

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING



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SUPPLEMENTAL REPORT

DATE: November 6, 2006
TO: District of Columbia Zoning Commission
FROM: *ELM*
Ellen McCarthy, Director Office of Planning
SUBJECT: Zoning Commission Case No. 06-25, Proposal to expand the boundaries of the Capital Gateway (CG) Overlay District

I. RECOMMENDATION IN BRIEF

The Office of Planning recommends that the Zoning Commission proceed with Proposed Action for Case 06-25 as proposed to be amended in this report. The proposal is to expand the boundaries of the Capitol Gateway (CG) Overlay District to include lands fronting onto the west side of South Capitol Street SW and not currently within the boundaries of the CG Overlay, including portions of Squares 649, 651, 653, and 655.

II. BACKGROUND

This report contains additional information from the Office of Planning concerning Zoning Commission Case 06-25, which was set down for a Public Hearing by the Zoning Commission at its May 25, 2006 special public meeting.¹ Since that time, OP presented the proposal to meetings of ANC 6D (September 11, 2006) and the Southwest Neighborhood Assembly (SWNA, September 25, 2006). On September 1, 2006, prior to these meetings, OP mailed a summary of the proposal to all area landowners and residents within the affected area, as well as to land owners within 200 feet of the affected area. A subsequent mailing by OP to all area landowners and residents, including the date of the Zoning Commission public hearing, was sent October 10, 2006. A number of area residents and landowners have contacted OP directly for more information or to provide comments.

OP is proposing a number of minor changes to the originally advertised text amendment, resulting from these discussions, including:

- amend the proposed boundary within Square 655 to include only those properties fronting directly onto South Capitol Street; and
- clarify that replacement of, or improvements to, an existing rowhouse (located in squares 653 and 655) would not require Zoning Commission review; and minor vertical (upper story) additions to such rowhouses would also not require the 15 foot setback.

A copy of the proposed text is attached (Appendix I), with changes from the originally advertised text highlighted in bold text.

¹ The Zoning Commission is concurrently considering Case 05-10, which would amend the provisions of the CG Overlay but would not expand its boundaries.

III. OP PROPOSAL – ANALYSIS OF PROPOSED AMENDMENTS TO THE CG OVERLAY

(a) Boundaries

OP originally recommended that the Zoning Commission set down, for public hearing, a proposal to expand the boundaries of the Overlay to include:

- Lot 48 within Square 649 on the north side of M Street, to continue the existing boundary of the CG Overlay north of M Street;
- those portions of Squares 651 and 653 that are zoned C-2-C, which were rezoned (from C-M-1) in 2002 as part of the original CG Overlay case (96-3/89-1), but were not mapped as part of the CG Overlay; and
- Square 655, which is presently zoned R-5-E (high density residential), although the square contains a well established row house development.

This recommendation to expand the boundary to include this land is in response to OP, Anacostia Waterfront Initiative (AWI), and National Capitol Planning Commission (NCPC) initiatives which advocate the provision of a consistent, “monument” character to South Capitol Street, and in response to development activity in the general area.

While discussing the proposal with area residents and neighborhood groups, many people questioned the proposal to include all of Square 655 within the CG Overlay. OP agrees that this is not necessary, as including only the properties which front on South Capitol Street would achieve the desired purpose while minimizing changes to the zoning. As such, OP is now proposing to include only those properties within Square 655 located between the westernmost alley and South Capitol Street, as shown on the attached map.

(b) Zoning Provisions

Other than applying the CG Overlay to this area, OP is NOT proposing any changes to the base zone designations. As such, permitted uses, densities, and building heights would not be impacted by this proposal.

OP is recommending that the following provisions, which either currently apply or are being considered for other land fronting South Capitol Street in the CG Overlay, be applied to these sites:

- Require a 15 foot setback from South Capitol Street for any new development within Squares 653, and 655. On the west side of the street, the South Capitol Street right-of-way widens from 130 feet to 155 feet in front of Squares 649 and 651 to, so that these narrow properties are already set back from the centerline of the street by an additional 25 feet. As such, to ensure a more consistent street wall for new development (and to acknowledge the narrowness of these lots), the 15 foot setback is not needed or recommended for new development within these squares.

