

**BEFORE THE DISTRICT OF COLUMBIA  
ZONING COMMISSION**

**Application of Forest City SEFC, LLC on behalf of**

**General Services Administration**

**For Property Located Within:**

**Square 743, Lot 94 (Parcel F)**

**Square 744, Lot 806 (Parcel H/I)**

**Square 827, Lot 1 (Parcel Q)**

**ANC 6D**

**APPLICATION FOR ZONING COMMISSION REVIEW OF  
TEMPORARY PARKING LOTS ON THE YARDS PARCELS F, H/I, AND Q  
SEFC-1 AND SEFC-3 ZONES**

**I. Nature of the Zoning Relief Requested**

This is an application of Forest City SEFC, LLC on behalf of the U.S. General Services Administration (“**Applicant**”) pursuant to Subtitle K, Sections 237.4(o), 238.3(g), 241, and 242 of the District of Columbia Zoning Regulations. The Applicant seeks review and approval by the District of Columbia Zoning Commission (“**Commission**”) for the continued use of the existing temporary parking lots on the parcels commonly known as “Parcel F,” “Parcel H/I,” and “Parcel Q” of The Yards (respectively, Square 743, Lot 94; Square 744, Lot 806; and Square 827, Lot 1; collectively, the “**Property**”) for periods of five additional years from the expiration of the existing orders. Parcels F and H/I are within the SEFC-1 zone, and Parcel Q is within the SEFC-3 zone.

The Applicant proposes to continue the use of the existing temporary parking lots (the “**Existing Lots**”) on the Property. Three previous Commission orders approved the construction of the Existing Lots:

- The Existing Lots on Parcel H/I and Parcel Q were previously approved by the Commission for two consecutive periods, each of five years and ending July 5, 2018 pursuant to Z.C. Order Nos. 07-17 and 13-03; and
- The Existing Lot on Parcel F was previously approved by the Commission for a single period of five years and ending on April 11, 2019 pursuant to in Z.C. Order No. 13-16.

The Applicant requests that the approval to continue the use on Parcels H/I and Q run from the July 5, 2018 expiration of Z.C. Order No. 13-03 and the approval to continue the use on Parcel F run from the April 11, 2019 expiration of Z.C. Order No. 13-16. The Applicant is seeking approval of the Parcel F extension one year early in the interest of administrative efficiency.

## **II. Jurisdiction of the Commission**

The Commission has jurisdiction to undertake review and approval of this application for parking use on the Property pursuant to Subtitle K, Section 237.4(o) for the portions of the Property located within the SEFC-1 zone and pursuant to Subtitle K, Section 238.3(g) for the portion of the Property located within the SEFC-3 zone. Both Sections 237.4 and 238.3 direct the Commission to review the uses permitted therein pursuant to the review standards and procedures contained in Subtitle K, Sections 241 and 242.

## **III. Background – Development of The Yards**

The Property is located entirely within The Yards, which was formerly known as the Southeast Federal Center (“SEFC”). The regulatory framework for the redevelopment of SEFC into The Yards consists of multiple overlapping federal and District review processes. Together this framework ensures that the development of The Yards delivers thoughtful site planning, exemplary urban design, and multiple public benefits.

The Commission designated the zoning for The Yards neighborhood as part of the Southeast Federal Center Overlay District pursuant to Z.C. Order No. 03-06, as modified by Order No. 07-11. As part of the 2016 comprehensive rewrite of the Zoning Regulations, the former Southeast Federal Center Overlay District became four special purpose “Southeast Federal Center” zones, and the Property is located in the SEFC-1 and SEFC-3 zones. Per Subtitle K, Section 200.1, the SEFC zones are to “provide for the development of a vibrant, urban, mixed-use, waterfront neighborhood, offering a combination of uses that will attract residents, office workers, and visitors from across the District of Columbia and beyond.” The SEFC-1 and SEFC-3 zones are ultimately intended to provide for, respectively, high-density mixed-use and medium-density residential development. However, the Zoning Regulations’ use provisions for the SEFC-1 and SEFC-3 zones also expressly contemplate temporary uses, such as the proposed temporary surface parking lots, during the multi-year build out of The Yards.

