

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission



ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 13-16A

Z.C. Case No. 13-16A
Forest City SEFC, LLC

(Approval of Extension of Approved Temporary Parking Lots
@ Square 743, Lot 94 (Parcel F), Square 744, Lot 806 (Parcel H/I), and
Square 827, Lot 1 (Parcel Q))
May 3, 2018

Pursuant to notice, the Zoning Commission for the District of Columbia (“Commission”) held a public hearing on May 3, 2018 to consider the application (“Application”) pursuant to Subtitle K, §§ 237.4(o), 238.3(g), 241, and 242 of the District of Columbia Zoning Regulations by Forest City, SEFC, LLC (“Applicant”) for property owned by the United States General Services Administration, for review and approval to allow for the continued temporary surface parking lot use for a period five years commencing upon the expiration of (i) Z.C. Order No. 13-03 for Parcel H/I (Square 744, Lot 806) and Parcel Q (Square 827, Lot 1), and (ii) Z.C. Order No. 13-16 for Parcel F (Square 743, Lot 94, Parcels F, H/I, and Q) (the “Property”).

The Commission considered the Application pursuant to Subtitles X and Z of the Zoning Regulations. The public hearing was conducted in accordance with the provisions of Subtitle Z, Chapter 5 of the Zoning Regulations. For the reasons stated below, the Commission hereby **APPROVES** the Application.

The Applicant proposes to continue the use of the three 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. 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 Z.C. Order No. 13-16.

Three separate parcels 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, S.E. divides Parcel F from Parcel H/I, and all vehicular access to the Existing Lots on those parcels is from N Street, S.E. and N Place, S.E. 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, S.E. and 4th Street, S.E.

The Applicant seeks to maintain the previously-approved Existing Lots, which currently contain a total of 794 parking spaces and are currently landscaped and lit. The Applicant does not seek to enlarge the Existing Lots as part of this application. (Exhibit [“Ex.”] 2.)

Proper and timely notice of the public hearing on this Application was given by publication in the *D.C. Register*, by mail to Advisory Neighborhood Commission (“ANC”) 6D, the Office of Planning (“OP”), the District Department of Transportation (“DDOT”), the National Capital Planning Commission (“NCPC”), and to owners of property within 200 feet of the Property, and by posting on the Property. (Ex. 3, 4, 6, 7, 13.) The Property is located within the boundary of ANC 6D. ANC 6D, OP, DDOT, and NCPC each submitted a report in support of the Application. (Ex. 8, 9, 11, 12, collectively, the “Agency Reports”.) OP testified at the hearing in support of the Application.

As mitigation for pedestrian access to and from the Existing Lots, the Applicant offered to condition approval of this Application on the commencement of construction of permanent sidewalk and public space improvements along the north side of N Place, S.E. between 1st Street and Canal Street. The Applicant also sought for the approvals hereunder to commence upon the expiration of the previous approvals of the Existing Lots. The Commission concurred with these conditions.

As required by Subtitle Z § 408.8 of the Zoning Regulations, the Commission required the Applicant to satisfy the burden of demonstrating conformance to the standards that are necessary to approve the temporary parking lots under Subtitle K, §§ 241 and 242 of the Zoning Regulations. The Applicant has satisfied the applicable evidentiary burden, and the Application satisfied the relevant regulatory requirements.

No persons or parties appeared at the public hearing in opposition to the Application. Accordingly, a decision by the Commission to grant this Application would not be adverse to any party.

Based upon the record before the Commission, having considered the Agency Reports and testimony OP provided in this case, the Commission concludes that the Applicant has met the burden of satisfying the applicable standards under Subtitle K §§ 241 and 242, which include the standards set forth in Subtitle X § 604 for a special exception, and the specific standards relating to achieving the objectives of the SEFC-1 and SEFC-3 zones as set forth in such §§ 241 and 242. Pursuant to Subtitle Z § 101.9, the Commission has determined to waive the requirement of Subtitle Z § 604.7 that the Order be accompanied by findings of fact and conclusions of law. The waiver will not affect the rights of any party and is not prohibited by law.

DECISION

The Zoning Commission hereby **ORDERS APPROVAL** of the Application to allow the continued temporary use of the Existing Lots as surface parking lots subject to the following conditions:


1. The Applicant shall commence construction of permanent sidewalk and public space improvements along the north side of N Place, S.E. between 1st Street and Canal Street by no later than December 31, 2019 unless it has commenced construction on Parcel H or I. If the Applicant has commenced construction on Parcels H or I, the Applicant shall commence construction of the permanent sidewalk and public space design for the entire length of N Place, S.E. on the north side prior to the issuance of a certificate of occupancy for Parcel H or I, whichever occurs first, or as otherwise governed by the zoning orders applicable to Parcel H or I.
2. The approvals granted in this Order shall be valid for a period of five years commencing upon the expiration of (i) Z.C. Order No. 13-03 (i.e., commencing July 6, 2018) for Parcel H/I (Square 744, Lot 806) and Parcel Q (Square 827, Lot 1), and (ii) Z.C. Order No. 13-16 (i.e., commencing April 12, 2019) for Parcel F (Square 743, Lot 94). Accordingly, the expiration date for Parcel H/I (Square 744, Lot 806) and Parcel Q (Square 827, Lot 1) is July 5, 2023. The expiration date for Parcel F (Square 743, Lot 94) is April 11, 2024.
3. The Applicant is required to comply fully with the provisions of the Human Rights Act of 1977, D.C. Law 2-38, as amended, and this Order is conditioned upon full compliance with those provisions. In accordance with the D.C. Human Rights Act of 1977, as amended, D.C. Official Code §§ 2-1401.01 et seq. (“Act”), the District of Columbia does not discriminate on the basis of actual or perceived: race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, matriculation, political affiliation, genetic information, disability, source of income, or place of residence or business. Sexual harassment is a form of sex discrimination which is prohibited by the Act. In addition, harassment based on any of the above protected categories is prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violators will be subject to disciplinary action.

On May 3, 2018, upon the motion of Vice Chairman Miller, as seconded by Chairman Shapiro, the Zoning Commission **VOTED** to **APPROVE** the Application at the conclusion of its public hearing by a vote of **5-0-0** (Anthony J. Hood, Robert E. Miller, Peter A. Shapiro, Peter G. May, and Michael G. Turnbull to approve).


In accordance with the provisions of 11-Z DCMR § 604.9, this Order shall become final and effective upon publication in the *D.C. Register*; that is on June 15, 2018.

BY THE ORDER OF THE D.C. ZONING COMMISSION

A majority of the Commission members approved the issuance of this Order.



ANTHONY J. HOOD
CHAIRMAN
ZONING COMMISSION

 for

SARA A. BARDIN
DIRECTOR
OFFICE OF ZONING