly scheduled public meeting of October 28, 2002

The action included the establishment of a new CG Overlay area and the rezoning the area from the industrial M and C-M zones to CG/CR, CG/C-3-C, and CG/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 rezoned to CG/CR. The rezoning and CG Overlay are intended to encourage a more mixed-use form of development by encouraging residential development. It also

- permits the retention, but not the extension, of pre-existing non-conforming industrial uses;
- amends a number of specific regulations related to residential density, height, and setback;
- permits combined lot development within the Overlay area for the purposes of allocating residential and commercial uses;
- establishes a Zoning Commission review process for all properties facing M Street, SE, and for sites along the Anacostia Waterfront in the CG/W-2 District.

VII. COMPREHENSIVE PLAN

As noted in the March 04, 2005 OP report, 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 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

VIII. COMPREHENSIVE PLAN GENERALIZED LAND USE MAP

The area is designated on the Comprehensive Plan Generalized Land Use Map as mixed Production and Technical Employment; Medium to High Density Commercial, and High Density Residential This designation generally corresponds to zoning currently on the site The proposed text amendment is not

inconsistent with this designation, particularly since the Generalized Land Use Map does not include a fully relevant "stadium" land use category

IX. PLANNING AND ZONING ISSUES

The proposed text amendment would not be inconsistent with planning initiatives completed or underway for the general area, including the Anacostia Waterfront Initiative, the Near Southeast Target Area Urban Design Framework Plan, the NCPC and ongoing DDOT South Capitol Street Corridor studies, or the ongoing AWC's South Capitol Street / Ballpark Site Master Plan. Additional zoning text or map amendment proposals, possibly including further amendments to the CG Overlay, may be forwarded to the Commission for consideration following completion of the South Capitol Street and Ballpark Site Master Plan studies.

X. OFFICE OF PLANNING REVISED PROPOSAL – refer also to the revised **DRAFT** CG Overlay amendment, Attachments I and II

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.

The OP proposal, as submitted to the Zoning Commission as part of the March 4, 2005 OP report and subsequently advertised, is intended to·

1 Define a "Ballpark" and define the "Ballpark Site",

2. Make explicit that a ballpark is a permitted use within the Ballpark Site;

3. Amend specific sections of the CG Overlay, including Floor Area Ratio, Height, Setbacks, and Parking;

4. Add regulations pertaining to location of bus parking, location of loading facilities, provision of ground floor retail, and parking and service access restrictions;

5 Require Zoning Commission review of any building or structure, including a ballpark, on Ballpark Site, against a specific set of objectives and provisions intended primarily to address potential neighborhood and streetscape impacts; and

6. Permit the Zoning Commission to consider requests for additional Zoning Regulations relief, as part of the otherwise required review

Subsequent to the set-down meeting, OP has had the opportunity to discuss the proposal with residents of the area through ANC meetings and AWC/OP/DDOT sponsored community workshops. These discussions have been of great benefit to this text amendment proposal, as well as to broader planning initiatives for this rapidly changing neighborhood. In addition, a meeting with the South West Neighborhood Assembly has been scheduled for the evening of May 23, 2005, and an additional community meeting has been scheduled for the evening of May 24, 2005. As both of these dates are subsequent to when this OP report is required to be filed, OP will provide the Commission at the public hearing with an update of any additional recommendations arising from these meetings

OP also received comments from the AWC and other District agencies, planning and design professional consultants working for the District, the DC Sport and Entertainment Commission (DCSEC), and the architects chosen for the Ballpark building design

As a result of this valuable feedback, OP is recommending a number of changes to the originally proposed text. A complete copy of the CG Overlay with the originally proposed amendments noted in underlined text and revisions from that text noted in **bold text** for an addition or ~~**bold, strikethrough text**~~ for a deletion is provided as Attachment I A "clean" version with all changes incorporated is also included as Attachment II.

Generally, the changes are refinements to the originally proposed text, intended to provide clarity. While they generally do not significantly alter the "substance" of the proposed text, some – such as the reordering of the proposed guidelines – provide important direction with regards to their intent and to their application. In addition to minor wording clarifications (as outlined in the attachments), more substantive changes include:

§1606.8 Increase the number of required ballpark related parking spaces from 1,100 to 1,225 vehicular parking spaces, in conformance with a refined interpretation of the parking requirement contained in the agreement between the District and Major League Baseball.

