Government of the District of Columbia

Office of the Deputy Mayor
for Planning and Economic Development

Testimony of the Government of the District of Columbia Government, Co-Applicant, BZA Case No. 17145,

Special Exception for Squares 344; 373; 374; Closed Portions of 10th and I Streets

Presented by Susan Linsky, Special Assistant
Office of the Deputy Mayor for Planning & Economic Development...

April 13, 2004

BZA
Case No. 17145
Exhibit No. 31

Board of Zoning Adjustment
District of Columbia
CASE NO. 17145
EXHIBIT NO. 31

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Good morning, Chairman Griffis and members of the Board. My name is Susan Linsky. I serve as special assistant to Eric Price, Deputy Mayor for Planning and Economic Development, and I am here today representing the District of Columbia government, the co-applicant with the Washington Convention Center Authority (the "Authority") for BZA Application 17145. Also with me today is Elliott Rhodeside, principal of Rhodeside and Harwell, who developed the feasibility study for the interim use of the former Convention Center site. Mr. Rhodeside will be available for questions.

Upon the Authority vacating the old convention center last July, the site reverted back to the District. The abandoned facility now poses a financial, security and safety liability; its systems are at the end of their lifecycle and its structure is in need of repair. Rather than allow the building to remain as a financial drain and liability to the District until the pending redevelopment begins in the next three to four years, we are electing to demolish the building and turn the site into a productive short-term parking lot to serve the convention center and downtown retail and entertainment venues. The District will be entering into a ten year lease with the Authority to demolish, and develop and manage a surface parking lot on the site. While we believe that construction of the permanent redevelopment will begin in three to four years, we selected a ten-year lease period for financial arrangements and do not anticipate that this lease term will not be needed for the entire period. Our application before you today is to request a special exception to the zoning to allow the Authority to operate the lot for all-day, commuter and tour bus parking.

While the intent is to operate the lot to serve as short-term parking for retail, the lot itself is several blocks from the closest retail and outside of a reasonable range for merchants or park-and-shop organizations that might seek to manage or lease the parking spaces. This means that we are likely to have additional spaces available, after meeting all the demand for short-term retail parking during the day. Therefore, we seek permission to provide commuter spaces as well. In addition to these uses, we also expect to serve the convention center and the MCI center, both of which have limited parking opportunities, as well the numerous restaurants and entertainment venues in the East End of Downtown.

The plan for the parking lot proposes up to 1,200 spaces and includes landscaping along the street frontages. We project that on a weekday basis, about 900 spaces will be used for automobiles and a portion of the remainder of the spaces will be available for tour buses.

I assume that you are familiar with the former convention center site. In short, it consists of lots 334, 373, and 374 and the closed portions of 10th and I Street, N.W. in the DD/C-4 District. The Property consists of approximately ten acres and is bounded the 9th Street, N.W. on the east, 11th Street, N.W. on the west, H Street, N.W. on the south, and New York Avenue, NW on the north. We are seeking a special exception for the site, with the tests for a variance serving as the approval criteria. Section 1702.7 of the Regulations provides for the following in the Downtown Overlay District:

A parking lot, parking garage, or parking spaces at or above grade in a building shall be permitted as follows:

(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;

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

(c) The parking facility shall require Board of Zoning Adjustment approval pursuant to Section 3107.2 of this title if it provides all-day, commuter parking.

While the District seeks to provide short-term retail parking, we need the flexibility to accommodate all-day commuter and tour bus parking on the Subject Property, and therefore filed this application pursuant to Section 1702.7(c).

A special exception use is one that is permitted under stated conditions. A variance allows either a use that is ordinarily prohibited or a deviation from the Zoning Regulations provisions. Section 1702.7 of the Regulations expressly permits the use of a parking lot in the DD/C-4 District but that permission is conditioned upon your approval.

As mentioned previously, this application is a special exception, for which the Board must apply the tests for a variance in accordance with Section 3103.2 of the Regulations. Under D.C. Code Section 6-641.07 (g) and 11 DCMR 3103.2, the Board is authorized to grant a variance where it finds that:

(1) there exists an extraordinary or exceptional situation or condition of the Property;

(2) the owner would encounter a practical difficulty or undue hardship if the Zoning Regulations were strictly applied; and

(3) the variance would not cause substantial detriment to the public good and would not substantially impair the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map. As discussed below, the subject application meets all three prongs of this test.

