

STAFF RECOMMENDATION

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Revised (7/11/07)

NCPC File No. Z.C. 07-08



**TEXT AMENDMENT TO THE ZONING REGULATIONS
OF THE DISTRICT OF COLUMBIA TO
ALLOW TEMPORARY SURFACE PARKING LOTS ON
VARIOUS SQUARES IN THE SOUTH CAPITOL STREET AND M STREET,
SE CORRIDORS**

Washington, D.C.

Submitted by the Zoning Commission of the District of Columbia

July 12, 2007

Abstract

The District of Columbia Zoning Commission has taken a proposed action to amend the District of Columbia Zoning Regulations to permit temporary surface parking lots on specific squares in the South Capitol Street and M Street, SE area. These lots are to be used as additional parking facilities for the Washington Nationals Baseball Stadium on an interim basis. Unless extended by the Board of Zoning Adjustment, the parking lots are permitted for a maximum of five years and that the cumulative number of spaces permitted on all of these sites cannot exceed 3,775. The squares are located adjacent to the Anacostia River, to the north of the Ballpark and along the M Street, SE corridor.

Federal Interests

The federal interests in this case include the Anacostia Waterfront Initiative, the Southeast Federal Center, the US Department of Transportation Headquarters, the Washington Canal Park and the South Capitol Street Corridor.

Commission Action Requested by Applicant

Approval of comments to the District of Columbia Zoning Commission pursuant to 40 U.S.C. 8724(a) and D.C. Code 2-1006(a).

Executive Director's Recommendation

The Commission concludes that the proposed text amendment will not adversely affect the identified federal interests based on the District of Columbia's commitment to require storm water management measures for the permitting of the temporary parking lots and if :

- Section 1603.3 of the Zoning Regulations is amended to include temporary surface lots so as to maintain the 75-foot setback along the Anacostia Waterfront.
- Temporary surface lots are not permitted on US Reservation 17, parcels B, C and D, which are the location of the proposed Washington Canal Park.
- The final order for the text amendment clarifies that the existence of the parking lots beyond the April 1, 2013 time limit is not subject to Board of Zoning Adjustment Special Exception review.
- The Zoning Regulations require that the Board of Zoning Adjustment assess any request for exception to the 3,775 parking space cap for specific impacts to the Anacostia River and the Washington Nationals Baseball Stadium by adding the following language to Section 2110.2 of the proposed amendment:

In reviewing requests for Special Exception, the Board of Zoning Adjustment will evaluate the proposal for its impacts to the Anacostia Waterfront and its affect on the use of public transit to the Washington Nationals Baseball Stadium.

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PROJECT DESCRIPTION

Background

The proposed text amendment was initiated by the District of Columbia Office of Planning (DCOP) to allow for temporary surface parking lots to be permitted in the general area around the new Washington Nationals Baseball Stadium. According to the Office of Planning the intent of these parking lots is to accommodate overflow parking for the Baseball Stadium, while permanent below-grade parking is created in the surrounding development. The spaces to be permitted on these lots are not part of the 1,225 spaces the District of Columbia government is required to provide for the stadium, as those spaces will be accommodated in parking structures adjacent to the Ballpark structure. These spaces will fulfill a need of 3,775 off-site spaces identified in the D.C. Major League Baseball Park Transportation Management Plan.

Since the receipt of this submission, staff has received a referral from the District of Columbia Zoning Commission to review proposed temporary parking lots within the Southeast Federal

Center. This proposal includes approximately 1,000 additional parking spaces to be used for baseball patron parking and these spaces are not included in 3,775 space cap. The lots are being developed under a different zoning classification which permits surface parking lots. This project is anticipated to be before the Commission for review at its August 2007 meeting.

The text amendment applies to thirteen squares located within the redeveloping South Capitol Street and M Street, SE neighborhoods. In addition to permitting these parking lots as matter-of-right, the regulations establish a five year time restriction for use as a parking lots as well as an overall cap on the number of cumulative spaces developed on these squares.

The bulk of the area was rezoned in 2002 from industrial to mixed-use through the mapping of the Capitol Gateway Overlay, which has spurred redevelopment activity along the South Capitol Street corridor. Additional drivers of this development activity also include the new Washington Nationals Ballpark, the new U.S. Department of Transportation Headquarters and the forthcoming redevelopment of the Southeast Federal Center. The Commission has reviewed and provided comments on these projects in projects in cases 6614, ZC 03-05 and 6420 respectively.