For approximately the last fifteen years, the Applicant and its affiliates have worked closely with neighbors, District agencies, the federal government, and many other stakeholders to create a new neighborhood through the transformation of SEFC into The Yards. The new neighborhood has become both a cohesive community and a destination for workers and visitors from across the region, and it continues to promise ambitious future growth. Exhibit G summarizes the build-out of The Yards to date and the general land uses designated under the master plan for the remaining undeveloped parcels in The Yards.

In preparation of this application, the Applicant has engaged in discussion with stakeholders regarding the continuation of the Existing Lots. In December 2017, the Applicant mailed out a notice of intent to file this application and reached out to representatives of ANC 6D to inform them that this application would be forthcoming. The Applicant presented this proposal

at the regular public meeting of ANC 6D in January 2018. In February 2018, the Applicant met with the Office of Planning and the District Department of Transportation staff to discuss this extension request. The Applicant has also consulted with GSA regarding this Application.

#### **IV. Description of the Property**

Three separate parcels, Parcels F, H/I, and Q, within The Yards comprise the Property, which is in total approximately 291,752 square feet (approximately 6.7 acres).

Parcels F and H/I lie at the western edge of The Yards near the Nationals Ballpark. N Street, SE divides Parcel F from Parcel H/I, and all vehicular access to the Existing Lots on those parcels is from N Street, SE and N Place, SE. To the north and east of Parcels F and H/I are additional SEFC parcels. To the south are additional parcels controlled by affiliates of the Applicant and proposed for redevelopment pursuant to Z.C. Order No. 13-05 as a multi-block PUD.

Parcel Q is located along the eastern edge of The Yards. Immediately north of Parcel Q is Parcel O, which currently contains an under-construction multifamily residential building with ground floor retail uses. South and west of Parcel Q is The Yards Park and the retail and office uses within the Park. All vehicular access to the Existing lot on Parcel Q is via two curb cuts at the southeastern corner of the intersection of Water Street, SE and 4<sup>th</sup> Street, SE.

#### **V. Description of and Justification for the Temporary Parking Lots**

The Applicant seeks to maintain the previously-approved Existing Lots, which currently contain a total of 794 parking spaces. The Applicant does not seek to enlarge or reconfigure in any way the Existing Lots as part of this application.

##### **A. This Application is for Temporary Use of the Existing Lots**

The Applicant does not intend to extend the temporary use of these lots indefinitely. Plans for redevelopment of Parcel F and Parcel I are already underway. The Applicant anticipates filing design review applications for both parcels with the Commission later this year:

- Parcel F is anticipated to be improved with a mixed-use commercial office and retail building; and
- Parcel I is anticipated to be improved with a mixed-use residential and retail building.

The Applicant seeks the maximum five (5) year term for the extension of the Existing Lots but anticipates that the actual term of the Existing Lots on Parcels F and I will be less than the full five years. Development of the balance of the Property will proceed in time. Eventually all of the surface parking lots in The Yards, including all of the Existing Lots subject to this application, will be developed with buildings, and all future off-street parking will be located below-grade. However, the redevelopment of even Parcels F and I are months-to-years away from

commencement and are subject to market conditions and considerations. Accordingly, this Application seeks the full five-year extension period for the Existing Lots.

### **B. The Temporary Existing Lots Address Parking Demand in The Yards.**

Until the Property is redeveloped, the Existing Lots provide important off-street parking spaces for users of and visitors to The Yards. The Existing Lots serve Ballpark visitors, patrons of businesses in The Yards, office workers, and visitors to and employees of the Navy Yard, among others. Upon opening of the nearby DC United soccer stadium, the Applicant anticipates that the Existing Lots will serve that use as well. The Existing Lots will serve these users until permanent uses are constructed on each parcel and underground public parking garages are constructed. The Applicant's need to maintain the operation of the Existing Lots until construction actually commences on the Property, combined with the inherent uncertainty in obtaining the approvals and financing for such construction, necessitates extending the use of the Existing Lots for the five-year period permitted under the Zoning Regulations.

