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August 5, 2013

VIA HAND DELIVERY

Anthony Hood, Chairman
D.C. Zoning Commission
441 4th Street, NW, Suite 210
Washington, DC 20001

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AUG -5 PM 3:30

Re: Zoning Commission Case No. 12-05A – Zoning Commission Design Review and Special Exception and Variance Relief for Square 701, Lot 170 (the “Property”) – Proposed Modification of Capitol Gateway (“CG”) Overlay District Review – Post-Hearing Submission

Dear Chairman Hood and Members of the Zoning Commission:

On behalf of Ballpark Square, LLC (the “**Applicant**”), the applicant in Zoning Commission Case Nos. 12-05A and co-developer of the Property, we hereby submit the post-hearing submission as requested in the Commission’s hearing on July 15, 2013.

I. Additional Design Information

At the public hearing, the Commission requested additional design details for the residential component – the portion of the project being modified under Z.C. Case No. 12-05A.

ZONING COMMISSION
District of Columbia

The additional plans and pages providing such details are enclosed as Exhibit A. Exhibit A provides enlarged detailed elevations of the west, south and east-facing facades of the residential component. These, combined with the renderings included in the May 9, 2013 application packet, depict the nautical theme of the apartment building, which draws inspiration from the project's location near the Anacostia River.

In addition, Exhibit A includes greater information about the specific materials being utilized and where those materials will be incorporated into the facades. The materials shown on Page A-13 of Exhibit A correspond to the material samples that the Applicant team brought to the July 15, 2013 hearing.

Specifically relating to the design of the southern façade, as mentioned by the Applicant team during the hearing and as shown on Exhibit A, this façade is largely comprised of a party wall that will be blocked once the project approved under Z.C. Order No. 12-19 is constructed. Despite being a party wall, it is still to be constructed with brick, an expensive material for its short-lived exposure. In addition, the brick is comprised of several hues of warm gray – varying from lighter, to a medium tone, to slightly darker – which will add a visual interest, richness, and depth to the facade. The bricks will be placed in a random pattern, roughly in a ratio of 50% light brick, 25%, medium brick, and 25% dark brick. The southern façade will also include windows to add a degree of articulation. The development team believes that the addition of windows is the preferable design solution for the southern façade, particularly at night, although the provision of windows on an at-risk wall will be the more expensive approach. As a result of

the above, we believe that the southern façade provides similar or greater design articulation than at-risk facades approved by the Commission for similar, nearby cases.

As requested by the Commission, Exhibit A also includes additional information regarding how the balconies will appear and operate. Page A-3 of Exhibit A shows the wall section of the balconies facing 1st Street, SE. Each balcony is approximately four (4) feet in depth. Pages A-4, A-5, and A-6 provide renderings focusing on the balconies' appearance and specifications showing the various types of railings. As mentioned during the hearing, the proposed façade along 1st Street is the only example of horizontal bays in the District of Columbia. The balconies and arrangement of the projections allow for the façade to incorporate an undulating rhythm while also breaking up the mass of the building along 1st Street and maintaining the continuous wall along the street. These balconies provide a sense of motion, resembling waves inspired by the nearby river, that give a midblock building an uncommon level of expression.

II. Additional Information For Outdoor Rooftop TV Area

During the public hearing, the Commission also requested additional information relating to the outdoor television viewing area shown on Page ADD-2 of Exhibit A of the May 9, 2013 application packet. Specifically, the Commission requested studies showing the visual impact on adjacent properties and operational guidelines to ensure that the TV usage is non-objectionable to neighbors and residents.

As a threshold matter, the Applicant believes that the proposed viewing area is not properly described as an "outdoor theater," but rather, is best considered an "outdoor TV viewing

area.” As shown on Page A-11, one TV will be installed that is 72 inches wide by 44 inches in height, which equates to an 80 inch TV. Further, the TV’s closest dimension to an exterior wall is 24 feet, six inches. Roof planters are positioned to further prevent noise and light from being conveyed out of the viewing area, either to adjacent properties, or to residents of the project.

In response to the Commission’s request about visual impacts, the Applicant included Pages A-11 and A-12 of Exhibit A to demonstrate that there are only two (2) adjacent properties that will be able to view the TV, the 130 foot hotel immediately to the south of the Property approved by Z.C. Order No. 12-19 and the 110 foot residential building to the southwest approved by Z.C. Order Nos. 06-46 and 06-46A. Diagram A on Page A-12 shows the view from the roof of the neighboring 110 foot residential building to the southwest. As can be seen from this diagram, there will be no visual impacts on such building’s roof. The TV will not be viewable from the residential units in this building. Diagram B on Page A-12 shows the view from the roof of the neighboring 130 foot hotel building to the south. This diagram depicts the most extreme view of the TV viewing area from such building. Yet, as shown on such diagram, the visual impact is still minimal. Diagram C on Page A-12 shows the view from the roof of the roof deck on the northern wing of the project’s apartment building. Here, the visual impact of the TV screen is also minimal. As shown on Pages A-11 and A-12, there will be no visual impact on the buildings to the west of Cushing Place (approved by Z.C. Order Nos. 06-46 and 06-46A) or the project’s hotel to the north. Therefore, the TV viewing area will not have any adverse visual impacts on the adjacent properties.

