GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING



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Office of the Director

TO: Board of Zoning Adjustment

FROM: Andrew Altman
Director

DATE: March 5, 2002

SUBJECT: BZA Application 16843

APPLICATION
800 8th Street, N.W. LLC, the applicant, is requesting Board of Zoning Adjustment (BZA) approval of variances from the provisions of Sections 2101.1 (required parking spaces) and 2117 (requirements for parking space access, maintenance and operation), pursuant to Section 3103.2 under Title 11 of the District of Columbia Municipal Regulations (DCMR), Zoning.

SUMMARY RECOMMENDATION
The Office of Planning recommends denial of both variances.

SITE AND AREA DESCRIPTION
The subject 0.09-acre (4,023 square foot) corner lot is located immediately northwest of the 8th Street intersection with H Street, N.W. (please refer to Exhibit 1). Lot 31 of Square 404 is approximately 47 feet wide along H Street, N.W., and 85 feet deep. It is developed with a nine-story masonry and stone building with a two-level parking garage below grade. Both garage levels continue east into vault space under the adjacent 8th Street, N.W., sidewalk. Although construction appears to be complete, no Certificate of Occupancy has been issued, and no leases have been signed with the District of Columbia for use of the vaults in public space.

Surrounding development consists of: The Greater New Hope Baptist Church and three-story youth center to the north; a three-story masonry commercial building and vacant ten-story steel-frame office building to south across H Street, N.W.; a four-story restaurant and 2-4 story vacant commercial building across 8th Street, N.W.; and a ten-story office building to the west occupied by the U.S. Department of the Treasury (U.S. Mint).

The subject property and nearby lots north of H Street, N.W., are zoned Downtown Development District (DD)/ Major Business and Employment Center (C-3-C). Properties to the south across H Street, N.W., are zoned DD/Central Business District (C-4).

BZA
Case No. 16843
Exhibit No. 25

Board of Zoning Adjustment
District of Columbia
CASE NO.16843
EXHIBIT NO.25

APPLICANT'S PROPOSAL

1999 BZA APPROVAL

Construction of the existing building was allowed under Final Order 16498 approved by the BZA in 1999 for a variety of zoning relief. The original proposal was to provide a restaurant on the first two floors of the building with leasable office space above. The 1999 BZA application from 800 8th Street, N.W. LLC and the Chinese Consolidated Benevolent Association included requests for:

- A variance to reduce the minimum parking space requirement under Section 2101.1;
- A variance to allow access to on-site parking in manner different from that required under Section 2117.4; and
- A variance to reduce the loading berth requirement under Section 2205.3 to zero (all pursuant to Section 3103.2 of the Zoning Regulations).

All the requested relief was approved.

CURRENT USE PROPOSAL

This new application was submitted by 800 8th Street, N.W. LLC on behalf of The Hillel Foundation for Jewish Campus Life, contract purchaser of the subject property and building (note that the Foundation has since completed this purchase). Foundation plans for the building now include:

- providing a first-floor museum with conference/meeting rooms available for outside use;
- providing leasable office space on the second and third floors;
- occupying floors 4-8 with its offices; and
- providing conference/meeting facilities on the top floor.

CURRENT VARIANCE REQUEST

The Foundation also wishes to: convert the upper garage level into an employee lounge, mailroom, storage, and a catering kitchen; and maximize the lower garage level by parking vehicles in the travel aisles (refer to Exhibits 2 & 3). To accomplish these ends, the subject application was submitted. A Foundation representative indicated that there is a reduced need for parking because:

- few Foundation employees drive to work;
- lease tenants would not have parking privileges;
- the parking elevator is slow, reported taking 4 minutes per vehicle;
- the Foundation needs space for the mail room and catering kitchen; and
- visitor access to the lower levels would be limited because of security concerns.

Building floor plans and photographs were submitted along with this application.

EXISTING ZONING AND RELIEF REQUESTED

The developed property is zoned DD/C-3-C. According to construction plans submitted to the Department of Consumer & Regulatory Affairs (DCRA) for building permits, the existing building has a total floor area of 34,285 square feet above grade. This total includes 8,046 square feet or 2.0 FAR from

the Transfer of Development Rights (TDRs) from Square 428 in accordance with Section 1702.8 of the Zoning Regulations (refer to Exhibit 4).

The site is subject to the following requirements under the Zoning Regulations:

Standard	DD/C-3-C Requirement	Existing	Proposed	Required Relief
Lot Area	--	4,023 s.f.	Same	N/A
Lot Width	--	47.3 feet	Same	N/A
Floor Area	--	34,285 s.f. [1]	Same	N/A
Floor Area Ratio	6.5	8.52[2]	Same	N/A
Height	120 ft.	110 ft.	Same	N/A
Lot Occupancy (max.)	100%	100%	Same	N/A
Rear Yard	20 feet	0[3] feet	Same	N/A
Side Yard	N/A	N/A	N/A	N/A
Parking (on-site)	1/1,800 s.f. over 2,000 s.f.	12 spaces[3] (18 req.)	8 spaces	Variance
Loading Berths	1 @30 ft. deep 1@ 55 ft. deep	0[3]	Same	N/A

Section 2117.5 of the Zoning Regulations includes standards for the design of vehicle parking areas requiring drive aisles (refer to Exhibit 4). Based on this information, the proposed changes in use requires variances from the parking requirements under approved Final Order 16498 and the parking area design requirements under parking space access and operation requirements under 2117.

The Statement of Justification amplified comments from the applicant's representative, adding that the mailroom and kitchen would be served by a separate ventilation system also located on the garage level. With regard to the parking variance, the statement concludes that:

- The Board found in the previous application that the small size of the property created an exceptional condition with respect to providing the required parking spaces, ramps and access aisles. *The internal space needs of the Foundation and "security needs prompted by recent events" contribute to the exceptional nature of this site.*
- The Board found in the previous application that strict application of the Zoning Regulations would result in a practical difficulty. If the Board does not grant the request to modify the approved plan, *the Foundation "will not be able to meet critical spaces needs that are both critical to its functioning, and an absolute necessity based on recent events."*
- The subject property is located within one block of the Gallery Place Metro and "is in an area with an abundance of parking options". No more than six to eight vehicles will ever be parked in the garage at any time and *the garage will not accessible to the general public for security*

[1] Total square footage on plan set submitted for building permits.
[2] Reflects an additional 2.0 FAR from the Transfer of Development Rights (TDRs)
[3] Approved provided under Final Order 16498

- *reasons.* On this basis, relief can be granted without substantial detriment to the public good and without impairing the intent, purpose and integrity of the Zoning Plan.