As new below-grade parking comes online on those parcels in The Yards currently and soon to be under construction, existing users of the parking lots on the Property will have alternative parking options. For instance:

- The Applicant anticipates adding approximately 50-60 spaces of on-street parking this year; and
- An additional approximately 80 spaces of public parking will come online on Parcel L in the next approximately 18 months.

### **C. Description of the Existing Lots**

**Parcel F** – Z.C. Order No. 13-16 authorized 208 parking spaces on Parcel F; 201 parking spaces were constructed. As noted above, all vehicular access is via N Place, SE. No changes are contemplated.

**Parcel H/I** – Z.C. Order No. 07-17 initially authorized 416 parking spaces on Parcel H/I, but only 394 parking spaces were constructed. Z.C. Order No. 13-03 extended the parking use on Parcel H/I for 394 parking spaces. As noted above, all vehicular access is via N Street, SE and N Place, SE, and no changes are contemplated.

**Parcel Q** – Z.C. Order No. 07-17 initially authorized 236 parking spaces on Parcel Q, but those spaces were not constructed until after the issuance of Z.C. Order No. 13-03, which reduced the number of authorized parking spaces on Parcel Q to 199 parking spaces. Parcel Q now contains 199 parking spaces with all vehicular access from the intersection of Water Street, SE and 4<sup>th</sup> Street, SE. No changes are proposed.

All of the existing parking lots on the Property are paved, striped, landscaped, and lit. The parking lots each contain small attendant booths at the entrances. The Applicant does not herein propose to alter any of those features other than in the course of routine maintenance.

The instant application represents a reduction in surface parking relative to previous approvals. Z.C. Order No. 13-16 authorized, in total, 947 surface parking spaces. The Applicant has closed the temporary surface parking lots on Parcel L in preparation for development of the multifamily residential and hotel buildings approved for that parcel pursuant to Z.C. Order Nos. 16-16 and 17-07.

## **VI. Satisfaction of the Standards for the Zoning Relief Requested**

### **A. Summary of Requested Relief**

The Applicant requests the Commission extend the use of existing temporary surface parking lots on the Property. Temporary parking lot use, for a maximum period of five years, is authorized in the SEFC-1 and SEFC-3 zones pursuant to Subtitle K, Sections 237.4(o) and 238.3(g), respectively. Sections 237.4 and 238.3 direct the Commission to review such uses in accordance with the standards and procedures set forth in Sections 241 and 242. Section 241.1 requires that a use within an SEFC zone must also meet the “standards set forth in Subtitle X.” Accordingly, the Applicant seeks the Commission’s review of the existing temporary parking lots under the review criteria set forth in Subtitle X, Section 604 and Subtitle K, Sections 241.1(a)-(c) and 241.2(a)-(g). For the reasons set forth below, the temporary parking lot use on the Property satisfies these review criteria as applicable to such proposed use.

### **B. General Design Review Criteria**

Subtitle X, Sections 604.5 through 604.8 set forth the general criteria by which the Commission must evaluate an application for design review. Additional criteria set forth in Subtitle K are addressed separately below. In order for the Zoning Commission to approve an application for design review, pursuant to Section 604 the Zoning Commission must:

- (a) find that the proposed design review development is not inconsistent with the Comprehensive Plan and with other adopted public policies and active programs related to the subject site;
- (b) find that the proposed design review development will not tend to affect adversely the use of neighboring property and meets the general special exception criteria of Subtitle X, Chapter 9;
- (c) review the urban design of the site and the building according to certain enumerated criteria set forth below; and

(d) find that the criteria of Subtitle X § 604.7 are met in a way that is superior to any matter-of-right development possible on the site.

As set forth more specifically below, the Existing Lots conform to the four above-listed standards, and accordingly, the Zoning Commission should approve this application.

a. This Application Is Not Inconsistent with the Comprehensive Plan and With Other Adopted Public Policies and Active Programs Related to the Property.

Subtitle K, Section 604.5 requires that the Existing Lots be not inconsistent with the Comprehensive Plan for the District of Columbia (“**Comp. Plan**”) and other adopted public policies related to the subject site. In addition to being not inconsistent with the Comp. Plan, this application is not inconsistent with relevant objectives of (i) the 2003 Anacostia Waterfront Framework Plan and more recent Anacostia Waterfront Initiative Transportation Master Plan (2014 Update) (collectively, “**AWI Plan**”), which among other things references the Nationals’ Park Traffic Operations and Parking Plan (“**TOPP**”) as a key document, and (ii) the 2013 Near Southeast Urban Design Framework Plan (“**NSE Plan**”).

