

# BEFORE THE DISTRICT OF COLUMBIA ZONING COMMISSION

**Petition of the District of Columbia  
Housing Authority for a Zoning Text Amendment  
To Amend Subtitle C, §§ 718.3 and 718.7(a)**

**Z.C. No. 07-08\_**

## STATEMENT OF THE APPLICANT

This Statement of the Applicant (“Statement”) is submitted on behalf of the District of Columbia Housing Authority (“Applicant”), in support of Applicant’s petition to amend Subtitle C, §§ 718.3, and 718.7(a), to extend the expiration date for certificates of occupancy for temporary surface parking lots in Square 767, Lots 44-47, Square 768, Lots 19-22, and Square 882, Lot 77 (collectively, the “Properties”) for a period of two (2) years, until April 1, 2025.

### I. BACKGROUND

The Properties are part of the mixed-use Arthur Capper/Carrollsbury HOPE VI site that is subject to a Planned Unit Development ZC 03-12/03-13, and modifications thereto to permit temporary parking on the Properties pursuant to ZC 03-12E/03-13E , 03-12O/03-12O), and o3-12W/12-13W (the “PUD”). The PUD is comprised of the properties and parcels within Squares 737, 739, 769, 797, 798, 799, 800, 824, 825, 825S, N853, and 880 (collectively, the “Development”). The PUD entails the redevelopment of the Arthur Capper/Carrollsbury complex into various mixed-income, mixed-use buildings that will include 1,650 residential units (707 of which are replacement public housing units), 732,000 square feet of commercial space, and other public improvements.

### **Zoning History of Parking Use of the Properties**

In 2007, the Zoning Commission approved, in Case No. 07-08, amendments to the Zoning Regulations to permit temporary surface parking lots on portions of the Development as well as other properties within the vicinity of the Ballpark (Ballpark Parking Zoning Text). In doing so,

the Zoning Commission capped the total number of matter of right parking spaces in the temporary lots at 3,755; established access, surface treatment, landscaping, and lighting requirements for the temporary lots; and, applied an expiration date of April 1, 2013 for all certificates of occupancy issued for the temporary lots. In Case No. 07-08A, the Commission expanded the scope of the Ballpark Parking Zoning Text to include additional land in the Development and impose car/ride-share requirements, and subsequently, in Case No. 07-08B, extended the expiration date for certificates of occupancy for the temporary lots for a period of five (5) years until April 1, 2018. Finally, in 2018, in ZC Case No. 07-08C, the Commission again extended the authorization for the temporary lots until April 1, 2023.

The PUD provides for Square 882, Lot 77 to be improved with office buildings and for Squares 767 and 768 to be improved with mixed-use buildings containing residential and other uses. However, for several years the Property has been utilized for parking. This parking use, although not originally contemplated in the PUD, was permitted pursuant to a modifications to the PUD in ZC Case No. 03-12E/03-13E, until April 1, 2013. Later , the PUD was further amended, in Case No. 03-120/03-130, to extend the temporary parking to April 1, 2018. Finally, the parking use was extended again in 2018 until April 1, 2023 in ZC No. 03-12W/03-13W.

DCHA is committed to completion of development of the Property but changed market conditions and financing difficulties require a reassessment of the previously approved development plans for the Properties. As a result, the Applicant has filed an application for Modification of Consequence to the PUD to extend temporary surface parking on the Properties until April 1 , 2025. The Zoning Commission took action to approve the Modification ( ZC No. 03-12Y/03-13Y) at its June 29<sup>th</sup> meeting. Commission approval of this Application to modify the text of the Zoning Regulations is also needed to allow an extension of the use until April 1, 2025.

The Ballpark relies on the parking provided on the Properties. The parking provides convenient access to the Ballpark for people who are unable or willing to use alternatives means of transportation. In addition, the revenues generated by the parking support DCHA's affordable housing objectives.

Due to an oversight, DCHA only recently became aware of the April 1, 2023 expiration of the parking use authorizations for the Properties. Upon informing the Nationals, DHCD learned that the Nationals had already sold the parking to their patrons as part of the tickets to upcoming baseball games. With the Nationals season ongoing, DHCD is requesting expedited consideration of the proposed text amendment.

## II. PROPOSED TEXT AMENDMENT

Applicant proposes the following changes to Subtitle C, Section 718 of the Zoning Regulations: (additions in **bold and underlined** text; deletions in **bold and strikeout** text):

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, and Square 882, Lot 77, any certificate of occupancy issued pursuant to this subsection shall expire no later than April 1, 20235

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 882, Lot 77 any certificate of occupancy issued pursuant to this subsection shall expire no later than April 1, 20235 and

As indicated above, the purpose and objective of the proposed text amendment is to extend the term limit for temporary parking on the Property from April 1, 2023 to April 1, 2025, an additional

two years. The temporary use of the Property for surface parking in Zoning Commission Case No. 03-12E/03-13E) have already been determined not to be inconsistent with the Comprehensive Plan, and a modest two (2) year extension of the use of the Property for surface parking will not adversely impact City planning objectives for the Property.

### **III. PURPOSE AND NEED FOR TEXT AMENDMENT**

At the time the surface parking was originally approved on the Properties in the PUD, it was expected that adequate parking within the Development and vicinity (particularly underground parking facilities in mixed use and office projects) would be available to patrons of the Ballpark within the originally approved term. However, all of the anticipated development has not occurred as planned and market conditions may now require a reassessment of some of those development plans. However, use of the Property for surface parking continues to be necessary to support the Ballpark.

### **IV. CONCLUSION**

A text amendment is required pursuant to Subtitle Z, Section 400 to extend parking use of the Properties until April 2025. Zoning Commission approval of the same is respectfully requested.

## **CERTIFICATE OF SERVICE**

I hereby certify that on July 12, 2023, electronic copies of the foregoing Petition for a Text Amendment was served on the following:

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