§1606.10 Differentiate bus parking from service loading requirements by split this into two clauses (§1606.10 and new §1606.12) The intent of the regulations is unchanged.

§1606.14 Clarify the intent of the required retail requirement by removing "office associated with baseball use" from the list of preferred uses.

§1606 17 Remove "P Street SE" as a street from which no private driveway may be constructed, to provide additional flexibility. The guidelines of §§1606.19 & 1616.20 and will continue to regulate streetscape and pedestrian / vehicular conflicts around the ballpark, including P Street SE

§1606.19 Amend Zoning Commission review provisions (§1606 17 in the original proposal) in response to comments made by the ANC and participants at the community workshops, to:

- Separate the provisions into two separate clauses, one primary list (§1606.19) to address neighborhood impact issues and a second list (§1606.20) to address building form issues.
- Add a new provision related to minimizing parking and traffic conflicts between ballpark patrons and neighborhood residents (§1606.19(c)), as recommended by the ANC;
- Add a new provision intended to encourage the use of bicycles and other alternative modes of transportation (§1606.19(d)), as recommended by the ANC and a number of community workshop participants,
- Clarify view criteria, by separating this into two provisions, one to address openness of views from multiple points around the ballpark (§1606.19(g)), and a second one to assess views from the stadium seating (§1606 20(c));
- Clarify a provision related to South Capitol Street character to include recognition of the location of the ballpark across the street from an existing low density residential area (§1606.19(f));
- Clarify the "active streetscape" provision to note that this includes articulation and landscape design in addition to active uses in the ballpark at ground level (§1606 20(b));

- Include specific references to stormwater management and recycling in the provision addressing the promotion of best practice environmental design (§1606.20(e)), given the proximity of the Anacostia River.

- Note that the provision addressing signage (§1606 20(f)) is intended to apply to external signage only, since it may be possible for some signage inside the building to be visible from the outside.

With these amendments, OP feels that the CG Overlay will provide adequate assurance that potential impacts of the new ballpark on the surrounding neighborhoods and streetscapes can be adequately reviewed by the public and the Zoning Commission, and that it will further neighborhood and District wide goals and objectives.

XI. ANC 6D

OP presented the proposed text amendment to ANC 6D at its meeting of April 11, 2005 At that meeting, individual Commissioners noted concerns with a number of aspects of the proposed text amendment, including how it addressed height, views, parking, noise and light spill to the surrounding community, and provision for alternative means of accessing the site, such as by bicycle. Commissioners also noted broader concerns regarding anticipated development in the area, including traffic, parking, and ability of the Navy Yard Metro Station to accommodate additional capacity

OP returned to the ANC at its May 9, 2005 meeting, along with representatives from the AWC and DDOT. At that meeting, the ANC voted to oppose the text amendment. However, the ANC also discussed a number of changes that, in one Commissioner's words, could make the text amendment "more palatable". These changes, as drafted by a Commission member, included·

- **Increasing the required on-site parking to 3,000 minimum.** As drafted, the text amendment does not preclude the provision of more than 1,225 ballpark related parking spaces on-site, but the applicant would be required to demonstrate how the additional parking spaces would not result in undue impacts in terms of traffic, streetscape character, etc. As such, OP continues to believe that the lower number as originally proposed is more appropriate

- **Reordering review provisions to emphasize ones related to neighborhood impacts over ones related to building design.** While all of the provisions are intended to address "neighborhood fit" of a new stadium, OP agrees that some relate to very direct impacts (such as noise, light, and neighborhood parking), while others are more "design" oriented. As such, the attached revised draft has been reordered accordingly, as described above.

- **Addition, deletion and rewording to clarify specific guidelines.** The ANC list removed a proposed provision related to "views". OP intended this guideline to, in essence, require the consideration and analysis of the impact of the Ballpark on views, mainly towards the waterfront and the Capitol Dome, including the impact on existing (and potential) views from the neighborhood, the new bridge, South Capitol Street, Anacostia, and the waterfront, as well as an assessment of views from the ballpark. OP continues to believe that this analysis is important to the design and siting process, so has retained this guideline in an amended form for clarity.

