GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

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Office of the Director

Memorandum

TO: Board of Zoning Adjustment

FROM: Andrew Altman, Director
Office of Planning

DATE: April 6, 2004

SUBJECT: BZA Application #17145 (Former Convention Center Interim Parking Lot)
900 9th Street, NW
Squares 344, 373,374; U.S. Park Reservation 174; Closed Portions of 10th and I Streets

I. SUMMARY DESCRIPTION AND RECOMMENDATION

The application by the Washington Convention Center Authority (WCCA) and the District of Columbia Government (Office of Property Management) requests, pursuant to 11 DCMR 1702.7(c), a special exception to allow an all-day commuter parking lot in the DD/C-4 District. The parking lot would be constructed on portions of the 10.16-acre site that will be vacant after the former Washington Convention Center is demolished.

§1702.7 (c) specifies that the requested parking lot shall be permitted if it is approved as a variance by the BZA pursuant to 11DCMR §3103, and if it provides all-day commuter parking. The application is considered as a special exception but it must meet the variance requirements for approval.

The zoning has been self-certified.

The use of this property for a commuter parking lot will be an interim use that is an alternative to letting the property remain vacant. As a short-term use, the proposal will maintain the intent, purpose, and integrity of the Zoning Regulations and Map. The Office of Planning recommends **APPROVAL** of the requested special exception, subject to the provision of additional information and to a limitation on the term of approval.

II. SITE AND AREA DESCRIPTION

The subject site is in northwest Washington, in the central business district and adjacent to the southwest corner of Mount Vernon Square. It is bounded by New York Avenue on the north, and 9th, H and 11th

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Streets on the east, south and west. It contains the former rights of way of 10th Street and I Street, N.W.[1] The site, until recently, was developed as the principal convention center for Washington, D.C. That building has been vacated and is slated for demolition, clearing and grading during the summer of 2004.

Surrounding uses include a mix of office buildings, hotels, public assembly venues and government offices. To the north (from west to east across New York Avenue) a new hotel is under construction at 11th Street, an office building and PUD is nearing completion at 9th Street, and the new City Museum and Washington Convention Center have been opened at Mount Vernon Square (2 blocks away; no parking). To the east, across 9th Street, is the "Tech World" office and Renaissance Hotel complex. To the south (from east to west across H Street) are two recently completed office buildings housing federal government offices, and the Grand Hyatt Hotel. To the west, across 11th Street, is a large office building. Other significant nearby uses include the MCI Arena (3 blocks, no parking); the Martin Luther King public library (1 block, no parking); and the National Portrait Gallery and Museum of American Art (1 block, no parking). The applicant has also included National Park Service Reservation 174, at the southeast corner of 11th and New York Avenue, as part the area covered by the application

III. PROPOSAL

The applicant proposes to operate an all-day commuter and tour bus parking lot. The hours of operation would be 6:00 AM – no later than 1:30 AM Sunday – Thursday, and 7:00 AM to no later than 3:30 AM on Fridays and Saturdays. The proposed parking lot is an interim use of the property for a limited time period. A team has been selected for the long-term redevelopment of the site, but groundbreaking for that project is not expected for three to four years. For the interim, the WCCA and the District wish to use the site in a way that serves neighboring uses' needs for short-term parking, and provides for both intimate public spaces and large, temporary public gathering places. To meet these objectives, the applicant proposes development of the parking lot. However, the proposed parking lot would also include the following features and attributes:

- Landscaping that meets or exceeds the 5% requirement of 11DCMR§2303.1(f);
- A small, temporary public park at the southwest corner of 9th Street and New Yard Avenue;
- Innovative and low-impact development of the landscaped buffer and portions of the parking lot;
- A layout that acknowledges the former rights of way of 10th and I Streets prior to their formal re-opening after the site is permanently re-developed;
- The ability to vary the area used for parking, in order to accommodate temporary events such as festivals, fairs, etc.

OP has reviewed draft plans current to April 2, 2004 for the parking lot layout, landscaping and the design of other public improvements. The applicant plans to request that the record be kept open for the submission of additional information after the public hearing. OP would support such a request, in anticipation of the final design not only meeting all of the requirements of the Zoning Regulations, but also being be both innovative and exemplary.

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[1] By a Section 106 Memorandum of Agreement concerning the construction of the MCI Arena and the closing of a block of G Street, the portions of 10th and I Streets that were closed for the construction of the former convention center are required to be re-opened as part of the re-development of the site.

