

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Elisa Vitale, Case Manager
 Joel Lawson, Associate Director, Development Review

DATE: March 3, 2015

SUBJECT: BZA Case 18911 – request for relief pursuant to DCMR 11 §§ 3103.2 and 3104.1 for an area variance from the public space at ground level requirement (§ 633); an area variance from the off-street parking requirements (§ 2101.1); and a special exception for a utility use in a CR District (§ 608.1) in the 100 Block Q Street, SW.

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) **recommends approval** of the requested relief to allow the construction of a new Potomac Electric Power Company (PEPCO) distribution substation in the 100 Block of Q Street, SW.

Variances:

- § 633, Open Space (10 % required, 8 % proposed); and
- § 2101.1, Parking (151 spaces required, 5 spaces proposed).

Special Exceptions:

- § 608.1, utility use in the Commercial Residential (CR) district.

II. LOCATION AND SITE DESCRIPTION

Address	100 Block Q Street SW
Legal Description	Square 603, Lots 19 and 809 – Lots 19 and 809 are being consolidated into a single lot of record. The process will be completed in or around March, 2015.
Ward/ANC	6 / 6D
Lot Characteristics	The two lots form a site that is generally rectangular in shape and has an area of 123,050 square feet (approximately 2.8 acres). The site is bounded by Q Street to the north, 1 st Street to the east, R Street to the south, and 2 nd Street to the west.
Zoning	CG/CR – Mixed Use (Commercial Residential - CR) in the Capitol Gateway (CG) Overlay district. Encourages a mixture of residential, office, recreational, light industrial and other miscellaneous uses.

Existing Development	Lot 19 is currently used as a towing yard with a vacant one-story building in the center of the lot and a two-story building on the west side of the lot used as an office for the towing company. Lot 809 is improved with a large two-story building that presently houses three different uses: a flooring warehouse, a souvenir warehouse, and a bakery. The Applicant proposes to raze the existing buildings on the site.
Historic District	The subject property is not within a historic district. The James C. Dent House, a D.C. Historic Landmark, is located at the northwest corner of the square but is not part of the subject application.
Adjacent Properties	To the north is a parking lot operated by a taxicab and limousine association; to the south is a scrap metal salvage yard that is part of the proposed site for the Major League Soccer Stadium; to the east is a building supply company; and to the west is Fort Lesley J. McNair. There are two-story residential dwellings to the north that front on 1 st and 2 nd Street SW and to the east that front on Q Street SW.
Surrounding Neighborhood Character	The Buzzard Point neighborhood is characterized by industrial, residential, and commercial land uses and lies in close proximity to Nationals Park, the Navy Yard, and the Southwest Waterfront.

III. PROJECT DESCRIPTION IN BRIEF

Applicant	Holland & Knight, agent on behalf of PEPCO, owner.
Proposal	The applicant proposes to construct a two-story with cellar electrical distribution substation.
Relief Sought	Relief pursuant to §§ 3103.2 and 3104.1 for an area variance from the public space at ground level requirement (§ 633); an area variance from the off-street parking requirements (§ 2101.1); and a special exception for a utility use in a CR District (§ 608.1).

IV. ZONING REQUIREMENTS

CG/CR District	Regulation	Proposed ¹	Relief
Min. Lot Area § 2401.1	n/a	123,050	None required
FAR § 631.1	3.0 non-residential max.	.47	None required

¹ Information provided by applicant.

CG/CR District	Regulation	Proposed ¹	Relief
Lot Occupancy § 634	100 % non-residential	33 %	None required
Height § 630.1	90 ft.	58 ft.	None required
Parking § 2101.1	151 spaces required	5 spaces proposed	146 spaces
Public Open Space at Ground Level § 633.1	10 % of lot area = 12,305 sq. ft.	8 % of lot area = 9,811 sq. ft.	2 % of lot area = 2,494 sq. ft.

V. OP ANALYSIS

The Applicant is requesting relief pursuant to §§ 3103.2 and 3104.1 for an area variance from the public space at ground level requirement (§ 633); an area variance from the off-street parking requirements (§ 2101.1); and a special exception for a utility use in a CR District (§ 608.1).

V. OFFICE OF PLANNING ANALYSIS

- **Variance relief from public space at ground level and parking requirements:**

1. Uniqueness Resulting in a Practical Difficulty

Although the site is a large lot with frontage on four streets, the programmatic requirements of the substation and the broader need for the substation are an exceptional condition resulting in a practical difficulty.