OP is proposing clarified language such that the 15 foot setback from the South Capitol Street boundary would not be required for minor vertical additions to existing rowhouses, additions not exceeding 50% of the area of the original rowhouse. These rowhouses are generally 2 stories in height and appear to be constructed to the front property line along South Capitol Street.

Vertical additions to a rowhouse would be permitted under existing zoning – such additions should be permitted to extend up from the existing structure and not required to provide the 15 foot setback. In response to comments from area residents, OP is further proposing that an existing rowhouses could be rebuilt, if destroyed or demolished, without requiring the 15 foot setback – a single rowhouse providing the setback would be out of character and could result in unnecessary and undue negative impacts on surrounding properties.

- Require that a minimum of 60% of the façade for new construction be built to the 15' setback or to the property line where the setback is not required; and
- Restrict driveway access from South Capitol Street for all four squares.

(c) Zoning Commission Mandatory Review

OP proposes that the CG overlay require Zoning Commission review and approval for any new development on property which abuts South Capitol Street for all four squares. This is consistent with what is required for other property fronting South Capitol Street and already within the CG Overlay.

OP is also proposing clarified language such that minor additions noted above, or normal maintenance of rowhouses would not require Zoning Commission approval; nor would reconstruction of an existing rowhouses if destroyed or demolished.²

(d) CG Overlay Provisions NOT Applicable or Recommended

1:1 Upper Story Step-Back: The 1:1 upper story step-back above a height of 110 feet for the South Capitol Street façade, required for other parts of the CG Overlay, would not apply on any of the properties zoned either C-2-C or R-5-E, as the zoning limits height to 90 feet, even with a PUD. OP notes, however, that the Inclusionary Zoning proposal currently before the Commission would permit a height of 110 feet within the C-2-C zone for the provision of affordable housing. The step-back also need not be applied on the lot zoned C-3-C (Square 649, north of M Street) because of the wider street right-of-way described above.

Combined Lot: With regards to the existing Combined Lot provisions (and the transfer of density that the provisions permit), OP feels that it would not be appropriate to permit density to be transferred TO or FROM any of these sides, sue to the size and nature of the lots and adjacent low-density residential development.

Retail Space: Certain areas within the CG Overlay require the provision of ground floor retail space, such as within the Ballpark area, or fronting Half, First, or M Streets SE. While OP is supportive of the provision of retail on the west side of South Capitol Street, within the zones which permit retail, OP does not believe it is appropriate to require retail at this location.

IV. AGENCY COMMENTS

The District Department of Transportation (report attached as Appendix III) indicated support for this initiative.

The Anacostia Waterfront Corporation has also indicated to OP full support for this initiative, and would also support a future action to further extend the boundaries of the GC Overlay north of M Street.

² Any addition / replacement would be subject to normal zoning regulations for the R-5-E District; and variation from the regulations would require Board of Zoning Adjustment approval.

V. RECOMMENDATION

OP recommends the proposed expansion of the boundary for the CG Overlay District to include remaining lots on the west side of South Capitol Street, south of M Street. Such a change is consistent with established District policy, as well as DDOT and NCPC planning efforts for improvements to the South Capitol Street corridor.

Attachments:

1. Proposed text
2. Map of proposed boundary expansion

EM/jl

Key:

Existing Text in black

ZC Case 05-10 proposed changes underlined text

Draft Amendments as provided at setdown in highlighted text

Proposed changes from setdown draft in bold highlighted text.**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, ~~655~~, 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, as well as Square 649, Lot 48; Square 651, Lots 147 and 148; and Square 653 Lots 14, 15, 52-54, 60-66, 68-72, 74, 75, 810, 811, 823, 824, 827 and 828; and **Square 655 Lots 124-140.**

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;
- (f) Provide for development of Squares 702-706 and Reservation 247 as a ballpark for major league sport and entertainment and associated uses;
- (g) Provide for the establishment of South Capitol Street as a monumental civic boulevard;

- (h) 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.
- (i) 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.

