

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING



Office of the Director

MEMORANDUM

TO: Zoning Commission for the District of Columbia
FROM: Harriet Tregoning, Director, Office of Planning
DATE: March 30, 2007
SUBJECT: Zoning Commission Case 07-08 - Report for **Setdown** for an Emergency Text Amendment to the parking regulations and to the CR, W-2, C-3-C, and R-5-B Districts to allow temporary parking lot as a permitted use on specific squares within those zones.

1. RECOMMENDATION

The Office of Planning (OP) recommends that the Zoning Commission adopt the following amendments to the Zoning Regulations on an emergency basis and, at the same time, schedule a public hearing to consider adoption of the amendments on a permanent basis, to allow for temporary parking lots on the squares noted, with all new text in **bold underline** font:

Chapter 3 R-2, R-3, R-4, and R-5 Residential District Use Regulations §350 R-5 Districts:
General Provisions

“350.4 (h) Notwithstanding 352.3, temporary surface parking lot accessory to the Ballpark authorized by Zoning Commission Order 06-22 (“the Ballpark”) shall be permitted on Square 882 in accordance with the provisions and restrictions of §2110.”

Chapter 3 R-2, R-3, R-4, and R-5 Residential District Use Regulations §352 Special Exceptions:
General (R-5):

“352.3 A temporary surface parking lot accessory to the Ballpark on Square 882 shall be permitted as a special exception use in an R-5 District if approved by the Board of Zoning Adjustment, pursuant to the provisions and restrictions of §§2110.2 to 2110.4.”

Chapter 6 Mixed Use (CR) Districts §601 Permitted Uses:

“602.1 (u) Notwithstanding 602.1, temporary surface parking lot accessory to the Ballpark authorized by Zoning Commission Order 06-22 (“the Ballpark”) shall be permitted on Squares 660, 665, 700, 701, 767, 768, 769, or 882 in accordance with the provisions and restrictions of §2110.”

Chapter 6 Mixed Use (CR) Districts §602 Prohibited Uses:

“602.1 (j) Parking lot, except a temporary surface parking lot accessory to the Ballpark on Squares 660, 665, 700, 701, 767, 768, 769, or 882 in accordance with the provisions and restrictions of §2110;”

Chapter 6 Mixed Use (CR) Districts §618 Miscellaneous Uses (CR):

“**618.7 A temporary surface parking lot accessory to the Ballpark on Squares 660, 665, 700, 701, 767, 768, 769, or 882 shall be permitted as a special exception in the CR District if approved by the Board of Zoning Adjustment, pursuant to the provisions and restrictions of §§2110.2 to 2110.4.**”

Chapter 7 Commercial (C) Districts §741 Uses as a Matter of Right (C-3)

“**741.5 (d) Notwithstanding 743.2 (d), temporary surface parking lot accessory to the Ballpark authorized by Zoning Commission Order 06-22 (“the Ballpark”) shall be permitted on Square 769 in accordance with the provisions and restrictions of §2110.**”

Chapter 7 Commercial (C) Districts §743 Special Exceptions (C3)

“743.2 The following buildings and uses shall be permitted in a C-3 District as a special exception if approved by the Board of Zoning Adjustment under §3104:

“**743.2 (e) A temporary surface parking lot accessory to the Ballpark on Square 769 shall be permitted as a special exception in the C-3-C District if approved by the Board of Zoning Adjustment, pursuant to the provisions and restrictions of §§2110.2 to 2110.4.**”

Chapter 9 Waterfront (W) Districts §901 Uses as A Matter of Right:

“**901.1 (v) Notwithstanding 352.3, temporary surface parking lot accessory to the Ballpark authorized by Zoning Commission Order 06-22 (“the Ballpark”) shall be permitted on Squares 707, 708, 708E, 708S, or 744S, in accordance with the provisions and restrictions of §2110.**”

Chapter 9 Waterfront (W) Districts §902 Prohibited Uses:

