

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING



Office of the Director

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SUPPLEMENTAL REPORT

DATE: November 21, 2005
TO: District of Columbia Zoning Commission
FROM: *ELM*
Ellen McCarthy, Director Office of Planning
SUBJECT: Zoning Commission Case No. 05-10, Capital Gateway Overlay District Amendment

I. APPLICATION-IN-BRIEF

Applicant: Office of Planning
Location: The Capitol Gateway Overlay Area, located in the Southwest and Near Southeast Areas Ward 6, Advisory Neighborhood Commission 6D.
Proposal: An amendment to the Capitol Gateway (CG) Overlay District Zoning Regulations to:

- Provide regulations pertaining to existing Combined Lot provisions,
- Establish a Zoning Commission review and approval process and design guidelines for additional properties within the existing boundaries of the CG Overlay, including portions of Squares 601, 656, 657, 700, and 701, any property which abuts South Capitol Street, or for any property which is the recipient of additional density through the Combined Lot provisions,
- Establish preferred use (retail and entertainment) requirements and regulations along First and Half Streets SE within the area,
- Provide for a setback of 15 foot setback and a 1:1 upper story step-back above a height of 110 feet for buildings fronting South Capitol Street within the area;
- Provide for an upper stories step-back for building fronting Half Street SE, and
- Provide for a 1:1 upper story step-back above a height of 110 feet for buildings fronting Potomac Avenue SE and SW

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

II. RECOMMENDED ACTION

The Office of Planning recommends that revised proposal be set down for public hearing.

III. BACKGROUND

At its November 14, 2005 meeting, the Zoning Commission received a report from the Office of Planning recommending amendments to the Capitol Gateway (CG) Overlay District, in response to new development pressure within the area, and recent planning initiatives related to South Capitol Street and the location of the new Major League baseball stadium within the area. The Commission provided valuable feedback, and requested that OP prepare a draft of proposed wording, prior to considering set

down at a special public meeting to be held on November 21, 2005. A more comprehensive description of the CG Overlay area is included in the OP report dated November 4, 2005.

IV. SUMMARY OF OP PROPOSAL AND CHANGES FROM THE NOVEMBER 14, 2005 SUBMISSION – refer to DRAFT CG Overlay amendment text, Attachment I

A DRAFT version of the CG Overlay, for discussion, with proposed amendments noted in red, underlined text, is attached. For clarity, the attachment includes the entire CG Overlay text, including sections which are not recommended to be changed. The attachment also includes a summary of OP analysis. The proposed amendment includes:

- Additional objective or purpose statements, related to the form and character of South Capitol Street, Half Street SE, and First Street SE are proposed. (§1600.2)
- Amendments to existing combined lot development regulations to regulate the transfer of density from one parcel to another within the CG Overlay. (§1602)
- Addition of new regulations for specific streets or geographical areas within the CG Overlay, as well as some reorganization of existing regulations (§§1603 to 1609). New regulations include the following:
 - Within the CG/W-2 District – in addition to existing regulations, such as the 75 foot waterfront setback, a new provision to prevent access to parking or loading facing the waterfront
 - M Street SE – in addition to existing setback and preferred use retail requirements, a requirement for a minimum floor to ceiling height requirement, in accordance with similar requirements for other required retail/preferred use areas.
 - South Capitol Street – a new setback requirement of 15 feet, a 1:1 upper story step-back above 110', and a prohibition on new driveways to loading or parking are proposed. All of these provisions are currently in place for the Ballpark site.
 - First Street SE – a new requirement for and regulation of preferred use retail.
 - Half Street SE – a new provision for an upper story step-back, for which OP is especially requesting comments from the Commission, the development community, and land owners within the area; new requirements for preferred use retail; and a prohibition on new driveways to loading or parking.
 - Potomac Avenue SE and SW – a new 1:1 upper story step back
 - P Street SW – new prohibition on new driveways to loading or parking, to minimize impacts of such spaces on residential areas to the north
- Mandatory Zoning Commission Review (§1610). Currently, such review is required for properties facing M Street, the Ballpark site, and the CG/W-2 District. In response to Zoning Commission concerns raised at the November 14, 2005 meeting, OP is now proposing a more limited and directed review for the following additional areas only:
 - On a lot that abuts South Capitol Street;
 - On a lot located within Squares 700 or 701, north of the Ballpark site;

- Within Squares 601, 656, and 657, adjacent to existing lower density residential development to the north, or
- Any lot which is the recipient of density through the combined lot provisions of §1602.

