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United States Senate
The Honorable Joseph I. Lieberman

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U.S. House of Representatives
The Honorable Henry A. Waxman

Mayor
District of Columbia
The Honorable Adrian M. Fenty

Chairman
Council of the District of Columbia
The Honorable Vincent C. Gray

Executive Director

Patricia E. Gallagher, AICP

IN REPLY REFER TO:
NCPC File No. Z.C. 07-17/6420

AUG 09 2007

Zoning Commission for the
District of Columbia
2nd Floor, Suite 210 South
441 4th Street, NW
Washington, D.C. 20001

Members of the Commission:

The National Capital Planning Commission, at its meeting on August 2, 2007 approved the enclosed action on the special exception review of temporary parking lots and interim development plans for Parcels L, O, Q H and I, in Squares 744, 771 & 827 in the Southeast Federal Center. Also enclosed, for your information, is a copy of the Staff Recommendation for the project.

Sincerely,

Patricia E. Gallagher, AICP
Executive Director

Enclosure

**ZONING COMMISSION
District of Columbia**

CASE NO. 07-17
EXHIBIT NO. 33

COMMISSION ACTION

NCPC File No. Z.C. 07-17



THE YARDS AT THE SOUTHEAST FEDERAL CENTER SPECIAL EXCEPTION REVIEW OF TEMPORARY PARKING LOTS

Squares 744, Lot 806; Square 771, Lot 800, and Square 827
and portions of Potomac Avenue, SE (to be closed)
Washington, D.C.

Submitted by the Zoning Commission of the District of Columbia

August 2, 2007

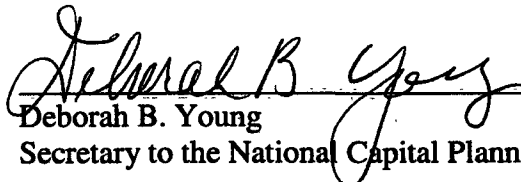
Commission Action Requested by Applicant

Approval of comments to the District of Columbia Zoning Commission pursuant to 40 U.S.C. 8724(a), D.C. Code 2-1006(a), and to Zoning Commission Order No. 03-06.

Commission Action

The Commission:

Concludes that granting the special exception request will not adversely affect the identified federal interests.


Deborah B. Young
Secretary to the National Capital Planning Commission



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IN REPLY REFER TO:
NCPC File No. Z.C. 07-17/6420

AUG 09 2007

Mr. Tony Reed
Regional Administrator
National Capital Region
General Services Administration
7th and D Streets, SW – Room 7022
Washington, D.C. 20407

Dear Mr. Reed:

The National Capital Planning Commission, at its meeting on August 2, 2007 approved the enclosed action on the development plans for interim parking lots on certain squares in the Southeast Federal Center for a period not to exceed five years. Also enclosed, for your information, is a copy of the Staff Recommendation for the project.

Sincerely,

Patricia E. Gallagher, AICP
Executive Director

Enclosure

COMMISSION ACTION

NCPC File No. 6420



THE YARDS AT THE SOUTHEAST FEDERAL CENTER INTERIM DEVELOPMENT PLANS FOR PARCELS L, O, Q, H AND I

Squares 744, Lot 806; Square 771, Lot 800, and Square 827
and portions of Potomac Avenue, SE (to be closed)
Washington, D.C.

Submitted by the General Services Administration

August 2, 2007

Commission Action Requested by Applicant

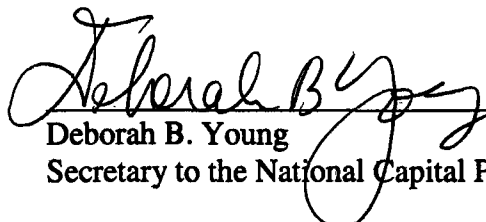
Approval of development plans pursuant to the Memorandum of Understanding between the General Services Administration and the National Capital Planning Commission regarding the transfer by sale and/or long-term ground lease to Forest City SEFC, LLC and the mixed-use development of the Southeast Federal Center.

Commission Action

The Commission:

Approves development plans for interim parking lots for a period not to exceed five years, as shown on NCPC Map File No. 41.11(38.00)42308, and notes that:

- Temporary surface lots have been designed and will be implemented in conformance with the approved Southeast Federal Center master plan, and
- Leasing of the temporary parking lots to adjacent Federal Agencies for use by employees and visitors should conform to the parking ratios for federal agencies within the Central Employment Area, not to exceed one space for every five employees.