Public Open Space: The proposed substation requires a certain amount of space to accommodate the required electrical distribution equipment while meeting building and safety codes, which would make it practically difficult to provide large areas of publically accessible open space on the site. Furthermore, the open space is intended to serve as a transition from the sidewalk to the building entry. The proposed substation is unmanned and not publically accessible; therefore, it would be a practical difficulty for the Applicant to comply with the requirement.

Parking: The Applicant would be required to provide one parking space for each 600 square feet of gross floor area and cellar floor area (151 parking spaces). It would be a practical difficulty for the Applicant to provide the required parking because the proposed substation use requires square footage at ground level to accommodate substation equipment. The Applicant is not able to provide parking below-grade because this area is proposed to be occupied by substation equipment. Finally, the proposed substation would not require on-site employees to operate on a daily basis and would not be open to the public. Therefore, the five spaces proposed should be adequate to serve the needs of the site.

2. No Substantial Detriment to the Public Good

Public Open Space: The reduction in the amount of public open space around the building – eight percent provided versus ten percent required – should not negatively affect the neighborhood and the design of the space will make it useable to the general public. The Applicant is proposing to provide open space in three locations: 3,839.15 square feet along 1st Street; 1,829.71 square feet at the corner of 1st and R Streets – opposite a proposed plaza at the Major League Soccer Stadium; and 4,141.92 square feet along 2nd Street. Although not all of the space would be accessible to the

public, the proposed open space that would be available to the public would be in appropriate locations given the site context, particularly as it relates to the proposed Major League Soccer Stadium to the south.

Parking: The five proposed parking spaces would be sufficient to meet the parking needs of PEPCO employees that would visit the site. The substation would be an unmanned facility with no operational crew needed on a daily basis. Maintenance of the substation would be accomplished by two employees working on-site once a month. Given the proposed use as an unmanned facility, with no permitted public access, the proposed reduction on the required parking for the project would have no substantial detriment to the public good.

3. No Substantial Harm to the Zoning Regulations

The overall intent of the requirement is not relevant to this building, although the ground level open space provided would be appropriately sited across from the Soccer Stadium.

As stated above, the proposed substation would be unmanned with no operational crew and maintenance accomplished once per month by two employees. Additionally, the 2nd Street access area will provide overflow parking, if needed, during-emergency situations. It will also provide capacity for any other types of maintenance that may be needed.

Therefore, granting the requested variances for open space and parking would not cause substantial harm to the Zoning Regulations.

- **Utilities as a Special Exception Use in CR District:**

608.1 Use as an electric substation, natural gas regulator station, public utility pumping station, optical transmission node, or telephone exchange, shall be permitted in a CR District when authorized by the Board of Zoning Adjustment under § 3104, if the Board considers that this use is appropriate in furthering the objectives of the CR District, subject to the provisions of this section.

608.3 The Board may impose any requirements for setbacks, screening, or other safeguards that it deems necessary for protection of the neighborhood.

The proposed substation is necessary to support existing customers and future planned development in the Capitol Riverfront and Southwest Waterfront neighborhoods. The area has been experiencing steady growth in residential and commercial electric demand over the past several years. The proposed substation would replace aging PEPCO infrastructure that is expected to exceed its capacity in the near future. The nearest existing electrical distribution facility in the vicinity of the site is located within PEPCO's Buzzard Point Substation, which PEPCO predicts will exceed its capacity by three percent in 2017.

The proposed substation at this site will further the objectives of the CR District, which are to encourage a diversity of compatible land uses that may include a mixture of residential, office, retail, recreational, light industrial, and other uses. The CG Overlay includes the purpose of allowing for the continuation of existing industrial uses, which are important economic assets to the city, during the extended period for projected for redevelopment. While OP would prefer mixed-

use development on the site, this is not possible for such a utility building. Construction of the proposed substation is essential for maintaining and improving overall reliability of electric services for customers in the surrounding area.

The Applicant has undertaken extensive design related discussions with the Capitol Riverfront Business Improvement District, D.C. United, and other area property owners including Steuart Investment Company and Akridge. As such, the Office of Planning does not recommend that the Board impose any additional requirements for setbacks, screening or other safeguards.

VI. COMMUNITY COMMENTS

Advisory Neighborhood Commission 6D submitted a letter dated March 1, 2015, requesting that the BZA hearing be delayed until the Public Service Commission completes its, “investigation into the reasonableness, health and safety of the proposed substation (formal case #1123).”.

VII. AGENCY COMMENTS

The District Department of Transportation (DDOT) report will be submitted under separate cover.

Attachments:

1. Location Map