Additional analysis of the geographical boundaries of these areas is provided in Section V of this report below. If the Commission wishes, the text could be amended prior to advertising to include all of the CG Overlay as originally proposed by OP.

OP has also proposed a more refined and clarified list of review criteria, some of which apply to all of the designated areas, and some of which are specific to select areas (§§1610.2 to 1610.5). In specific, “building design” related criteria have been simplified.

- Finally, OP continues to propose that the Commission be permitted to consider requests for additional Zoning Regulations relief, as part of any otherwise required review.

OP stresses that this is a draft to initiate discussion. Clarification and codification is anticipated, following additional discussion.

V. AREA ANALYSIS

More refined OP analysis indicates that the total area of private land (not including roads or alleys) within the CG Overlay is about 97 acres, or about 4.2 million square feet. Of this amount, 7.5 acres are owned by the Federal government, and 7 acres are owned by the District of Columbia agencies (Dc Housing Authority and WASA). An additional 3 acres are owned by WMATA. Almost 15 acres are owned by PEPCO, but OP is of the understanding that significant portions of this land have recently been or will be sold for private development.

The 97 acres includes all or portions of 42 squares (6 partially within the CG/C-3-C District, 13 within squares partially or entirely within the CG/W-2 District, 21 entirely or partially within the CG/CR District, one large site partially zoned CG/W-2 and partially zoned CG/CR; and 2 within the CG/W-1 and W-3 Districts, which are now part of the Fort McNair site). In addition, there are large areas of land close to the river that are not within squares. Some of this land is within Federal reservations.

In total, District records show that there are over 300 individual parcels of land entirely or partially within the CG Overlay. Parcels range in size from 8 square feet to almost 426,000 square feet, but 75% of them are under 10,000 sq.ft. in area. OP anticipates considerable consolidation of the smaller parcels into larger development parcels.

Currently, about 53 acres of land within the CG Overlay (55% of the total area) is within area for which design review is already required, although this amount is likely to increase due to land consolidation. This includes land within 26 of the 42 squares. Under the revised OP proposal, Zoning Commission review would be required for lands north of the Ballpark, or facing South Capitol Street, or adjacent to existing low density residential areas. This represents about 15.5 acres (16% more of the CG Overlay area, all or part of 7 additional squares). Again, lot consolidation could increase this amount. About 28.5 acres (29% of the total area), all at the center of the Buzzard Point area between South Capitol Street and Fort McNair, would not have mandatory Zoning Commission review. Some of this land could be subject to Zoning Commission review, if it is the recipient of Combined Lot density, or if consolidated with lands that would otherwise require review.

VI. RECOMMENDATION

The Office of Planning recommends that this amended proposal for the Capitol Gateway Overlay, be set down for public hearing. This is in keeping with District policy and recent planning initiatives for the

area and for the District and region as a whole. Additional refinement of the proposal is anticipated, and will be provided to the Commission prior to the public hearing.

EM/jl

ATTACHMENTS:

- I. DRAFT proposed amendment
- II Map showing areas currently subject to review, and new areas subject to review

#	Existing Text with Recommended Changes	OP Analysis
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.	Unchanged – no map amendment is proposed as part of this recommended amendment
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;	Unchanged
(b)	Encourage a variety of support and visitor-related uses, such as retail, service, entertainment, cultural and hotel or inn uses;	Unchanged
(c)	Allow for continuation of existing industrial uses, which are important economic assets to the city, during the extended period projected for redevelopment;	Unchanged
(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;	Unchanged
(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~~	Unchanged
(f)	Provide for development of Squares 702-706 and Reservation 247 as a ballpark for major league sport and entertainment and associated uses.	Unchanged
(g)	<u>Provide for the establishment of South Capitol Street as a monumental civic boulevard;</u>	New purpose statement
(h)	<u>Provide for the development of Half Street SE as an active pedestrian oriented street with active ground floor uses and appropriate setbacks from the street façade to ensure adequate light and air, and a pedestrian scale.</u>	New purpose statement
(i)	<u>Provide for the development of First Street SE as an active pedestrian oriented street with active ground floor uses, connecting M Street, the Metro Station and existing residential neighborhoods to the Ballpark site and the Anacostia Waterfront.</u>	New purpose statement

#	Existing Text with Recommended Changes	OP Analysis
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.	Unchanged
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.	Unchanged
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.	Unchanged
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.	Unchanged
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 § 1610.	Unchanged
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.	Unchanged
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:	Unchanged other than to split into two sections