OP notes that jurisdiction over Federal Reservation No.174 was transferred to the District when the former convention center was constructed. OP has recommended that the applicant submit additional information on the terms of transfer and, if appropriate, revise the application's boundaries and calculations to exclude this Reservation. Should the Reservation need to be excluded, the substance of the application will not be affected, since no parking is proposed for the Reservation.

IV. ZONING

The subject property is in the DD/ C-3-C zone District. It is within the central business district, and is within the Downtown Development District (DD) Overlay, whose purpose generally is to create a balanced mixture of uses in the downtown area.

V. ANALYSIS

A. Overview

After demolition of the obsolete former convention center, the subject site will consist of 10.2 vacant acres in the heart of central Washington, The applicant propose to develop an interim use that would provide often-requested short term parking, while using portions of the site for passive landscaped areas, positive design-statements and large-scale public events.

The application includes two parking layout alternatives. The figures given below are maximums, and may adjust downward, depending on landscaping plans and final design of Low Impact Development (LID) techniques.

1. 1,200 Automobile Spaces: This includes 1178 standard auto parking spaces and 22 fully accessible parking spaces. Small events would displace 265 parking spaces, leaving 935 spaces . Large events would displace 381 parking spaces, leaving 819 spaces.

2. 1,057 Automobile Spaces and 30 Bus Spaces: This includes 1035 standard auto parking spaces, 22 fully accessing parking spaces and 30 bus parking spaces. Small events would displace 234 auto spaces and 15 bus spaces, leaving 804 auto spaces and 15 bus spaces. Large events would displace 381 auto spaces, leaving 666 auto spaces and 30 bus spaces.

Based on the applicant's pre-hearing statement, the second alternative appears to be the preferred alternative. The final design will probably provide for close to 1,000 parking spaces.

The proposed parking lot would have drive lanes and access points that reinforce the former rights of way of 10th Street and I Street. There would be four vehicular access points:

- 9th Street, 375' south of New York Avenue, at "I Street";
- H Street, 200' west of 9th Street;
- H Street, 250' east of 11th Street, at "10th Street";
- 11th Street, 100' north of H Street.

At the recommendation of he District Department of Transportation (DDOT) the applicant has not provided vehicular access at the western end of the former "I Street". There are no curb cuts on New York Avenue. DDOT has reviewed the overall layout and has given verbal approval. It is OP's understanding that a letter from DDOT will be filed with the BZA before the hearing date.

Pedestrian routes would be defined by access points at both ends of "I Street"; both ends of "10th Street" and the four corners of the site. There would be a generous amount of public space on the site and landscaping or screening at the edges. The southeastern portion of the parking lot has been designated as a small event staging area. The portion of the site north of the former I Street right of way has been designated as a large event staging area.

The applicant has expressed interest in using Low Impact Development (LID) techniques for the site. With the site's public ownership, it could present an unusual opportunity for demonstrating LID in a prominent location. The applicant has recently contracted with a landscape architecture team to refine the design and landscape plans that were originally submitted with this application. The consultant will also explore the feasibility of LID.

Overall, the applicant is proposing an interim development that is intended to complement the surrounding uses, and provide needed parking and public gathering spaces in the downtown area until such time as the final development's buildings, garage and public park are constructed.

B. Special Exception Request Under Criteria for A Variance

Requirements

Section 1702.7(c) requires evaluation by the BZA using the standards outlined in Section 3103.2 for review of all-day, commuter parking lots in the DD Overlay District.

> *§1702.7: A parking lot...shall be permitted as follows:*
> *(c) The parking facility shall require Board of Zoning Adjustment approval as a variance pursuant to §3103 if it provides all-day, commuter parking*

The wording of the subsection is unusual in using the Special Exception term "shall be permitted" under stated conditions, and then specifying the stated conditions as being those for a variance --which allows either a use ordinarily prohibited, or a physical deviation from the Zoning Regulations' requirements. The last time the BZA reviewed a similar application it did so as a Special Exception judged according to area variance standards. This was Case No. 16870, an application for a temporary parking lot at the site of the future Newseum mixed-use development on Pennsylvania Avenue.

Evaluation

In OP's opinion, the applicant has demonstrated that it meets the three-pronged standards for a Special Exception, evaluated according to the criteria of an area variance.

i. ***The property is unique by reason of its exceptional narrowness, shallowess, shape, topography or other extraordinary or exceptional situation or condition.***

The property is unique due to the exceptional nature of the building presently occupying the site, to the public ownership and public nature of the redevelopment of the site, and to the exceptional circumstances attendant to the final redevelopment of the site.