  The ANC list added guidelines related to parking management and encouraging the use of bicycles for transportation to the site – OP agrees with the intent of these conditions and has incorporated them into the revised text.

XII. AGENCY RESPONSES – refer also to Attachment IV

In addition to the standard Office of Zoning referrals, OP informally referred the proposed text amendment to a number of District agencies for review and comment As of the date of drafting this report, the Department of Housing and Community Development noted support, while the Department of Employment Services noted, in essence, that they have no concerns with this text amendment. The AWC is planning on submitting comments to the Commission under separate cover prior to the Public Hearing.

XIII. 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 approved as amended. This is in keeping with District policy and recent planning initiatives for the area and for the District and region as a whole.

EM/jl

ATTACHMENTS:

I. DRAFT CG Overlay Amendment with amendments highlighted
II DRAFT, "clean" version of the CG Overlay Amendment
III Site Map
IV Agency responses

ATTACHMENT I

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.

Proposed Provision	*Notes*
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").	Unchanged
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.	Unchanged
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.	Unchanged
1606.4 Notwithstanding § 631.1 of this Title, no portion of the FAR need be used for residential purposes within the Ballpark Area.	unchanged

Proposed Provision	***Notes***
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.	Unchanged
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.	Unchanged
1606.7 All parking spaces **within the Ballpark Area** 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:	Amended to clarify intent and to revise numbering
(a) Practical difficulty with the provision of underground parking; and	Unchanged
(b) Compliance with the provisions of §§ 1606.19 & .20.	Unchanged other than revised numbering
1606.8 ~~**Eleven hundred (1,100)**~~ **A maximum of 1,225 vehicular** parking spaces shall be provided for the Ballpark use within the Ballpark Area**, 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 ~~**this**~~ **the 1,225** amount shall be permitted if approved by the Zoning Commission pursuant to §1606.18; subject to the applicant demonstrating:	Amended to reflect refined interpretation of agreement between the District and Major League Baseball.
(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	unchanged
(b) Compliance with the provisions of §§ 1606.19 & .20.	Unchanged other than revised numbering
1606.9 In considering whether to approve additional **ballpark related at or** above ground parking spaces under §1606.8, the Commission shall judge, balance, and reconcile the need for additional ~~**off-street**~~ **on-site** parking against any adverse impacts the presence of the parking ~~**structure**~~ will have on traffic, and the aesthetics and development of the surrounding neighborhood.	Wording clarification.

Proposed Provision	*Notes*
1606.10 Any **on-site** bus parking ~~**and loading platforms and berths**~~ 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.	Amended to clarify that it is bus parking – not bus unloading - that is required to be internal to the building if provided on-site.
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 & .20**.	Zoning Commission review mechanism clarification
1606.12 ~~**Any bus parking and**~~ 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.	New section, to split bus parking from service loading requirements
1606.13 A minimum of one pedestrian entrance gate **to the Ballpark** shall be provided on each street frontage.	Former section 1616.12, amended for clarity
1606.14 ~~**The Ballpark shall devote**~~ Not less than twenty percent (20%) of the **Ballpark** building's exterior perimeter **frontage, not including any detached accessory building,** ~~**façade to neighborhood serving**~~ **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". ~~**and "office associated with baseball use".**~~	Former section 1616.13, with wording amended for clarity, and deletion of "office"
(a) Preferred uses shall have a street orientation;	Unchanged
(b) Preferred uses shall provide direct exterior access at ground level;	Unchanged
(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	Unchanged
(d) The minimum floor to ceiling height of area devoted to preferred uses shall be 14 feet clear.	Unchanged
(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 **minimum**.	Wording clarification