Proposal

The Zoning Commission’s proposed action amends the Zoning Regulations to permit temporary surface parking lots on thirteen specific squares. The affected Squares include: 882, 660, 665, 700, 701, 767, 768, 769, 707, 708, 708E, 708S, and 744S. The attached map illustrates the location of these squares and their surrounding context.

The majority of these squares are part of either approved or proposed development projects which are in various phases of development. The following table briefly summarizes the major projects and the affected squares.

Squares	Project	Status/File Reference
707, 708, 708E, 708S	Florida Rock	Revised Planned Unit Development recently submitted to the Zoning Commission
701	Monument Realty Development	Zoning approved (06-46).
767, 768, 769	Washington Canal Park/Capper Carrollsburgh Hope VI project	Zoning and development plans approved (6713 Canal Park) (6422 Capper Carrollsburgh)
882	Capper Carrollsburgh Hope VI project	Zoning and development plans approved (6422)

The text amendment alters the Residential (Chapter 3), Mixed-Use (Chapter 6), Commercial (Chapter 7) and Waterfront (Chapter 9) zoning districts to permit as matter-of-right “temporary surface parking lots accessory to the Ballpark” but only on the squares identified above. The zoning does not permit these lots on squares not listed in the amendment.

The amendment also establishes a new Section 2110 which provides standards for these lots. These standards address time, cumulative spaces, and exceptions. These standards are summarized below:

- Time – The amendment requires that any certificate of occupancy issued for these surface lots shall expire no later than April 1, 2013. Given the anticipated April 2008 opening of the new Ballpark, this establishes a five year approval period for these lots.
- Cumulative Spaces – The amendment seeks to cap the total number of spaces developed on these squares at 3,775. Once this cap has been reached, no additional surface lots can be approved as matter-of-right. According to the Office of Planning report, the 3,775 number is derived from the D.C. Major League Baseball Park Transportation Management Plan which was prepared for the DC Sports and Entertainment Commission. That plan estimated that the highest level of peak parking demand for a baseball game will be 4,900 spaces. Given the 1,225 spaces provided on-site, this leaves 3,775 spaces required in off-site spaces.
- Conformance with Baseball Park Transportation Management Plan- Each surface lot must also demonstrate its conformance with the Baseball Park Transportation Management Plan, which establishes specific routing and timing for parking on game days. Specifically, the Plan prohibits the routing of traffic on I Street, SW, P Street, SW, and 4th Street, SW.
- Non-Baseball Use – The amendment permits these surface lots to be used for non-baseball parking events as well. This includes the parking of “non commercial” vehicles on a general basis and also the use of the lots for produce and craft markets or non-permanent structures. However, the amendment requires that the lots be used for baseball parking both at three hours prior to game time and three hours after game time.
- Functional Requirements – The proposal establishes basic standards for the design of the surface lots, including 9 X 19 foot stall spaces, 20-foot drive aisles, and appropriate standards for stall angles and stacking. The requirements permit porous or pervious concrete or asphalt materials, or reinforced grass and gravel in addition to the traditional impervious surfaces typical used for surface parking lots.
- Exception – Additional spaces beyond the 3,775 limitation can be granted by the Board of Zoning Adjustment (BZA) through a Special Exception process. Under this process, the BZA evaluates the request for its consistency with the intent of the zoning regulations as well as impact to the use of neighboring properties. The regulations are ambiguous as to whether additional time can be granted by the BZA for the existence of the lots beyond the April 1, 2013 limit. After discussions with the District of Columbia Office of Planning, staff understands that it is not the intent for the time limitation to be subject to the Special Exception review. Furthermore, staff understands that this ambiguity is to be rectified by the Office of Attorney General in the final order for the text amendment.

PROJECT ANALYSIS

The federal interests related to this zoning action include the Anacostia Waterfront Initiative, the Southeast Federal Center, the US Department of Transportation Headquarters, the Washington Canal Park and the South Capitol Street Corridor. While staff supports the District of Columbia's efforts to ensure that the new Washington Nationals Baseball Park does not negatively disrupt new development and existing neighborhoods, there are concerns related to this proposal's impacts to the identified federal interests.

Anacostia Waterfront Initiative

The location of the squares in the proposal is within the boundaries of the Anacostia Waterfront Initiative (AWI). This is a joint Federal-District initiative which seeks to redevelop the Anacostia Waterfront with mixed-use and recreational development and also to improve the water quality of the Anacostia River. The proposed text amendment will impact two objectives of the AWI plan addressing the water quality of the Anacostia and the maintenance of a consistent setback along the waterfront to allow for recreation and open space.

