GOVERNMENT OF THE DISTRICT OF COLUMBIA
DISTRICT DIVISION OF TRANSPORTATION

Transportation Policy and Planning Administration

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TO: Jerrily Kress, FAIA
Director

DATE: April 22, 2002

FROM: Ken Laden
Associate Director

RE: BZA Application No. 16832
Langston Hughes Condominiums
2045 14th Street, NW

GENERAL INFORMATION AND DDOT OPINION:

The applicant, Metropolis Development Company LLC, is requesting a variance to allow for the elimination of a 55-foot loading berth at the property. The property will be a mixed-use residential and commercial development located at 14th and V Streets, Northwest. It is zoned CR.

According to the District of Columbia Municipal Regulations, Chapter 22, the site is required to have two loading berths, at 30-feet and 55-feet, and one service delivery/delivery loading space at 20-feet. The applicant is instead proposing to construct one 30-foot loading berth, eliminating the 55-foot berth. The applicant will construct the 20-foot delivery space as required.

BZA
Case No. 16832
Exhibit No. 28

Based on its review of the case, DDOT does not see any reason to oppose the berth variance requested by the applicant. It therefore recommends the BZA **approve** the request, subject to conditions.

Please note that the plan for the "First Floor, Mezzanine" level included in Part C of the applicant's statement to the BZA is **not** the one reviewed and approved in concept by DDOT's safety engineers. Attached to this statement is the design plan for this level that was reviewed by DDOT (however, the lay-by shown in this plan cannot be approved). The plan included in the applicant's statement is deficient in several respects and cannot be approved by DDOT. It is DDOT's understanding that the applicant is planning to submit or present another plan for this level to the BZA.

Board of Zoning Adjustment
District of Columbia
CASE NO.16832
EXHIBIT NO.28

DISCUSSION OF LOADING BERTH ISSUES

Review Activities

The District Department of Public Works, Division of Transportation (DDOT), has worked with the applicant to review the variance request. DDOT has met with the applicant, its representatives, and its traffic consultant, Wells and Associates, LLC. DDOT has reviewed several iterations of architectural plans for the berths, as well as the transportation analysis provided by the applicant.

Clarification of Variance Requested:

Chapter 22 of DCMR requires the following:

- For properties located in a CR district, retail or service establishments with 5,000 to 20,000 ft^2 are required to have one loading berth of 30-foot depth. With approximately 7,000 feet of retail space, the proposed development is subject to this requirement.
- For an apartment house or multiple dwelling in all districts with 50 or more dwelling units, one 55-foot deep loading berth is required. In addition, one 20-foot deep service/delivery loading space is required. With a proposed 78 condominiums, the proposed development is subject to this requirement.

Together, these two provisions require the property to have a one 55-foot berth, one 30-foot berth, and one 20-foot service/delivery loading space.

According to the plans submitted to DDOT and the applicant's statement, the applicant is instead proposing to construct one 30-foot berth, and one 20-foot berth. This requires a variance that will allow elimination of the 55-foot berth otherwise required.

However, the application states that the applicant will include two 30-feet berths, as well as the 20-foot berth. Thus, the application requests a variance that will allow a reduction of the 55-foot berth requirement to 30-feet. This is inaccurate. The application should instead state that the applicant is requesting a waiver from the 55-foot berth requirement altogether, and not approval of a reduction in berth size.

Analysis of Loading Berth Variance Request:

The applicant has given several justifications for desiring to omit the 55' berth. They are discussed below:

- First, omitting a berth of this size will add to the amount of retail and "art" rental space available for rent.

  In addition to being lucrative, maximizing retail space fits in with the general interests of the city in this part of town by adding to the retail opportunities

available to workers and residents in the area. It also increases the amount of space devoted to tax-generating activities.

- Second, a 55' foot berth was shown in the transportation study to be difficult to achieve in a relatively compact development such as this.

  While a 55' berth may be unwieldy, DDOT believes that, if analysis had indicated it was necessary, it could be accommodated in the space. However, as the subsequent discussion shows, DDOT has been persuaded that the development can be adequately serviced by the 30-foot berth and 20-foot service delivery area.

- Third, and perhaps most importantly, the applicant contends that the 55' truck berth is not necessary. The regulations require the berth for large residential developments, in order to accommodate people moving into and out of their units.