#	Existing Text with Recommended Changes	OP Analysis
(a)	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;	Formerly part of §1602.1
(b)	<u>The residential and nonresidential floor area on each individual parcel shall not exceed a maximum floor area ratio of 8.0 on parcels for which a height of 110 feet is permitted under the Height Act of 1910; or 8.5 on parcels for which a height of 130 feet is permitted under the Height Act of 1910, including any bonus density;</u>	New subsection to limit maximum amount of density which can be transferred
(c)	<u>The amount of commercial density transferred from one parcel to another may not exceed the lesser of an FAR of 3.0 or the amount of residential density being transferred; and</u>	New subsection to limit amount of commercial density transferred
(d)	<u>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 any site receiving combined lot density within the CG/CR District, but only to the extent necessary to accommodate any additional density received from another parcel.</u>	New subsection to allow additional height for commercial developments which included transferred density
(e)	<u>Density may not be transferred to or from any property within the CG/C-3-C District.</u>	New subsection to prevent transfer of density to / from CG/C-3-C District
1602.2	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.	Unchanged
1602.3	The instrument shall be in the form of a declaration of covenants that:	Unchanged
(a)	Is signed by the owners of all affected lots;	Unchanged
(b)	Runs with the land in perpetuity;	Unchanged
(c)	Burdens all lots involved in the allocation of gross floor area;	Unchanged
(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	Unchanged
(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.	Unchanged

#	Existing Text with Recommended Changes	OP Analysis
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.	Unchanged
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:	Unchanged
(a)	The lots' eligibility to allocate residential and nonresidential uses;	Unchanged
(b)	The accuracy of the computations with respect to the amount of residential and nonresidential uses allocated; and	Unchanged
(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.	unchanged
1603	ZONING COMMISSION REVIEW OF BUILDINGS, STRUCTURES, AND USES IN THE CG/W-2 DISTRICT	Revised CG/W-2 section
~~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.~~	Moved to §1610.1
~~1603.3~~	~~With respect to a building or structure to be constructed on a lot that faces or abuts the Anacostia River:~~	
1603.1	All proposed buildings or structures 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	Former §1603.3(a), otherwise unchanged
1603.2	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.	Former §1603.5, otherwise unchanged
1603.3	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:	Former §1603.6, otherwise unchanged
(a)	The building or combined lot development shall include at least 2.0 FAR of residential development;	Unchanged

#	Existing Text with Recommended Changes	OP Analysis
(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	unchanged
(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.	Unchanged
1603.4	~~No private driveway to any parking or loading berth areas in or adjacent to a building or structure constructed after {Effective Date of This Section} shall directly face the waterfront.~~	New provision limiting parking or loading access facing the waterfront
1604	ZONING COMMISSION REVIEW OF BUILDINGS, STRUCTURES AND USES ON M STREET S.E.	Revised M Street Section
~~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.~~	Moved to §1610.1
1604.1	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.	Former §1604.3, otherwise unchanged
1604.2	No driveway may be constructed or used from M Street to required parking spaces or loading berths in or adjacent to a new building.	Former §1604.7, otherwise unchanged
1604.3	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).	Former §1604.4, otherwise unchanged other than to split into two sections
1604.4	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.	Formerly part of §1604.4, otherwise unchanged
1604.5	For good cause shown, the Commission may authorize interim occupancy of the preferred use space required by § 1604.3 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.	unchanged
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.	unchanged

#	Existing Text with Recommended Changes	OP Analysis
1604.7	<u>The minimum floor-to-ceiling clear height for portions of the ground floor level devoted to preferred uses shall be fourteen (14) feet.</u>	New section to establish a required clear height for M Street retail space
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.	unchanged
1605	<u>BUILDINGS, STRUCTURES AND USES ON SOUTH CAPITOL STREET</u>	New South Capitol Street section
1605.1	<u>Each new building or structure located on South Capitol Street shall be set back for its entire height and frontage not less than 15 feet, provided that a minimum of 60% of the street-wall shall be constructed on the setback line</u>	New section to require a 15' setback along South Capitol Street
1605.2	<u>Any portion of a building or structure 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.</u>	New section to require a 1:1 step back above a height of 110'
1605.3	<u>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 {Effective Date of This Section}.</u>	New provision restricting driveway access from S. Capitol Street.
1606	<u>BUILDINGS, STRUCTURES AND USES ON FIRST STREET S.E.</u>	New Half Street SE section
1606.1	<u>Each new building shall devote not less than seventy percent (75%) 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).</u>	New section to require retail on Half Street SE
1606.2	<u>Preferred uses shall occupy 100% of the building's street frontage along First Street SE, except for space devoted to building entrances or required to be devoted to fire control.</u>	New section to establish amount of space to be devoted to retail on Half Street SE
1606.3	<u>The minimum floor-to-ceiling clear height for portions of the ground floor level devoted to preferred uses shall be fourteen (14) feet.</u>	New section to establish a required clear height for Half Street SE retail space
1606.4	<u>For good cause shown, the Commission may authorize interim occupancy of the preferred use space required by § 1606.1 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.</u>	New section to permit interim use of retail on Half Street SE

