

CASE NO. 06-22
EXHIBIT NO. 13

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF PUBLIC HEARING

TIME AND PLACE: Monday, June 26, 2006, at 6:30 PM
Office of Zoning Hearing Room
441 4th Street, N.W., Suite 220-South
Washington, D.C. 20001

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FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

Case No. 06-22 (District of Columbia Sports and Entertainment Commission – Construction of a Major League Baseball Ballpark)

THIS CASE IS OF INTEREST TO ANC 6D

On May 3, 2006, the Office of Zoning received an application from the District of Columbia Sports and Entertainment Commission (“Applicant”), pursuant to 11 DCMR §§ 1606 and 3101.1, for the construction and operation of a Major League Baseball stadium (the “Ballpark”) and ancillary uses in Squares 702 through 706 and Reservation 247 (the “Ballpark Site”) for use by the Washington Nationals Baseball Club and for entertainment and associated uses. Pursuant to 11 DCMR § 3011.1, the Applicant included a written report of the Office of Planning certifying that the application is generally compliant with the standards of Section 1606 of the Zoning Regulations, thereby allowing for this hearing to be scheduled without a “setdown” proceeding.

The Applicant has specific legislative authority to construct and lease the Ballpark that is the subject of the application.

The Applicant proposes to construct the Ballpark, which will contain retail space along its exterior perimeter frontage as well as throughout the Ballpark. All buildings currently on the Ballpark Site will be removed. The Ballpark will occupy approximately 500,000 square feet within the central portion of the Ballpark Site. Certain program elements within the Ballpark will be oriented to allow for non-game-day use, including a restaurant, conference center, Washington Nationals ticket office, and the perimeter retail. ~~In addition, two plaza areas will be constructed to the north and south of the Ballpark.~~ The south plaza will contain a historical timeline element that will include

milestone dates for Baseball in Washington along with other noteworthy events in the history of the District. The north plaza will be the main pedestrian entry to the Ballpark for patrons traveling from the north from various Metrorail stations and will be flanked by restaurants and retail uses. The open end of the Ballpark is oriented towards the northeast. The Ballpark height will be 110 feet. The total gross floor area of the Ballpark is approximately 1,209,874 square feet (exclusive of parking areas). The FAR of the Ballpark is 1.42 and the overall FAR, inclusive of parking, is 2.02. The Ballpark Site will contain 1,225 parking spaces located to the north and south of the Ballpark.

The Applicant has requested approval for three different options for construction of the Ballpark, identified as a Base Plan, Option One, and Option Two. The Base Plan, Option One and Option Two differ primarily with regard to the presence and location of preferred uses along the First Street, SE façade of the Ballpark.

The Applicant has requested relief from 11 DCMR § 1606.7 for the Base Plan, Option One and Option Two so as to be able to construct a portion of the parking in two above-ground structures instead of constructing the parking underground.

The Applicant has requested, for the Base Plan, relief from 11 DCMR § 1606.14 requirements for percentage of Ballpark perimeter dedicated to retail, service, arts, or entertainment uses ("preferred uses").

The Applicant also requests, pursuant to 11 DCMR § 1606.22, (i) relief from the strict applicability of the setback requirements of 11 DCMR § 1606.16 in order to accommodate the pedestrian ramp to be located at the northern end of the Ballpark along South Capitol Street; (ii) relief from the strict applicability of the height requirement set forth at 11 DCMR § 1606.14(d) for a portion of the space within the Ballpark perimeter allocated for preferred uses; and (iii) relief from the strict applicability of the average depth requirement set forth at 11 DCMR § 1606.14(e) for the space within the Ballpark perimeter allocated for preferred uses.

The Property consists of Squares 702, 703, 704, 705, and 706 and Reservation 247 and is already zoned for a ballpark use pursuant to Section 1606 of the Zoning Regulations. The property consists of approximately 13.83 acres, either owned or to be owned by the District of Columbia prior to the conclusion of this proceeding and the approximately 2 acres of Reservation 247, the federally owned parcel currently controlled by the District through a transfer of jurisdiction from the federal government, exclusive of existing streets, alleys and sidewalks, which have been approved for closure by the Council of the District of Columbia as part of the consolidation of the property, in accordance with the Street and Alley Closing and Acquisitions Procedures Act, D.C. Official Code § 9-201.01 *et seq.* The total area of the Ballpark Site is approximately 852,907 square feet, and consists today of 63 separate parcels of land. The property is bounded by South Capitol Street on the west, N Street, S.E. on the north, First Street, S.E. on the east, and Potomac Avenue, S.E. on the south.