With regard to the variance from the Section 2117, the statement concludes that:

- The size of the site and *the Foundation's "unique internal needs"* create an exceptional situation.
- The size of the site and the exception internal space requirements needs would impose a practical difficulty to meet the access, aisle width and other requirements of the Zoning Regulations if they were strictly applied.
- *Since Foundation employees and affiliated organizations will occupy the building,* this variance can also be granted without substantial detriment to the public good and without impairing the intent, purpose and integrity of the Zoning Plan.

Besides the original application documents, the applicant provided photographs, and existing and proposed building floor plans.

ANALYSIS

Section 3103.2 grants the Board of Zoning Adjustment (BZA) the power to grant variances from regulations set forth under the Zoning Act "[w]here by reason of exceptional narrowness, shallowness or shape of a piece of property at the time of the original adoption of the regulations, or other extraordinary or exceptional situation or condition of a specific piece of property, the strict application of any regulation adopted under D.C. Code Ann. §§5-413 to 5-432 (1981) would result in peculiar and extraordinary practical difficulties to or exceptional and undue hardship upon the owner of the property, to authorize, upon an appeal relating to the property, a variance from the strict application so as to relieve the difficulties or hardship; Provided the relief can be granted without substantially impairing the intent, purpose and integrity of the zone map as embodied in the Zoning Regulations and Map."

The applicant is requesting variances from the current parking requirement and parking lot access provisions of the Zoning Regulations. Reducing the required on-site parking constitutes an "area" variance, requiring that the circumstances surrounding this request are "unique" and that the usual application of the regulations would result in "peculiar and extraordinary practical difficulties."

Compliance with Section 3103.2:

Staff would agree that the Board previously found the size of this property to be an "exceptional condition". Final Order 16489 addressed the "practical difficulties" presented by this condition with respect to providing parking on-site and vehicle access to that parking.

Although the Order lacks details about what relief was granted, and the record file is unavailable, specifics of the requests for zoning relief were presented by the applicant's attorney, Mr. Norman Glasgow, Jr., during public hearing testimony. Since the final BZA decision was based in part on this

testimony, a review of the hearing transcript from October 13, 1999 (refer to Exhibit 5) is critical to understand the intent of this Final Order. A review by OP staff revealed the following information:

Parking Space and Access Variances
Testimony by architect Eric Colbert stated that this project required 18 parking spaces. Providing that amount of parking and a ramped driveway to these spaces on-site was described as "not possible and economically infeasible" due to the lot dimensions. The applicant proposed, instead, to provide:

- twelve parking spaces in an underground garage on-site; and
- an additional eight parking spaces in vaults under the public right-of-way (i.e., in public space).

So, although on-site parking would be reduced, total project parking would increase to twenty spaces, exceeding the Zoning Regulation requirement by two spaces. A variance was also requested to allow garage access by elevator instead of via a public street or alley, or a driveway from a public street or alley as required by the Regulations.

Parking Berth Variance
Placing a loading dock on-site was also termed "extremely difficult" and "not practical" because of the small lot. Instead, the applicant proposed to replace an unspecified number of on-street parking space(s) with a loading zone.

Based on this testimony, the BZA approval was based on the provision of twenty total parking spaces. It also established a new on-site parking requirement of twelve parking spaces. Since twelve parking spaces exist on the subject property, and vaults for eight spaces exist in public space, meeting the Final Order parking requirement does not now present a "practical difficulty". In addition:

- It is unclear why the employee lounge, mailroom, storage space, and a catering kitchen cannot be accommodated on the upper floors. The Foundation indicated that floors 2 & 3 are to be leased. Therefore, parts of these floors could be used for the mailroom, etc., and the 9th floor for the catering kitchen. This would put the kitchen nearer the conference facility proposed on the top floor. Staff acknowledges that the first floor area is not available for such use due to the DD requirements, however Foundation was aware of this limitation and the requirements of Final Order 16498 prior to purchasing the building and property. The Foundation representative stated that this property would be utilized regardless of the final BZA action.
- The applicant did not indicate whether a faster elevator had been considered or how the valet parking would work.
- Security concerns have been identified as the principal reason for limiting parking on-site. The detailed inspections that could be required of vehicles entering the on-site garage, during the four-minute intervals between elevator trips, appear to provide greater security than the vehicles randomly parking at meters on the street. If vehicles are parked in the garage travel aisles, there would still be a number of vehicles on-site. The applicant also has not explained how the parking needs of visitors to their offices, the proposed museum and facilities that would be open to the public, would be met.

The applicant denied the proposed reduction in parking would have a negative impact; however this raised several unanswered questions:

- The applicant explained that, previously, the Foundation and the *anticipated* tenants made limited use of parking on-site facilities at their *current* location. This does not address the potential needs of future tenants and the new museum.
- Final Order 16498 anticipates elimination of some on-street parking to provide a loading zone. The Foundation has not explained how that (those) space(s) would be replaced.

On-street parking resources in this area are very limited, and a number of surface parking lots have been replaced by new construction in recent years (as evidenced by the 1999 aerial photograph in Exhibit 1). Remaining and new commercial lots will also come under increasing pressure with completion of the new convention center, the rebound of the Downtown from "recent events", and continued construction in the surrounding area. Therefore, it is important to retain the existing parking resources. On this basis, staff determined that this variance cannot be granted in this case without impairing the intent, purpose and integrity of the zone map as embodied in the Zoning Regulations and Map.

The request to use the existing drive aisles to meet a reduced parking requirement does not meet the "uniqueness" standard. The applicant also did not establish that an extraordinary condition exists whereby the drive aisles must be used to meet the parking requirement, or how meeting said requirements would result in "exceptional and undue hardship", especially since the building has been built with the parking spaces. The aisles should be preserved to allow maximum maneuverability in very close quarters. In light of these findings, a variance from the parking lot design requirements under Section 2117 also cannot be granted because it would impair the intent, purpose and integrity of the zone map as embodied in the Zoning Regulations and Map.

COMPREHENSIVE PLAN

The Generalized Land Use Map designates the subject property and square as High Density Commercial, characterized as the business and retail heart of the District and metropolitan area including a mix of employment, retail, office, cultural and entertainment centers.

