

## **MEMORANDUM**

**TO:** District of Columbia Zoning Commission

**FROM:** Stephen Cochran, Zoning and Special Projects Planner  
*JL for* Jennifer Steingasser, Deputy Director, Development Review & Historic Preservation

**DATE:** May 16, 2023

**SUBJECT:** ZC Case 07-08D– Minor Modification to Subtitle C, §§ 718.3 and 718.7 (a) to extend for two years the Zoning Regulations’ permissions to use land in Squares 767, 768 and 882S for three Ballpark-related surface parking lots

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### **I. BACKGROUND**

The proposed minor modification would extend the permission to use the specified squares and lots as Ballpark-associated parking for two additional years. This Office of Planning (OP) report incorporates the changes to the applicant’s filing made in the letter dated April 26, 2023 (Case Exhibit No. 6).

### **II. RECOMMENDATION**

OP **recommends** the Commission approve the following minor modifications to Subtitle C, Chapter 7 of the Zoning Regulations.

The date change is indicated below, with the existing expiration date ~~crossed through~~; and the extended date **bolded and underlined**):

#### ***Subtitle C, Chapter 7 VEHICLE PARKING***

#### ***§ 718 TEMPORARY SURFACE PARKING LOTS FOR BALLPARK***

*718.3 Any certificate of occupancy issued pursuant to this subsection shall expire no later than April 1, 2018., except that with respect to Square 767, Lots 44-47, Square 768, Lots 19-22<sup>1</sup>, and Square 882, Lot 77, any certificate of occupancy issued pursuant to this subsection shall expire no later than April 1, ~~2023~~ **2025**.*

*718.7 If and when valid building permits issued pursuant to this section authorize an aggregate of three thousand seven hundred seventy-five (3,775) or more parking spaces, the construction and use of additional temporary spaces on any of the subject squares shall require special exception approval of the Board of Zoning Adjustment pursuant to Subtitle X, and in accordance with Subtitle C §§ 718.8 through 718.10 and the following provisions:*

*(a) Any certificate of occupancy issued pursuant to this subsection shall expire no later than April 1, 2018, except that with respect to Square 767, Lots 44-47, Square 768, Lots 19-22, and Square 882S, any certificate of occupancy issued pursuant to this subsection shall expire no later than April 1, ~~2023~~2025 and*

### III. BACKGROUND

<b>Location and Legal Address</b>	Square 767 Lots 44-47, Square 768 Lots 19-22, and Square 882, Lot 77 in Near Southeast Washington, DC
<b>Ward, ANC</b>	Ward 6, ANC 6D
<b>Applicant</b>	District of Columbia Housing Authority
<b>Approved Project</b>	Time-limited permission to use specified lots for Ballpark-related parking.
<b>Effective Date</b>	September 14, 2007. Two five year-extensions previously granted.
<b>Current Request</b>	A two-year extension requested for Ballpark-related parking.

### I. MINOR MODIFICATION CRITERIA

Subtitle Z § 703 provides for Zoning Commission consideration of a minor modification request as follows:

#### **703 CONSENT CALENDAR – MINOR MODIFICATION, MODIFICATION OF CONSEQUENCE, AND TECHNICAL CORRECTIONS TO ORDERS AND PLANS**

703.1 This procedure shall allow the Commission, in the interest of efficiency, to make, without public hearing, minor modifications, modifications of consequence, and technical corrections to previously approved final orders and plans.

703.2 For purposes of this section, “minor modifications” shall mean modifications that do not change the material facts upon which the Commission based its original approval of the application or petition.

If the Commission determines that the request is a minor modification, the deletions and additions in Section II of this report would incorporate the applicant’s request.

### I. PROPOSAL

The District of Columbia Housing Authority (DCHA), the owner of the lots in the three subject Squares, is requesting a two-year extension of the term limit allowing Ballpark parking lot use for the lots in Square 767, Lots 44-47, Square 768, Lots 19-22, and for Lot 77 in the south part of Square 882. The new termination date would be April 1, 2025. This request addresses these three squares and does not include an extension request for any other Squares listed in Subtitle C- § 718. No squares or lots would be added to the existing list in that Subtitle and no amendments to any of the other conditions are proposed.

Figure 1 at the end of this report illustrates the squares and lots for which extensions are being sought in this application.

All the lots are within the boundaries of the Capper-Carrollsborg PUD, ZC 03-12/03-13 *et al.* This Minor Modification request is filed concurrently with ZC 03-12Y/03-13Y, a Modification of Consequence request to extend to the same date the corresponding permissions included in Condition 30 of that PUD's Order, for which a separate OP report has been filed. The Commission has given simultaneous consideration to previous time extension requests for Ballpark parking-related modifications within both Condition 30 and within Subtitle C § 718.

## **II. ANALYSIS OF PETITION FOR TEXT AMENDMENTS**

All the properties for which the extensions are requested are relatively flat and paved and are currently used for ballpark-related parking. The sites are all within convenient walking distance of the ballpark, and, per the access limitations already placed in Order 07-08, are not now and would not be accessed through existing low density residential areas.

The original 5-year time limit and the two 5-year extensions were intended to allow sufficient time for these underutilized sites to be developed as part of the Capper-Carrollsborg PUD 03-12/03-13. It was anticipated at the time that as re-development projects were constructed, parking space within those developments (especially within office buildings) would become available to Ballpark patrons, much the same way that parking in downtown office buildings is available to patrons of the Capital One Center. However, since that time, fewer of the PUD buildings than expected have been constructed, due to a combination of market changes including decreased eligibility for reduced-rate financing, and changes to federal housing programs.

The use of these sites for temporary surface parking lots has already been determined to be not inconsistent with the Comprehensive Plan (see Zoning Commission Case No. 03-12E/03-13E) and while there have been amendments to the Comprehensive Plan since then, none of those changes would substantively affect that determination. The land remains available for continued development under the approved Capper-Carrollsborg PUD, and the proposed two-year extension for the parking lots would neither delay any Stage 2 PUD processing for these sites, nor preclude Zoning Commission consideration of revisions to the PUD. Given the high percentage and number of affordable housing units slated for these sites under the PUD, continuing the current use of the sites for the next two years would keep them available for future affordable housing and would not be inconsistent with the approved PUD.

As noted in previous OP reports addressing these temporary parking lots, OP is generally not supportive of surface parking. Surface parking lots tend to underutilize the District's valuable and limited land base; can disrupt neighborhood fabric; 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. OP continues to not support surface parking as a permanent use for these sites, consistent with the PUD. In this case, the requested extension of the temporary surface parking permission is for two additional years, and for only three of the total number of Squares for which Ballpark-related temporary surface parking lots are enabled by Subtitle C, § 718. Of the total number of Squares, most have already been developed, or are in the process of being developed. While DCHA has faced challenges in completing the Capper-Carrollsborg PUD, the PUD and the pace of ongoing development in the nearby area will lead to more permanent uses of the three Squares.

### III. ANC COMMENTS

With the 2023 change in ANC boundaries, the applicant has circulated the application to ANC 8F, and the nearby ANC 6D and ANC 6B. There were no other parties in the previous cases. There were no comments from either ANC in the case file at the time OP completed this report.

### IV. OTHER DISTRICT AGENCY REPORTS AND COMMUNITY COMMENTS

The applicant circulated the petition to the District Department of Transportation (DDOT). There were no comments from DDOT or from other District agencies or community members at the time OP completed this report.

#### ENCLOSURE: LOCATION MAP



Figure 1. Sites for Which Temporary Surface Parking Lot Use Extensions Are Requested