- *This application is not inconsistent with the Comp. Plan.*

Generalized Policy Map. On the Comp. Plan’s Generalized Policy Map, the Property is located within the Central Employment Area (“**CEA**”) and Land Use Change Areas (Federal). The CEA designation indicates that patrons, workers, and visitors are drawn to the area from across the region. Such broad demand for uses around the Property justifies the temporary parking use to serve such patrons, workers, and visitors until a more robust permanent parking supply is established. The Land Use Change Area designation contemplates a change from the Federal control of The Yards at the time the Comp. Plan was adopted in 2006 relative to an ultimate commercial use in 2025. The Existing Lots’ temporary nature is not inconsistent with this Land Use Change Area designation.

Future Land Use Map. The Comp. Plan’s Future Land Use Map designates the Property as mixed-use High Density Commercial/High Density Residential. The Comp. Plan also notes that the Future Land Use Map has a relatively long horizon, and is not intended to be an “existing land use map.” See 10-A DCMR § 226(b). Although the Existing Lots do not currently contain any high density uses, their temporary nature does not impede such uses in the future. As mentioned above, the Applicant is actively under way with design plans for redevelopment of two of the Existing Lots.

Land Use Element. This application is not inconsistent with the numerous policy objectives of the Comp. Plan’s Land Use Element applicable to the CEA and large scale infill development generally. Policy LU-2.4.8 addresses control of parking and traffic impacts and encourages mitigation of parking demand and congestion problems. The Commission’s review of this

application's traffic impacts and mitigation proposals is not inconsistent with this policy. *Id.* § 312.12.

Other District Elements of the Comp. Plan. This application is also not inconsistent with the Comp. Plan's other District Elements. The Comp. Plan generally discourages all-day commuter parking and encourages innovative parking management practices. *Id.* §§ 415.3, 415.4. The Existing Lots accommodate users ranging from patrons of shops in The Yards, area employees, Ballpark patrons, and visitors to The Yards Park, among many others. The Existing Lots' hybrid use structure is innovative and allows the Existing Lots to serve many users throughout the course of a day, rather than serve a single user (e.g., only office commuters or only Ballpark visitors). The Existing Lots serve the economic development interests of The Yards, *see id.* §§ 703.13, 707.6, 709.7, 718.7, and promotes accessibility to a waterfront park, *see id.* § 813.7, without compromising environmental quality, *see id.* § 602.2 *et seq.* Finally, the Existing Lots' use of screening in its landscape design is not inconsistent with the Comp. Plan's urban design recommendations. *Id.* § 910.19.

Area Elements of the Comp. Plan. The Comp. Plan's Lower Anacostia Waterfront/Near Southwest Area Element encourages commercial development in the Waterfront Area, which development the Existing Lots support. *Id.* § 1908.4. The temporary nature of the Existing Lots' use is not inconsistent with any of the policy focus areas of the Area Element for The Yards (referred to as the "Near Southeast" in the Comp. Plan). *Id.* § 1913.

- *This application is not inconsistent with the TOPP, which among other things identifies portions of the Property as "Major Parking Garages and Lots" serving the Ballpark.*

The AWI Plan is generally silent with respect to the Property. However, the AWI Plan 2014 update, at A-3, references the TOPP as a key supporting document. The TOPP recognizes the Property as including a "Major Parking Garage and Lot" serving the Ballpark, which is consistent with the Existing Lots' use as a multi-user hybrid parking facility. Similarly, the Existing Lots provide parking for users of the Anacostia Riverwalk Trail ("ART") system, which has trail heads within short walks of the Property's parking lots. In this way, the Existing Lots support access to the ART, a key objective of the AWI Plan.