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 § 1610.
- 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, subject to the following:
- (a) Within the CG/CR District, 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 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 ("the Height Act"), including any bonus density;
 - (b) Within the CG/CR District, 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;
 - (c) Maximum permitted height shall be that permitted 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; and
 - (d) The combined lot provisions may not be used to transfer density to or from any property within the CG/C-3-C, CG/C-2-C, CGW-1, CGW-2, or CGW-3 Districts. The combined lot provisions may be used to transfer density from, but not to, the CG/R-5-E District.
 - (e) In addition to the amount of density that may be transferred in accordance with §1602.1 (a), the Zoning Commission may, at its discretion, grant an additional transfer of density of 1.0 FAR maximum to or within Squares 701 and 702, subject to the applicant addressing to the satisfaction of the Zoning Commission the objectives and guidelines of §§1601 and 1604-1607, as applicable.
- 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.
- 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 BUILDINGS, STRUCTURES, AND USES IN THE CG/W-2 DISTRICT

1603 1 The following provisions apply to new buildings, structures, or uses within the CG/W-2 District.

1603 2 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.

1603.3 The Zoning Commission, at its discretion, may 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 4 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

1603.5 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.

1604 BUILDINGS, STRUCTURES AND USES ON M STREET S.E.

1604.1 The following provisions apply to new buildings, structures, or uses with frontage on M Street S.E. within the CG Overlay

1604.2 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.

1604.3 No driveway may be constructed or used from M Street to required parking spaces or loading berths in or adjacent to a new building

1604.4 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)

1604.5 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

1604.6 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.

1604.7 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

1604.8 The minimum floor-to-ceiling clear height for portions of the ground floor level devoted to preferred uses shall be fourteen (14) feet.

1604.9 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.

1604.10 Where preferred use retail space is required under this section and provided, the provisions of DCMR 11 §633 shall not apply

1606 BUILDINGS, STRUCTURES, AND USES ON SOUTH CAPITOL STREET

1605.1 The following provisions apply to new buildings, structures, or uses with frontage on South Capitol Street within the CG Overlay.

1605.2 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, with the exception of:

(a) buildings within Squares 649 and 651; and

(b) replacement of an existing rowhouse building within Squares 653 or 655; or

(c) a vertical addition to an existing rowhouse building within Squares 653 or 655, not extending out into the South Capitol Street right-of-way and not exceeding 50% of the gross floor area of the original rowhouse.

1605.3 For each new building or structure located on South Capitol Street, provided that a minimum of 60% of the street-wall shall be constructed on the setback line, with the exception of:

(a) buildings within Squares 649 and 651 where a minimum of 60% of the street-wall shall be constructed to the South Capitol Street property line; and

(b) replacement of or an addition to an existing rowhouse building within Squares 653 or 655 in accordance with §1605.2.

1605.4 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, with the exception of buildings within Squares 649 and 651.

1605.5 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}.

1606 BUILDINGS, STRUCTURES, AND USES ON FIRST STREET S.E. SOUTH OF M STREET SE

1606.1 The following provisions apply to new buildings, structures, or uses with frontage on First Street S.E. south of M Street SE, within the CG Overlay.

1606.2 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).

1606 3 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

1606.4 The minimum floor-to-ceiling clear height for portions of the ground floor level devoted to preferred uses shall be fourteen (14) feet

1606 5 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 "

1606.6 Where preferred use retail space is required under this section and provided, the provisions of DCMR 11 §633 shall not apply

1607 BUILDINGS, STRUCTURES, AND USES ON HALF STREET S.E., SOUTH OF M STREET SE

1607.1 The following provisions apply to new buildings, structures, or uses with frontage Half S E south of M Street SE, within the CG Overlay

1607 2 Any portion of a building or structure that exceeds 65 feet in height shall provide a minimum step back of 20 feet in depth from the building line along Half Street SE. Pursuant to §3104, the Zoning Commission may grant relief from this requirement, to a maximum of 15 feet in height and 8 feet in depth, for the provision of reasonable development footprints.

1607 3 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).

1607.4 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

1607 5 The minimum floor-to-ceiling clear height for portions of the ground floor level devoted to preferred uses shall be fourteen (14) feet.

1607 6 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

1607.7 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}.

