GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

TO: D.C. Board of Zoning Adjustment

FROM: Andrew Altman
Director

DATE: November 8, 2000

SUBJECT: BZA Application No. 16625, May Company Department Stores Company for Variances to Construct an Office Building

BZA
Case No. 16625
Exhibit No. 23

APPLICATION

Application of the May Department Stores Company, pursuant to 11 DCMR 3103 for variances to construct an office building adjacent to and above the existing Hecht's department store building at 719 13th Street, N.W., Lot 810, Square 288

SUMMARY RECOMMENDATION

The Office of Planning recommends approval of these variance requests.

SITE AND AREA DESCRIPTION

These variances are requested to allow development of a unique project at the heart of Metro Center in Downtown Washington. When this development is completed it will complete a long program of the District government to encourage coordinated development in this area by assembly of land through the urban renewal process at Metro Center, an effort that began in the early 1970s.

The site consists of the southern third of Square 288, which is bounded by 12th Street, NW on the east, G Street NW on the south, 13th Street NW on the west and H Street NW on the north. The development site consists of two lots. Hecht's department store is located on Lot 56 (Urban Renewal Parcel 3A). In addition, the May Company Department Stores, the parent company of Hecht's, has purchased lot 810 just north of lot 56. A previous building on lot 810 has been demolished. An east-west alley separates lots 810 and 56 from the northern part of Square 288.

Board of Zoning Adjustment
District of Columbia
CASE NO.16625
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The site is in the center of the Retail Core, largely surrounded by office buildings with retail space, plus several hotels and other buildings. The "Metro Center" subarea of the Retail Core is named after the Metro Center Metrorail Station, which is underground adjacent to the existing Hecht Company Department Store along G Street and 12th Street. Metro Center is a transfer station where the Red Line crosses the Blue and Orange Metrorail Lines The Metro Center Metrorail Station has four entrances. One of these entrances is at the southeast corner of 13th and G streets NW, across from the west entrance to Hecht's, and another at the northeast corner of 12th and G streets, across from the east entrance to Hecht's. In addition, there are two direct underground entrances from the lower level of Hecht's into the Metrorail station. The project site therefore has very good Metrorail access.

APPLICANT'S PROPOSAL

The Development Proposal

The "development site" consists of the air rights over the Hecht's department store building on Lot 56, some land that is part of the Hecht Company property, lot 810 and a stub of the north-south alley that has been closed. The applicant, the May Department Stores Company, owns the development site and proposes to sell the development site to Tishman Speyer Properties, Inc. (the "developer). Tishman Speyer Properties, Inc. will construct an office building on the air-rights and adjacent property. Construction of a building on the air-rights over the Hecht's department store building was proposed as part of the original Metro Center Urban Renewal Plan concept. The design concept for the office building has been slightly changed in the current design to include Lot 810 that faces on 13th Street, NW.

The proposed development has approximately 477,000 square feet of gross floor area with six floors of office space, primarily over the Hecht's department store. Two lobbies with elevator cores provide access to the office space. One lobby is located on 13th Street, essentially on Lot 810, and the other lobby is located on 12th street, on part of the Hecht Company department store property. The facades of each lobby element have been designed so that they appear as separate building elements.

The new office building and the existing Hecht's department store will be on a single record lot. There will be a connection between the two buildings, constructed at different times, so the buildings will be considered a single building for the sake of zoning. Since the existing Hecht Company building has two direct connections into the Metro Center Station, in theory the combined building will not require any parking (Section 2105.1(a) of the Zoning Regulations allows required parking for a nonresidential building in the Central Employment Area to be reduced or eliminated if the building has a direct connection to a Metrorail Station). In fact, however, to meet market needs, the developer proposes to provide on-site parking in a unique configuration and additional parking spaces on Urban Renewal Disposition Site 5A across 12th Street NW.

Stacked parking above grade is provided on site with access from the east-west alley. A total of 160 spaces on five levels along the rear of the existing Hecht Company building are indicated on the plan, though this includes some stacked spaces. Approximately 130 spaces are being provided excluding the stacked parking. However, all parking spaces will likely be valet parking spaces. With the exception of three spaces on the "mezzanine level, " all spaces are accessed by way of a ramp from the mezzanine level that drops down to the "ground floor level." Twenty-nine (29) parking spaces are on this "ground floor level." Two parking elevators at this level also provide access to the remaining parking spaces on three levels above (Level 2, Level 3 and Level 3b). In accordance with the Urban Renewal Plan, additional parking (115 spaces) for the building is provided across 12th Street in 700 11th Street, the office building on Urban Renewal Parcel 5A.

As indicated above, and in review of the plans, the design of this office building on the development site requires a special arrangement of the lobbies, special arrangement of the on-site parking and careful design of the loading docks. Actual construction of the office building will also require special measures.