#	Existing Text with Recommended Changes	OP Analysis
1607	<u>BUILDINGS, STRUCTURES AND USES ON HALF STREET S.E.</u>	New Half Street SE provisions
1607.1	<u>Any portion of a building or structure that exceeds 65 feet in height shall provide a step back of 20 feet in depth from the building line along Half Street SE.</u>	New upper story step-back provision. OP is requesting input with regards to the amounts.
1607.2	<u>Each new building shall devote not less than seventy percent (75%) 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).</u>	New retail area requirement, similar to other requirements in the area for retail / preferred uses.
1607.3	<u>Preferred uses shall occupy 100% of the building's street frontage along Half Street SE, except for space devoted to building entrances or required to be devoted to fire control.</u>	New retail façade transparency requirement, similar to other requirements in the area for retail / preferred uses.
1607.4	<u>The minimum floor-to-ceiling clear height for portions of the ground floor level devoted to preferred uses shall be fourteen (14) feet.</u>	New retail floor to ceiling height requirement, similar to other requirements in the area for retail / preferred uses.
1607.5	<u>For good cause shown, the Commission may authorize interim occupancy of the preferred use space required by § 1607.2 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.</u>	New retail interim occupancy requirement, similar to other requirements in the area for retail / preferred uses.
1607.6	<u>No private driveway may be constructed or used from Half Street SE to any parking or loading berth areas in or adjacent to a building or structure constructed after {Effective Date of This Section}.</u>	New provision restricting new driveway access from Half Street SE
1608	<u>BUILDINGS, STRUCTURES AND USES ON POTOMAC AVENUE</u>	New Potomac Avenue provision
1608.1	<u>Any portion of a building or structure that exceeds 110 feet in height shall provide an additional one-to-one (1:1) step back from the building line along Potomac Avenue.</u>	New upper story step-back provision, similar to that of S. Capitol Street
1609	<u>BUILDINGS, STRUCTURES AND USES ON P STREET SW</u>	
1609.1	<u>No private driveway may be constructed or used from P Street SW to any parking or loading berth areas in or adjacent to a building or structure constructed after {Effective Date of This Section}.</u>	New provision restricting driveway access from P Street, to minimize potential impacts on residential areas to the north.

#	Existing Text with Recommended Changes	OP Analysis
1610	<u>ZONING COMMISSION REVIEW OF BUILDINGS, STRUCTURES AND USES</u>	
1610.1	<u>For the areas and properties outlined in § 1610.1(a) below, all proposed uses, buildings, and structures, or any proposed exterior renovation to any existing buildings or structures that would result in an alteration of the exterior design, shall be subject to review and approval by the Zoning Commission in accordance with the following provisions:</u>	Zoning Commission review, including existing review required along M Street and within the CG/W-2 District
(a)	• <u>Within the CG/W-2 District;</u> • <u>On a lot that abuts M Street SE;</u> • <u>On a lot located within Squares 700 or 701, north of the Ballpark site;</u> • <u>On a lot that abuts South Capitol Street;</u> • <u>On a lot within Square 601, 656, 04 657; or</u> • <u>Any lot which is the recipient of density through the combined lot provisions of §1602.</u>	Existing Existing New New New New
1610.2	<u>In addition to proving that the proposed use, building, or structure meets the standards set forth in § 3104, 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:</u>	Existing provision, establishing guidelines for Commission and neighborhood review of select properties
(a)	<u>Help achieve the objectives of the CG Overlay District as set forth in §1600.2;</u>	Similar to existing provisions
(b)	<u>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;</u>	Similar to existing provisions
(c)	<u>Be in context with the surrounding neighborhood and street patterns;</u>	New provision
(d)	<u>Minimize conflict between vehicles and pedestrians;</u>	New provision
(e)	<u>Minimize unarticulated blank walls adjacent to public spaces through facade articulation; and</u>	New provision
(f)	<u>Minimize impact on the environment, as demonstrated through the provision of an evaluation of the proposal against LEED certification standards.</u>	New provision
1610.3	<u>With respect to a building or structure to be constructed on a lot within the CG/W-2 District:</u>	Review is currently required within the CG/W-2 District (existing §1603.3)
(a)	<u>The building or structure shall provides suitably designed public open space along the waterfront;</u>	Former §1603.2 (b)