- *This application is not inconsistent with the NSE Plan, which among other things contemplates temporary uses.*

The Existing Lots are not inconsistent with relevant objectives of the NSE Plan including the objective of providing temporary uses serving the incremental development of The Yards. For the foregoing reasons, the Existing Lots are not inconsistent with the Comp. Plan or other adopted public policies related to the Property.

b. This Application Meets the Special Exception Criteria of Subtitle X, Chapter 9.

Subtitle K, Section 604.6 requires compliance with the general special exception criteria of Subtitle X, Chapter 9. The general special exception criteria of Subtitle X, Section 901 include two prongs applicable in this instance, and this application satisfies both prongs.

- *The Existing Lots will not tend to affect adversely the use of neighboring property.*

The Existing Lots and the surrounding public realm have been designed to fit into the context from a use and impact perspective and will not tend to adversely affect the use of any neighboring property. The Existing Lots serve, rather than adversely affect, the use of neighboring properties. The Existing Lots' landscaping, environmental controls, and lighting, described below in Section VI.B.c, have prevented any adverse effects for the years such lots have already been in existence and operating, and there is no evidence to suggest that the Existing Lots' continued use will affect adversely any neighboring properties.

- *The Existing Lots will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps.*

The Existing Lots are harmonious with the general purpose and intent of the Zoning Regulations and Zoning Maps for the SEFC-1 and SEFC-3 zones. The purpose and intent of the Zoning Regulations is summarized at 11-A DCMR 101.2(a)-(d). As set forth in considerable detail in Section VI.C.a below, the Existing Lots help achieves the goals and objectives applicable in the SEFC-1 and -3 zones and advances the character of such zones. *See* 11-A DCMR § 101.2(a). The temporary parking lot uses contemplated herein are suitable for the respective zones as such uses are expressly contemplated in the SEFC-1 and SEFC-3 zones. *Id.* § 101.2(b). The Existing Lots encourage and advance the stability of the SEFC zones and of the land value of the SEFC zones because the Existing Lots put otherwise vacant land to temporary productive use while the multi-year build out of The Yards proceeds. *Id.* § 101.2(c). Finally, the Existing Lots are not inconsistent with the Comprehensive Plan for the National Capital, as NCPC has previously found. *See, e.g.,* Memorandum of the National Capital Planning Commission, Z.C. Case No. 13-16 Ex. 30 (Feb. 7, 2014) and Memorandum of the National Capital Planning Commission, Z.C. Case No. 13-03 Ex. 12 (Mar. 12, 2013). In addition, the Applicant does not seek relief from the Zoning Regulations applicable to the Existing Lots, and the lack of any such relief indicates general harmony with the Zoning Regulations and Zoning Maps.

Accordingly, this application satisfies the general special exception criteria of Subtitle X, Chapter 9.



c. The Existing Lots Advance the Urban Design Criteria of Subtitle X, Section 604.7.

Subtitle X, Section 604.7 enumerates several urban design criteria by which the Zoning Commission must review any application for design review. The Existing Lots are consistent with each of these criteria for the reasons set forth below.

- *Street frontages are designed to be safe, comfortable, and encourage pedestrian activity, including: (1) Multiple pedestrian entrances for large developments; (2) Direct driveway or garage access to the street is discouraged; (3) Commercial ground floors contain active uses with clear, inviting windows; (4) Blank facades are prevented or minimized; and (5) Wide sidewalks are provided.*

The Existing Lots satisfy the relevant urban design criteria (criteria (3) and (4) are not relevant to temporary surface parking lot uses). Pedestrian entrances to the parking lots occur at regular intervals along each publicly accessible boundary of the Property. Although these pedestrian entrances are not typical building entrances, they are predetermined access points, which promote pedestrian porosity and improve the sidewalk experience for pedestrians. The Property's parking lots are accessible only via curb cuts on N Street, SE, N Place, SE, and the dead end of 4<sup>th</sup> Street, SE. Although all such curb cuts are technically from public ways, such ways are functionally alleys or low-capacity streets at the curb cut locations.

