

October 13, 2022

VIA IZIS

Zoning Commission of the
District of Columbia
441 4th Street, NW, Suite 200-S
Washington, DC 20001

Re: Z.C. 06-22A
Modification of Consequence at Square 705 Lots 804 and 805

Dear Members of the Zoning Commission:

On July 24, 2022, Events DC, the applicant in the above-referenced case (the “Applicant”) applied for a modification of consequence to modify certain conditions in Z.C. Order No. 06-22 (the “Order”) to: (i) reduce the requirement to build additional retail space around the perimeter of the Nationals Park, and (ii) to impose a time limit for filing a building permit to build-out existing retail space along the First Street, SE side of Nationals Park for retail, service, entertainment, or arts uses.

At its public meeting on September 29, 2022, the Zoning Commission (the “Commission”) determined that the application can be processed as a modification of consequence. Pursuant to Subtitle Z § 703.17(c)(2), the Commission established a timeframe for the parties in the original proceeding to file responses to the Applicant’s request and scheduled the request for deliberation on October 27, 2022. The only party in the original proceeding was Advisory Neighborhood Commission 6D (the “ANC”). As part of its discussion of the application, the Commission requested the Applicant to submit a response to the three issues set forth in the ANC’s report dated September 21, 2022.¹

In its report, the ANC raised the following three issues related to the Applicant’s request:

1. The Applicant’s plan will significantly impact upon ANC 6D residents who reside in and may even own property adjacent to the Ballpark and will have no opportunity to address their concerns.

¹ See Exhibit 9 of the case record

2. The Applicant's plan will alter parking requirements of the Ballpark Order impacting transportation and traffic safety.
3. The Applicant's request will significantly diminish the previously agreed to list of community benefits in the order by providing less than 36% of the square feet of agreed upon for retail, service, entertainment, or arts uses surrounding (not within) the Ballpark itself.

The Applicant's plan will not significantly impact upon ANC 6D residents who reside in and may even own property adjacent to the Ballpark and will have no opportunity to address their concerns.

The Applicant's request does not propose any expansions or additional gross square footage to the Ballpark from what currently exists. Thus, the request will not have any impact on residents. While unconventional, the Applicant's request is only necessary to resolve a longstanding administrative issue to allow issuance of a permanent certificate of occupancy for the Ballpark, a use that has completely transformed the surrounding neighborhood. As set forth in the Applicant's initial submission, the circumstances leading to the Ballpark's current amount of retail space stem from outside of the Commission's review process. Given that these circumstances date back more than 15 years, and that no expansion or increase in square footage are proposed, the Commission correctly determined that the application can be processed as a modification of consequence under the Zoning Regulations. Accordingly, as the only party to the original proceeding the ANC is afforded an opportunity to comment on the application.

The Applicant's plan will not alter parking requirements of the Ballpark Order impacting transportation and traffic safety.

The Applicant's request will not alter the parking requirements for the Ballpark site and will not have any impact on transportation and traffic safety. As previously stated, no physical changes to the Ballpark was being requested by the Applicant. Under the Ballpark order (Z.C. Order No. 06-22) and the regulations governing the Ballpark (11-K DCMR § 515), a total of 1,225 vehicle parking spaces are permitted within the Ballpark site. As constructed, the Ballpark site contains no more than 1,225 parking spaces, and the Applicant's request will not change the existing number of parking spaces.

The Applicant's request will not significantly diminish the previously agreed to list of community benefits in the order by providing less than 36% of the square feet of agreed upon for retail, service, entertainment, or arts uses surrounding (not within) the Ballpark itself.

The Commission's review of the Ballpark was a design review and not a Planned Unit Development. As such, the Ballpark order does not contain a list of community benefits. In contrast, the Applicant's request will allow for the issuance of a permanent certificate of occupancy for the Ballpark. More importantly, the request will establish a definitive timeframe by which the Applicant must pursue the build out of the existing 17,000 square feet of existing retail space along First Street, SE. The build out of the existing retail space along with programming of the adjacent

outdoor space with preferred uses will greatly contribute to the continued growth and vitality of the area immediately surrounding the Ballpark, and as a link between the waterfront and the larger Capitol Riverfront neighborhood.

Thank you for your attention to this matter.

Respectfully submitted,
GOULSTON & STORRS PC

/s/ _____

Allison C. Prince, Esq.

Enclosure

Certificate of Service

I hereby certify that copies of the foregoing document and attachments were sent to the following by email on October 13, 2022:

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/s/ _____
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