Deborah B. Young
Secretary to the National Capital Planning Commission

STAFF RECOMMENDATION

NCPC File No. Z.C. 07-17/6420



**THE YARDS AT THE SOUTHEAST FEDERAL CENTER
SPECIAL EXCEPTION REVIEW OF
TEMPORARY PARKING LOTS
AND
INTERIM DEVELOPMENT PLANS FOR PARCELS L, O, Q, H AND I**

**Squares 744, Lot 806; Square 771, Lot 800, and Square 827
and portions of Potomac Avenue, SE (to be closed)
Washington, D.C.**

**Submitted by the Zoning Commission of the District of Columbia
And
The General Services Administration**

July 26, 2007

Abstract

The District of Columbia Zoning Commission has received a request from Forest City SEFC, LLC, on behalf of the General Services Administration for special exception of temporary surface parking lots on certain squares in the Southeast Federal Center. The temporary parking lots are allowed by special exception under the Southeast Federal Center Overlay District. These lots are to be used as additional parking facilities for the Washington Nationals Baseball Stadium for a period not to exceed five years.

The General Services Administration has submitted interim site development plans for the parking lots pursuant to the 2003 Memorandum of Understanding between GSA and NCPC. The proposal is consistent with the approved Master Plan.

Federal Interests

The federal interests in this case include the Anacostia Waterfront Initiative, the Southeast Federal Center, the US Department of Transportation Headquarters, the South Capitol Street Corridor and the Washington Navy Yard.

Commission Action Requested by Applicant

Approval of comments to the District of Columbia Zoning Commission pursuant to 40 U.S.C. 8724(a) and D.C. Code 2-1006(a), and to Zoning Commission Order No. 03-06; and to the Memorandum of Understanding between the General Services Administration and the National Capital Planning Commission regarding the transfer by sale and/or long-term ground lease to Forest City SEFC, LLC and the mixed-use development of the Southeast Federal Center.

Executive Director's Recommendation

To the Zoning Commission, the Commission Concludes that granting the special exception request will not adversely affect the identified federal interests.

To the General Services Administration, the Commission Approves development plans for interim parking lots for a period not to exceed five years, as shown on NCPC Map File No. 41.11(38.00)42308, and notes that:

- Temporary surface lots have been designed and will be implemented in conformance with the approved Southeast Federal Center master plan, and
- Leasing of the temporary parking lots to adjacent Federal Agencies for use by employees and visitors should conform to the parking ratios for federal agencies within the Central Employment Area, not to exceed one space for every five employees.

