

STAFF RECOMMENDATION

Ellyn Goldkind

NCPC File No. Z.C. 07-08A



TEXT AMENDMENT TO THE ZONING REGULATIONS OF THE DISTRICT OF COLUMBIA TO PERMIT TEMPORARY SURFACE PARKING LOTS ON ADDITIONAL SQUARES IN THE CAPITOL GATEWAY OVERLAY DISTRICT

SQUARES 603, 605, 657, 658, 661, 662, 662E, 664, 664E, AND SQUARE 658, LOT 7

Southwest Washington, D.C.

Submitted by the Zoning Commission of the District of Columbia

April 24, 2008

Abstract

The Zoning Commission of the District of Columbia has taken a proposed action to amend the District of Columbia Zoning Regulations to permit temporary surface parking lots on certain squares in Southwest Washington, D.C. The lots on these squares are to be used for additional surface parking for the Washington Nationals Ballpark on an interim basis. Unless subsequently extended or modified by the Board of Zoning Adjustment, the parking lots are permitted for a maximum of five years and the cumulative number of spaces permitted for all Ballpark surface lots combined cannot exceed 3,775. The squares are located in the Capitol Gateway Overlay District, adjacent to the Anacostia River and the South Capitol Street corridor. This proposal follows ZC 07-08, reviewed by the Commission at its July 12, 2007 meeting; staff recommendations for this proposal are consistent with the Commission Action on case ZC 07-08.

Federal Interests

Federal interests include the Comprehensive Plan for the National Capital, the Capitol Gateway Overlay, the Anacostia Waterfront Initiative, 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 parking lots” so as to maintain the 75-foot setback along the Anacostia Waterfront.
- 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 Ballpark. According to the Office of Planning, the intent of these parking lots is to accommodate overflow parking for the Ballpark while permanent below-grade parking is created in the surrounding developments. 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 Ballpark, as those spaces will be accommodated in parking structures adjacent to the stadium. The proposed temporary spaces will fulfill a need of 3,775 off-site spaces identified in the D.C. Major League Baseball Park Transportation Management Plan.

The text amendment applies to nine squares or portions of squares located within Southwest. The affected Squares were rezoned in 2002 to mixed-use through the mapping of the Capitol Gateway Overlay (CR and W-2 Districts), which has spurred redevelopment activity along the South Capitol Street corridor.

In addition to permitting these parking lots as matter-of-right, the amended regulations would establish a five year time restriction for use as a parking lot as well as an overall cap on the number of cumulative spaces developed on these squares.

Proposal

The Zoning Commission's proposed action amends the Zoning Regulations to permit temporary surface parking lots on nine specific squares or portions of squares. The affected Squares include: 603, 605, 657, 658, 661, 662, 662E, 664, 664E. The majority of these squares are currently underutilized or used for parking purposes; it is anticipated that as new redevelopment projects are constructed on these lots, parking spaces within those developments will be available to ballpark patrons, phasing out the need for the temporary surface lots.

The text amendment to the Zoning Regulations alters the Mixed-Use (CR) (Chapter 6) and Waterfront (W) (Chapter 9) zone districts, as well as Off Street Parking Requirements (Chapter 21), to permit as matter-of-right "temporary surface parking lots accessory to the Ballpark" limited to the squares identified above. The zoning does not permit parking lots in these Districts, except for those squares approved for the same use in Zoning Case 07-08 (July 30, 2007).

The requested amendment also requires the subject lots to meet Section 2110, established as a result of Zoning Commission Order 07-08A (Case 07-08) which provides standards for these lots. These standards address cumulative spaces, time, use, functional requirements, and exceptions. These standards are summarized below:

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. As there will be 1,225 spaces provided on-site, this leaves 3,775 spaces required in off-site spaces.