- Water Quality

The AWI plan sets several environmental goals related to the Anacostia, two of which are to provide a river suitable for swimming by 2025 and to also implement "green" guidelines and standards to require sustainable development. The development of surface parking lots within the Anacostia Watershed could provide harmful affects to the water quality of the Anacostia and not advance these goals if the storm water run-off is not managed properly. The amendment itself will allow for the use of impervious surfaces and "traditional materials" such as asphalt and concrete in the construction of the lots. Upon initial review of this proposal, staff had concerns related to the environmental impacts of the use of these materials and the design of the surface lots. However, the Department of the Environment has recently reached an agreement with the parking lot developers that provides for the use of low impact designs to ensure that the runoff is either fully retained or properly treated. The Department of the Environment has made the issuance of permits for the surface lots contingent upon compliance with this design guidance. Furthermore, staff has also learned that recent legislation passed by City Council has made the Anacostia Waterfront Corporation Final Environmental Standards applicable to "all of the properties, projects, initiatives, and developments located within the Anacostia Waterfront Development Zone" and these temporary surface lots are covered under this legislation. Hence, in the absence of specific environmental requirements in the zoning, staff has established a level of comfort that the environmental impacts of these temporary surface lots are being properly managed by city authorities and our review is based on this understanding.

- Waterfront Setback

The maintenance of a consistent setback through the waterfront corridor is a key objective of the Anacostia Waterfront Initiative. This setback is to allow for recreational and open space uses, and also to permit the development of the Anacostia Riverwalk Multi-Use Trail. This Trail is a network of pedestrian/bicycle trails planned along the banks of the Anacostia connect into the regional trail networks. The Trail was reviewed and approved by the Commission in December of 2004. A portion of the Trail is planned to be constructed on three of the squares included in the current proposal, with those being squares 707, 708E and 708S. These squares are zoned CG/W-2, which is waterfront zoning and the Capitol Gateway Overlay. Section 1603.3 of the Overlay regulations requires that “a building or structure” be setback 75-feet from the bulkhead. As staff understands it, this setback would not apply to the surface lots permitted in this amendment. It is important that this setback be maintained on Squares 707, 708E and 708S for two reasons. First, this setback would provide space for the proposed segment of the Riverwalk trail and the ability to construct this portion of the facility should not be impacted by the use of these squares for temporary parking. Requiring this setback would not permit this area to be used for parking, therefore making it available for trail use Secondly, maintaining a buffer between the river and any development is good environmental practice as it allows for runoff to be absorbed and filtered by the natural environment before it flows into the river. **Therefore, staff recommends that the Zoning Commission amended Section 1603.3 of the Zoning Regulations to include temporary surface lots** in addition to building or structures.

Washington Canal Park

An additional federal interest related to this action is the Washington Canal Park. This proposed park is located on the site of the former Washington Canal in Southeast Washington on Squares 767, 768, 769, between 2nd and 3rd Streets SE. These squares are bisected by Canal Street, an unplatted street connecting I Street, SE to M Street, SE. The Washington Canal Park is proposed on the portion of the squares west of Canal Street, while the portion of the squares east of the Canal are part of the Arthur Capper/Carrollsbugh Hope VI redevelopment project. The Commission provided comments on the design of the park in October 2006, and the District of Columbia government is moving forward with its implementation. As part of this effort, the developer of the new Department of Transportation Headquarters has contributed \$2.5 million to the park’s construction and related improvements.

The Washington Canal Park is a federal interest because it provides a much-needed amenity to the surrounding federal employees working at the US Department of Transportation Headquarters and the Washington Navy Yard, as well as to the redevelopment of the Southeast Federal Center. The successful redevelopment of the Southeast Federal Center will be affected by the presence of quality amenities in the surrounding area; amenities such as the Washington Canal Park. While the park site is currently federally owned, the title to the land is in the process of being transferred to the District of Columbia for development of the park. While it is clear that the Washington Canal was part of US Reservation 17, there is inconsistency among the various District zoning and plat maps as to whether or not the Washington Canal Park is considered part of Squares 767, 768 and 769. It is staff’s understanding through discussions with the Office of