Transportation objectives of the Comprehensive Plan also include:

"502.1 The general objectives for transportation are to support District policy to preserve and improve neighborhoods, to facilitate the commerce of the District, and to support District growth and development objectives to expand business and job opportunities.

502.2 The policies established in support of the general transportation objectives are as follows:

...

(c) Stimulate shopping, restaurant, and other retail activities, encourage increased, adequate *short-term, on- and off-street parking* to meet current and expanded needs of increased retail development while reducing traffic congestion in designated locations, including the provision of increased weekend on-street parking spaces in

areas such as loading zones and commercial building entrances in the Downtown retail area. ..."

(e) Require off-street loading of merchandise in commercial areas to the extent feasible, encourage existing establishments to provide off-street loading, and where off-street loading is not feasible, consider necessary restrictions on commercial loading or dedication of some public space to facilitate small package deliveries;
(f) Encourage the supply and management of public parking in commercial areas to afford priority to customers and others on business errands for available off-street and curb parking spaces, and discourage the use of these spaces by all-day parkers, including establishment employees; ...

COMMUNITY COMMENTS
This proposal was presented to the Advisory Neighborhood Commission (ANC) 2E on February 6, 2002, and recommended for approval.

AGENCY COMMENTS
This application was referred to the District of Columbia Metropolitan Police Department, Fire Department, Departments of Consumer & Regulatory Affairs and Public Works.

The D.C. Fire and EMS Departments had no objection to this application. To date no comments have been received from the other agencies.

RECOMMENDATION
The Office of Planning recommends denial of the requested variances.

Attachments:

Exhibit 1 Property Aerial with Zoning
Exhibit 2 Existing Garage Level Floor Plans
Exhibit 3 Proposed Garage Level Floor Plans
Exhibit 4 Pertinent Excerpts from the Zoning Regulations
Exhibit 5 Pertinent Excerpts from the Transcript of Board of Zoning Adjustment Public Hearing Testimony on October 13, 1999

