GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

MEMORANDUM

TO: Zoning Commission

FROM: Andrew Altman
Director

DATE: February 14, 2001

SUBJECT: Application 16674 - 33 Patterson Street, NE
33 Patterson Limited Partnership: Electronic Equipment Facility

D.C. OFFICE OF ZONING
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APPLICATION

Application of 33 Patterson Limited Partnership, pursuant to 11 DCMR 3104.1 and 2101.1, for a special exception use for the operation of an Electronic Equipment Facility (EEF) at 33 Patterson Street, NE, (Square 672, Lot 255) in the C-3-C zone district.

SUMMARY RECOMMENDATION

The Office of Planning recommends that the application be approved with the condition that all security elements, except exterior cameras, be contained within the building.

PROJECT DESCRIPTION

The application has been filed under the emergency regulations adopted on October 16, 2000. The emergency regulations allow for an EEF use as a special exception use in the C-3 zones if approved by the Zoning Commission.

The applicant proposes to renovate the vacant building at 33 Patterson Street, NE for use as an EEF. The one-story building was previously used as a fur storage warehouse and has reportedly been vacant for several years. The building is constructed on a slab foundation and the applicant describes the building as "a secure facility with no windows or basement." The property has the following characteristics:

Lot Area:	19,344 square feet
Building Size:	16,852 square feet and 597 square feet of mezzanine
Floor Area Ratio:	0.902
Parking On-site:	6

BZA
Case No. 16674
Exhibit No. 30

Board of Zoning Adjustment
District of Columbia
CASE NO.16674
EXHIBIT NO.30

BACKGROUND

Temporary Regulations

On October 16, 2000, the Office of Planning recommended an emergency rulemaking for the temporary regulation of electronic equipment facilities (EEFs) (a.k.a. data centers, tech hotels, telecommunications switching facilities, Internet hotels), which was adopted by the Zoning Commission.

The regulations provided for the temporary review of these facilities through the special exception process, but allowed matter-of-right development if the facilities were placed underground. The temporary regulations applied to the C-3, C-4, C-5, C-M, and M zones. EEFs were prohibited in all other zones as being contrary to the purposes of the zoning districts stated in Title 11DCMR.

The temporary regulations were designed to encourage the appropriate development, design and location of data centers in the city. It was OP's intent to protect the areas where employee-oriented technology developments have occurred and areas identified for economic revitalization. Many of the EEFs have been proposed in areas of the city that have significant long-term development potential and have been identified for economic revitalization, such as the North of Massachusetts (NoMa) area and the waterfront. These revitalization areas encourage the location of technology firms and anticipate a mixed-use vibrant street life that makes optimal use of the Metrorail.

Electronic Equipment Facilities

Electronic Equipment Facilities are large spaces or buildings almost entirely occupied by electronic equipment for Internet and telecommunication service providers. EEFs serve as transmission and co-location hubs for service providers whose computer equipment needs to be connected to major fiber optic networks. It is common for these facilities to house multiple and competing data service providers and, due to fiber availability, to cluster in a concentrated area.

EEFs have unique development and operating standards including close proximity to fiber optic lines, large floor plates with wide column spacing and tall ceilings, dry fire safety systems, minimum window exposure, high security, demand for high levels of power, low number of employees, low parking, loading and delivery demands, and 24 hour operations.

The abundance of local fiber in the NoMa area and the near proximity to long haul fiber adjacent to the railroad tracks, make the NoMa area extremely attractive to EEF use. There is also an availability of land and existing warehouses with various floor plates that attract EEFs to the area. OP was concerned that the uncontrolled development of actual and speculative data centers could forestall redevelopment efforts for a mixed-use neighborhood and have an adverse impact on the future redevelopment of the area. Therefore, OP recommended a special exception review be provided for these facilities on an emergency basis while final regulations are being considered.

SITE AND AREA DESCRIPTION

The site is located in the middle of the block on Patterson Street, between North Capitol and First Streets, NE, in the commercial area identified as NoMa (North of Massachusetts Avenue). The surrounding neighborhood contains the Greyhound Bus Depot, parking lots, office buildings, warehouses and other planned EEFs. The site is currently developed with a vacant one-story warehouse and 6 on-site parking spaces. The remainder of the block, both east and west, contains similar low-rise buildings of industrial nature and parking lots.

EXISTING ZONING

The property is zoned C-3-C, Major Business and Employment Centers. The zoning classification is designed to accommodate important sub-centers supplemental to the Central Business District. The zone permits as a matter-of-right use most office and retail uses, dry cleaning facilities, mechanical parking garages, public swimming pools, community-based residential facilities and fast food restaurant subject to certain conditions manufacturing, temporary detention or correctional institution. Special Exception relief is required for motorcycle sales and repair, public utility pumping stations, massage establishments, intermediate materials recycling facilities and EEFs.