Proposed Provision	***Notes***
1606.15 The Zoning Commission may grant relief from the any or all of the requirements of § 1606.14 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 & .20.	Former section 1616.14, otherwise unchanged other than revised referencing
1606.16 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:	Former section 1616.15, otherwise unchanged
(a) South Capitol Street – 15 feet minimum, provided that a minimum of 60% of the street-wall shall be constructed on the setback line	Unchanged
1606.17 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*}.	Former section 1616.16, amended to remove P Street SE from this prohibition
1606.18 The Ballpark and all other proposed buildings or structures within the Ballpark Area shall be subject to the approval of the Zoning Commission **in accordance with the provisions of §§1606.19 & 1606.20**.	Former section 1616.17, clarified
1606.19 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 **address the following provisions respecting potential neighborhood impacts**:	Former section 1616.17; reordered to refer specifically to neighborhood issues
(a) Help achieve the objectives of the CG Overlay District as set forth in §1600.2;	Unchanged
(b) Minimize associated noise**, particularly into adjacent residential neighborhoods**;	Former (l), clarified as per ANC
(c) Minimize light spill**, particularly into adjacent residential neighborhoods**; ~~and~~	Former (m), clarified
(d) Minimize parking and traffic conflict between Ballpark patrons and neighborhood residents;	New – proposed by ANC
(e) Encourage 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;	New provision
(f) Minimize conflict between vehicles and pedestrians;	Former (f) , otherwise unchanged

Proposed Provision	*Notes*
(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 **while recognizing the proximate residential neighborhood use and context**;	Former (g); added last clause
(h) Be in context with the surrounding neighborhood and street patterns;	Former (c) , otherwise unchanged
(i) Provide for openness of views and vistas **around the Ballpark, including views** toward the Capitol Dome, ~~and between the Ballpark,~~ other federal monumental buildings, **and** the waterfront, ~~and the~~ from the surrounding neighborhood **and neighborhoods east of the Anacostia River, South Capitol Street, the Frederick Douglas Bridge, and the waterfront**;	Former (d), amended to better address neighborhood view impacts
(j) Provide for safe and convenient movement to and through the site, including to public transit and to the Anacostia River;	Former (e) , otherwise unchanged
1606.20 In addition to the required provisions of 1606.19, an applicant requesting approval under this section shall demonstrate that the proposed siting, architectural design, site plan, landscaping, and sidewalk treatment for the building or structure will also:	Division of "building" related provisions from "neighborhood" ones as per ANC
(a) Be of a superior quality;	Former (a) , otherwise unchanged
(b) 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;	Former (i), amended to note that building articulation and landscape can also further this provision
(c) Address views from the Ballpark towards the Anacostia River and the Capitol Dome;	Partially former (d), amended to specifically address views from the stadium
(d) Minimize unarticulated blank walls adjacent to public spaces through facade articulation;	Former (j) , otherwise unchanged
(e) Promote the use of best practice environmental design, **including minimizing potential impacts on the Anacostia River through stormwater management and recycling practices;**	Former (k), with added wording related to impacts on the River.

Proposed Provision	***Notes***
(f) Utilize **external** signage design and location to maximize effectiveness while minimizing adverse visual impact on streetscape character.	Former (n), clarified
1606.21 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.	Former section 1616.19, otherwise unchanged
1606.22 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.	Former section 1616.20, otherwise unchanged
1606.23 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."	Former section 1616.21, otherwise unchanged

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.	Unchanged

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,

(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 All parking spaces within the Ballpark Area 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 & .20.

1606.8 A maximum of 1,225 vehicular parking spaces shall be provided for the Ballpark use within the Ballpark Area, 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 & .20.

1606.9 In considering whether to approve additional ballpark related at or above ground parking spaces under §1606.8, the 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 & .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".

(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 minimum.

1606.15 The Zoning Commission may grant relief from the any or all of the requirements of § 1606.14 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 & .20.

1606.16 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

1606.17 No private driveway may be constructed or used from either South Capitol Street to any parking or loading berth areas in or adjacent to a building or structure constructed after {*Effective Date Of This Section*].

1606.18 The Ballpark and all other proposed buildings or structures within the Ballpark Area shall be subject to the approval of the Zoning Commission in accordance with the provisions of §§1606.19 & 1606.20.

