



MEMORANDUM

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TO: District of Columbia Board of Zoning Adjustment

FROM: Stephen Cochran, AICP, Case Manager
Joel Lawson, Associate Director Development Review

DATE: March 5, 2013

SUBJECT: BZA Case No 18516– 1005 First Street, NE -- Square 713, Lot 53

I. OFFICE OF PLANNING (OP) RECOMMENDATION

OP recommends the Board of Zoning Adjustment (BZA) **approve the following requested relief** for a proposed office, retail and residential building at 1005 First Street, NE, **subject to** a requirement to implement the loading management plan contained on pages 13 and 14 of the applicant's traffic statement dated February 25, 2013

- A Variance from three of the 12 foot by 30 foot berths required by § 2201.1
 - (Required total for all uses five 12' x 30' berths with 100 sf platforms, four 10' x 20' service delivery spaces, and three 12' x 55' berths with 200 sf platforms,
 - Provided total for all uses two 12' x 30' berths with 100 sf platforms, four 10' x 20' service/delivery spaces and three 12' x 55' berths with 200 sf platforms that can also function as 12' x 30' berths)
- A Variance of 12 feet 8 inches from §§ 776.5, 776.3 and 776.4 requirements for the width of a closed court provided in lieu of a rear yard for a mixed use residential/non-residential building
 - (Required 37 ft 8" required, Provided 15 ft)

The applicant had requested special exception relief from §770.6(b)'s roof structure setback requirements, but this was withdrawn after the zoning administrator determined it was unnecessary

II. AREA, SITE DESCRIPTION, AND PROPOSAL

Applicant: Perseus 53-713 LLC		Legal Description: Square 713, Lot 53	
Address: 1005 First St, NE		Ward: 2	ANC: 2B (06)
Zoning: C-3-C, TDR Receiving Zone		Historic Preservation: n/a	
Lot Features	The 71,217 square foot flat trapezoidal lot is at the southeast corner of 1 st and L Streets, NE in NoMA, adjacent to Metrorail's red line It comprises approximately half of Square 713 and is occupied by the former Greyhound bus station and surrounding parking lot In the C-3-C TDR receiving zone, lots which front on a street of over 110' width are permitted a 130 foot high, 10 0 FAR building		
Adjacent Properties	A 130 foot high residential building will be constructed to the south		

BOARD OF ZONING ADJUSTMENT
District of Columbia

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OFFICE OF PLANNING

III. ZONING REQUIREMENTS and REQUESTED RELIEF

71,217 sf lot	Required / Permitted	Existing ²	Proposed	Relief Needed
FAR	10 (TDR, 110' ROW)	n/a	9.5	
Lot Occ.	100%	n/a	100%	none
Height	130' on 110' ROW in TDR	n/a	130'	None
Vehicular Parking	Office, @ 1/1800 sf >2550 sf = 191 Grocery, @ 1/750 sf > 180 sf = 33 Retail, @ @ 1/750 sf >270 sf = 47 Res @ ¼ dwelling units = 74 Total: 345	n/a	255 190 50 74 569	None None None None
Bicycle Parking	5% of required vehicular spaces for office/retail =14 1 per 3 du = 99 Total 113		113	None
Loading	5 berths @12'x30' 4 service @10'x20' 3@12'x55'		2 @ 12'x30' 4 @ 10'x20' 3 @ 12'x55'	(-3) 12'x30' berths requested
Rear Yard 774.9(c)	Conforming court can substitute for yard on corner lot in C-3-C zone	n/a	Conforming court off of L St.	None
Closed Ct Width §§ 776.5, 776.3 and 776.4	4" per ft. of ht. = 37' 8" wide 2x (req. width) ² =1,419 sq. ft	n/a	15 ft. wide 1588 sf	12' 8" of width relief requested Exceeds required minimum by 169 sf
Roof Structures	2 permitted for type of mixed use building 1:1 setback not required from court walls not facing street	n/a	2 roof structures w/ equal height enclosures. 1:1 setbacks from exterior walls.	None. Previous setback relief withdrawn

Table 2. Zoning Requirements and Relief Requested.

(Based on information supplied by the applicant and updated to February 26, 2013).

IV. OFFICE OF PLANNING ANALYSIS

A. § 2201.1 -- Loading Requirements

1. Exceptional Condition or Situation
2. Resulting in a Practical Difficulty if Relief is Not Granted

² Existing Greyhound Bus terminal is to be demolished and site cleared.