  There are several reasons why a large berth may not be necessary for residential users at this development. The condominium units may experience less turnover than apartment units, and owners are likely to utilize smaller trucks, which are easier to maneuver in the city. For the transportation study, Wells and Associates interviewed management at six residential buildings, all of which indicated that few residential movers use 55' trucks.

  Since it is the case that few movers will want them in any event, the applicant (or the property's succeeding management) should be required to inform condominium owners that there is no place for a 55' truck to unload and to instruct movers to utilize a 30' or 20' truck.

  In the case that an owner must use a 55' truck, the owner should be instructed to inform the applicant (or the property's succeeding management) in advance, so that "emergency no parking" signs can be obtained and placed on 14th Street with the appropriate advanced warning. The 55' truck should be instructed to unload from 14th Street and to avoid driving residential streets, including V Street. The main goal should be to leave 14th Street travel lanes free for traffic and buses.

- Fourth, the applicant has argued that the retail users at the site will likely require few large-truck deliveries. In DCMR, a 55' berth is not required for retail establishments under 20,000 ft^2—it is the residential units that require the large berth.

  Despite these residential regulations, DDOT worries that it is the retail establishments which are more likely to receive deliveries from the larger trucks. While the average number of moves for condominium owners will likely be one to two per month, the transportation study indicates that retail shops average two deliveries per day. About one-quarter of respondents to the study's survey were serviced by 55' trailers that arrive two to three times per week, usually during the early morning or overnight hours.

To deal with these deliveries by large trucks, the traffic study suggests designating an off-peak, 15-minute loading zone for the area in front of the retail shops on 14th Street. However, DDOT would need to carefully consider this request, if in fact the applicant decides to make it. There is heavily-used metered parking on 14th Street during this stretch, and the area immediately adjacent to the proposed development is also used extensively by WMATA busses. The wide sidewalk on this block carries many pedestrians, and 14th Street is a major road used by many cars per day (from 8,000 to 10,000). Therefore, in evaluating the request for a truck loading zone, DDOT would need to consider and balance the interests of all users. In addition, since the development is mixed-used and there will be residential units above the ground floor, early morning or overnight deliveries might be objectionable to residents, even if allowed by DDOT.

Therefore, because there is doubt about the feasibility or advisability of deliveries by 55' trucks along 14th Street, it seems best to limit all deliveries to the extent possible to the 30' loading berth or 20' service delivery area in the alley, and not on 14th Street.

To make sure that all deliveries are made by the 30' or 20' trucks, the applicant (or the property's succeeding management) should inform retailers that there are no facilities available for 55' trucks and they must utilize a 30' truck to complete their moves and deliveries. Retailers should be informed of this condition on their lease, so that those which typically take deliveries from 55' trucks can carefully consider whether the location is appropriate for them. Retailers should agree on their lease to take deliveries from trucks that are 30' feet and smaller only, and they should agree to tell deliverers to use the loading berths in the alley.

In the case that a retailer must use a 55' truck and cannot use anything else, the retailer should be instructed to inform the applicant (or the property's succeeding management) in advance, so that "emergency no parking" signs can be obtained and placed on 14th Street with the appropriate advanced warning. The 55' truck should be instructed to unload from 14th Street and to avoid driving on residential streets, including V Street. The main goal should be to leave 14th Street travel lanes free for traffic and buses.

- Finally, DDOT believes that the omission of the 55' berth is in keeping with the spirit of mixed-use residential/commercial development. The shared use of facilities means that the city can save space that would otherwise be dedicated to duplicative uses.

Berth Scheduling

Regardless of the size of the berths provided, the applicant (or the property's succeeding management) will have to schedule and manage deliveries and drop-offs in the loading berths to avoid conflicts among users. Scheduling will help avoid circumstances where

more than one truck needs to unload in the same berth at the same time. Retail users could get priority during the weekdays, while residents could get priority during the weekends. A truck management program with a scheduling plan should be a condition of the BZA approval.

Provisions for 55' truck

In the event that a 55' truck does need to be used for a delivery or move, the applicant (or the property's succeeding management) should request to be notified in advance so "emergency no parking" signs can be obtained and posted with the appropriate advanced warning. The truck should be instructed to unload from 14th Street, and should be instructed to avoid stopping in the 14th Street travel lanes.

Again, everything possible should be done up-front to avoid having 55' trucks come in the first place. The applicant has argued, and DDOT has been persuaded, that there will be little need for these large trucks at the site. Since this is the case, restricting the access of 55' trucks should not pose an undue burden or problem.