AA/afj



Feature Key

Zoning Boundaries
Square Index

Board of Zoning Adjustment
Application No. #16843

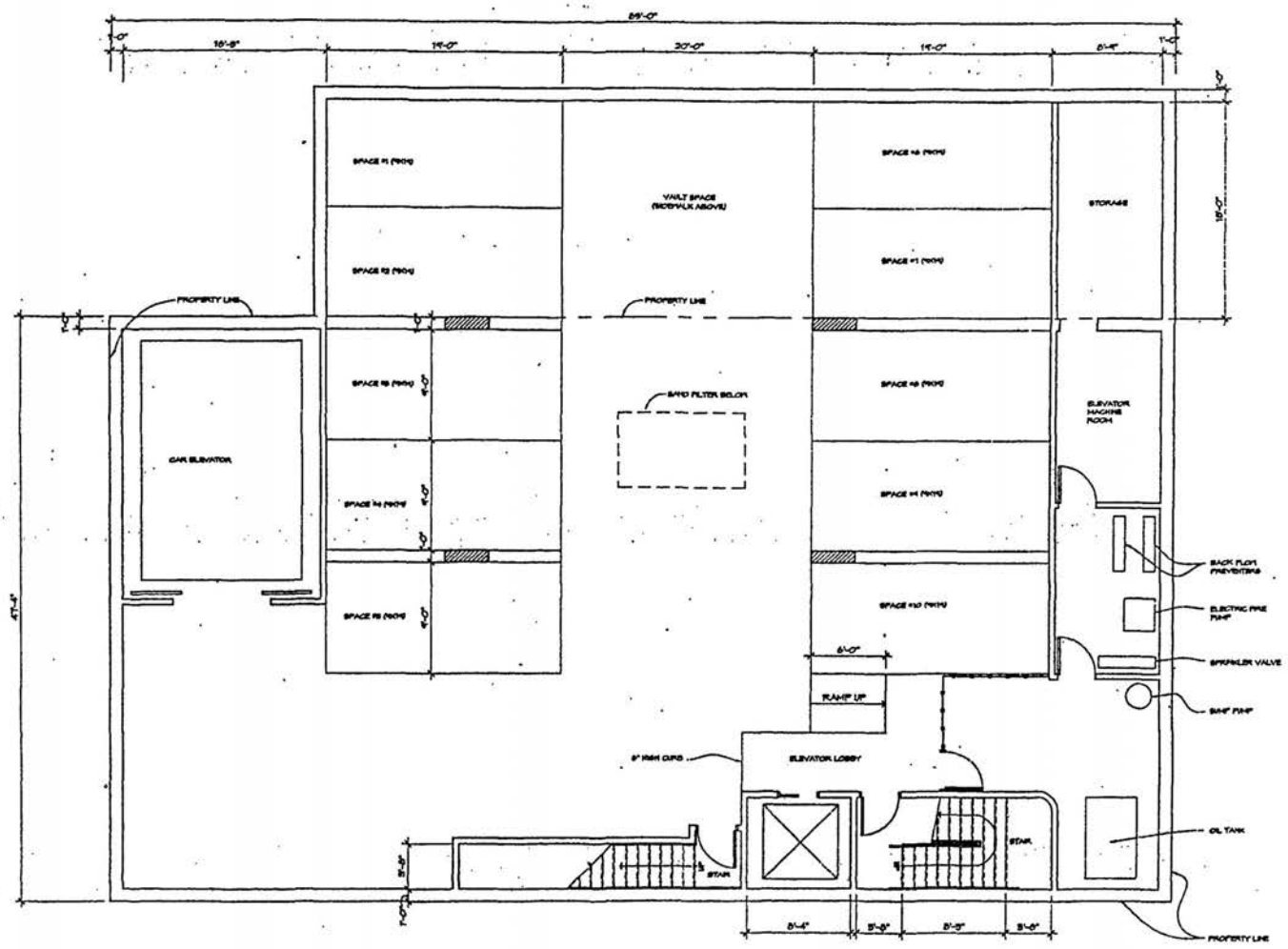
DC Office of Planning
February 28, 2002

Scale 1:1800

25 0 25 Feet

N

Exhibit 1



LOOR PLAN

Approved 2nd Cellar Plan

CELLAR-2 FLOOR PLAN

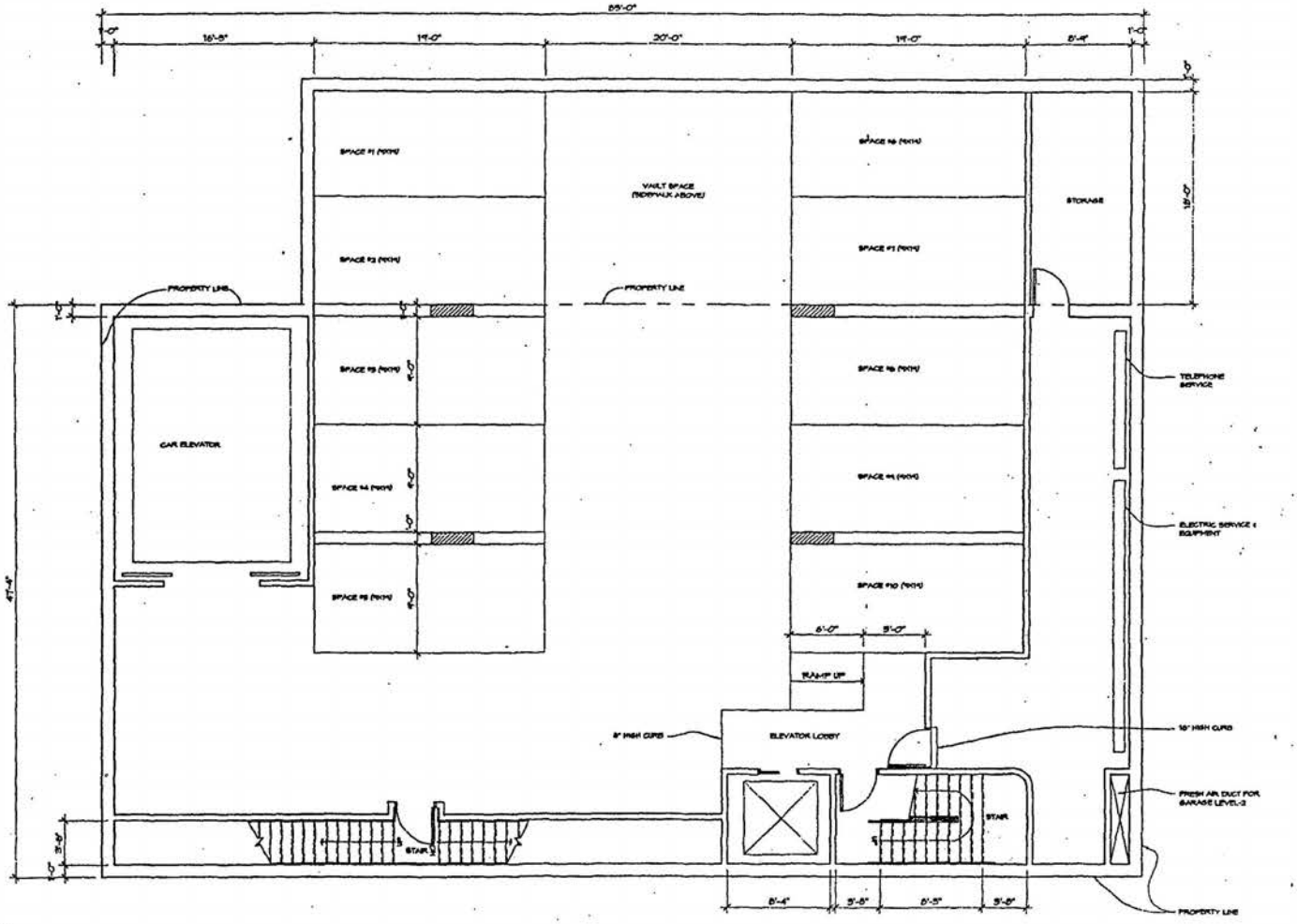
Exhibit 2

COLBERT & ASSOCIATES
W. WASHINGTON, D.C. 20001

OWNER: 800 8TH STREET, L.L.C.

PROJECT: 800 8TH STREET, N.W.
WASHINGTON, D.C.