“902.1 (l) Parking Lot, except a temporary surface parking lot accessory to the Ballpark on Squares 707, 708, 708E, 708S, or 744S, as permitted in §2110;”

Chapter 9 Waterfront (W) Districts §915 Miscellaneous Uses (W):

“915.7 **A temporary surface parking lot accessory to the Ballpark on Squares 707, 708, 708E, 708S, or 744S shall be permitted as a special exception in a W-2 District if approved by the Board of Zoning Adjustment, pursuant to the provisions and restrictions of §§2110.2 to 2110.4;**”

Chapter 21 Off Street Parking Requirements

“2110 Temporary Parking Lots and Spaces for the Ballpark

2110.1 Notwithstanding §§602.1 and 902.1 and not subject to any otherwise applicable proximity requirement, a temporary surface parking lot accessory to the Ballpark authorized by Zoning Commission Order 06-22 (“the Ballpark”) shall be permitted as a temporary use on Squares 660, 665, 700, 701, 707, 708, 708E, 708S, 744S, 767, 768, 769, and 882 in accordance with the following provisions:

- (a) A temporary surface parking lot accessory to the Ballpark is permitted as a temporary use for a period of five (5) years maximum.**
- (b) The cumulative total of all temporary surface parking spaces accessory to the Ballpark for which a Building Permit has been issued pursuant to this section shall not exceed 3,775 parking spaces.**
- (c) Any parking lot authorized under this section may be used for parking on a general basis when there are no events at the Ballpark.**
- (d) All parking spaces provided pursuant to this section shall comply with the relevant provisions of § 2115 (Size of Parking Spaces) and §§ 2117.3 - 8 inclusive and §§ 2117.10 – 14 (Access, Maintenance, and Operation) inclusive.”**

2110.2 If and when building permits authorizing an aggregate of 3,775 or more parking spaces are issued pursuant to § 2110.1 , the construction and use of additional spaces on any of the subject squares shall require approval of the Board of Zoning Adjustment. At the time of filing with the Board of Zoning Adjustment, the applicant will provide a traffic study assessing the impacts of the proposed additional parking spaces on local traffic patterns for referral to and comment by the District Department of Transportation.

2110.3 In order to determine compliance with §2110.2, no surface parking lot may be authorized pursuant to this section, either by the Zoning Administrator or the Board of Zoning Adjustment, unless, at the time of the authorization request, the application includes a detailed accounting of the number of existing temporary surface parking spaces accessory to the Ballpark approved for the above-named Squares as of the date of application.

2110.4 Temporary surface parking spaces accessory to the Ballpark which do not comply with the requirements of §2110.1 (d) shall be permitted as a special exception if approved by the Board of Zoning Adjustment under §3104.

DCSEC representatives note the challenges associated with the construction of surface parking lots (whatever the surface) in winter, as well as the need for certainty so that the spaces can be appropriately allocated to advance ticket holders. Because the proposed Ballpark is scheduled to open in April of next year, OP recommends this action **on an emergency basis** so that the text

amendment will be effective immediately upon setdown, and that the matter be set down for hearing at the earliest possible date. OP further recommends that the Commission authorize the issuance of a Notice of Proposed Rulemaking for the text and that the Commission allow the immediate advertisement of the text. This will allow for full consideration of the proposed rule within the 120-day length of the emergency.

Although much of the parking needed to serve the Ballpark's patrons will eventually be accommodated by parking within nearby future buildings, these buildings will not yet be constructed when the Ballpark opens in 2008. While OP strongly encourages the use of mass transit and encourages the Nationals to provide meaningful incentives for the use of mass transit and other alternatives to the private automobile, OP shares their concern that a short term shortage of parking available to patrons could lead to illegal parking on streets and private property in the surrounding area, and could have an impact on the short term success of this important District facility. This proposal would help to address the short term need for an interim parking solution.

This report also serves as the supplemental report as required by Section 3013.