The Regulatory Framework

The regulatory framework for this development is unusual because the provisions of the Downtown Urban Renewal Plan govern most of the development site (Lot 56, which is Urban Renewal Disposition Site 3A). The existing Hecht's department store is built on Urban Renewal Disposition Site 3A. The air rights above the Hecht's department store site are Urban Renewal Disposition Site 3B. Only a small portion of the development site, the area of Lot 810 (10,083 square feet), is governed by the Zoning Regulations. The site is in the DD/C-4 District.

Zoning Variances Requested

The applicant is requesting two zoning variances. Both variances pertain to Lot 810 since the remainder of the development site is governed by the Urban Renewal Plan.

Retail Space Variance Requested: The Downtown Development District provisions of the Zoning Regulations (Section 1703.3) requires new buildings in the SHOP area of Downtown (i.e. the Retail Core) to provide no less than 0.5 FAR of ground floor leasable space to preferred retail or service uses (listed in Section 1710) or arts uses (listed in Section 1711). This would apply to the portion of the building on lot 810. However, this space serves as the west lobby of the building. Excluding the area of the actual elevator waiting area, the lobby is only 55 feet x 30 feet, a total area of 1,650 square feet. Much of this area must be open for the circulation of building occupants and visitors through the entrance doors to the elevator area. A variance from the requirements of Section 1703.3 is requested, i.e. no retail space in the 13th Street (West) lobby.

Parking Variance Requested: The parking regulations at issue are the requirements pertaining to Lot 810, since the parking regulations which apply to Urban Renewal

Disposition Lot 3 are defined in the Urban Renewal Plan. The applicant maintains that no parking spaces are required, since a direct Metrorail connection is being provided. However, the applicant is providing between 130 and 160 spaces on site. These will be valet parking spaces, accessible through two automobile elevators.

Section 1702.7 of the Downtown Development Chapter of the Zoning Regulations provides that "parking spaces at or above grade in a building shall be permitted" if the facility "provides only short-term parking and all of the parking spaces are leased to merchants or a park-and-shop organization." Otherwise, the parking spaces require a variance. In this case, the parking spaces in the development site are provided at grade and above grade and are intended for "commuter parking," i.e. by workers and visitors to the building. The applicant is therefore seeking a variance for above grade parking.

ANALYSIS

The Overall Development

In looking at variances requested, it is important to look at the overall project and what is being attempted. The concept of the coordinated development of the urban renewal sites goes back to the early 1970s. The plan concepts envisioned an air-rights building on Urban Renewal Disposition Parcel above and adjacent to what became Hecht's department store. Development of this air-rights site will bring approximately 1, 900 new employees to this site, providing additional potential customers for Hecht's and other retail and service establishments in the area. The new office building will add to the District's property tax base and the incremental growth in employees will have some impact on additional sales and other taxes. The development site has probably the best Metrorail access of any location in the city and region. Metrorail ridership will be increased by some amount. Finally, it should be noted that this is a very unusual development and granting the variances requested will not likely establish a precedent.

The Tests for a Variance

The power of the Board of Zoning Adjustment to grant variances is outlined in Section 3103.2 of the Zoning Regulations. This section provides that the Board may grant a variance if, by reason of exceptional situation or topographical conditions or other extraordinary or exceptional situation or condition of a specific piece of property, the strict application of the Zoning Regulations would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of the property, the Board may grant a variance so as to relieve the difficulties or hardship provided that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan, as embodied in the Zoning Regulations and Map.

Retail Variance

The Office of Planning has long sought to gain additional retail space in the Retail Core. However, in this case the size of the 13th Street lobby on Lot 810 is so small, and the space is obviously needed for access to one of the elevator cores that provide access to the office space. It is not feasible to provide retail space that would be viable. It is not possible to provide 0.5 FAR of retail space. The office building is not feasible if elevator access is not provided. **The Office of Planning therefore supports the requested variance from providing retail space on Lot 810.**

Parking Variance

The parking provided on the development site is provided in a unique configuration on the development site. A variance is requested to allow above grade parking. The Downtown Development (DD) District limits surface and above grade parking for commuter parking, allowing such parking with a variance. This was an attempt to encourage short-term parking and to discourage above grade commuter parking. In view of the unique configuration of the site, above ground parking provides a feasible way to provide some on-site parking to serve the needs of the proposed development. This above grade parking will provide 130-160 spaces on the development site, with some stacked parking requiring valet operation. As previously noted, 115 parking spaces will also be provided across 12th Street on Urban Renewal Disposition Parcel 5A. These are underground spaces that are already constructed and will be assigned this new building.