* * *

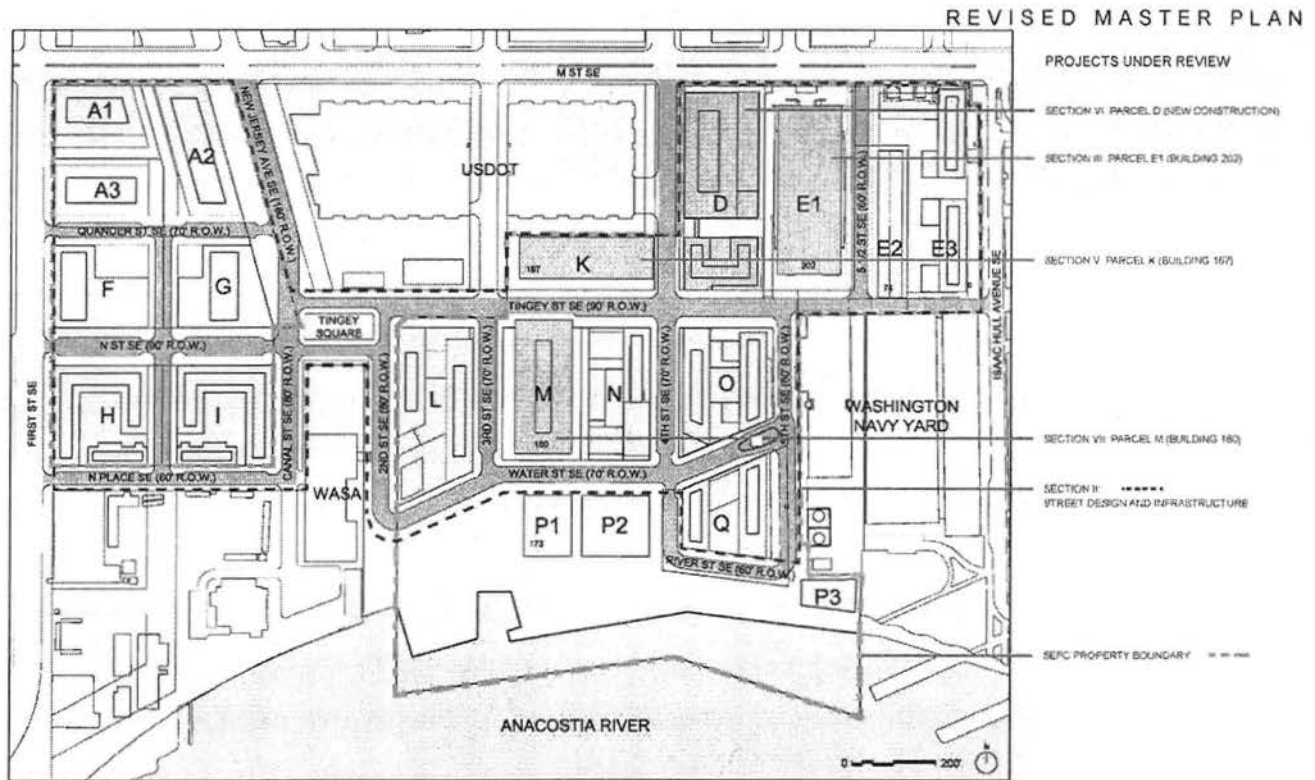
PROJECT DESCRIPTION

Southeast Federal Center Background and Previous Commission Actions

In May of 2004 the Commission approved the Forest City SEFC, LLC Development Plan as the updated Southeast Federal Center Master Plan.

In June of 2005, the Commission and the General Services Administration entered into a Memorandum of Understanding regarding the transfer by sale and/or long term ground least to Forest City SEFC, LLC, for mixed use development of the Southeast Federal Center. The MOU included stipulations for consultation between GSA and the Commission regarding consistency of development plans with the Forest City Development Plan, Urban Design Guidelines, and Minimum Design Standards.

At the July 12, 2007 Commission meeting, the Commission approved the 35% design submission for infrastructure and street design for development at the Southeast Federal Center, now known as The Yards, and development plans for parcels E1, K, M, and D, finding the 35% design plans to be consistent with the approved revised Master Plan.



SEFC Revised Approved Master Plan

In a related action, at the July 12, 2007 Commission meeting, the Commission approved, with conditions, a proposal for a text amendment to the Zoning Regulations of the District of Columbia to allow temporary surface parking lots on various squares in the South Capitol Street and M Street Southeast corridors. The proposed text amendment was initiated by the District of Columbia Office of Planning (DCOP) to allow for temporary surface parking lots to be permitted in the general area around the new Washington Nationals Baseball Stadium. According to the Office of Planning the intent of these parking lots is to accommodate overflow parking for the Baseball Stadium, while permanent below-grade parking is created in the surrounding development. The spaces to be permitted on these lots are not part of the 1,225 spaces the District of Columbia government is required to provide for the stadium, as those spaces will be accommodated in parking structures adjacent to the Ballpark structure. These spaces will fulfill a need of 3,775 off-site spaces identified in the D.C. Major League Baseball Park Transportation Management Plan.

In the near future, the Commission will be asked to approve a combination of street closings and dedications submitted by the District of Columbia Office of the Surveyor to implement the street layout for the development of The Yards at the Southeast Federal Center.

Proposal

Forest City SEFC, LCC, on behalf of the General Services Administration, has submitted a request to the Zoning Commission for special exception approval to develop four temporary surface parking lots as an interim use until the parcels are developed consistent with the

approved revised Master Plan. NCPC is a referral agency under the Zoning Regulation for the Southeast Federal Center Overlay District, ZC Order No. 03-06, passed March 8, 2004.