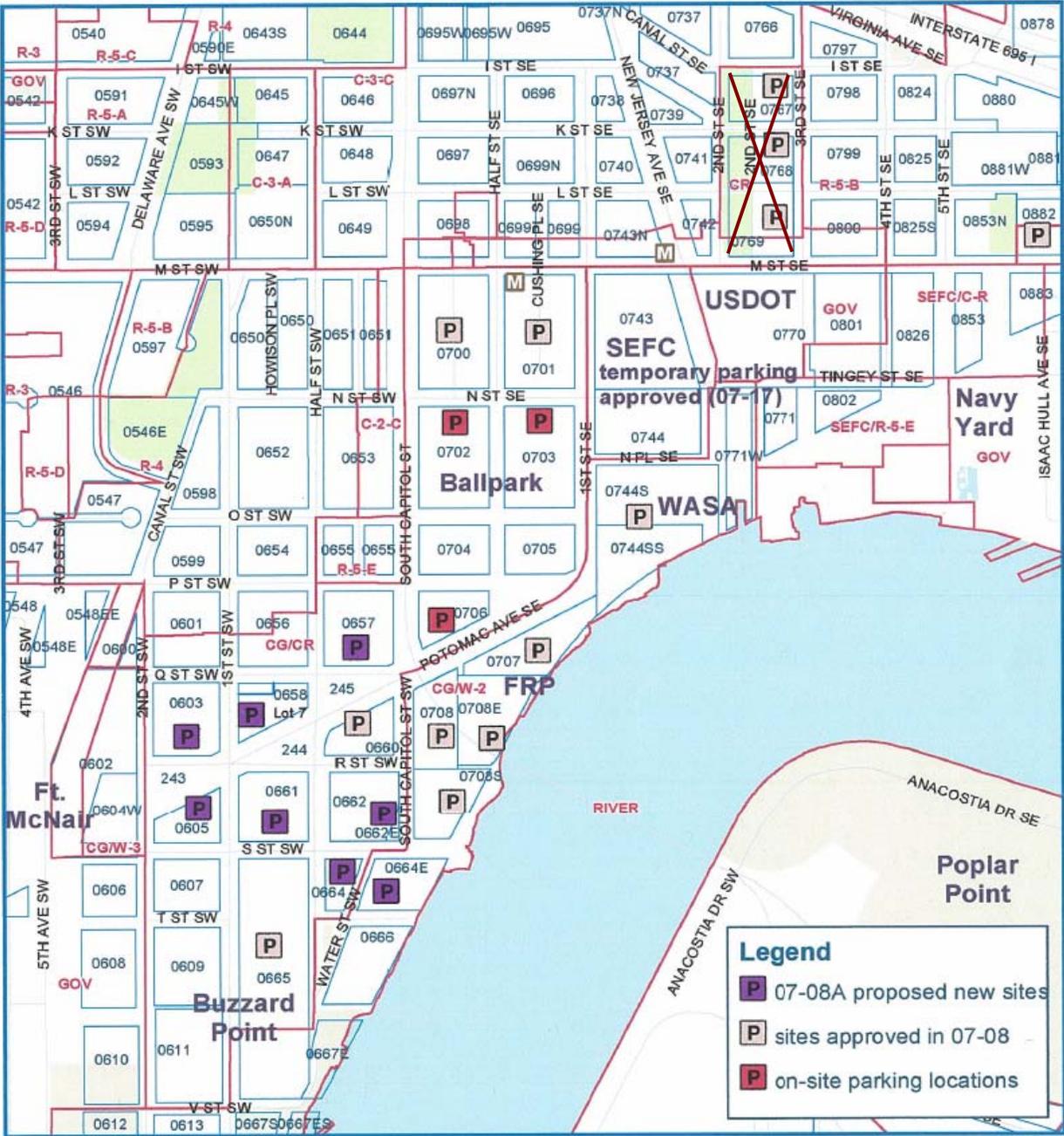
Time – The amendment requires that any certificate of occupancy issued for these surface lots shall expire no later than April 1, 2013. Given the anticipated April 2008 opening of the new Ballpark, this establishes a five year approval period for these lots.

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 through I, P, or 4th Streets, 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 motor 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 for ninety minutes prior to an event and three hours after.

Functional Requirements – The proposal establishes basic standards for the design of the surface lots, including 9 X 19 feet stall spaces, 20-foot drive aisles, landscaping, and surface materials.

Exception – Additional spaces and length of time for existing or new lots 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 consistence with the intent of the zoning regulations as well as impact to the use of neighboring properties.



LOCATION MAP

PROJECT ANALYSIS

The federal interests related to this zoning action include the Capitol Gateway Overlay, the Anacostia Waterfront Initiative and the South Capitol Street Corridor. While staff supports the District of Columbia's efforts to ensure that the new Washington Nationals Ballpark 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 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 also implement "green" guidelines and standards to require sustainable development. To advance this objective, the District Department of Transportation has developed low-impact design standards for road and streetscape projects. These standards provide a palette of material options and best practices which minimize the environmental impact of transportation related improvements and recommends Low Impact Development (LID) techniques used to manage stormwater.

Staff notes that Part IV of the "National Capital Revitalization Corporation and Anacostia Waterfront Corporation Reorganization Act of 2008" (Law L17-0138, enacted February 5, 2008) provides: "The Mayor shall continue to maintain and apply the environmental standards adopted by the Anacostia Waterfront Corporation Board of Directors on June 1, 2007, to all of the properties, projects, initiatives, and developments within the Anacostia Waterfront Development Zone."

- *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. The Trail is a network of pedestrian/bicycle trails planned along the banks of the Anacostia that 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 Squares 664E included in the proposed amendment. This square is 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 temporary surface parking lots permitted in this amendment. It is important that this setback be maintained on Square 664E 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; and 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 amend Section 1603.3 of the Zoning Regulations to include “temporary surface parking lots”** in addition to building or structures.

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 (BZA), through the Special Exception process, the ability to approve additional spaces beyond the cap or extend the life of an existing surface lot. 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.

The proliferation of long term surface lots in this area could hinder the development of the South Capitol Street Corridor as a mixed-use grand boulevard and also eliminate amenities which support redevelopment in the Capitol Gateway Overlay district. Furthermore, these surface lots could have negative impacts on the water quality of the Anacostia Waterfront, as several of the lots have been identified as potentially being contaminated as a result of prior industrial uses. Therefore, staff recommends that the test for granting exceptions for these surface lots by the BZA should be more stringent. Specifically, the BZA should evaluate any request related to these surface lots for their environmental impact to the Anacostia River, particularly for its performance in managing surface run-off. In doing this, the BZA should request a review of the proposal from the District of Columbia Department of Environment. Furthermore, the BZA should also evaluate any surface lot for the impact the request would have in the Washington Nationals Ballpark meeting 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 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.**

Staff also recommends 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 of Extending the Legacy Vision Plan (Legacy). 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 stormwater runoff and contamination. The proposed text amendment should be altered to ensure that Best Management Practices 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 lays 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 stormwater 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 provisions 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 (DCOP) and in a report dated February 11, 2008 DCOP recommended approval.