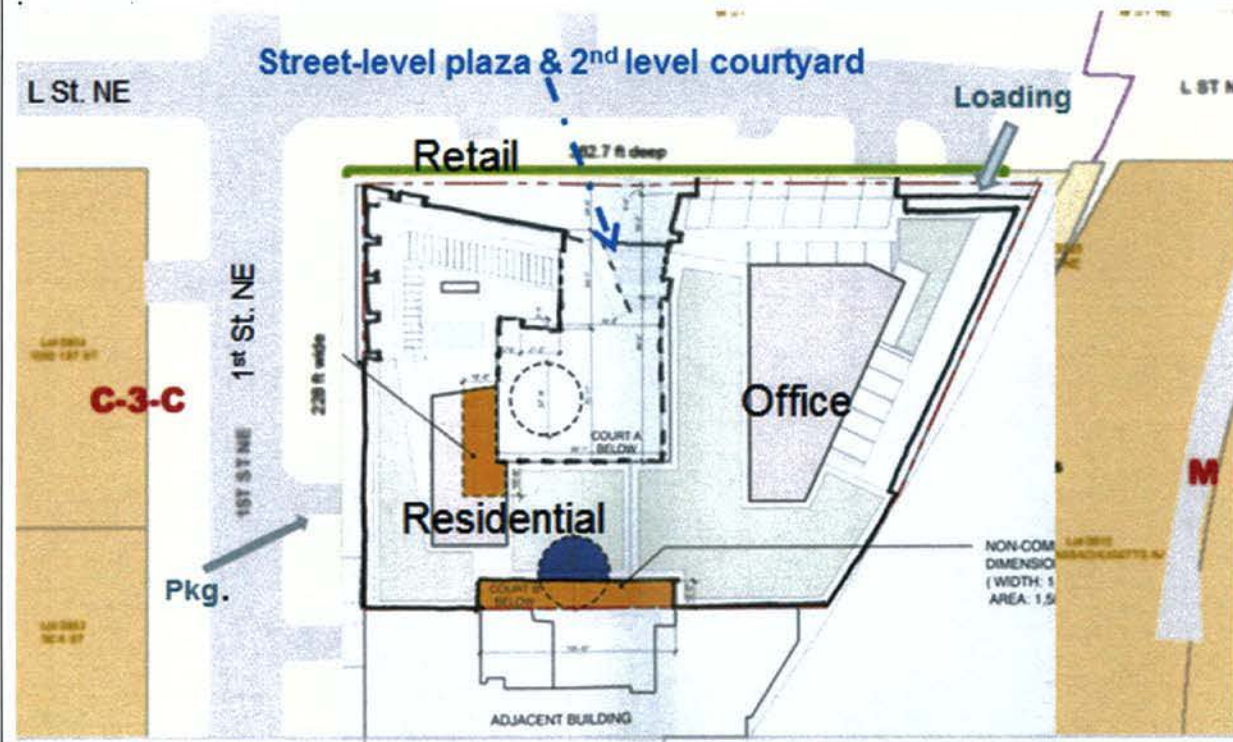
Neighborhood Character	The NoMA area is well-along in its transition from warehouse, light industry and Class-B office space to a mixed use office/residential/retail area of high-rise buildings.
Proposal¹	The 676,265 square foot (sf) mixed use building would rise 130 feet and have an FAR of 9.5. It would include approximately: • 59,997 sf of retail space on the first floor (plus additional retail on the first below-grade level) • 342,276 SF of office space beginning on the 2nd floor and to the east and south of an open court • 270,217 SF of residential space (300 dwelling units) beginning on the 2nd floor and to the west and south of the open court. • 569 parking spaces on four below-grade levels. The open court on the north (L Street) side of the building is intended to be a major neighborhood amenity. It would start as a street-level plaza and rise through a grand staircase to a second level terrace. The court would be extensively landscaped and mezzanine-level commercial spaces would open onto it. 

Table 1. Information Summary

¹ Numbers reflect applicant's February 26, 2013 updates to the application.

Particularly on pages 8 through 10 of the applicant's February 25, 2013 traffic study, the applicant has demonstrated that a combination of exceptional factors combine to create a practical difficulty with regards to parking. The applicant has attempted to maximize retail space and minimize vehicular entrances on 1st Street in accordance with the NoMA plan's designation of 1st Street as that neighborhood's principal retail street. Doing this requires there to be both First Street and L Street ramps which, combined with the angled eastern property boundary reduces the space that would otherwise be available for loading on the first below-grade level, particularly with the mid-block internal ramp needed for access to vehicular parking on the 2nd, 3rd and 4th below-grade levels. Absent the requested loading relief, the applicant could be faced with the practical difficulty of providing loading on more than one level, which would require deeper excavation on multiple floors to accommodate the higher ceiling heights needed for trucks, and which would pose more potential circulation and safety conflicts between trucks and smaller vehicles.