- *Public gathering spaces and open spaces are encouraged, especially in the following situations: (1) Where neighborhood open space is lacking; (2) Near transit stations or hubs; and (3) When they can enhance existing parks and the waterfront.*

The Existing Lots serve and enhance surrounding public gathering spaces and open spaces. A public space is located at the intersection of First Street, SE and N Street, SE, providing an attractive gateway into The Yards and signaling the promise of future development. The Parcel Q parking lot landscaping and design is intended to function in harmony with and enhance the adjacent Yards Park. And the parking lots on Parcels F and H/I all serve, among other uses, the Nationals Ballpark and its surrounding public spaces. Each of the Existing Lots enhances visitor access to the waterfront, the Ballpark, and The Yards Park.

- *New development respects the historic character of Washington's neighborhoods, including: (1) Developments near the District's major boulevards and public spaces should reinforce the existing urban form; (2) Infill development should respect, though need not imitate, the continuity of neighborhood architectural character; and (3) Development should respect and protect key landscape vistas and axial views of landmarks and important places.*

Again, these criteria are generally inapplicable to the temporary uses in this application. However, the Existing Lots' lack of any significant structures results in an absence of any negative influence on or diminishment of key landscape vistas or axial views throughout The Yards.

Moreover, the improved sidewalk at the perimeter of the Existing Lots maintains and reinforces the urban street grid.

- *Buildings strive for attractive and inspired façade design, including: (1) Reinforce the pedestrian realm with elevated detailing and design of first and second stories; and (2) Incorporate contextual and quality building materials and fenestration.*

This item is not applicable to this application as the Existing Lots do not contain any structures other than temporary attendant booths.

- *Sites are designed with sustainable landscaping.*

The Existing Lots were constructed to comply with and exceed then-applicable District sustainable landscaping requirements. As noted in previous filings, the stormwater systems for the Existing Lots are provided through the use of bioretention for water quality control

- *Sites are developed to promote connectivity both internally and with surrounding neighborhoods, including: (1) Pedestrian pathways through developments increase mobility and link neighborhoods to transit; (2) The development incorporates transit and bicycle facilities and amenities; (3) Streets, easements, and open spaces are designed to be safe and pedestrian friendly; (4) Large sites are integrated into the surrounding community through street and pedestrian connections; and (5) Waterfront development contains high quality trail and shoreline design as well as ensuring access and view corridors to the waterfront.*

The Existing Lots include sidewalks along all publicly-accessible boundaries and promote pedestrian connectivity to the maximum extent practicable given the existing use for parking facilities. (The eastern boundary of Parcel H/I abuts DC Water property and does not currently include sidewalks, and the eastern boundary of Parcel Q abuts the Washington Navy Yard and similarly does not include any sidewalks).

For the foregoing reasons, this application advances the urban design criteria that the Zoning Commission must consider as part of design review pursuant to Subtitle X, Section 604.7.

- d. An Application for Design Review Must Satisfy the Urban Design Criteria of Subtitle X, Section 604.7 In a Way That Is Superior to Any Matter-of-Right Development Possible on the Property.

This criterion is generally not applicable to this application, which contains only temporary uses, which by their nature are difficult to compare to matter-of-right development uses. Future permanent development of the Property will undergo Commission review, which will allow for a more complete comparison to matter-of-right development.

### C. SEFC Zone Design Review Criteria

Subtitle K, Section 241.1 provides that “[i]n addition to proving that the proposed uses, buildings, or structures meet the standards set forth in Subtitle X, the applicant for Zoning Commission approval of a use or structure within a SEFC zone shall further demonstrate conformance to the following standards:

- (a) The use, building, or structure will help achieve the goals and objectives of the SEFC zone as set forth in Subtitle K §§ 200.2 through 200.7, as applicable;
- (b) The proposed building or structure shall be designed with a height, bulk, and siting that provide for openness of view and vistas to and from the waterfront and, where feasible, shall maintain views of federal monumental buildings, particularly along the New Jersey Avenue, S.E. corridor; and
- (c) On or above-grade parking adjacent to, or visible from, the street shall be limited. Where parking cannot be placed underground, other uses such as retail or residential shall separate parking areas from the street, or where this is not possible, green landscaping or architectural treatment of façade shall adequately screen parking from the street and adjacent development.”

As set forth below, this application conforms to the three above-listed standards, and accordingly, the Zoning Commission should approve the requested design review.