SPECIAL EXCEPTION RELIEF

In making a special exception request, the applicant must show that the proposed use will not have an adverse impact on the surrounding area. The temporary EEF regulations require that the applicant show "... that the proposed use will not, as a consequence of its design, operation, low employee presence, or proximity to other EEFs, preclude future revitalization of the neighborhood, reduce the potential for vibrant streetscapes, deplete street life, or inhibit pedestrian or vehicular movement."

The emergency regulations also provide guidance to the Commission in determining adverse impacts. They state:

> In evaluating whether an EEF will have any of the adverse impacts described in 745.2, the Commission shall consider, in addition to other relevant factors, the adverse impact of:
>
> (a) The absence of retail uses or of a design capable of accommodating retail uses in the future;
>
> (b) The presence of security or other elements in the design that could impair street life and pedestrian flow;
>
> (c) The disruption of existing or the elimination of officially proposed pedestrian or vehicular routes; and
>
> (d) The inability of the EEF to be adapted in the future for permitted uses.

The temporary regulations further provide guidance in terms of considering the location of the facility relative to Metrorail stations and any positive economic benefits that may arise from an EEF. The regulations state the following:

The Commission in weighing the potentially adverse factors delineated in 745.3 (a) through (d) shall consider the economic development potential of the area in which the EEF is proposed to be established and shall give greater negative weight to these factors if the EEF is to be located in proximity to an existing or proposed Metro Station or on a pedestrian corridor.

The Commission may give positive weight to any economic benefits that the proposed EEF will have on adjacent properties, including the potential for increased business activity within the neighborhood, if that activity will foster economic development.

The Zoning Commission may impose requirements pertaining to design, appearance, landscaping, parking and other such requirements as it deems necessary to protect adjacent property and to achieve an active, safe and vibrant street life.

SPECIAL EXCEPTION REQUEST

The applicant is requesting special exception relief for an EEF use pursuant to and in accordance with the emergency regulations adopted October 16, 2000 and the special exception criteria established for this use.

Future revitalization of the neighborhood

The property is currently vacant. The building was constructed in 1989 as a fur storage warehouse. As a result of the fur warehouse use, the building was designed with no windows and only a customer entrance and delivery dock.

The property is within the NoMa commercial area and is identified in the Downtown Action Agenda has an area ripe for redevelopment. The Action Agenda encourages the location of technology firms and anticipates a mixed-use, vibrant street life that makes optimal use of the planned New York Avenue metro station. This area has significant long-term development potential that has been identified for people-intensive, mixed-use development.

OP does not believe the use of the building as an EEF would hinder the revitalization of the neighborhood or adversely affect the use of adjoining properties due to the small size of the property, the lack of any current tenant and the rather restricted opportunities of the building design.

Potential For Vibrant Streetscapes and Street Life

The applicant has not directly addressed the issue of security. The four previously approved EEF applications, however, all incorporated their security elements inside the structure so security would not be a negative element in the building design, would not be visible from the street or sidewalk, and would not have a negative impact on the street activity. OP recommends that any security elements (with the exception of exterior cameras) be confined to the inside of the building so as not create an unwelcome stretch of sidewalk.

Beyond security elements, OP does not believe an EEF use in this building will inhibit street life or interfere with the existing streetscape.

Pedestrian and Vehicular Movement
The adjoining sidewalk along Patterson Street is continuous from North Capitol Street to First Street and is lined with established mature trees. The area has limited pedestrian travel during the day. There is nothing in the proposal to indicate any interference with the sidewalk or street trees.

This block of Patterson Street is fully used for on-street parking along both side of the fifty-foot street. The project includes on-site parking, which will help avoid conflicts with street traffic. The parking lot appears well maintained and is secured by a metal gate. There is one loading dock on the front of the building with access from Patterson Street. Most EEF proposals indicate that the loading requirements are quite low. After the initial renovation and delivery of equipment, few trips are anticipated that will use the loading facility.

OP feels that, after initial delivery and renovation, the operation of an EEF will be contained within the boundaries of the site and will not encroach or impede pedestrian or vehicular traffic.

Retail Uses or Future Retail Accommodation
The project is located in the middle of a block that currently has no retail, and limited office and warehouse uses. OP believes that the design of the building would not convert easily to retail and the neighborhood is not at a stage where small mid-block parcels could sustain retail. There is nothing, however, that would preclude the owners from converting the space to a future use when the market develops.

Parking
The property has 6 existing parking spaces on site for use by the facility. Under the emergency regulations the property is grandfathered with regards to parking requirements because it is an existing structure. OP feels the existing parking will serve the EEF use and will not have an adverse impact on the neighborhood.

COMMUNITY COMMENTS

The applicant presented the proposal to ANC 6A at the meting of February 14, 2001. The ANC will issue a separate memorandum regarding their position on the application.

RECOMMENDATION

The Office of Planning recommends that the application be approved with the condition that all security elements, except exterior cameras, be contained within the building.

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