Temporary Parking Lot Proposed Layout

In addition to accommodating patrons visiting the ballpark and temporary construction workers in the area, the remainder of the 923 parking spaces in the four temporary surface lots will be leased to Federal Agencies located nearby including the Washington Navy Yard, the National Geospatial Intelligence Agency, and the U.S. Department of Transportation for use by employees and visitors. The property to be used for the parking lots will be transferred from the General Services Administration to Forest City in accordance with the terms of the Southeast Federal Center Public-Private Redevelopment Act. While most patrons visiting the ballpark are expected to use public transportation to access the stadium, a transportation management plan developed by the District of Columbia for the stadium indicates that a maximum of 5,000 parking spaces are needed to serve the 40,000 seat stadium.

The proposed parking lots will be landscaped in accordance with the approved design guidelines for the Southeast Federal Center and will incorporate low impact design techniques in the form of on-site storm water retention and the use of bio-remediation areas to capture and filter storm water on site before it reaches the storm water collection system and the Anacostia River. The parking lots will have a total capacity of 923 parking spaces dispersed as shown:

Lot No.		Square	Parcels	Spaces
1	South of N St between 1 st and Canal	744	H, I	416
2	SE corner of Tingey and 2 nd Streets	771	L	138
3	SE corner of Tingey and 4 th Streets	827	O	133
4	South of Water St, between 4 th and 5 th	827	Q	236
Total Spaces				923

Design of parking lots on Parcels L, O and Q includes low impact development (LID) measures to manage storm water runoff. Landscaping of all the lots includes ornamental planting at the edges. In addition, landscaping for lots 2, 3 and 4 includes bio-retention planting and underground drain collection with the paved surface sloped towards collection basins in lieu of curbed edges. Fiberglass bridges will span the bio-retention planted areas to provide access into each lot. The lot on Parcels H and I uses a hydrodynamic flow-based storm separator unit below grade for storm drain quality control, and will be edged with curbs to contain runoff.

PROJECT ANALYSIS

The federal interests related to this zoning action include the Anacostia Waterfront Initiative, the Southeast Federal Center, the US Department of Transportation Headquarters, the South Capitol Street Corridor and the Washington Navy Yard. Staff concludes that the proposed temporary parking lots in the Southeast Federal Center for a period not to exceed five years will not adversely affect any of the identified federal interests.

- Landscaping and Stormwater Management

The proposed design for the temporary parking lots incorporates several low impact development strategies including bio-retention areas, underground flow retention devices, and tree box filter systems that will allow the landscaping to contribute to capturing and utilizing storm water runoff. Each parking lot will have heavily landscaped planting beds around the perimeter with significantly wider planting strips in the direction of flow. Layout shows densely arranged plants including both evergreen and deciduous shrubs clustered for maximum water retention and to control runoff.

Only the lot on Parcels H and I uses conventional storm drainage technology, since its existing topography and surface is not optimal for making use of bio-retention areas. Staff believes that this combined approach to landscape planting and storm water collection and drainage will meet the approved design guidelines for the Southeast Federal Center, which call for sustainable design, and will meet or exceed the recommendations of the District Department of Transportation Anacostia Waterfront Initiative Transportation Architecture Design Standards so as to minimize environmental impacts and follow best manage practices related to storm water management.