1606.19 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 address the following provisions respecting potential neighborhood impacts:

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

(b) Minimize associated noise, particularly into adjacent residential neighborhoods;

(c) Minimize light spill, particularly into adjacent residential neighborhoods; and

(d) Minimize parking and traffic conflict between Ballpark patrons and neighborhood residents;

(e) Encourage 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;

(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 while recognizing the proximate residential neighborhood use and context;

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

(i) Provide for 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;

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

1606.20 In addition to the required provisions of 1606.19, an applicant requesting approval under this section shall demonstrate that the proposed siting, architectural design, site plan, landscaping, and sidewalk treatment for the building or structure will also:

(a) Be of a superior quality;

(b) 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;

(c) Address views from the Ballpark towards the Anacostia River and the Capitol Dome;

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

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

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

1606.21 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.

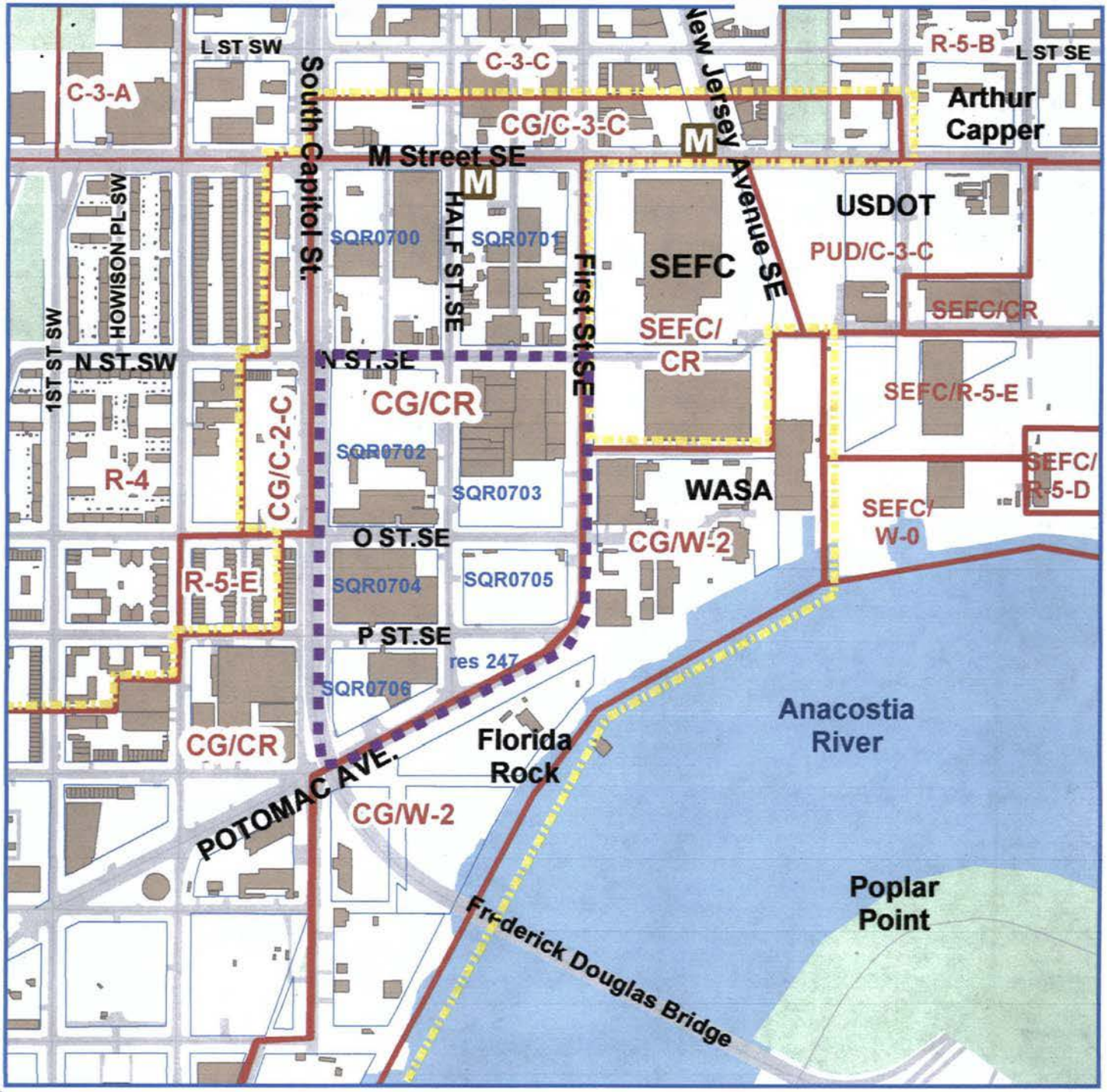
1606.22 The Commission may hear and decide any additional requests for relief from Zoning Regulations for the subject site. Such requests may be advertised, heard, and decided together with the application for Zoning Commission review and approval.

