

Zoning Order 06-22 and the public hearing record related to desired retail space on First Street side of Nationals Park

Maximization of retail – At hearing on May 25, 2006, Commissioner Jeffries said “there was insufficient funding to accommodate some of the preferred uses greater than ten percent.” (page 46 of transcript) He later spoke about the desirability of nongovernmental funding or funding from the team to do more, adding “the citizens of the District of Columbia are really betting on [this], that we can see benefit.”

The project before DCRA includes more than \$50m contribution by the team to advance what clearly articulated by the Commission as a public benefit.

Desired footprint of ballpark – Commissioner Parsons felt strong that retail should extend out to the public space line. To wit at May 25, 2006 hearing he uttered. “And I only want to speak about the retail on First Street. It seems that the retail shown in Option 2, which extends out to the building line makes more sense.” (page 57)

The building proposed by the Nationals extends to the building line as Parsons sought. (See below for related sentiment regarding depth of retail space.

Desired depth of retail space on First Street – At a hearing on July 6, 2006, multiple commissioners expressed strong sentiments that the depth of the retail space should be at least 50 feet. Because Options 1 and 2 did not have dimensions, the commissioners had to speculate on the amount of overall square footage. Responding to a question from Commissioner Jeffries about “the average depth of retail space . . . if we were to take it to the building line”, (page 31) Joel Lawson replied “It was well in excess of an average of 50 feet. Without that bump out of retail, the average depth was about 30 feet so if you include the that bump-out to the property line, which I believe is certainly in excess of 30 feet, you’d end up with an average well in excess of 50 feet along First Street.” (page 31) Jeffries went to on to say, “I’m interested in more retail, not less. I’m interested in deeper depths, not more shallow depths. So I am interested in Option 2 . . . and I know there’s funding that needs to be identified and so forth, but that’s the route I’d like to go.” (page 32) Later on Mr. Bergstein concluded zoning relief was not necessary because “if what you’re going to require is not just Option 1 with an alternative to do the retail component of Option 2, but require Option 1 with the retail component . . . because you really don’t have to reach the need for depth, if OP is correct and I’ve no reason to doubt them.” (page 32) Jeffries later said, “if the Commission is interested in Option 2 with the depths that have been set forth, and if we’re comfortable that it exceeds the 50 feet depth that’s set in our regs, then I think make a motion that Commission goes with Option 2 and that’s that.” (page 34) Later in the meeting, that is, indeed, what the Commission did.

Regarding the National's current proposal, the footprint goes to the building line and it's exceed 50 feet of ground floor retail depth. The 46,000 square foot goal for retail was established without the benefit of actual dimensions of First Street. We now know that the building line (which was favored by the Commission) actually represented 54,000 square feet at least. Which is "more" and not "less."

Other retail space on the ballpark site -- The whole context for the Zoning Commission's discussion of First Street retail in 2006 was that it was in addition to other retail space on the perimeter of the ballpark. At the time, the applicant spoke about parking garages that were either submerged or "wrapped" with street level retail known "separate development" (finding of fact #57 in -6-22). Political actions later removed the garage space site from zoning, resulting in no space at all dedicated to retail there.

Thirteen years later, any discussion of total space on First Street allocated retail should recognize that the Commission wanted considerably more retail onsite than is even being proposed and that additional space on any façade of the ballpark advances the broader aspiration of the Commission.