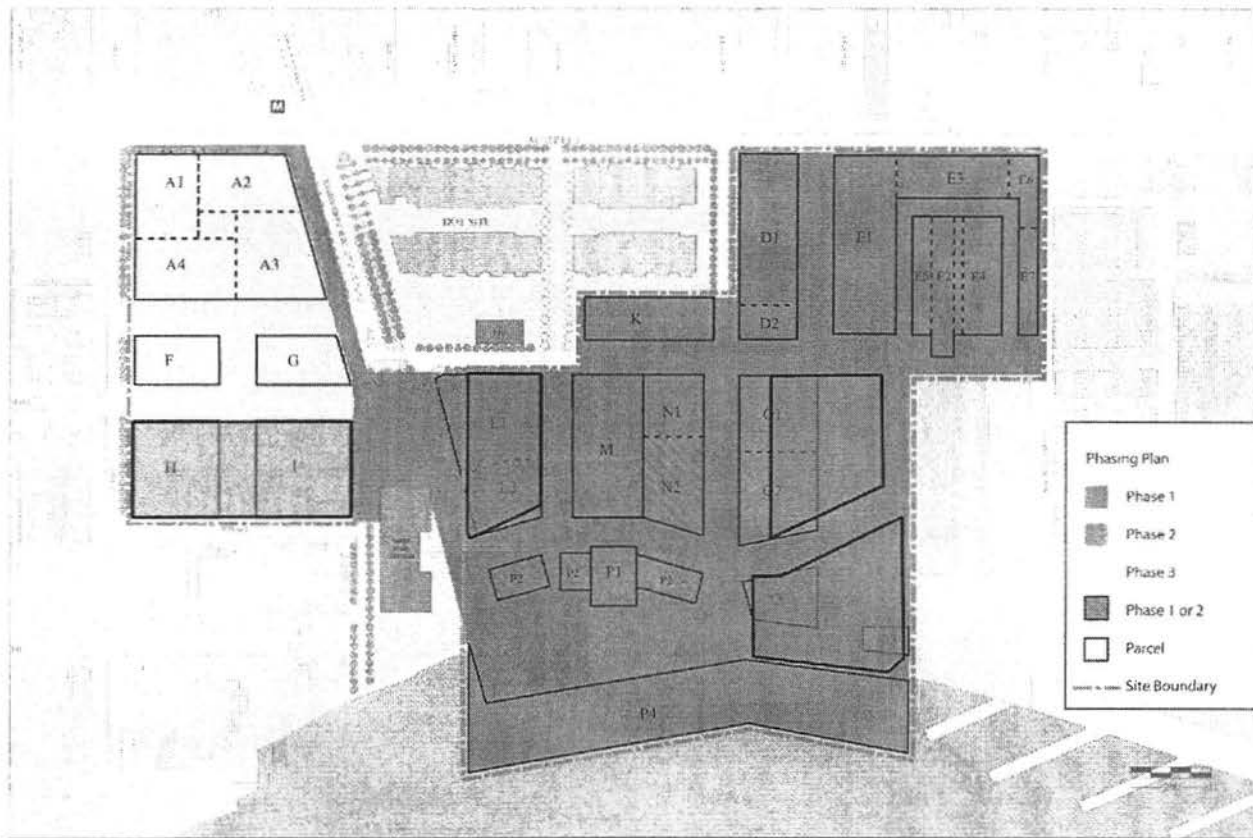
Landscape Layout

- Conformance with the Master Plan and Zoning Regulation, as incorporated

The overlay regulations allow the Zoning Commission to authorize, as a special exception, surface parking as an interim within the SEFC overlay as a “non-preferred uses for up to a five (5) year period for good cause shown.” During the public hearing process, the Zoning Commission asked for additional clarification of the “non-preferred use” provision. The final report by the Office of Planning, dated August 25, 2003, noted that the regulation was intended to address the situation that retail space would likely be required as part of a specific development prior to there being a sufficient neighborhood market for its successful operation; and as more SEFC development comes on-stream, the market demand would grow. GSA has reiterated that the Development Agreement incorporates the zoning. Staff concurs with this conclusion.

According to the phasing plan approved as part of the Forest City master plan approved by NCPC in June, 2004, Parcels O and Q will be part of Phase 2 and Parcels H and I will be part of Phase 3. The north part of Parcel L is shown as part of Phase 1 and the south part as part of Phase 1 or Phase 2. The current submission materials show the north part of Parcel L as being used for a marketing trailer. The remainder of the area proposed for temporary parking is within the areas proposed for later phases of development. GSA has further reiterated that the master lease, signed 1/23/07, specifically states in Article 6, Section A, Paragraph 1, that temporary surface parking is permissible among a variety of interim uses, and encourages FCW to pursue

revenue-generating uses to assist in maintaining the historic buildings on site pending their reuse; that is, until the site is built out. Staff therefore finds that the proposal for temporary parking is consistent with both the intent of the zoning regulations and with the approved phasing plan.



Southeast Federal Center Phasing Plan

- Conformance with Parking Ratio

The Comprehensive Plan for the National Capital states that within the Central Employment Area, the parking ratio should not exceed one space for every five employees. The Federal Agencies designated to use the temporary parking lots includes employees and visitors of the Washington Navy Yard, the National Geospatial Intelligence Agency (NGIA), and the U.S. Department of Transportation (USDOT); all of which are located within the bounds of the Central Employment Area. Those that are within its boundaries are required to conform to a parking ratio not to exceed one space for every five employees.