3. No Substantial Detriment to the Public Good or Substantial Harm to the Zoning Regulations

| The zoning regulations require each use in a mixed-use building to satisfy its loading requirements without reference to the loading supplied for other uses. For large building with substantial square footage of several uses, there may be significant redundancy among loading facilities. The loading requirements table on page 11 of the traffic study combined with the loading management plan on pages 13 and 14 demonstrate that the requested loading relief would not likely pose a substantial detriment to the public good or harm to the zoning regulations. To help ensure this, OP recommends the Board condition its loading relief approval on the implementation of the applicant's proposed loading management plan, i.e.

- a A loading dock manager will be designated by the building management. The dock manager will coordinate with vendors and tenants to schedule deliveries and will be on duty during delivery hours.*
- b All tenants will be required to schedule deliveries that utilize the loading dock – defined here as any loading operation conducted using a truck 20' in length or larger. If a grocery store is included as the anchor retail tenant, the grocery store will designate its own loading manager to coordinate with the building's dock manager.*
- c The dock manager will schedule deliveries such that the dock's capacity is not exceeded. In the event that an unscheduled delivery vehicle arrives while the dock is full, that driver will be directed to return at a later time when a berth will be available so as to not impede the drive aisle that passes in front of the loading dock.*
- d The dock manager will monitor inbound and outbound truck maneuvers and will ensure that trucks accessing the loading dock do not block vehicular traffic from using the garage driveways except during those times when a truck is actively entering or exiting a loading berth.*
- e The loading dock will be open seven days a week. The potential overlap of service vehicle traffic with parking garage traffic will be monitored during peak periods and management measures will be taken if necessary to reduce conflicts between truck and vehicular movements.*
- f Trucks using the loading dock will not be allowed to idle and must follow all District guidelines for heavy vehicle operation including but not limited to DCMR 20 – Chapter 9, Section 900 (Engine Idling), the*

regulations set forth in DDOT's Freight Management and Commercial Vehicle Operations document, and the primary access routes listed in the DDOT Truck and Bus Route System

- g The dock manager will be responsible for disseminating suggested truck routing maps like the one included as Figure 4 of the applicant's February 23, 2013 traffic statement to the building's tenants and to drivers from delivery services that frequently utilize the Storey Park loading dock. The dock manager will also distribute flyers materials as DDOT's Freight Management and Commercial Vehicle Operations document to drivers as needed to encourage compliance with idling laws. The dock manager will also post these documents in a prominent location within the service area*

B. §§ 776.5, 776.3 and 776.4 --Closed Court Width Requirements

- 1 Exceptional Condition or Situation
- 2 Resulting in a Practical Difficulty if Relief is Not Granted

The applicant has demonstrated that the NoMA Business Improvement District's Public Realm Master Plan calls for the establishment of public open space on L Street, which creates an exceptional situation that encourages setting back the building from the property line and creating a publicly accessible plaza and terrace on the north side of the building. The provision of this open space constrains the depth that can be devoted to an open court on the southern side of the building. Denial of the requested relief would result in shifting the open court northward which would pose a practical difficulty to establishing the open space off of L Street, or possibly elimination of the court which would impact the efficiency of this building and the one proposed to the south.

- 3 No Substantial Detriment to the Public Good or Substantial Harm to the Zoning Regulations

The court width relief would pose no detriment to the public good. The proposed court would be adjacent to a larger closed court planned for the residential building to the south. Together the two courts will provide more light and open area than either court would on its own. The developer of the southern-adjacent building has filed a letter expressing strong support for the applicant's project and the courtyard relief.

The property is neither in a historic district nor determined eligible for listing.

V. ADDITIONAL DISTRICT AGENCY COMMENTS

The property is neither in a historic district nor determined eligible for listing.

The District Department of Transportation (DDOT) had not filed a report as of February 27, 2013. However, OP has been in regular consultation with that Department. DDOT has not expressed reservations about the amount of the requested loading relief, and is continuing to work with the applicant on other issues such as requiring that the First Street vehicular entrance be restricted to ingress only and refining the location of utility vault grates, which are now proposed for location within public space.

VI. COMMUNITY COMMENTS

ANC 6C voted unanimously to support the application on February 13, 2013.

The developer of the south-adjacent property has filed a letter of support.