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Outline of Testimony
before the Board of Zoning Adjustment

BZA Application No. 16664
175 R Street, N.E.

Steven E. Sher
Director of Zoning and Land Use Services
Holland & Knight LLP

December 18, 2000

I. Site location and description

A. Southeast corner of the intersection of R Street and Eckington Place, N.E.

B. Site is trapezoidal in shape

C. Site contains approximately 40,000 square feet

D. Site is currently improved with a four story warehouse building containing approximately 124,000 square feet of gross floor area and an open area on the east side

II. Description of surrounding area

A. Site is part of Eckington area

B. Mix of industrial type buildings and uses, including the wholesale flower center and the Federal Express distribution center

C. To the east are vacant lots and one single family dwelling

D. To the north, across R Street, is McKinley Technical High School and row dwellings in the R-4 District

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E. To the west, across Eckington Place, are vacant and occupied apartments and row dwellings

F. To the south is the wholesale flower market, parking lots and other industrial type uses

III. Existing zoning: C-M-2

A. Uses (§801)

1. Commercial uses permitted as a matter-of-right, including retail, service and office use

2. Public utility uses permitted as a matter-of-right

3. Warehouse, wholesale and light industrial uses also permitted as a matter-of-right

B. Height - maximum of sixty feet (§840.1)

C. Density - maximum of 4.0 FAR (§841.2)

D. Rear yard - minimum depth of 2.5 inches per foot of height, but not less than twelve feet (§842.4)

E. Side yard - not required (§843.1)

F. Parking (§2101.1)

1. For office use: minimum of one space for each 800 square feet of gross floor and cellar area in excess of 2,000 square feet

2. For retail use: minimum of one space for each 750 square feet of gross floor area in excess of 3,000 square feet

3. For warehouse use: minimum of one space for each 3,000 square feet of gross floor area

4. For wholesale or manufacturing uses: minimum of one space for each 1,000 square feet of gross floor area

IV. Special emergency regulations for Electronic Equipment Facilities (EEFs)

A. Permitted as a mater-of-right only if below the ground floor level, if it does not occupy more than 20% of the FAR of the building and it is not on the ground floor (§§741.8 and 741.9)

B. Otherwise permitted as a special exception with the approval of the Zoning Commission, according to standards specified in §802A

V. Proposed development

A. Use – electronic equipment facility

B. Gross floor area: approximately 124,000 square feet (existing)

C. Height: existing four story building

D. Twenty exterior parking spaces in a landscaped area east of the building

VI. Relief required

A. Special exception under §802A for an EEF

B. Special exception under §2110 to reduce the amount of required parking

VII. Standards for the EEF special exception (§802A)

A. Proposed use will not preclude future revitalization of the neighborhood, reduce the potential for vibrant streetscapes, deplete street life or inhibit pedestrian or vehicular movement

B. Take into account whether retail uses or provided or can be accommodate, security devices which could impair street life or pedestrian flow, disruption of pedestrian or vehicular routes and inability to be adapted to other permitted uses

C. Consider economic development potential of the area, including proximity to Metro station or on a pedestrian corridor

D. Consider economic benefits one the area

E. Zoning Commission may impose requirements to protect adjacent property and achieve an active safe and vibrant street life

VIII. Compliance with the special exception standards

A. Future revitalization

1. Proposed use will contribute to improvements in area by:

a. Upgrading exterior appearance of building

b. Replace vacant lot with landscaped and fenced parking area

c. Provide the communications and technological framework and infrastructure to support other high tech businesses in the area and in the city

2. No blocking of sidewalks or other inhibition of pedestrian movement

B. Future retail

1. Subject location is not an existing retail location, nor is it a prime candidate for future retail

2. Site is on edge of industrial area

3. Site is not on a pedestrian route nor close to Metrorail station

C. Economic development potential

1. Site is at edge of area planned and zoned for industrial type uses

2. Most commercial or industrial sites in the area are much more favorably located with respect to the Metrorail station

3. Is substantial amount of undeveloped land available for other industrial and commercial development

D. Positive economic impacts

1. Supportive of other high tech and business activities

2. Location near intercity fiber optic lines on the railroad right-of-way

IX. Standards for the parking special exception (§2110)

A. Consideration to:

1. Location of the building

2. Maximum number of employees, customers or clients present at one time

3. Existing off-street parking reasonably available

4. Proximity to public transportation or availability of ride-sharing program

B. If using ride-sharing, the program must continue as long as the use continues

X. Compliance with the special exception standards

A. Space for 20 parking spaces will be provided in a surface lot

B. Maximum expected parking demand at one time is approximately 20 cars

C. Proposal increases the availability of parking for the building for the present use and for the future

XI. Consistency with the Comprehensive Plan

A. Land Use element

1. Shown as production and technical employment on Generalized Land Use Map

2. Included in Northeast No. 1/Eckington Yards Special Treatment Area with specific policy to "create a physical and regulatory atmosphere to encourage nascent high technology and light industries in the area north of Florida Avenue" (§1121.1)

B. General Provisions element: Major theme of the plan to create an economically strong and viable city, noting that "encouraging the broad spectrum of both private and public growth, with the appropriate level of *supporting infrastructure*, is central to achieving this end" (emphasis added) (§109.1(a))

C. Economic Development element major policies

1. "The District's overall economic development goals are to generate a high-performance economy ..." (§200.5)

2. "The District places a high priority on expanding its role as a leading center for ... international business" (§200.8)

3. "Also of high priority is development and implementation of policies and strategies that generate new and productive uses of currently underused commercially and industrially zoned lands. This includes ... attraction of new industries representative of advanced technologies" (§200.10)

D. Ward 5 Plan objectives and policies

1. "After years of decline, the New York Avenue rail corridor will again be a thriving industrial and commercial center. New business . . . will complement recently established businesses such as the Federal Express complex" (§1600.8)

2. "Enhance and expand the ward's economic activity and employment centers, particularly in the underused industrial and commercial areas" (§1605.1)

3. "Coordinate efforts of the public and private sectors to spur economic development in the Eckington Yards ... commercial and industrial areas" (§1606.1(A)(2)(e))

XII. Conclusions

A. Proposed development as an EEF meets the standards promulgated in the emergency rulemaking

B. The number of parking spaces proposed meets the demand for parking and would create no adverse impacts

C. Approval of the application, allowing an EEF to be located on this site, would have no adverse impacts on the area

D. The application should be granted