Building the parking above grade allows some parking to be built on the development site. Even so, a unique parking garage configuration with two automobile elevators is required. The developer is providing this parking in order to meet market demands, i.e. the developer believes that providing a certain number of parking spaces on site is necessary to obtain financing and to lease the office space. The applicant's submission indicates, and the Office of Planning agrees, that it will not be possible to tell from the adjacent streets that the parking is above grade. Not allowing the parking to be built in the way proposed would cause a hardship by eliminating the opportunity for parking that the developer believes is necessary to undertake the building. **The Office of Planning recommends that this variance for above grade parking be approved.**

For both variances, the Office of Planning believes the relief can be granted with substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan. In fact, taking steps that allow this office space to be built provides benefits to this area of Downtown and to the city.

Previous Approvals

In addition to the variances requested in this case, this development also requires the closing of the southern stub of the north-south alley in square 288, an Urban Renewal

Plan change and review and approval of the development project design by the Department of Housing and Community Development Architectural Review Panel (ARP).

Alley Closing: The closing of the southern stub of the north-south alley ("Closing of a Public Alley in Square 288, S.O. 98-163, Act of 2000") was passed by the Council of the District of Columbia on July 11, 2000 and signed by the Mayor on July 13. Following the 30-day Congressional review period, the Act became effective as D.C. Law 13-170 on October 5, 2000.

Downtown Urban Renewal Plan Change: The Redevelopment Land Agency (RLA) and the D.C. Department of Housing and Community Development (DHCD) have requested approval of modifications to the Urban Renewal Plan for the Downtown Renewal Area in order to support development of air rights on Disposition Lot 3. The proposed modifications include a text amendment to permit aboveground parking on Disposition Lot 3 and three map amendments to reflect the closing of the southern stub of the north-south alley on Square 288.

The National Capital Planning Commission approved the requested Downtown Urban Renewal Plan modifications on November 2, 2000. The Urban Renewal Plan change will next be sent to the Council of the District of Columbia for review and approval.

Urban Renewal Plan Design Review: The May Company Department Stores Air Rights Office Building Project was reviewed by the Department of Housing and Community Development Architectural Review Panel (ARP) on August 15, 2000. This review is necessary because most of the development project occupies an urban renewal site. The ARP reached consensus in support of the final building elevations and proposed pallette of exterior finish materials. This approval was confirmed in an August 24, 2000 letter from James Thackaberry, ARP Manager, to the developer's attorney.

Other Agency Comments

Department of Pubic Works (DPW): The Department of Public Works has reviewed the application and provided a report to the Office of Planning on the transportation elements of the proposal. A copy of the DPW report is attached. DPW estimates that the new parking on the development site would generate approximately 65 vehicle trips during the morning and evening peak hour. The report indicates that this level of traffic can be absorbed by the surrounding street system with little or not changes in the level of service of the adjacent intersections. The report also notes that this parking facility could support night activities in the downtown area. From a transportation standpoint, the proposed parking structure will have minimal impact on the area's transportation system. DPW has no objection to the proposal.

ANC AND COMMUNITY GROUPS

Advisory Neighborhood Commission 2-C voted at its November 1, 2000 meeting to support the proposed project.

RECOMMENDATION

The Office of Planning recommends approval of the two variance requests.