2. BACKGROUND

In Zoning Commission Order 05-08 (October, 2005), the CG Overlay was amended to permit the construction of the new ballpark; to establish regulations pertaining to FAR, height, setbacks, upper story step-backs, parking, bus loading, and provision of retail space for a ballpark use; and to require Zoning Commission approval of the ballpark design, with review against a set of objectives and guidelines intended to address design and site planning issues such as streetscape character, neighborhood fit, pedestrian and vehicular movement, and architectural form. Among the new Ballpark regulations is the District's first *maximum* limit on parking of 1,225 spaces. The DC Sport and Entertainment Commission (DCSEC) subsequently submitted an application for review of the ballpark design (Zoning Commission Case 06-22), which was approved by the Commission in July of 2006.

In addition to the Ballpark amendment to the CG Overlay, the Commission has considered two requests to permit temporary relocation of WMATA bus and employee parking associated with the bus garage located at Half and M Streets SE - Zoning Commission Cases 06-20 (January, 2007) and 06-44 (on-going).

Many of the proposed sites are located within the CG Overlay, within the CG/CR and CG/W-2 Districts. Some of the other sites are within the boundary of the Arthur Capper / Carrollsburg Hope VI PUD (Zoning Commission Case 03-12 / 13), and these sites are zoned CR, CG/C-3-C, and R-5-B.

Parking lots are currently prohibited in the CR and W Districts by §§ 602.1(j) and 902.1(l), respectively, of the Zoning Regulations. Accessory parking lots are permitted by special exception in the C-3-C District.

3. PROPOSAL

The proposed text amendment would:

- Only apply to Squares 660, 665, 700, 701, 707, 708, 708E, 708S, 744S, 767, 768, 769, and 882 as identified by the owners of the Nationals. The sites are shown on map Attachment I, and described in more detail in Chart Attachment II, including ownership, current and anticipated use, and potential number of parking spaces.
- allow matter of right surface parking lots on these squares for a period of no more than five years after the commencement of operations at the proposed Ballpark.
- establish that, when not in use for Ballpark event parking purposes, the parking lots could be used for other parking purposes.
- require conformance to relevant provisions of existing zoning regulation section 2115 (size of parking spaces) and 2117 access, maintenance, and operation) to regulate normal parking lot design and function related issues such as minimum parking space and driveway aisle sizes; maximum grades; surface materials; landscaping, screening, and lighting regulations. Special exception approval by the BZA of spaces which do not conform to these requirements would be permitted, in accordance with §3104.
- establish a matter of right maximum number of 3,775 surface parking spaces to be provided on these lots, accessory to the Ballpark. This number is derived from the D.C. Major League Baseball Park Transportation Management Plan prepared for the DC Sport and Entertainment Commission (DCSEC) as part of the Zoning Commission review of the ballpark design (ZC Case 06-22). That study concluded that “*the peak parking demand for a weekday afternoon game will be 3,850 spaces and for a weekend game, 4,900 (including the 10% circulation factor).*” The CG Overlay limits on-site parking to 1,225 maximum, so the anticipated off-site parking requirement would be a maximum of 3,775 spaces in total (4,900 – 1,225).

The attached chart shows a potential of between about 2,500 and 3,600 parking spaces on the potentially available portions of all of these squares. However, the Nationals have advised OP that it is not anticipated that all of these sites will eventually be available for use as surface parking. Many factors will limit their availability or suitability, including pending redevelopment of the sites and environmental remediation costs, so they anticipate the actual total number of spaces provided pursuant to this section will be between 1,200 and 2,500.

Special exception approval by the BZA of accessory Ballpark parking spaces in excess of this maximum would be permitted in accordance with §3104, subject to the applicant providing a traffic study assessing potential impacts.

In a separate application, a minor modification to the Arthur Capper / Carrollsburg PUD (03-12 / 03-13) is anticipated to amend the PUD to allow temporary surface parking lots on the relevant squares within the PUD boundary (Squares 767, 768, 769, and 822).