#	Existing Text with Recommended Changes	OP Analysis
(b)	A plan shall be included in the application 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; and	Existing provisions with minor rewording, moved from §1603.3 (b)
(c)	<u>The application shall include view analysis which assesses openness of waterfront views and vistas, and views and vistas toward the Capitol Dome, other federal monumental buildings, existing neighborhoods, South Capitol Street, and the Frederick Douglas Bridge.</u>	New provision, similar to that of the Ballpark
1610.4	<u>With respect to a building or structure which has frontage on Half Street SE or Front Street SE:</u>	New section pertaining specifically to Half and First Streets SE, to encourage their development as vibrant pedestrian corridors
(a)	<u>The building or structure shall provide for safe and active streetscapes through building articulation, landscaping, and the provision of active ground level uses including retail, entertainment, cultural, and pedestrian concourse space;</u>	New provision encouraging active pedestrian street frontages
(b)	<u>The building or structure shall provide for safe and convenient movement to and through the site, including to public transit, the Ballpark, and to the Anacostia River; and</u>	New provision
(c)	<u>The application shall include view analysis which assesses openness of views and vistas around, including views toward the Capitol Dome, other federal monumental buildings, the Ballpark, and the waterfront.</u>	New provision, similar to that of the Ballpark
1610.5	<u>With respect to a building or structure which has frontage on South Capitol Street SE:</u>	New section pertaining specifically to South Capitol Street
(a)	<u>The building or structure shall incorporate massing, materials, and buildings and streetscape landscaping to further the design and development of properties in a manner that is sensitive to the establishment of South Capitol Street as a monumental civic boulevard;</u>	Revised provision similar to that for the Ballpark area
(b)	<u>The building or structure shall incorporate massing, location of access to parking and loading, and location of service areas to recognize the proximate residential neighborhood use and context, as applicable; and</u>	New provision to address new buildings adjacent to low rise residential areas
(c)	<u>The application shall include view analysis which assesses openness of views and vistas around, including views toward the Capitol Dome, other federal monumental buildings, the Ballpark, and the waterfront.</u>	New provision, similar to that of the Ballpark

#	Existing Text with Recommended Changes	OP Analysis
1610 6	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	Existing provision
1610 7	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	Existing provision
1610 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	Existing provision
1611	EXISTING INDUSTRIAL USES	
1611 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 <u>as of the date the provisions of this Chapter first became effective</u> shall be deemed a conforming use, but shall not be entitled to expand	Existing provision
1612	BALLPARK	Existing provisions – unchanged
1612 1	A Ballpark may be constructed and operated within Squares 702, 703, 704, 705 and 706 and Reservation 247 (the “Ballpark Site”)	
1612 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	
1612.3	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.	
1612.4	Notwithstanding § 631.1 of this Title, no portion of the FAR need be used for residential purposes within the Ballpark Site	