#### a. The Existing Lots Help Achieve the Goals and Objectives of the SEFC Zones.

The first design review standard specific to the SEFC zones requires compliance with the goals and objectives of the SEFC zones as set forth in Subtitle K, Sections 200.2, 200.3, and 200.5. This application advances each of these goals and objectives as set forth below.

- *Assure development of the area with a mixture of residential and commercial uses and a suitable height, bulk, and design of buildings, as generally identified in the [Comp.] Plan, and in recognition of the objectives of the [AWI Plan] and the [NSE] Plan. § 200.2(a)*

The Existing Lots are temporary uses that accommodate future development on the Property consistent with these criteria. In addition, the Existing Lots serve surrounding residential and commercial development that is consistent with the above-referenced planning documents.

- *Encourage high-density residential development with a pedestrian-oriented streetscape through flexible zoning parameters. § 200.2(b)*
- *Encourage a variety of support and visitor-related uses, such as retail, service, entertainment, cultural, and hotel or inn uses. § 200.2(c)*

As noted above, the Existing Lots do not include any new development but does include pedestrian-oriented sidewalk and public space designs. The Existing Lots also support and encourage visitor-related uses, including, notably, the Ballpark, The Yards Park, and retail and entertainment/eating and drinking establishment uses that are emerging in The Yards.

- *Provide for a reduced height and bulk of buildings along the Anacostia riverfront in the interest of ensuring views over and around waterfront buildings, and provide for continuous publicly-accessible open space along the waterfront. § 200.2(d)*

The Existing Lots do not interfere with views to the waterfront and does not impede access to open space along the waterfront.

- *Require suitable ground-floor level retail and service uses near the Navy Yard Metrorail station, along M Street, S.E., near the SEFC-4 zone, and at other key pedestrian locations. § 200.2(e)*
- *Encourage the design and development of properties in a manner that is sensitive to the adjacent Navy Yard and the historically significant buildings within the SEFC zones. § 200.2(f)*

These two criteria are generally not applicable to the Existing Lots which do not contain any structures other than temporary attendant booths. The Existing Lots' landscape design is, however, sensitive to the adjacent Navy Yard and surrounding historically-significant buildings as encouraged by this urban design objective.

- *Establish zoning incentives and restrictions to provide for the development of a publicly-accessible park along the Anacostia River and encourage uses in that park as permitted in the SEFC-4 zone. § 200.2(g)*

The Applicant contributed significantly to the development of The Yards Park, which is publicly-accessible. The Existing Lots help achieve this objective by providing parking for visitors from across the District who travel to The Yards to experience and enjoy the Park.

- *Provide for high-density mixed-use development with ground floor retail. § 200.3.*
- *Provide for medium-density residential development with limited ground floor retail. § 200.5.*

These two criteria are not applicable to the Existing Lots which do not contain any residential or retail uses. The Existing Lots do support such aspirational uses elsewhere within The Yards.

b. The Existing Lots Are Designed to Provide for Openness of Views and Vistas.

As noted above, the Existing Lots do not interfere with open views or vistas to the waterfront or other District monuments because they does not include any vertical elements of significance.

c. On or Above-Grade Parking Adjacent To, or Visible From, the Street Shall Be Limited. Where Parking Cannot Be Placed Underground, Other Uses Such As Retail or Residential Shall Separate Parking Areas from the Street, or Where This Is Not Possible, Green Landscaping or Architectural Treatment of Façade Shall Adequately Screen Parking from the Street and Adjacent Development.

The Existing Lots contain above-grade surface parking only. However, such parking is generally treated with landscaping between the street and adjacent development. Because of the temporary nature of the Existing Lots, placing such parking below-grade or even establishing a complete landscape buffer is not possible.

Taken together, the Existing Lots help achieve the applicable goals and objectives of the SEFC zones generally, and the SEFC-1 and SEFC-3 zones specifically, and thereby conforms to the standards of Subtitle K, Section 241.1(a)-(c).