The applicant has submitted an analysis of the traffic impacts of the proposed temporary parking lots, dated July 6, 2007. The analysis notes that the recently opened USDOT Headquarters has approximately 4,000 employees and an ultimate employee population of 5,500, and the USDOT on-site parking garage has less than 1,000 parking spaces. The report notes further that the construction worker parking needs in this developing area cannot be met fully on street, and therefore these temporary surface spaces will help address those needs. Staff reiterates that the use of the temporary parking lots by Federal Agency employees and visitors to the Washington

Navy Yard, the NGIA, and the USDOT must conform to the parking ratios for federal agencies within the Central Employment Area.

Anacostia Waterfront Initiative

The location of the squares in the proposal is within the boundaries of the Anacostia Waterfront Initiative (AWI). This is a joint Federal-District initiative which seeks to redevelop the Anacostia Waterfront with mixed-use and recreational development and also to improve the water quality of the Anacostia River. The proposal will impact two objectives of the AWI plan addressing the water quality of the Anacostia and the maintenance of a consistent setback along the waterfront to allow for recreation and open space.

- Water Quality

The AWI plan sets several environmental goals related to the Anacostia, two of which are to provide a river suitable for swimming by 2025 and to also implement “green” guidelines and standards to require sustainable development. The development of surface parking lots within the Anacostia Watershed could provide harmful affects to the water quality of the Anacostia and not advance these goals if the storm water run-off is not managed properly. The District of Columbia Department of the Environment has approved the proposed use of low impact designs to ensure that the runoff is either fully retained or properly treated. Furthermore, staff has also learned that recent legislation passed by City Council has made the Anacostia Waterfront Corporation Final Environmental Standards applicable to “all of the properties, projects, initiatives, and developments located within the Anacostia Waterfront Development Zone” and these temporary surface lots are covered under this legislation.

- Waterfront Setback

The maintenance of a consistent setback through the waterfront corridor is a key objective of the Anacostia Waterfront Initiative. This setback is to allow for recreational and open space uses, and also to permit the development of the Anacostia Riverwalk Multi-Use Trail. This Trail is a network of pedestrian/bicycle trails planned along the banks of the Anacostia connect into the regional trail networks. The Trail was reviewed and approved by the Commission in December of 2004. A portion of the Trail is planned to be constructed between the river and the proposed temporary parking lots. The parcels on which the lots are located are outside of the waterfront overlay area. It is important that this setback be maintained. First, this setback would provide space for the proposed segment of the Riverwalk trail and the ability to construct this portion of the facility should not be impacted by the use of these squares for temporary parking. Secondly, maintaining a buffer between the river and any development is good environmental practice as it allows for runoff to be absorbed and filtered by the natural environment before it flows into the river. The development of the proposed squares for temporary parking will not impact the location or timing of the Anacostia Riverwalk Trail.

CONFORMANCE

Extending the Legacy

The redevelopment and remediation of the Anacostia River is an objective Extending the Legacy Vision Plan. According to Legacy, the focus of the Anacostia redevelopment should be in restoring its ecology and environment. The proposal is not inconsistent with this goal because it provides for on-site storm water capture and filtration.

Comprehensive Plan

The Comprehensive Plan for the National Capital lies out specific policies for areas adjacent to Washington's waterfronts. The Comprehensive Plan identifies the urgent need to ensure environmentally friendly development practices adjacent to Washington's rivers to ensure the improvement of their water quality. As this zoning action applies to sites which are adjacent to the Anacostia Waterfront and located within the Anacostia watershed, these policies are applicable.

Specific applicable policies include:

- Avoid pollution of waterways, and provide and maintain adequate vegetated buffers adjacent to bodies of water, to protect fish and other aquatic life and to reduce sedimentation and pollutants.
- Encourage the use of innovative and environmentally friendly "Best Management Practices" in site and building design and construction practice, such as green roofs, rain gardens, and permeable surface walkways, to reduce erosion and avoid pollution of surface waters.

The provision of temporary surface parking lots is not inconsistent with the Comprehensive Plan, provided they are designed in a manner which fits within the Plan's environmental objectives. The proposal promotes Best Management Practices by incorporating on-site storm water capture and filtration through the use of bio-retention areas and other low impact development techniques.

CONSULTATION

District of Columbia Office of Planning

The District of Columbia Office of Planning, in a July 17, 2007 report to the Zoning Commission, recommends approval of the special exception request. The Office of Planning report notes that the special exception request meets the requirements of the Southeast Federal Center Overlay District and that it is not inconsistent with the Comprehensive Plan.