It is also anticipated that the owners of the Southeast Federal Center site will request, in a separate application, approval for temporary surface parking lots on portions of that site in accordance with the existing provisions of the SEFC Overlay, which currently permits temporary surface parking lots for a maximum period of 5 years, with Zoning Commission approval. OP has also been advised that the Nationals are also be approaching other area property owners where existing development provides opportunities for shared underground parking – OP encourages this parking solution as preferable, particularly over the long term.

OP has been advised that parking surfaces will conform to District standards and the zoning regulations, and that the use of new permeable concrete surfaces is being considered for use where permeable surfaces would be permitted by the District Department of Environment (DDOE).

4. ANALYSIS

Normally, OP is not supportive of surface parking lots. In addition to being a poor use of the District's valuable land base, extensive surface parking lots disrupt neighborhood fabric; can be a source of crime, noise, trash, and light-spill; encourage the use of the private automobile over other less environmentally damaging forms of transportation; and contribute significantly to storm water run-off water pollution problems facing our great river systems. OP would not support surface parking on these squares as a permanent use to address currently perceived parking need.

However, in this case, it is clear that the neighborhood immediately surrounding the ballpark is redeveloping and changing from a low intensity warehouse and industrial use to a higher density mixed use neighborhood. Much of the land in question is currently underutilized and / or used for parking purposes. As new re-development projects are constructed (as anticipated), parking space within those developments (especially office buildings) will be available to ballpark patrons, much the same way that parking in downtown office buildings surrounding the MCI center (which has virtually no on-site parking) is available to patrons of that facility. Until those facilities are constructed, however, it is reasonable to provide a temporary parking solution which requires the minimum investment, namely surface parking lots. The alternative could be the construction of more costly parking structures to handle the parking overflow (where the zoning would allow such a use by-right). Such structures would be more costly and less likely to be removed after 5 years, so would potentially be damaging to the overall development of a cohesive and vital new neighborhood for a much longer period of time.

OP anticipates that the 5 year time limit would also allow the Nationals organization additional time to educate, encourage, and develop incentives for ballpark patrons to use alternatives to the private automobile to get to and from the stadium, so the need or desire for surface parking would be phased out and eliminated within the 5 year time period.

All of the proposed locations for the temporary parking are within easy and convenient walking distance of the ballpark. By spreading out the locations to some extent, the traffic impacts on any one immediate location may be lessened. The Nationals management will be able to "cross-reference" ticket holders driving to the ballpark from different parts of the region with the parking lot that is most easily and conveniently accessed by them, thereby lessening traffic impacts through DC neighborhoods.

OP has not been made aware of any recently completed traffic analysis indicating the potential impacts of the surface parking lots on the surrounding road network, other than the D.C. Major League Baseball Park Transportation Management Plan prepared for the DCSEC. That study, as noted above, concluded that there is a need for a maximum of 3,775 spaces in addition to the required 1,225 on-site spaces. OP has concerns about the ability of the area road network to accommodate significant amounts of new traffic, a concern noted by DDOT as part of its testimony for Zoning Commission Case 06-22, ballpark review. This is particularly true over the longer term as additional development in the area comes on-stream, adding to local traffic volumes. Thus OP's strong encouragement for aggressive programs on the part of the Nationals to limit and discourage automobile use. Over the short term, however, other office and retail developments will not be in place, meaning that there are fewer traffic generators within the area, but also fewer opportunities for sharing parking facilities.

If this text amendment is adopted by the Commission, OP is very supportive of the use of permeable surfaces for the temporary parking lots where subsurface contamination conditions allow. In addition to reducing off-site storm water drainage, the use of advanced or experimental permeable surfaces for temporary parking lots could be valuable test cases for new permeable surface technologies which could then be applied with greater certainty throughout the rest of District.

5. CONCLUSION

OP recommends that the Zoning Commission set this proposal down for a public hearing. We believe that the proposed emergency action by the Commission would further the public interest and will not have any adverse impacts on the public health, safety, welfare, or morals. We therefore request that the Commission adopt the attached amendments to the Zoning Regulations on an emergency basis and, at the same time, schedule a public hearing to consider adoption of the amendments on a permanent basis.

HT/jl