A-1a



OR PLAN

Approved 1st Cellar Plan

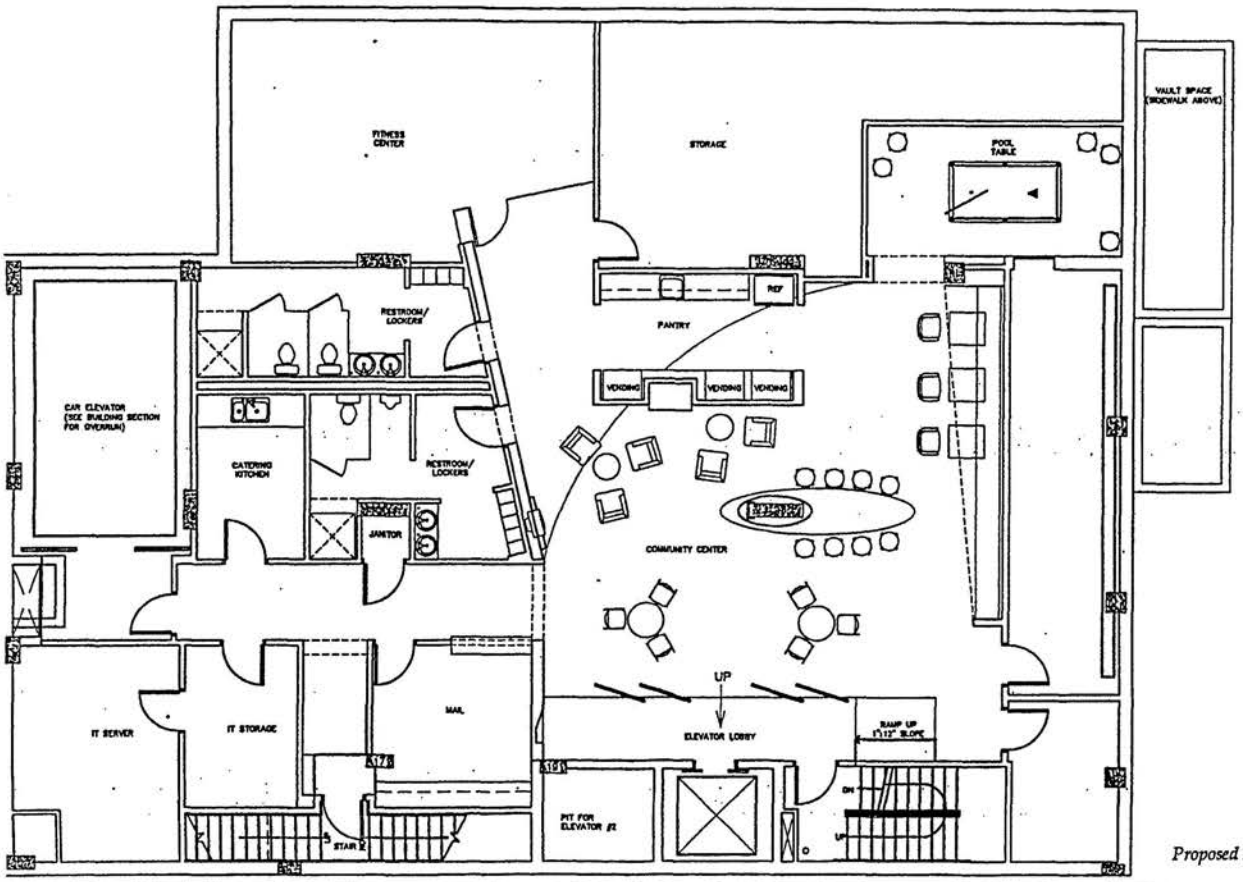
CELLAR-1 FLOOR PLAN

OLBERT & ASSOCIATES
WASHINGTON, D.C. 20009

OWNER: 800 8TH STREET, L.L.C.

PROJECT: 800 8TH STREET, N.W.
WASHINGTON, D.C.

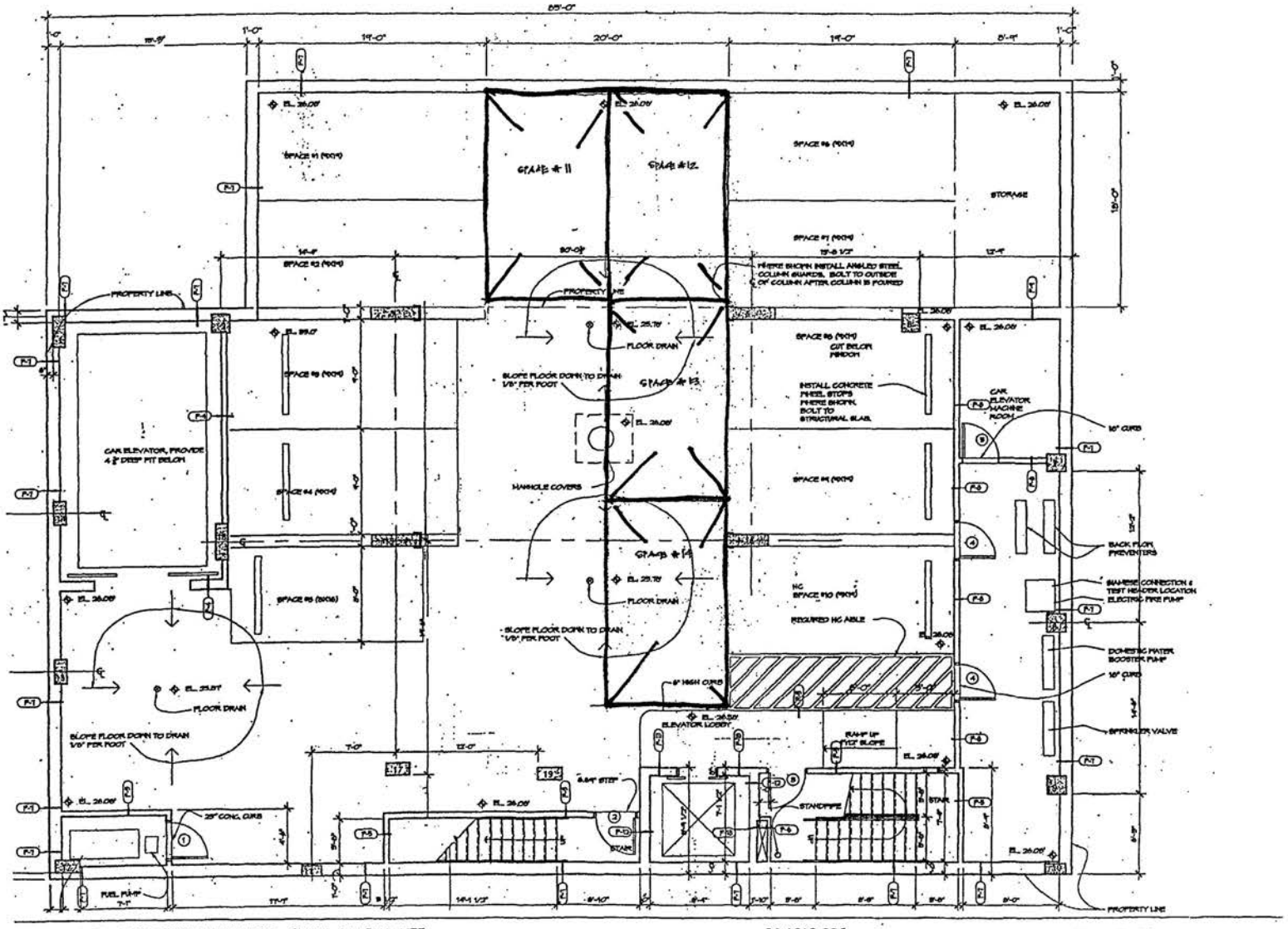
A-1b



Proposed 1st Cellar Plan

Project	HILLEL: THE FOUNDATION FOR JEWISH CAMPUS LIFE
Description	Lower Level Space Plan, Hillel Commons
Issue/Rev	
By	
©2001 Gensler	
Project No.	09.1218.000
File Name	
Scale	1/8"=1'-0"
Date	12/21/01

Exhibit 3



HILLEL: THE FOUNDATION FOR JEWISH CAMPUS LIFE

Lower Level Parking Plan

Project No. 09.1218.000

File Name

Scale 1/8"=1'-0"

Proposed 2nd Cellar Plan

1702.8 A building in Square 404 excluding Lot 813 or in Square 405 north of a line extending the midpoint of G Place eastward from 9th to 8th Street, which properties are outside the subarea boundaries provided in §§1703 through 1706, shall provide preferred uses according to one of the following provisions, at the election of the property owner:

(a) Preferred uses may be provided according to the requirements and incentives of any one of the following sections: 1703, 1704, 1705 or 1706;

(b) As an alternative to paragraph (a) , the property owner may develop not less than 1.5 FAR of bonus office density received from another site or sites within the DD District, pursuant to the provisions of §1709; and

(c) If bonus density is developed pursuant to paragraph (a) or transferable development rights pursuant to paragraph (b), the maximum permitted FAR shall be 9.5 in Square 405 and 8.5 in Square 404. ...