Note: The applicant has suggested directing large 55' trucks to V Street. Because V Street is a residential street, with school uses on it in this area, DDOT believes that V Street should not be used by the larger trucks. The applicant's main concern appears to be leaving the alley free for emergency vehicles, but this is accomplished by directing the larger trucks to 14th Street as well.

OTHER TRANSPORTATION ISSUES:

Lay-By ("Residential Drop-Off") on V Street

In plans submitted to both DDOT and the BZA, the architects depict a lay-by, or "residential drop off" along V Street, in front of the residential lobby. DDOT has told the applicant that the lay-by cannot be allowed.

There is heavy foot-traffic by students traveling up and down V Street and 14th Street, and any drop-off that is of a safe depth would eliminate sidewalk space available to these students. The lay-by would also obstruct the space available to cars traveling west on V Street to turn left onto 14th Street. Cars would have to swerve right to avoid cars making a drop-off, and then swerve left again to make the turn onto 14th, a maneuver that is unsafe. DDOT must protect public safety and public space, and cannot accommodate the request of the applicant for this lay-by.

The lay-by is not at issue in this BZA case, but DDOT wants the BZA to know that the plan in the applicant statement is inaccurate in this respect.

Once the building is constructed, the applicant can request a "no parking—residential drop-off and pick-up only" designation for the area in front of the lobby on V Street.

Parking:

The applicant is not requesting a variance for parking spaces.

Mass Transit Access:

The site is located just one block from the U Street/Cardozo/African American War Memorial Metro stop. In addition, the area is amply served by busses along both 14th Street and U Street.

Level of Service at Nearby Intersections:

The traffic study has indicated that, due to the volume of traffic traveling adjacent roads, the new development will have a minimal effect on the level of service at the identified intersections. DDOT concurs with this analysis.

RECOMMENDED CONDITIONS:

The following are conditions of approval recommended by DDOT:

- The applicant (or the property's succeeding management) should be required to develop a management plan for deliveries and moves. The plan should include scheduling of truck arrivals and berth use.

- The applicant (or the property's succeeding management) should be required to inform condominium owners (or potential owners) in writing that there is no place for a 55' truck to load or unload and to instruct movers to utilize a 30' or 20' truck.

- The applicant (or the property's succeeding management) should be required to write retail leases that include language stating that there are no facilities for 55' trucks. In the leases, retailers should agree to utilize delivery trucks that are smaller than 30', and to instruct deliverers to use the 30' or 20' loading areas.

- In the unlikely event that a 55' truck needs to be used, the applicant (or the property's succeeding management) should request advanced notification so that "emergency—no parking signs" can be obtained and posted on 14th Street with the required advanced warning. The 55' truck should be instructed to unload from 14th Street and to avoid driving on residential streets, including V Street.

ATTACHMENT

Problems With the "First Floor, Mezzanine Plan" Included in the Applicant's Statement:

The following items are problems that DDOT's traffic safety engineers have identified with the "First Floor, Mezzanine Plan" included in the applicant's statement. The plan as currently included cannot be approved by DDOT.

Berth:

- The 20' truck has to be able to unload—it must be flush with the loading platform. The platform can be extended to accomplish this. The development is applying for a variance that will allow it eliminate the berth enabling access for 55-foot trucks. The trucks that *can* access it must be able to do what they need to do—unload and load.
- Neither of the trucks can be shown to stick out into the right of way, as they do in this plan.

Lay-by:

- The lay-by (labeled "residential drop-off") currently shown for V Street in the plan cannot be allowed. There is heavy foot-traffic by students traveling up and down V Street and 14th Street, and any drop-off that is of a safe depth would eliminate sidewalk available to these students. The lay-by would also obstruct the space available to cars traveling west on V Street, and planning to turn left onto 14th Street. Cars would have to swerve right to avoid cars making a drop-off, and then swerve left again to make the turn onto 14th. This is unsafe.
- DDOT has informed the applicant that the lay-by cannot be approved by DDOT's traffic and safety engineers.
- Once the building is constructed, the applicant can request a "no parking—residential drop-off and pick-up only" designation for the area in front of the lobby.

Approvable Plans

DDOT has attached a copy of the reviewed and approvable plan submitted by the applicant to DDOT on April 15, 2002. In this plan, the problems discussed above are remedied. In addition, the platform is slightly larger near the stairs marked "egress".