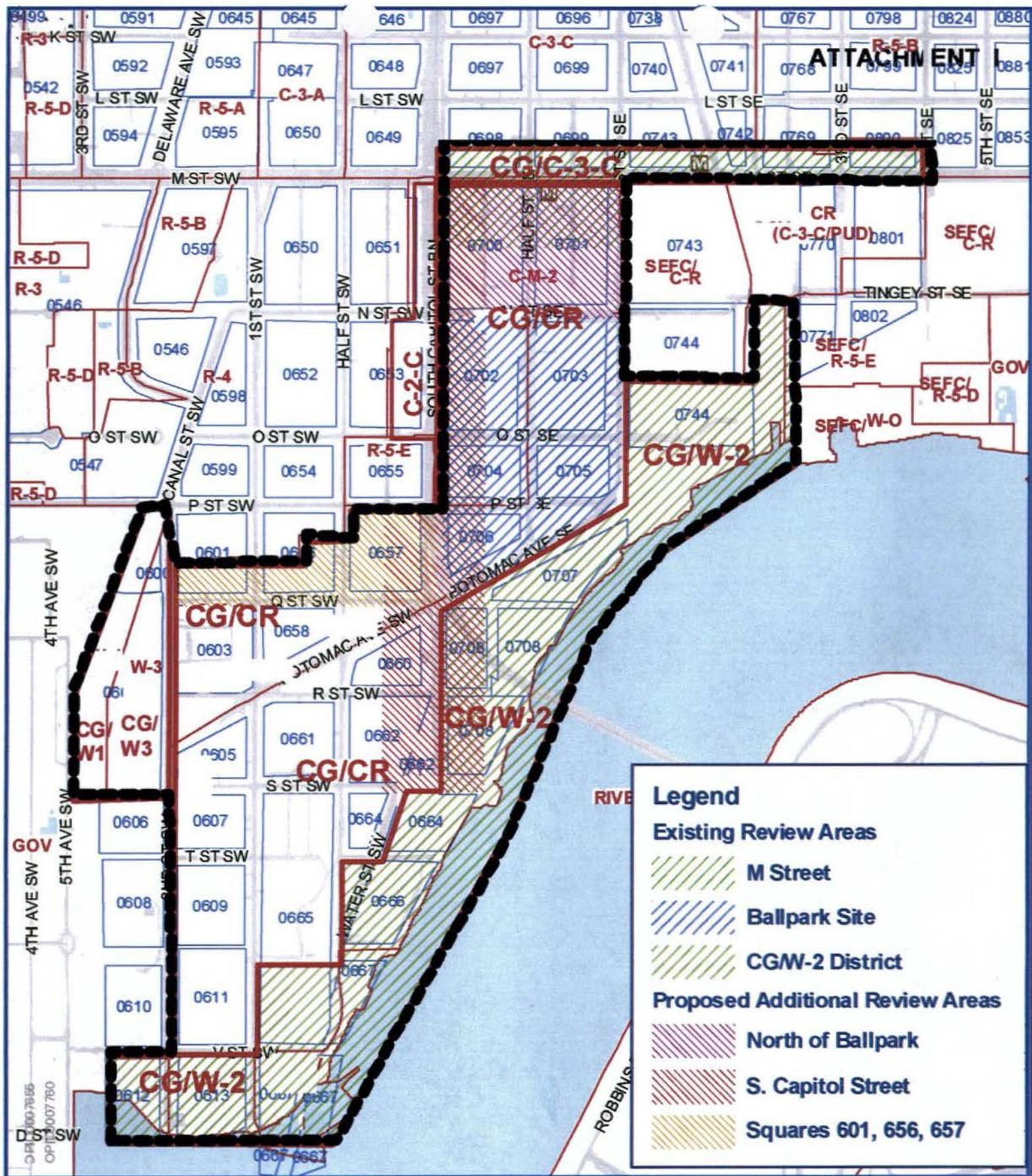
#	Existing Text with Recommended Changes	OP Analysis
1612.5	The Ballpark's maximum permitted height shall be that permitted by the Act to Regulate the Height of Buildings in the District of Columbia, approved June 1, 1910 (36 Stat 452, D C Official Code §§ 6-601 01 to 6-601.09), as amended For the purposes 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	
1612.6	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	
1612 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 & 20.	
1612.8	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 20	
1612 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	
1612 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.	

#	Existing Text with Recommended Changes	OP Analysis
1612.11	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	
1612 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	
1612 13	A minimum of one pedestrian entrance gate to the Ballpark shall be provided on each street frontage	
1612 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 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 50 feet minimum	
1612 15	The Zoning Commission may grant relief to a maximum of 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 & 20	
1612 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 15 feet, provided that a minimum of 60% of the street-wall shall be constructed on the setback line	
1612 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 {Effective Date of This Section}	

#	Existing Text with Recommended Changes	OP Analysis
1612 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 & 1606.20	
1612.19	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	

#	Existing Text with Recommended Changes	OP Analysis
1612 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	
1612 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	
1612 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	
1612 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.”	
1612 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 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 Commission’s questions and offering solutions to any concerns expressed.	
Chapter 30 ZONING COMMISSION RULES OF PRACTICE AND PROCEDURE		

#	Existing Text with Recommended Changes	OP Analysis
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.	
1613 012 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	
1614 a)	The National Capital Planning Commission; of all Chapter 18 applications and those applications for approval pursuant to 11 DCMR § 1603; and	
1615 b)	The Capitol Police Board for those applications for approval pursuant to 11 DCMR 1606 18	



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★ ★ ★ Government of the
District of Columbia
Anthony A. Williams, Mayor
Office of Planning ~ November, 2005

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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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