1703.3 Each new or altered building that faces or abuts a public street shall devote all of the ground floor leasable space to retail and personal service uses listed in §1710 or the arts uses listed in §1711; Provided that the following applies:

(a) The gross floor area devoted to the retail and arts uses listed in §§1710 and 1711 shall be no less than 0.5 FAR on the ground floor:

(b) Not more than twenty percent (20%) of the required ground floor area shall be occupied by banks, loan offices, other financial institutions, travel agencies, or other transportation ticket offices, delicatessens, fast food restaurants, printing or fast copy services, newsstands, dry cleaners, or any combination thereof;

(c) This ground floor use requirement shall not apply to a building that is entirely devoted to hotel or apartment house use, or to a church or other place of worship; and

(d) In the applicable sector of the Downtown Arts District, that is, Squares 254, 290, 321, 347, 377, 376 and 375 (south of G Place), uses which are set forth in §1711 shall comprise not less than fifty percent (50%) of the floor area required to be devoted to preferred uses.

1703.4 A building that provides gross floor area for preferred uses as required by §1703.3 and which includes any of the bonus uses indicated below, may count the floor area devoted to such use or uses at the bonus ratio indicated for the purpose of earning bonus density:

	Space Devoted to the bonus use	Proportionate number of s.f. of additional gf.a earned for on-site or off-site development
(a) Department store	1 to	3
(b) Anchor store having 60,000 s.f. or more of gross leasable area. A complex of two (2) or more anchor stores in a single building that	1 to	2

accommodates a total of at least 90,000 s.f. of gross leasable area devoted to anchor stores, legitimate theater; and		
(c) Anchor store having 25,000 s.f. to 59,000 s.f. of gross leasable area	1 to	1.5
(d) Movie t,he,at.er; performing arts space, small, minority or displaced business; and other uses from §§I710 and 1711 in excess of the 0.5 FAR equivalent required by 51704.3, not to be counted in addition to other bonus floor area earned from this subsection, and applicable to department store sites regulated by §1702.5	1 to	1

1703.5 In the ARTS District sector of SHOP, as identified geographically in paragraph 1703.3(d), a building shall be eligible for the bonuses specified in paragraphs 1704.6(a), (b) and (c).

1703.6 If a building in the SHOP District uses bonus density, the maximum permitted FAR shall be 10.5 for a building permitted a height of 130 feet and 9.5 for a building permitted a lesser height. ...

2117.5 Except as provided in §§2115.9 through 2115.18 and 2117.6, when required parking spaces are so arranged that an aisle is required for accessibility or maneuvering space between rows of two (2) or more parking spaces, or between a row of two (2) or more parking spaces and the perimeter of the area devoted to parking spaces, the aisle shall have a clear width of not less than twenty feet (20 ft.) for ninety degree (90) angle parking, and not less than seventeen feet (17 ft.) for angle parking which is sixty degrees (60) or less as measured from the centerline of the aisle.

Exhibit 5

everythin[redacted]

CHAIRPERSON REID: Okay.

MR. COLLINS: And, let the record reflect as my partner said, that I'm not batting 100, I'm batting 1,000. If I was batting 100, I guess I'd have a problem.

CHAIRPERSON REID: Okay.



Please call the last case of the day.

MS. PRUITT: Yes, the last case of the day is 16498, application of 800 8th Street, N.W., LLC, and the Chinese Consolidated Benevolent Association, pursuant to 11 DCMR 3108.1 for special exceptions under Section 774.2 to waive the rear yard requirements; Sections 411.11 to approve the elevator machine room which does not meet the normal setback requirements; and pursuant to 11 DCMR 3107.2 for variances from Section 773.7 to have residential recreation space on a roof with a dimension less than twenty-five feet; and Section 2101.1 to have fewer than the minimum number of required parking spaces; and Section 2117.4 to provide parking access by a car elevator rather than an improved driveway, and finally, Section 2205.3 to have less than the one required loading berth in a DD/C-3-C District at 800 8th Street, N.W., (Square 404, Lots 800 and 801).

All those planning to testify would you please stand and raise your right hands?

Please, be seated.

MR. GILREATH: MS. Pruitt, where it says a variance from 773.7 to have residential recreational space on the roof, that has been dropped, has it not?

MR. GLASGOW: Yes, it has been dropped.

MR. GILREATH: That's my understanding.

MR. GLASGOW: That has been dropped, Mr. Gilreath.

MR. GILREATH: Did you get that?

CHAIRPERSON REID: No, I didn't.

MR. GILREATH: The requested variance for residential recreation space on the roof, et cetera, of less than 25 feet has been dropped. They are not going to put any kind of residential use up there.

CHAIRPERSON REID: Oh, when did that happen?

MR. GILREATH: It was something – I saw it in one of the letters, I think one that was passed out today.

CHAIRPERSON REID: Oh, it was, I don't have it here.

Mr. Sockwell?

MR. GILREATH: I saw it someplace, it was ...

waiver, there's a series of requirements in the requirements, most dealing with window separation from habitable rooms in residential buildings. There are no residential buildings around us that we impact, and that will be testified to by the architect.

With respect to the variances, what we've determined to try to do, that even normally with this size of site we come in and we ask for a waiver from the parking requirements because it is very difficult to build any type of – in fact, it is economically not feasible to build a ramping system to access the parking spaces, so that instead of just coming in and saying we don't want to provide any parking, we, because of the small size of the building, we do believe that an elevator system is reasonable, we provide two levels of parking, we actually, with the vault space that we have, provide the required number of spaces, more than the required number of spaces, but we do not have the access to them, we do not have the required number of spaces on our own site, so that we need those two variances.

The third is the loading berth, putting a loading berth in a building of this small size is extremely difficult, and it's not practical. What we do have is, we have – you can have loading zones and

follows:

DIRECT EXAMINATION

MR. GLASGOW: Mr. Colbert, have you had an opportunity to review the statement of Applicant?

MR. COLBERT: Yes, I have.

MR. GLASGOW: All right, and do you adopt the statement of Applicant as your testimony with respect to the burden of proof and its description of the areas of relief?

MR. COLBERT: Yes, I do.

MR. GLASGOW: All right.

