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September 16, 2013

VIA HAND DELIVERY

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

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**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-September 9, 2013 Public Meeting 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 information requested during the Commission’s September 9, 2013 public meeting (the “**Meeting**”) on the above-referenced case. The Commission’s comments related to the submission of further information regarding the project’s rooftop outdoor TV viewing area.

I. Additional Screening for Outdoor Rooftop TV Area

As requested by the Zoning Commission during the Meeting, the Applicant has added several measures to further remediate the effects of the outdoor rooftop TV area. The additional enhancements can be seen on Pages A-1 and A-3 of Exhibit A.

ZONING COMMISSION
District of Columbia

CASE NO. **12-05A**

EXHIBIT NO. **19**

The Applicant added the one foot screening wall completely surrounding the TV installation, as requested by the Commission. This screen wall will reduce the amount of lateral glow emanating from the TV.

Similarly, the Applicant enhanced the landscaped buffer and screen wall between the TV and the adjacent hotel to the south (as approved by Z.C. Case No. 12-19). The landscape buffer and screen wall was extended a total of fourteen (14) feet west. This distance will almost completely block the view of the TV from the roof area of the adjacent hotel. The fourteen (14) foot depth of the landscape buffer and screen wall was intended to exceed the view cone of the TV along with limiting the areas where glow might occur.

The Applicant also added a resident amenity area including grills and bar height tables between the TV and the portion of the apartment building to the north of the viewing area. These improvements will almost completely block the view of the TV from the residences on the northern portion of the Applicant's apartment building. The landscaping was not extended eastward since such landscaping or screen wall would have reduced the amount of usable recreational space. Additional view studies have been included as Pages A-4 and A-5 of Exhibit A to demonstrate that the addition of the resident amenity improvements will buffer the residents of the top floor of the Applicant's apartment building from the TV viewing area.

The Applicant notes that the additional screening and landscaping installed around the TV viewing area will also have beneficial effects on sound emission. It will allow the sound to be further contained within the TV viewing area. The screening and landscaping will also act to

buffer the ambient city noise from the TV viewing area, allowing the TV's sound to compete less to reach users (and for a more enjoyable viewing experience).

II. Further Information on Rooftop TV Area

During the Meeting the Commission requested information clarifying the dimensions of the TV. The previously submitted statements and plan labels listed the TV as 72 inches by 44 inches (comprising an 80 inch TV size). However, the Commission asked if the plans actually included a TV smaller than such dimension.

Attached as Page A-2 of Exhibit A is a plan that shows the dimensions of the requested TV. These dimensions are 72 inches wide (six (6) feet) by 44 inches (three (3) foot, eight (8) inches) in height, which equates to an 80 inch TV. These dimensions are the same as those shown on Page A-11 of Exhibit A to the post-hearing submission, although such dimensions were difficult to read due to size.

III. Enhanced Guidelines on Rooftop TV Area Operation

The operational guidelines for the TV have also been updated to address Zoning Commission concerns. The updated operational guidelines are attached as Exhibit B. These guidelines update and replace the guidelines attached as Exhibit B to the Applicant's post-hearing submission, Exhibit 17B of the record.

At the Meeting, the Commission expressed concern with the previously-submitted guideline (Guideline Number 1 in Exhibit B of Exhibit 17B of the record) that the volume of the TV would be able to reach the level of the ambient noise created by virtue of being in a City. As a result, such concept was deleted. The Applicant's primary concern with its previous inclusion

of the provisions regarding ambient noise was to ensure that the TVs would be able to be heard over the typical ambient City noise. In addition, the Applicant did not wish to incur the obligation to reduce the ambient noise created by the City that filtered into its roof top area.

The Commission also expressed concern relating to Guideline Number 6 in the previously submitted Exhibit B to Exhibit 17B of the record regarding the undefined end point of the hours of operation in those instances where the hours of operation were extended due to an event in Nationals Ballpark. The Applicant revised this guideline to clarify that the ability to operate the TV area would cease at the conclusion of the relevant event in Nationals Ballpark.

The Commission expressed concerned about the effect of the speakers in the seats when used in combination with the speakers installed in or adjacent to the TV. The Applicant notes that its cumulative sound emission limitations for the TV area will be 65 decibels at the edge of the closest exterior wall between the hours of 9am and 9pm and 60 decibels at such location between the hours of 9pm and 11pm. 65 decibels is the equivalent of a normal conversation at one to three feet 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. 60 decibels is in accordance with the Regulations governing nighttime sound in a commercial district (after 9pm). The use of speakers in the seats and installed in or adjacent to the TV will allow the speakers' volumes to be set lower due to adjacency to users of the area.

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.

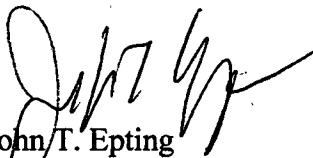
IV. Conclusion

As described at the case's hearing, 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 since the property is in an active entertainment neighborhood centered on Nationals Ballpark.

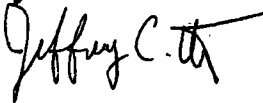
We appreciate the opportunity to submit this post-public meeting submission and look forward to the Commission's final action on this case.

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 September 16, 2013.

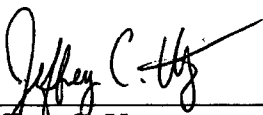
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