1606.23 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.**



OPID0005324

Ballpark Area SITE PLAN

ATTACHMENT III

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

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.

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ATTACHMENT IV

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

MEMORANDUM

TO Joel Lawson
Development Review Specialist
Office of Planning

THROUGH Lawrence C Cager, Jr
Deputy Director for Development Finance

FROM. James Thackaberry
Supervisory Project Manager

DATE May 12, 2005

SUBJECT: Department of Housing and Community Development (DHCD) Review of Zoning Commission Case No 05-08 – Capitol Gateway Overlay District Text Amendment

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DHCD has reviewed the above referenced Zoning Commission Case you sent by e-mail on April 1, 2005. This memorandum offers comments on the Zoning Commission Case. After staff review of the application materials, DHCD is supportive of the Capital Overlay District Text Amendment (Text Amendment) as proposed in Zoning Commission Case No. 05-08 for the following reasons·

1 The Text Amendment defines what a "Ballpark" is and specifically states that the "Ballpark Area" is Squares 702, 703, 704, 705 and 706 and Reservation 247

2 The Text Amendment language specifies that a non-residential FAR of 6 0 within the "ballpark area" be permitted, a height of 130 feet, in conformance with the 1910 Height Act, be permitted, and that the parking requirements for the ballpark be 1,100 parking spaces as required in the Agreement between the District of Columbia and Major League Baseball (Agreement) All of the Text Amendment changes will assure that a ballpark meeting the requirements of the Agreement is designed and built that will provide a 41,000 seat ballpark with 1,100 parking spaces, office space for team management, concession and restaurant areas, and other baseball related uses

3 The Text Amendment changes establish a specific set of design guidelines and objectives the ensure that the siting, architectural building design, site plan and landscaping of the ballpark will (to name just the major guidelines) 1) be of a superior design quality; 2) provide an open view and vistas to the Capitol Building, other federal monuments, and the Anacostia waterfront; 3) be sensitive to South Capitol Street as a major civic boulevard, 4) promote best environmental design.

4. The Text Amendment will establish a public Zoning Commission review process to review ballpark proposed for the ballpark area making use of the established design guidelines and objectives to evaluate ballpark design

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Department of Employment Services
Office of Workforce Development

MEMORANDUM

TO: Joel Lawson
Development Review Planner
Office of Planning

FROM: Susan O Gilbert
Executive Assistant
Workforce Development Bureau

DATE: APR 14 2005

SUBJECT: Zoning Commission Case # 05-08, Capital Gateway Overlay District Text Amendment, Squares 702-706 & Reservation 247

As requested, the Department of Employment Services (DOES) has reviewed Zoning Commission Case # 05-08, Capital Gateway Overlay District Text Amendment, Squares 702-706 & Reservation 247. The subject property is located between South Capitol Street SE, 1st Street SE, N Street SE and Potomac Place SE

The applicant, which is the Office of Planning, has proposed an amendment to the Zoning Regulations to.

(1) Provide a definition for a "Baseball" and Ballpark Area;
(2) 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
(3) Establish a Zoning Commission review and approval process and design guidelines for a ballpark and associated uses

Please be advised that the Office of Planning is not required to sign a First Source Agreement as the result of their request to amend the Zoning Regulations for Case Number 05-08 This application has met all criteria established by the Department of Employment Services pursuant to D C Law 14-24, D C Law 5-93, as amended, and Mayor's Order 83-265

If you need additional information, please contact Vernell Jordan at (202) 698-5774 or vernell.jordan@dc.gov