With that, Madam Chair, we can either go through a brief description of the project or if there are questions of the Board members, answer the questions of the Board members.

CHAIRPERSON REID: I think that I'd like to do both, a brief description of the project, and then we'll — the Board members will now have an opportunity to ask questions.

MR. GLASGOW: Mr. Colbert?

MR. COLBERT: Hello, Madam Chairperson and members of the Board. My name is Eric Colbert, and I live at 3829 Fessenden Street, N.W., and I'm very happy to be able to present this drawing today because my firm has had a very successful relationship with

Ms. Wong, the developer, and Glenn, and we did the other very handsome development with them at 7th and A Street, and Ms. Wong has been very active in the community, you know, improving Chinatown and trying to do a good job of that. And, I think this is a very important project because as you can see, you know, development is encroaching from the west, and the photos I have here show the orientation of the currently being completed Mint building, and as you can see the Mint building has a blank wall that's made out of – and is facing our property. And, we feel very confident that –

CHAIRPERSON REID: I'm sorry, Mr. Colbert, what did you say, a blank wall that's what?

MR. COLBERT: This is the end of the Mint building that's currently being completed, and that's the wall that we are going to be going up against with our proposed development.

CHAIRPERSON REID: Okay.

MR. COLBERT: And, this is a drawing showing the Mint building coming up to this point, and then this is our building here. So, I think that it's a very friendly business, in the sense that it articulates, you know, provides an end to that block, and is very in keeping with the scale and yet it's ...

a lot of openness around the building, and then there's an alley here that separates us from the existing church.

And, the restaurant entrance will be on the corner, and then the office building, I guess, will be on the west side of the building.

As this is a facade that's facing north toward the church, and we fully articulated this, we don't have any facades on the building that we are going to consider to be minor facades that we are not going to articulate. We have windows, and brick, and cast stone on all our orientations.

This is a plan of the garage level. We have two levels. And, as Chip correctly pointed out, even though we are asking for a consideration with regard to parking, we actually provide the required number. This is the edge of our property, and so what we are doing is vaulting so that we are going to create ten spaces per level to provide a total of 20 spaces, and the zoning requirement here is 18, given the current uses.

This is the typical floor plan — oh, this is the first floor plan, I'm sorry, this is the entrance lobby, and then the plan is to have a restaurant that will occupy the remainder of the first ...

is as you come out of the Metro station, people that are going to the MCI Arena and the new gallery, you know, development in that area, and from the Metro you come up and you'll see this, so from that perspective it is important for us to have these elevators set back as much as possible.

This is – in order to not make the building, you know, to help ease the scale of the building, the top floor, as Chip mentioned, is going to be set back, so we are going to have a balcony all the way around, and that will help us rehab an alignment here with the Mint. They have a strong cornice line here, and we will also, and then this floor will be set back to kind of reinforce some of the important architectural lines that are created on the block.

CHAIRPERSON REID: Mr. Colbert, going back to the parking, did you say, how many spaces did you say that you are going to be providing?

MR. COLBERT: Twenty, but some of them aren't – don't qualify as zoning required parking because they are actually public spaces.

CHAIRPERSON REID: Oh, okay. All right.

MR. COLBERT: Because they are in the vault.

CHAIRPERSON REID: Okay.

MR. SOCKWELL: If I might interject, you said that you were providing 18 – you said something about 18 spaces.

MR. COLBERT: And, I'm saying that the zoning computations for this building would require a total of approximately 18 spaces, and we're providing 20, so we feel that from a practical perspective we are providing a ratio. And, if this weren't in the C-3-C Zone, if this were in the C-4 Zone for a lot under 5,000 square feet, zero parking would be required. So, we feel very confident about the actual number of parking that we are providing, in terms of its adequacy with the zoning requirements.

MR. SOCKWELL: All right, because under zoning, as you know, required spaces cannot be provided in a vault.

MR. COLBERT: That's correct.

CHAIRPERSON REID: Right.

MR. COLBERT: That's why we need the relief.

CHAIRPERSON REID: And, if I understand you correctly, to comply with the Zoning Regulations with regard to the parking, there's not enough space there to permit you to comply with –

MR. COLBERT: Yes.

CHAIRPERSON REID: — with — being able to provide the parking in the building on the designated site, that's my understanding of basically your variance request.

MR. COLBERT: Yes. What happens is, this is a drawing of our garage level, and what we are doing here is, we are providing an elevator for the cars. Unfortunately, because of the ramping, it would be virtually impossible for us to provide a ramp in this building that would allow us to serve two levels of parking, because by the time we are able to provide the ramp itself there would literally be no space left over for parking.

CHAIRPERSON REID: Right.

MR. SOCKWELL: Unless it's motorcycles.

MR. COLBERT: Yeah, exactly. I mean, this is an obviously much more expensive solution than building a ramp, so the owner is not necessarily trying to take the cheap way out. They are really going the extra step to try to, you know, be a good neighbor for the community.

MR. GILREATH: You said that some of the parking would be in public space, I guess in vaults or what have you, do you have to have permission or does

this belo[redacted] to the D.C. government, [redacted]you say public space, what do you mean public space?

MR. COLBERT: Yes, we have to – the parking will be underground, but it will be underneath what appears to be a side yard to the building, but it's actually public space, and we will have to rent that from the city, and to make a determination that it was feasible to do that we had a surveyor go there and check the location of the utilities to make sure that there were no utilities in that area so that we could do that.

And, 8th Street is kind of unusual, because the street itself is not extremely wide, but there's a lot of width between the curb and the building property line, so that's what allows us to get this extra space underneath.

MR. SOCKWELL: And, Mr. Gilreath, that's because 8th Street is a vista street.

MR. GILREATH: What kind of street?

MR. SOCKWELL: It's a vista street.

MR. GILREATH: Oh, yes, okay.

MR. SOCKWELL: We had a lot of problems at Tech World.

CHAIRPERSON REID: In regard to the variance relief request under Section 2117.4, which

requires that there be accessibility of parking spaces from improved streets or alleys, and instead you are going to provide a car elevator rather than a driveway.

MR. SOCKWELL: That actually – it's still, there's accessibility from the streets, but it's not a ramp, it's an elevator, so they'll drive into the elevator from the private street – from the public street, and then be dropped down to the level of parking, or the two levels of parking.

CHAIRPERSON REID: Thank you, Mr. Sockwell.