The current building is a unique, single-purpose public structure. Its very obsolescence and inflexibility led to its replacement by a new structure two blocks away. The building is not readily convertible to uses permitted as a matter of right in the DD/C-3-C zone, such as offices, retail, residences, nigh clubs, etc. –especially for only the anticipated three to four year period before construction on the redevelopment of the site is anticipated to begin.

The site is publicly owned. It has a history of exceptional restrictions from the approval process for its former status as the District's convention center. The site's public status gives it extraordinary conditions for its interim and permanent development; it also ensures the exceptional situation of having a public process and a public guarantee for its re-development to a better use than a parking lot.

The site is at a prominent location along New York Avenue at Mount Vernon Square. Because of the unique public nature of the 10.16-acre site in the heart of Downtown, and the public review process attendant to it, the property will undergo an exceptionally complex and lengthy review process by federal and District bodies. The redevelopment partners must determine how to incorporate multiple components on the site including office, housing, retail, major public facilities such as a museum and/or library, a public park, parking and the re-construction and acceptance by DDOT of two public streets. It will be subject to an exceptionally lengthy approval process with the National Capital Revitalization Corporation, the National Park Service, other federal and District agencies and –possibly – either the BZA or the Zoning Commission.

ii. ***By reason of the aforementioned unique or exceptional condition of the property, the strict application of the Zoning Regulations will result in peculiar and exceptional practical difficulties or to exceptional and undue hardship upon the owner of the property.***

The site is exceptionally large and located two blocks from the nearest concentration of retail uses and one to two blocks away from residential buildings (which have been constructed with on-site parking). Because of this it would not be possible for the applicant to meet the conditions of either §1702.7 (a) or §1702.7(b).

- *§1702.7 (a): The parking facility shall be permitted as a matter of right if it provides only short-term parking and all of the parking spaces are leased to merchants or a park-and-shop organization;*

  It would be impractical for merchants, or an as-yet-to-be created park-and-shop organization to lease over 1,000 parking spaces that are not proximate to their shops.

- *§1702.7(b): The parking facility shall be permitted as a matter of right if it provides parking only for residents;*

  The surrounding residential densities are not yet sufficient, nor is the gap large enough between the number of residents and the amount of parking in those residential buildings, to justify parking only for residents, who would not be on-site residents. The site is surrounded by non-retail office, government, institutional and hotel uses. The zoning regulations require the hotels and offices to provide parking. The nearest retail concentrations are one to two blocks away. The nearest residential uses are two to three blocks away and contain on-site parking. Given these circumstances, it would be exceptionally unlikely that an aggregate of individual merchants, or a merchants' park and shop organization would be able to band together to lease all of the approximately 1,000 parking spaces. While the spaces are relatively close to major public venues and attractions, they are not conveniently located to retail concentrations, and the residential buildings in the vicinity of the site already provide parking for their residents.

Strict adherence to the Zoning Regulations, given the lack of retail or residences in the area to which the parking could be leased, would not be able to make reasonable use of the property during the interim period preceding the eventual redevelopment of the site.

iii. The variance will not cause substantial detriment to the public good and will not impair the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map.

A variance for an all-day commuter parking lot on the property would not be a detriment to the public good:

- The former convention center is scheduled for demolition later this year. Without an interim use, the resulting site will not only be vacant, it will be unsightly and potentially unsafe.

- The proposed interim use is temporary. It will provide parking for commuters, tour buses, and users of the Convention Center, the MCI Center, and other downtown attractions. Many of these institutional uses and venues do not provide parking because they pre-date the zoning regulations or were granted zoning relief. The provision of temporary parking would relieve a perceived need until the underground parking contemplated as part of the site's permanent development is completed.

- The applicant has proposed to use innovative design and creative programming to make the interim use into an environmentally-friendly "people-place", as well as a parking lot. As the project has been presented to OP, the proposed interim use will enhance the public realm with landscaping, screening, a plaza, public art staging areas for events, and possibly with demonstrations of Low Impact Development.

The proposed variance would not impair the intent, purpose and integrity of the zone plan:

- OP notes that the DD overlay, which covers this site, specifically made it more difficult to develop commuter parking lots within the DD than within other commercial or industrial areas. This provision provided a disincentive to tearing down outmoded buildings and using their sites as parking lots. However, the zone district allows for commuter parking uses subject to BZA approval as a special exception. Special exception uses are presumed compatible subject to a finding of no adverse impact. OP concludes this application meets that standard.