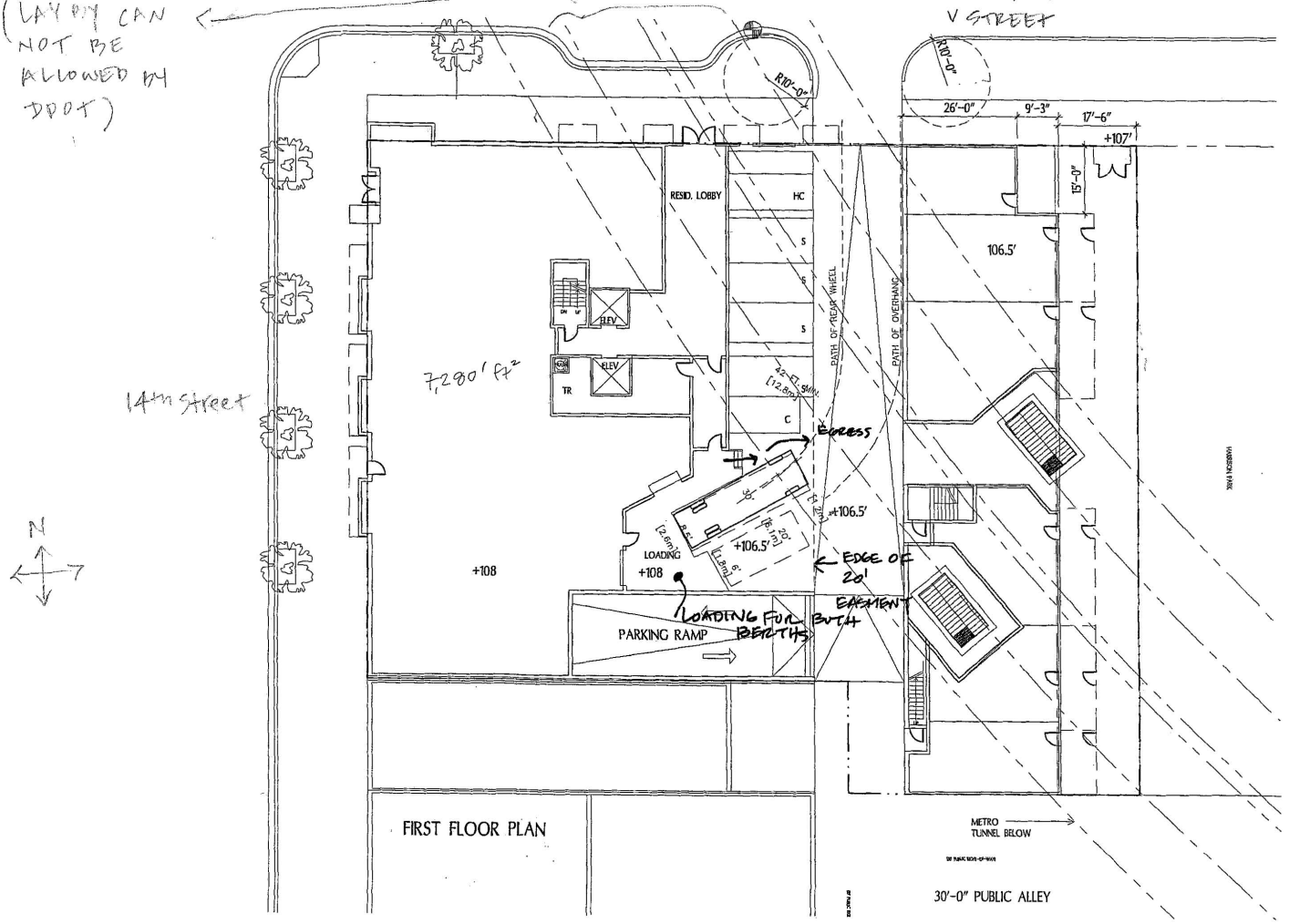
The following thing is still wrong with this plan:

Lay-by:

- The lay-by (labeled "residential drop-off") currently shown for V Street cannot be allowed, for the reasons discussed above.

PLAN SUBMITTED TO DDOT ON 04/15/02

(LAY BY CAN NOT BE ALLOWED BY DDOT)



↓U STREET↓