1607.8 Where preferred use retail space is required under this section and provided, the provisions of DCMR 11 §633 shall not apply

1608 BUILDINGS, STRUCTURES, AND USES ON POTOMAC AVENUE

1608.1 The following provisions apply to new buildings, structures, or uses with frontage on Potomac Avenue within the CG Overlay.

1608.2 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.

1609 BUILDINGS, STRUCTURES, AND USES ON P STREET SE & SW

1609.1 The following provisions apply to new buildings, structures, or uses with frontage On P Street SE and P Street SW within the CG Overlay.

1609.2 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}.

1610 ZONING COMMISSION REVIEW OF BUILDINGS, STRUCTURES AND USES

1610.1 The following provisions apply to properties located:

(a) Within the CG/W-2 District;

(b) On a lot that abuts M Street SE;

(c) On a lot located within Squares 700 or 701, north of the Ballpark site;

(d) On a lot that abuts South Capitol Street, **other than renovation or replacement of an existing rowhouse building within Squares 653 or 655; or for a minor addition not exceeding 50% of the gross floor area of the original rowhouse structure.**

(e) On a lot within Square 601, 656, or 657; or

(f) Any lot which is the recipient of density through the combined lot provisions of §1602.

1610.2 With respect to those properties described in § 1610.1, 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:

- 1610.3 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:
- (a) Help achieve the objectives of the CG Overlay District as set forth in §1600.2:
 - (b) 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,
 - (c) Be in context with the surrounding neighborhood and street patterns:
 - (d) Minimize conflict between vehicles and pedestrians,
 - (e) Minimize unarticulated blank walls adjacent to public spaces through facade articulation; and
 - (f) Minimize impact on the environment, as demonstrated through the provision of an evaluation of the proposal against LEED certification standards
- 1610.4 With respect to a building or structure to be constructed on a lot within the CG/W-2 District
- (a) The building or structure shall provides suitably designed public open space along the waterfront;
 - (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
 - (c) 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
- 1610.5 With respect to a building or structure which has frontage on Half Street SE south of M Street SE or Front Street SE south of M Street SE, :
- (a) 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,
 - (b) 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

- (c) 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

1610 6 With respect to a building or structure which has frontage on South Capitol Street SE

- (a) 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.
- (b) 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
- (c) 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.

1610.7 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

1610.8 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.

1610 9 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 "

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 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

1612 BALLPARK

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
- 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
- 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 onentation;
 - (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}

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 Bndge, 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

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 of Planning may participate at the meeting only through responding to the Commission's questions and offering solutions to any concerns expressed



GOVERNMENT OF THE DISTRICT OF COLUMBIA
DISTRICT DEPARTMENT OF TRANSPORTATION



Transportation Policy and Planning Administration

MEMORANDUM

To: Joel Lawson
Associate Director for Development Review
DC Office of Planning

From: Kenneth G. Laden
Associate Director, TPPA

Date: November 3, 2006

Subject: Proposal to Expand the Boundaries of the Capitol Gateway Overlay
District Zoning Commission Case 06-25

The District Department of Transportation (DDOT) fully supports the DC Office of Planning Proposal to Expand the Boundaries of the Capitol Gateway Overlay, and recommends immediate approval.

Certain elements of the proposed overlay are of particular importance to the realization of planned transportation improvements in the affected area. The 15-foot setback requirements and the restriction of new driveway access support DDOT plans to transform South Capitol Street into a grand urban boulevard and gateway to the Capitol and the Monumental Core of the District.

The "urban boulevard" vision was established in the *South Capitol Gateway and Corridor Improvement Study* (November 2003) and *Anacostia Access Study* (October 2004). DDOT is continuing to pursue implementation of this vision with the development of the South Capitol Street Environmental Impact Statement (EIS) and the design and construction of near term improvements within the South Capitol Street Corridor.

The 15-foot setback allows for wider sidewalks and enhanced streetscape elements, including a double row of trees along South Capitol Street. Additionally, the restriction on driveway access further promotes a pedestrian-friendly environment and facilitates improved traffic operations along this important corridor.

The expansion of the Capitol Gateway Overlay District conforms to DDOT plans and objectives, and advances critical coordination between land use and transportation decisions.