VI. OTHER APPLICABLE ZONING REGULATIONS

The applicant is not seeking relief from other sections of the Zoning Regulations. The following examines whether the proposal complies with the other relevant sections of the regulations

Parking Lots §2302.1

- Subsection (a) requires *"All areas devoted to driveways, access lanes, and parking areas shall paved and maintained with bituminous concrete or brick materials, or a combination of these materials or other materials approved by the D.C. Department of Transportation as structurally equivalent or better, that form an all-weather impervious service, and that are a minimum of four inches (4 in.) in thickness"*. The applicant's landscape architecture consultants are currently working with project engineers and the D.C. Department of Health to ensure that the sub-surface areas, stormwater management, and paving treatment are as progressive as possible with respect to Low Impact Development (LID), while still meeting the structural and impermeability standards of this subsection of the Zoning Regulations. OP strongly supports the applicant's efforts for LID, especially given the high-profile, public nature of this temporary project. However, the applicant has not yet fully demonstrated compliance with the requirements of §2302.1(a). OP supports the record's being kept open, if necessary, for the submission of additional information regarding how the project's innovative design will meet the requirements of this subsection.

- Subsection (b) precludes vehicles from projecting over building or lot lines. The application meets this requirement.

- Subsection (c) prohibits shared uses on the premises. The application meets this requirement.

- Subsection (d) prohibits vehicular entrances or exists within 40 feet of a street intersection. The application meets this requirement.

- Subsection (e) requires that illumination be directed at and confined to the parking lot surface. The applicant has indicated it will meet these standard, but has not yet demonstrated compliance with the requirements of this subsection. OP supports the record's being kept open, if necessary,

for the submission of additional information regarding how the project will meet the requirements of this subsection.

- Subsection (f) requires that landscaping with shrubs and trees cover at least 5% of the total lot area, including drive aisles, or an area determined by the BZA if the parking lot otherwise requires BZA approval. The preliminary drawings suggest that the applications will meet the 5% minimum requirement, but the applicant has not yet demonstrated compliance with the requirements of this subsection. The project's innovated landscaping plan may is intended to promote LID, especially with respect to stormwater retention. OP supports the record's being kept open, if necessary, for the submission of additional information regarding how the project will meet the requirements of this subsection.

VII. COMMENTS OF OTHER GOVERNMENT AGENCIES

In meetings with OP the District Department of Transportation (DDOT) has indicated its support for this proposal. OP anticipates that DDOT will be submitting a letter for the record.

VIII. COMMUNITY COMMENTS

ANC 2F was scheduled to review the application on April 7, 2004.

IX. SUMMARY AND RECOMMENDATION

The proposed parking lot is an interim use on the property and will help to mitigate the negative impacts of the property's being left vacant for three to four years. In addition to providing all-day commuter parking, the project will also provide mid-term parking to the many visitors to the nearby Washington Convention Center and the MCI Arena, and short-term parking for patrons of nearby retail and entertainment establishments (*albeit* parking not operated by merchants or a park-and-shop organization). The interim development will provide streetscape-enhancing landscaping, and will provide opportunities for temporary events. The project's design goal is to provide an innovative public place, as well as a parking lot. The proposal will maintain the intent, purpose, and integrity of the Zoning Regulations and Map.

The Office of Planning recommends APPROVAL of the requested special exception, **subject to**:

***A. Provision of the following information, and fulfillment of the following conditions*:**

- Submission of additional information concerning the jurisdictional transfer restrictions governing Reservation No. 174;
- Revision of the application's boundaries, and calculations to exclude Reservation No. 174, if necessary;