MR. SOCKWELL: But, it is accessible from the –

CHAIRPERSON REID: But, that's not my question.

MR. SOCKWELL: Oh, I'm sorry.

CHAIRPERSON REID: A car elevator, what's that?

MR. COLBERT: The way it will work is –

CHAIRPERSON REID: I'm not familiar with that.

MR. COLBERT: – the people that – I think there's one at Ford's Theatre, the people that have these spaces, and this is not – my understanding is this won't be open to the public like a typical garage

where, you know, it's operated by one of the larger parking places, the folks that –

CHAIRPERSON REID: I'm just not familiar with a car elevator.

MR. COLBERT: Right. The folks that will be there will have like monthly contracts, and they'll have a clicker, like you have for like a garage door, like a remote thing, and so as they are approaching it they'll push the button and it will call the elevator and open the doors, and then they'll have another button that they can press that will, you know, whether they want to go on the lower level or the upper parking level, it will automatically take them to that level and then the doors will open and they can drive to their parking space.

CHAIRPERSON REID: Oh, okay, interesting.

MR. SOCKWELL: Madam Chair, there are parking elevators primarily in buildings that were designed as parking structures, rather than as residential buildings or as office buildings. And, you just drive on and it takes you up to the floor, it's just a big – it's like a huge hospital elevator, about the same shape.

Mr. Colbert, I need to ask you one question about the vault. Will you go back to the

plan that shows the vaulting? Yes.

Now, that vault area is under what?

MR. COLBERT: This is our property line.

MR. SOCKWELL: So, you are vaulting under what would really be what we call parking in the public space?

MR. COLBERT: That's correct.

MR. SOCKWELL: Okay. All right, I wasn't quite sure, I just didn't catch it when you showed it.

MR. COLBERT: Yes. This is our site plan, this is the building itself, and you can see we've got all this area between our building and the sidewalk.

MR. SOCKWELL: Right.

MR. COLBERT: And, it won't extend out beyond that.

MR. SOCKWELL: I used to know the numbers by heart, not anymore, the two component numbers of your public space.

But, okay, so now I understand exactly where all that goes. Okay.

Thank you.

CHAIRPERSON REID: All right.

MR. GILREATH: Can you address the loading berth, there's a question, I think, you are proposing you have a sign in front of the building which would...

CHAIRPERSON REID: Oh, okay.

MR. SOCKWELL: Okay.

CHAIRPERSON REID: That's your client.

All right.

Closing remarks by the Applicant.

MR. GLASGOW: I believe we've submitted testimony and evidence to meet our burden of proof, and we would like to have a bench decision if we could, with a summary order.

CHAIRPERSON REID: Okay.

MR. SOCKWELL: I'd like to say, this must be a very important building for Chinatown, because it's a very constrained site, and it's a very limited floor plate. It's requiring numerous unusual and not necessarily inexpensive adjustments to meet your goal, and while at its height it's a very compact building, so obviously the client has a very strong feeling about making a statement in Chinatown for a modern and useful building.

CHAIRPERSON REID: Mr. Sockwell, are you making a motion?

[motion]

MR. SOCKWELL: I move that we approve the application as submitted.

CHAIRPERSON REID: Okay, and would you speak to how he's met his burden of proof?

MR. SOCKWELL: He appears to have met the requirements, I guess I should go down —

CHAIRPERSON REID: For the special exceptions.

MR. SOCKWELL: — for the special exceptions, I should go down through the specifics. Waiving the rear yard requirements seems to be a reasonable allowance, based on the particular constraints of the site.

CHAIRPERSON REID: And, that's one of the two special exceptions that they are asking relief on.

MR. SOCKWELL: Yes.

The elevator machine room not meeting normal setback requirements, again, would be consistent with the narrowness of the site, and the intention to push it as far and as unobtrusive a location as possible seems to be, without question, a reasonable request.

The variance to have fewer than the minimum number of required parking spaces, based on the difficulty of achieving a typical access route from the street, with the narrowness and small size of the site, which creates particular constraints seems to have been proven as a particular hardship request, and one that has no practicable solution other than an

elevator.

The variance regarding access to the required spaces, again, would not be inconsistent with the variance for the number of cars, based on the constraints of the site.

CHAIRPERSON REID: Isn't that being accomplished by that car elevator?

MR. SOCKWELL: Yes, and that the car elevator is an acceptable means of reaching those spaces in this situation, I can believe that they have met the burden of proof, that an elevator is the only practical method of achieving access.

The variance to have less than the one required loading berth, while a more difficult one to deal with for me is proven by the fact that the number of square feet in the floor plate, especially at the first floor, and the fact that a loading berth might even exceed, I don't know what your — what's your floor to floor from the first to second?

MR. COLBERT: Eleven feet.

MR. SOCKWELL: Eleven feet, pushes the capability of actually getting a truck of any size underneath the structure at that level to a rather interesting feat, perhaps, and I think that all of this is based upon what you have to work with and

trying to maximize the amount of space that you can put in the building, keeping the floor plate, floor to floor heights as high as possible, but reasonable enough to get a square footage that gives you an economically feasible building.

So, I agree with all of these.

CHAIRPERSON REID: I would second the motion. I think that also there does not appear to be any adverse impact, which is evidenced by the fact that we don't have any letters of opposition or anyone who appeared here opposed to the application today. So, adverse impact in regard to parking, traffic, noise, lights, or any other nuisance does not appear to be apparent, and I feel that granting the application will not impair the intent and integrity of the Zoning Regulations or the maps.

MR. GILREATH: I would like to commend the Applicant, I think that they've come up with a very imaginative solution to this. I think the compatibility with the adjacent building and so forth, in terms of the architectural style, is very impressive and very compatible, and I would just like to commend them, and I feel that the variances and special exceptions required are reasonable, and that they are fully justified given the unique narrowness

of the lot area and so forth, that they've really done a superb job and I fully support the application.

CHAIRPERSON REID: All in favor?

(Ayes.)

CHAIRPERSON REID: Opposed?

MS. PRUITT: Staff would record the vote as 3/0 to approve, motion made by Mr. Sockwell and seconded by Ms. Reid.

CHAIRPERSON REID: All right, thank you.

MS. PRUITT: And, summary order.

CHAIRPERSON REID: Summary order, and you should have your order in about two weeks.

Okay, and that concludes the day's hearing of the Board of Zoning Adjustment.

Thank you.

(Whereupon, the hearing was concluded at 4:10 p.m.)