1. There Exists an Extraordinary or Exceptional Situation or Condition

The Property exhibits extraordinary conditions, both with and without the existing structure. The existing structure, the old Convention Center, is a single-purpose facility that is outmoded for its intended use. It is important to note that it was replaced by the new Convention Center because it was outmoded; it did not become outmoded with the construction of the new facility. There is no economic use of the old Convention Center pending its redevelopment. Further, the need for significant structural repairs and replacement of critical systems and the amount of investment that would be required for

keeping the building usable, prohibit any other economic use of the old Convention Center pending its redevelopment. The vacant building serves as a security risk to guests at nearby hotels, pedestrians and attendees of the new Convention Center. Hence the decision to tear the existing structure down as soon as possible.

The property, although vacant, is also affected by at least two extraordinary situations. First, as indicated above, the property is surrounded on all sides by office building and hotels. Although the lease of parking spaces to merchants and park-and-shop organizations for short-term parking is permitted as a matter-of-right in the zone, the closest concentration of retail and shopping uses is located several blocks away along 7th Street and along F Street, placing the subject property far outside of a desirable range for merchants or park-and-shop organizations that might seek to lease the parking spaces. Further, because of the emergent nature of downtown retail, there is currently no park-and-shop or merchants association. In addition, the residential uses in the vicinity of the Property, are limited at this time; most new residential projects provide their own parking and do not therefore generate enough of a demand to support exclusive use of the lot for residential parking.
The Applicant is also in the extraordinary situation of being unable to begin construction on the redevelopment of the old Convention Center site for several years due to the general length of the planning and approval process. The subject property is also exceptional in the sense that, due to the location of subject property, the planned construction will undergo review by the National Capital Planning Commission, the Commission of Fine Arts, and the National Park Service. Depending on the final design of the new construction, zoning relief may also be necessary. The Applicant obviously could not put the property to any use other than as surface parking lot within the interim period of time pending completion of all necessary reviews and construction planning. Aesthetically, the proposed design of the lot will add temporary art installations and color to the downtown as opposed to a large vacant space.

2. The Owner Would Encounter a Practical Difficulty if the Zoning Regulations Were Strictly Applied

An applicant seeking a variance must prove that "compliance with the ... restriction would be unnecessarily burdensome..." In this case, where the property is located several blocks away from any of merchants to which it could rent the spaces in its lot, it is extremely unlikely that the District would be able to use the lot exclusively for the permitted short-term retail parking use. Strict compliance with the regulations would be unnecessarily burdensome to the Applicant because the Applicant would not be able to make reasonable use of the property in the interim period between demolition of the old Convention Center and eventual redevelopment of the site.

(3) The Variance Would Not Cause Substantial Detriment to the Public Good and Would Not Substantially Impair the Intent, Purpose and Integrity of the Zone Plan as embodied in the Zoning Regulations and Map.

The requested variance would not cause any detriment to the public good nor would it impair the intent, purpose and integrity of the zone plan. First, the parking lot will only exist on the property until such time as the construction of the redevelopment of the site begins in a few years. Second, allowing all-day commuter parking in addition to tour bus parking on the lot would not have an appreciable impact on traffic patterns and circulation. In fact, tour bus circulation, idling and double parking are currently a major contributor to traffic problems Downtown. Additionally, parking and events on the site will draw people to the site during the daytime and evening hours and will decrease the potential for vandalism and crime in the neighborhood. Finally, allowing all-day commuter parking will temporarily help meet the demand for such parking from visitors to and employees in the surrounding office buildings, hotels, and the new Convention Center, which has no visitor parking.

With regard to the integrity of the zone plan, the C-4 zoning would permit parking on the site. The flexibility we are requesting in our application is minor. I would also like to note that both ANC 2F and the Washington Convention City Advisory Committee have voted to support our application.

The transformation of the former Convention Center site is an important element in Mayor's Williams vision for a Living Downtown. This is the first step in that transformation. On behalf of the Mayor, thank you for the opportunity to appear before you this morning. Mr. Rhodeside and I are both available for questions.