The Ballpark Site is zoned CG/CR, which, pursuant to 11 DCMR § 1606.5, permits a Ballpark (as defined in 11 DCMR § 1606.2) to have a height of 130 feet as a matter of right, inclusive of the "scoreboard, roof, cantilevered sunscreen, or parapet, with the exception of [mechanical penthouses, antennae and architectural embellishments]," utilizing South Capitol Street as the measuring street for determination of height. Pursuant to 11 DCMR §§ 1606.4 and 1601.1, buildings within the Ballpark Site are allowed to be developed for non-residential purposes to a maximum of 6.0 FAR.

The scope of this hearing is limited solely to the issues of whether the Applicant has met its burden of demonstrating compliance with §§ 1606.19 & 1606.20, as required by § 1606.18, and whether the relief sought from the parking and set back requirements of §§ 1606.7 and 1606.16 should be granted. For the convenience of the public, these provisions are re-stated below:

- 1606.18 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.
- 1606.19 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.

1606.20 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 §1600.2¹;
- (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.

¹ 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; and
- (e) Require suitable ground-level retail and service uses and adequate sidewalk width along M Street, S.E., near the Navy Yard Metrorail station

1606.7 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.

1606.16 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

The public hearing in this case will be conducted in accordance with the contested case provisions of the Zoning Regulations, 11 DCMR § 3022.

How to participate as a witness.

Interested persons or representatives of organizations may be heard at the public hearing. The Commission also requests that all witnesses prepare their testimony in writing, submit the written testimony prior to giving statements, and limit oral presentations to summaries of the most important points. The applicable time limits for oral testimony is described below. Written statements, in lieu of personal appearances or oral presentation, may be submitted for inclusion in the record

How to participate as a party.

Any person who desires to participate as a party in this case must so request and must comply with the provisions of 11 DCMR § 3022.3.

A party has the right to cross-examine witnesses, to submit proposed findings of fact and conclusions of law, to receive a copy of the written decision of the Zoning Commission, and to exercise the other rights of parties as specified in the Zoning Regulations.

Except for the affected ANC, any person who desires to participate as a party in this case must clearly demonstrate that the person's interests would likely be more significantly, distinctly, or uniquely affected by the proposed zoning action than other persons in the general public. Persons seeking party status shall file with the Commission, not less than fourteen (14) days prior to the date set for the hearing, a written statement containing the following information:

- (a) The person's name, address, and daytime telephone number;
- (b) A request to appear and participate as a party;

- (c) Whether the person will appear as a proponent or opponent of the application;
- (d) Whether the person will appear through legal counsel, and if so, the name and address of legal counsel;
- (e) A list of witnesses who will testify on the person's behalf;
- (f) A summary of the testimony of each witness;
- (g) An indication of which witnesses will be offered as expert witnesses, the areas of expertise in which any experts will be offered, and the resumes or qualifications of the proposed experts;
- (h) The total amount of time being requested to present their case; and
- (i) A written statement setting forth why the person should be granted party status, including reference to the following:
 - (1) The property owned or occupied by the person, or in which the person has an interest, that will be affected by the action requested of the Commission;
 - (2) The legal interest the person has in said property, such as owner, tenant, trustee, or mortgagee;
 - (3) The distance between the person's property and the property that is the subject of the application before the Commission;
 - (4) The economic, social, or other impacts likely to affect the person and/or the person's property if the action requested of the Commission is approved or denied; and
 - (5) An explanation of how the person's interest as identified in response to paragraph (4) would likely be more significantly, distinctively, or uniquely affected in character or kind, by the proposed zoning action than those of other persons in the general public.

The applicant shall also provide the information indicated in (e) through (h) to the extent that the information is not contained in the Applicant's prehearing submission as required by 11 DCMR § 3013.1. The information shall be filed no later than fourteen (14) days before the date of the hearing.

If an affected Advisory Neighborhood Commission (ANC) intends to participate at the hearing, the ANC shall submit the written report described in § 3012.5 no later than seven (7) days before the date of the hearing. The report shall also contain the information indicated in (e) through (h) above.

Time limits.

The following time limits for oral testimony shall be adhered to unless changed by the Commission, and no time may be ceded:

- | | | |
|----|----------------------------------|---|
| 1. | Applicant and parties in support | 60 minutes collectively |
| 2. | Parties in opposition | 15 minutes each (60 minutes collectively) |
| 3. | Organizations | 5 minutes each |
| 4. | Individuals | 3 minutes each |

Information responsive to this notice should be forwarded to the Director, Office of Zoning, Suite 200-S, 441 4th Street, N.W., Washington, D.C. 20001. **FOR FURTHER INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311.**

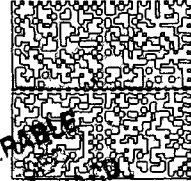
CAROL J. MITTEN, ANTHONY J. HOOD, JOHN G. PARSONS, KEVIN L. HILDEBRAND, AND GREGORY N. JEFFRIES ----- ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA, BY JERRILY R. KRESS, FAIA, DIRECTOR, AND BY SHARON S. SCHELLIN, SECRETARY TO THE ZONING COMMISSION.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
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