Attachments

AA/jf

LOT 810
DISPOSITION LOT 3
13th STREET
12th STREET
Skylight
G STREET

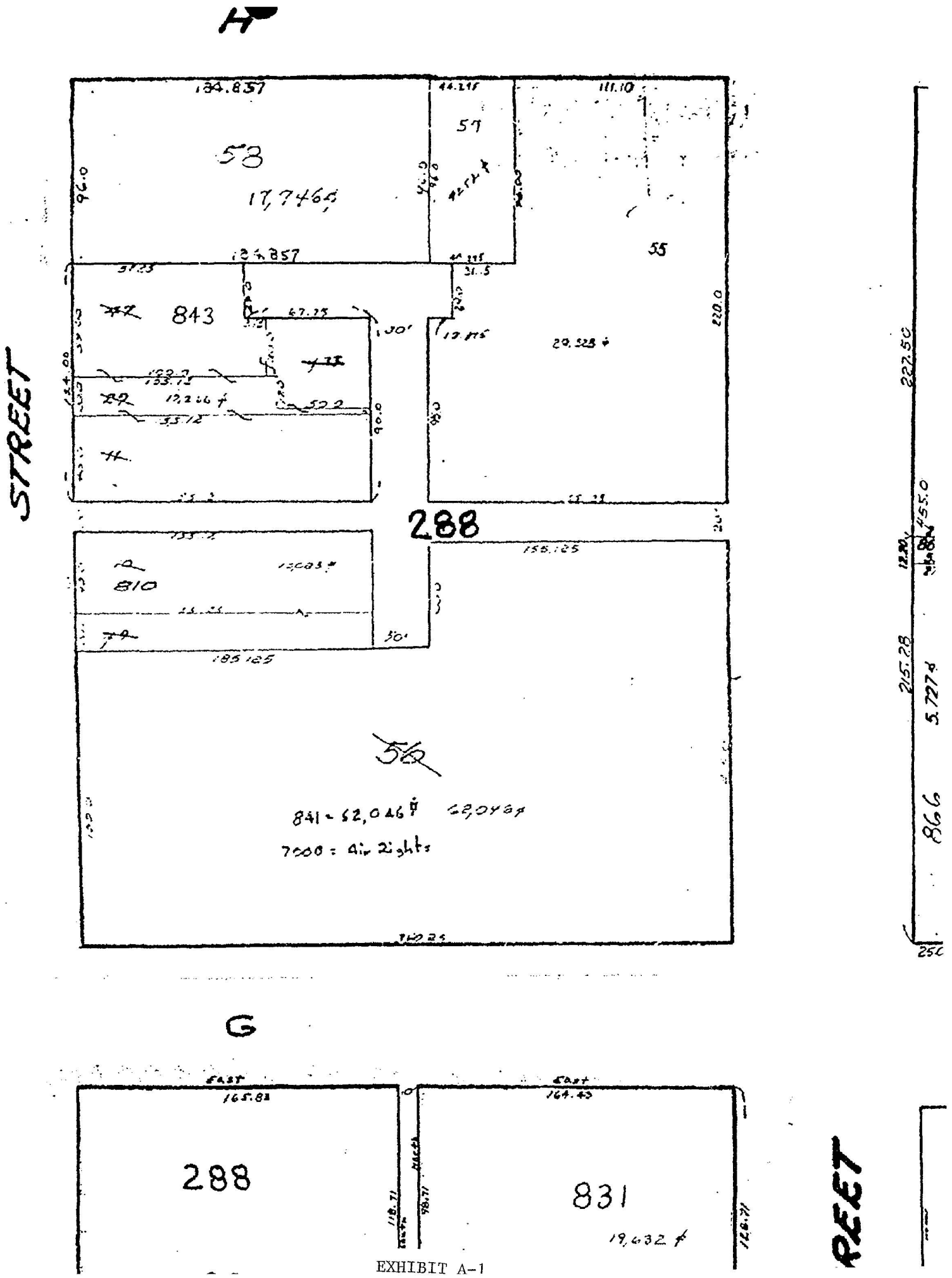

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29,528 ±
STREET
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133.12
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50.2
90.0
55.12
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810
14,603 ±
55.25
30'
185.125
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455.0
215.28
5,727 ±
866
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G
EAST
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164.45
288
831
118.71
98.71
19,632 ±
STREET

EXHIBIT A-1

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF PUBLIC WORKS
2000 - 14TH STREET, N.W.
7TH FLOOR
WASHINGTON, D.C. 20009

★ ★ ★

REPLY TO:
OFFICE OF INTERMODAL PLANNING

Memorandum

TO: Andrew Altman
Director
Office of Planning

FROM: Kenneth Laden
Administrator

Rick Rybeck for KL

DATE: NOV - 8 2000

SUBJECT: BZA Application No. 16625 – Variance to Construct an Office Building Adjacent to and Above the Existing Hecth's Department Store Building 719 13th Street, N.W., Lot 810, Square 2887.

The Department of Public Works (DPW) has reviewed the application and other material submitted by the applicant. This report addresses the transportation elements of the proposal.

The applicant, the May Department Stores Company, is seeking a variance to allow the construction of an above grade-parking garage devoted to all-day commuter parking. The proposed parking garage is in conjunction with a new office building to be constructed on top of the Hectht Department Store building at 12th, 13th and G Streets, N.W. There will be approximately 130 parking spaces in the above-grade garage.

Entrance to the garage is located on the existing public alley and will be accessed from 13th Street. The public alley also serves as access to the existing Hecht's loading docks as well as the new loading facility for the proposed office building. The loading facilities are accessed from 12th Street. The Department supports this circulation and notes that no new curb cut is required for this proposal.

With regard to traffic generation, we estimate that approximately 65 vehicle trips would be generated by the parking facility during the typical morning and evening peak hour. This level of traffic can be absorbed by the surrounding street system with little or no changes in level of service of the adjacent intersections. It should be noted that the

parking facility could support night activities in the downtown area, a desirable objective for a vibrant downtown.

From a transportation standpoint, the proposed parking structure will have minimal impact on the transportation system in the area. Accordingly, the Department of Public Works has no objection to the proposal.

KL:ab