In response to the Commission's questions regarding sound impacts, the TV viewing area's sound will be conveyed through parametric speakers to focus sound on the viewing area. The TV screen will face away from the alley with an intended viewing cone aligning with the seats installed on the roof. As described above, the Applicant is also proposing roof planters that will prevent noise and light conveyance.

In order to eliminate adverse impacts on adjacent properties (or the residents or guests of the project's apartment building), the Applicant is proposing the rules and regulations for the TV viewing area attached as Exhibit B. As can be seen with a review of such rules, the hours of operation will be limited for the TV viewing area. Perhaps most importantly, although the arrangement and use of the parametric speakers is designed to eliminate such sound transmission, objectionable noise will be mitigated due to the sound limitations at the exterior of the Property. As specified in Exhibit B, the limitation on sound emission from the TV area shall be 65 decibels (or the level of the ambient noise of the surroundings) at the edge of the closest exterior wall between the hours of 9am and 9pm and 60 decibels (or the level of the ambient noise of the surroundings) at such location between the hours of 9pm and 11pm. The 65 decibel limitation is the equivalent of a normal conversation at a one (1) to three (3) foot distance and is in accordance with the District of Columbia Municipal Regulations (Title 20 D.C.M.R. Chapter 27) governing daytime sound in a commercial district. The 60 decibel limitation is in accordance with the Regulations governing nighttime sound in a commercial district (after 9pm). There will be routine checks of this area by building management staff, which will ensure that the rules and regulations set forth in Exhibit B are being observed.

The TV viewing area is unique element in the way that it is configured – to take advantage of the location next to the Ballpark and in the Capitol Gateway entertainment district. However, in its design of the TV viewing area, the Applicant team studied other projects with rooftop viewing areas similar to, or more extensive than, the proposed TV viewing area. There are examples of outdoor entertainment display viewing areas in the District, both on apartment buildings (such as 1st and M Streets, NE¹) and on rooftop restaurants and bars (such as Local 16 and Cleveland Park Bar & Grill). Other projects are currently under construction or in design on the U Street and H Street corridors will be implementing similar rooftop viewing areas.

There are examples of rooftops being used as viewing areas in other cities as well. Specifically, the Roosevelt Hotel in New York City (Madison Avenue at 46th Street) holds a movie series on its rooftop. New York also has a “Rooftop Films” series that utilizes rooftops to screen movies on screens significantly larger than the TV screen proposed by the project. These films occur on rooftops such as the roofs at the W Downtown New York The Residences (123 Washington Street, New York, NY), the New Design High School (Lower East Side, Manhattan) (350 Grand Street, New York, NY), the Bronx Terminal Market (610 Exterior Street, Bronx, NY), the Old American Can Factory (232 Third St. at 3rd Ave., Brooklyn, NY), and the Trilok Fusion Center for the Arts (Clinton Hill, Brooklyn) (143 Waverly Ave. Brooklyn, NY).

Although the TV viewing areas is a somewhat unique design feature for a project before the Zoning Commission, the Applicant believes that the proposed location is the ideal location for this outdoor recreational option. First, the property is in an entertainment area and an active

¹ The Applicant has communicated with the developer of the project and incorporated some of its concepts into its proposed rules and regulations attached as Exhibit B. That developer noted that there have been no adverse issues caused by its outdoor viewing area.

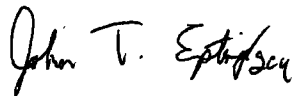
neighborhood based on Nationals Ballpark. It has been the planning goal of the District of Columbia to bring additional vitality and energy to this neighborhood. By allowing installation and use of the TV viewing area, the Commission would be furthering this goal. Second, this specific location and configuration of the TV viewing area take advantage of the site of the project, where individuals viewing the TV would also be able to see activity occurring inside the Ballpark. Third, since the TV is located on a 30 foot wide alley and the TV is faced away from the buildings to the west, and the Applicant's building wraps around more than a quarter of the TV's viewing area, the properties that would be aware of the TV's existence are extremely limited.

III. Conclusion

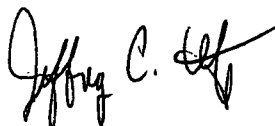
We appreciate the opportunity to submit this post-hearing submission and look forward to the Commission's further review of this case.

If you have any questions or comments regarding the proposed modification, please feel free to contact the undersigned.

Sincerely yours,



John T. Epting



Jeffrey C. Utz

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of this letter and enclosures were hand-delivered to the following on August 5, 2013.

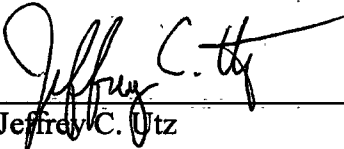
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