**D. SEFC Zone Design Review Additional Criteria**

Subtitle K, Section 241.2 sets forth additional criteria that the Zoning Commission may consider in evaluating this application for design review. These criteria include considering:

- (a) Compatibility with buildings in the surrounding area through overall massing, siting, details, and landscaping;
- (b) Use of high standards of environmental design that promote the achievement of sustainable development goals;
- (c) Façade articulation that minimizes or eliminates the visibility of unarticulated blank walls from public spaces;
- (d) Landscaping which complements the building;
- (e) For buildings that include preferred uses in accordance with Subtitle K §§ 237 or 238, the Zoning Commission may consider the balance and location of preferred uses;
- (f) In connection with its review pursuant to Subtitle K § 238.3, the Zoning Commission may consider the effect of the proposed use on the predominantly residential character of the SEFC-2 and/or SEFC-3 zones; and
- (g) For development within or adjacent to the SEFC-4 zone, the Zoning Commission may consider whether the application is consistent with the following goals:

- (1) Providing a wide variety of active and passive recreational uses;
- (2) Encouraging uses that open to, overlook, and benefit the waterfront park;
- (3) Utilizing siting and design of buildings and uses to improve the natural ecology, to illustrate the importance of natural systems, and/or to interpret the historically important maritime context of the site.

As set forth below, this application meaningfully addresses and advances each of the relevant criteria in Section 241.2.

a. The Existing Lots Are Compatible with Buildings in the Surrounding Area through Overall Massing, Siting, Details, and Landscaping.

The Existing Lots are compatible with neighboring properties with respect to landscaping. Because the Existing Lots contain no buildings the massing, siting, and detail criteria are inapplicable here. With respect to landscaping, the Existing Lots' site plan is compatible with the surrounding existing buildings and the adjacent park and public space uses as evidenced by the Existing Lot's ten-year history of coexistence with surrounding uses.

b. The Existing Lots Use High Standards of Environmental Design to Achieve Sustainable Development Goals.

Except with respect to landscaping, this item is inapplicable. The Existing Lots' sustainable landscaping measures are set forth above in Section VI.B.c.

c. The Application's Façade Articulation Includes No Unarticulated Blank Walls in Public Spaces.

d. The Application's Landscaping Complements the Building.

e. The Application's Preferred Uses Are Located Appropriately.

These three criteria are generally not applicable to this application as the Existing Lots do not contain any preferred uses. Temporary parking is an important use in The Yards, however, and the Existing Lots are located appropriately to serve the dominant users (e.g., visitors to The Yards Park, the Nationals Ballpark, area offices, and retail and entertainment establishments in The Yards).

f. The Application's Preferred Uses Will Have No Adverse Effect on Residential Areas.

Again, this item is generally not applicable to this application as the Existing Lots do not contain any preferred uses.

g. The Application Provides A Wide Variety of Active and Passive Recreational Uses, Encouraging Uses that Open to, Overlook, and Benefit the Waterfront Park, and

Utilizes Siting and Design to Interpret the Historically Important Maritime Context of the Site.

The Existing Lots include passive recreational areas such as landscaping and a canopy area. The Existing Lots' design also does not interfere with views to The Yards Park and the waterfront.

The Applicant requests the Zoning Commission take notice of the foregoing additional design and policy criteria in its evaluation of this application and accordingly approve the proposed design.

**VII. Exhibits**

The following exhibits are attached hereto in support of this application:

Exhibit A – Application Form

Exhibit B – Authorization Letter

Exhibit C – Certificate of Notice

Exhibit D – Certificate of Compliance

Exhibit E – Surveyor's Plats of the Property

Exhibit F – Maps depicting the zoning of the Property

Exhibit G – Summary of Status of Development of The Yards

Exhibit H – Plans of the Property

Exhibit I – Tabulation of Development Data

Exhibit J – List of Property Owners within 200 feet of the Property

Exhibit K – Z.C. Order No. 07-17

Exhibit L – Z.C. Order No. 13-03

Exhibit M – Z.C. Order No. 13-16

Exhibit N – Hearing Fee Calculation Form

**VIII. Conclusion**

For all of the above reasons, the Applicant asks that the Zoning Commission approve this application and grant the requested relief in order to extend the temporary parking lot uses.

GOULSTON & STORRS PC

/s/ David M. Avitabile

David M. Avitabile

/s/ David A. Lewis

David A. Lewis

Date: February 27, 2018