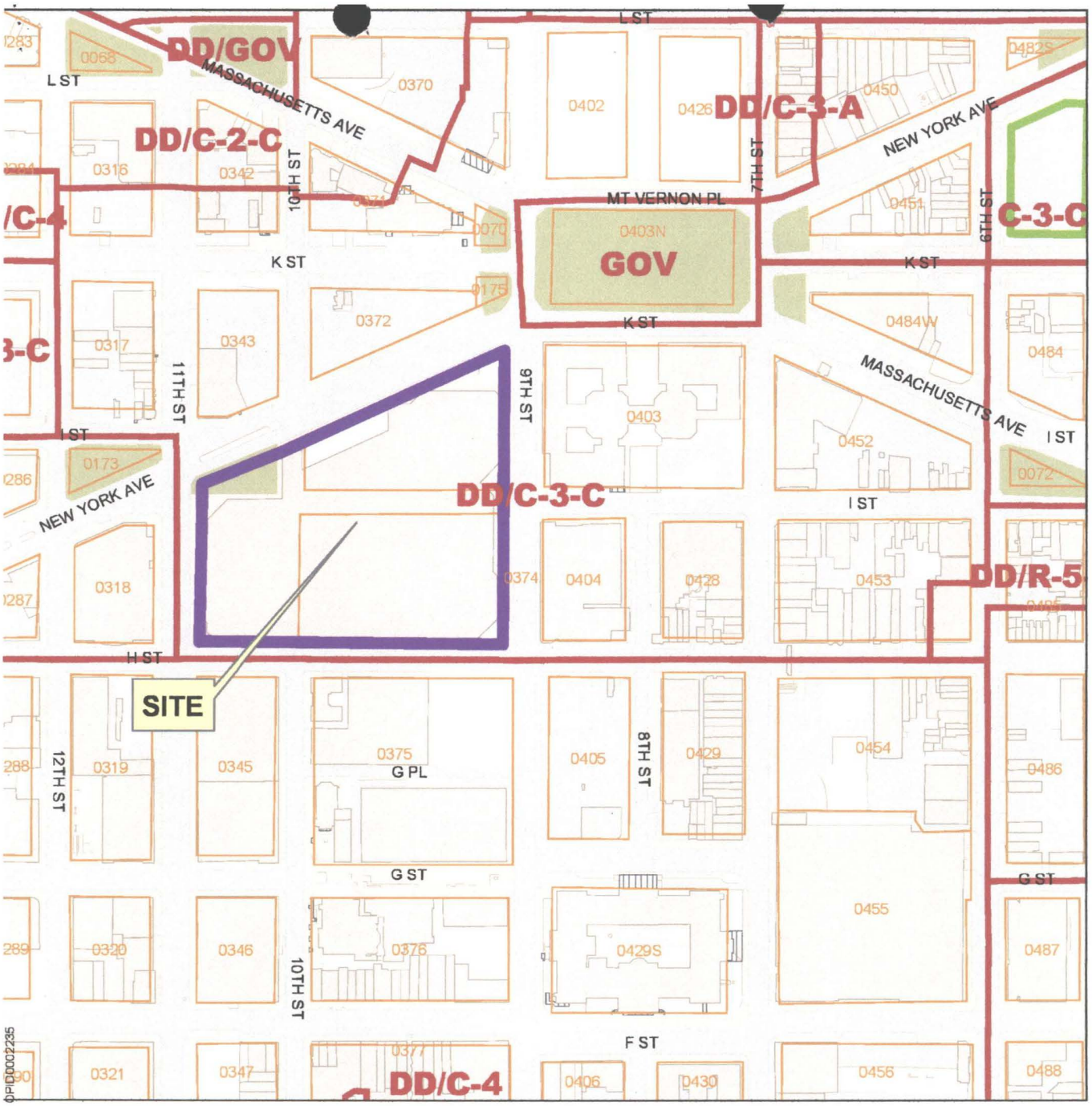
- Submission of additional information about the project's paving in relation to the requirements of 11DCMR §2302.1(a), and conditioned on the Zoning Administrator's positive evaluation of the subsection's requirements having been met;
- Submission of additional information about the project's illumination in relation to the requirements of 11DCMR §2302.1(c), and conditioned on the Zoning Administrator's positive evaluation of the subsection's requirements having been met;
- Submission of additional information about the project's landscaping in relation to the requirements of 11DCMR §2302.1(c), and conditioned on the Zoning Administrator's positive evaluation of the subsection's requirements having been met.

B. The following term time limitations:

The Special Exception shall be for a term of four years from the effective date of the BZA Order, renewable for two additional one-year terms, subject to review of information provided by the applicant in support of the extension request(s).

Attachment

Aa/slc



Location and Zoning
BZA Case No. 17145
Interim Commuter Parking Use on Former Convention Center Site
Squares 344, 373 and 374; Possibly U.S. Res. 174 , Parts of I & 10th Sts.

Feet

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★ ★ ★ Government of the District of Columbia
Anthony A. Williams, Mayor

Office of Planning ~ March 23, 2004

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This map was created for planning purposes from a variety of sources. It is neither a survey nor a legal document. Information provided by other agencies should be verified with them where appropriate.

Note: Land Use Info based on OTR records.

Attachment 1