Planning that the proposed amendment will be modified to remove the Washington Canal Park from the zoning action. However, as currently written, the zoning amendment would include the site of the Canal Park as an area where the temporary surface lots are permitted. As such, staff recommends that **temporary surface lots not be permitted on US Reservation 17, parcels B, C and D, which are the location of the proposed Washington Canal Park.**

Exceptions

While proposed action establishes a cumulative cap on parking spaces and also a limit on time frame, the amendment does give the Board of Zoning Adjustment, through the Special Exception process, the ability to approve additional spaces beyond the cap. Essentially, if the BZA determines that the request meets the intent of the Zoning Regulations and does not negatively impact adjacent properties, then the Special Exception is approved. There is ambiguity as to whether or not the Board of Zoning Adjustment can grant time extensions for these lots beyond the five year cap through this Special Exception process. It is staff's understanding that it is not the intent of the regulations to allow for this and that the Office of Attorney General will clarify the issue in the final order for the text amendment.

While staff appreciates the efforts of the District Department of the Environment in regulating these surface lots, the expansion of these lots though additional spaces could have negative impacts on the water quality of the Anacostia Waterfront. Furthermore, allowing additional spaces beyond the 3,775 cap could negatively impact the public transit goals established in the Baseball Stadium Transportation Management Plan, which includes use of future Circulator routes and new modes of public transit. This in turn could impact the redevelopment of South Capitol Street as a grand urban boulevard with multi-modal transportation use. To reinforce these issues, the zoning should state that in the Special Exception process, the BZA will make a determination on the proposal's impacts to the Anacostia River and to the Washington Nationals Stadium's ability to meet its public transportation goals as established in the D.C. Major League Baseball Park Transportation Management Plan and specifically if the extension would unnecessarily promote vehicular traffic over public transportation. To assist the evaluation of this issue, the Board should refer the proposal to the District Department of Transportation for its evaluation of the proposal's impact to promoting use of public transportation to the ballpark. **It is staff's recommendation that the Zoning Commission add the following language to Section 2110.2 of the proposed amendment:**

In reviewing requests for Special Exception, the Board of Zoning Adjustment will evaluate the proposal for its impacts to the Anacostia Waterfront and its affect on the use of public transit to the Washington Nationals Baseball Stadium.

CONFORMANCE

Extending the Legacy

The redevelopment and remediation of the Anacostia River is an objective Extending the Legacy Vision Plan. According to Legacy, the focus of the Anacostia redevelopment should be in restoring its ecology and environment. The proposal as stated is inconsistent with this goal as it

could contribute to the degradation of the river through increased storm water run off and pollution. The proposed zoning amendment should be altered to ensure that Best Management Practices should be utilized in the development of these sites and that the goal of a clean Anacostia River can be advanced.

Comprehensive Plan

The Comprehensive Plan for the National Capital lies out specific policies for areas adjacent to Washington's waterfronts. The Comprehensive Plan identifies the urgent need to ensure environmentally friendly development practices adjacent to Washington's rivers to ensure the improvement of their water quality. As this zoning action applies to sites which are adjacent to the Anacostia Waterfront and located within the Anacostia watershed, these policies are applicable.

Specific applicable policies include:

- Avoid thermal pollution of waterways, and provide and maintain adequate vegetated buffers adjacent to bodies of water, to protect fish and other aquatic life and to reduce sedimentation and pollutants.
- Use pervious surfaces and retention ponds to reduce storm water runoff and impacts on off-site water quality.
- Encourage the use of innovative and environmentally friendly "Best Management Practices" in site and building design and construction practice, such as green roofs, rain gardens, and permeable surface walkways, to reduce erosion and avoid pollution of surface waters.

The provision of temporary surface parking lots are not inconsistent with the Comprehensive Plan, provided they designed in a manner which fits within the Plan's environmental objectives. As currently proposed, the text amendment does not advance these objects as it allows for impervious surfaces within the Anacostia Watershed and does not promote Best Management Practices". This conflict can be eliminated if the Zoning Commission amends these regulations to require better environmental design for these parking lots as recommended.

CONSULTATION

D.C. Office of Planning

The proposed text amendment was initiated by the District of Columbia Office of Planning and in a report dated May 11, 2007, the DCOP recommended adoption. Staff has consulted with the District of Columbia Office of Planning throughout the review of this proposal and DCOP has provided clarification to several issues related to Special Exception process and Washington Canal Park. It is anticipated that a supplemental report to the Zoning Commission will be issued by DCOP to reflect these clarifications prior to the Zoning Commission's July 30, 2007 public meeting.

STAFF RECOMMENDATION

