GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

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Office of the Director

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Memorandum

TO: Board of Zoning Adjustment

FROM: Andrew Altman, Director
Office of Planning

DATE: May 7, 2002

SUBJECT: BZA Application #16870 (555 Pennsylvania Avenue, N.W. LLC)
500 C Street, N.W. (Square 491, Lots 826 and 831)

BZA
Case No. 16870
Exhibit No. 26

APPLICATION

The application by the 555 Pennsylvania Avenue, N.W. LLC (Applicant) request, pursuant to 11 DCMR 3103.2, a variance from the provision of Section 1702.7(c) to allow an all-day commuter parking lot in the DD/C-4 District.

The application was filed in accordance with the current wording of the Regulations for a variance. However, it should actually be processed as a request for a special exception with the test for a variance serving as the approval criteria. Section 1702.7(c) provides that all-day commuter parking is permitted if approved by the Board of Zoning Adjustment (BZA) in accordance with the provisions of Section 3107.2. This section is an outdated reference to a provision from a former edition of the Zoning Regulations that referenced the authority of the BZA to grant variances and has been changed to Section 3103.2. Therefore, the application should be considered as a special exception but it must meet the variance requirements for approval.

SUMMARY RECOMMENDATION

The use of this property for a commuter parking lot along "America's Main Street" will be an interim use that is an alternative to letting the property remain vacant. As a short-term use, the proposal will maintain the intent, purpose, and integrity of the Zoning Regulations and Map and therefore the Office of Planning recommends **APPROVAL** of the requested special exception.

SITE AND AREA DESCRIPTION

The subject site (Square 491, Lots 826 and 831) is located at 500 C Street, N. W. The site, until recently, was developed with an office building, which housed the DC Department of Employment Services. That building has been demolished and the site is currently vacant.

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The property is in the downtown area of Washington D.C. and the surrounding area is developed with a mix of users such as DC Government, the Federal Government, a foreign government and private citizens. To the north is C Street and the DC Courthouse, to the east is the Canadian Embassy, to the South is Pennsylvania Avenue, the Federal Trade Commission offices and the National Gallery of Art, to the west is the Pennsylvania Plaza, a mixed use development with ground floor retail uses and with the upper floor residential and office uses (Attachment 1). The property is also within the Pennsylvania Avenue Historic District.

PROPOSAL

The applicant proposes to operate an all-day commuter parking lot between the hours of 6:00 am and 10:00 pm, Monday to Friday and 7:00 am to 10:00 pm Saturday and Sundays. The proposed parking lot is an interim use of the property for a limited time period.

ZONING REQUIREMENTS

The subject property is in the C-4 District, designated as the central business district, and is within the Downtown Development District (DD) Overlay, whose purpose generally is to create a balanced mixture of uses in the downtown area.

ANALYSIS

The subject site was formerly developed with the offices of the DC Employment Services. The building and property was recently sold to the applicant who demolished the building. Ultimately, the property will be the new home for the Newseum that is operated by the Freedom Forum. Although the building was demolished to make way for the new building, the construction of the new building will not commence until mid-2003. In the mean time, the property that occupies a prominent location along Pennsylvania Avenue would remain vacant surrounded by a chain link fence. The applicant is therefore proposing a low impact use that complements the surrounding uses, provides a needed service in the downtown area until such time as the new building is constructed and does not entail expensive construction.

The proposal is to develop the 1.67-acre site with a total of 213 parking spaces. The entrance and exit for the parking lot will be from C Street only. The property currently has concrete sidewalks along C and 6th Streets, and a brick sidewalk along Pennsylvania. The sidewalks will be retained and will be enhanced by landscaped strips along 6th Street and Pennsylvania Avenue. In order to minimize the impact on Pennsylvania Avenue, the landscaped area is wider than that along 6th Street and, at the southeast corner of the property there is a nearly triangular area that will contain benches. To reduce visibility and lessen the impact of a parking lot along Pennsylvania Avenue, there is a landscaped buffer, in addition to a drive aisle, and the parking spaces do not face Pennsylvania Avenue. Placing the entrance/exit along C Street will help to minimize interference with traffic along busy 6th Street and Pennsylvania Avenue.

In front of this triangular area, in the public space, will be a newspaper display. The applicant has agreed to remove the display from the public space and place it on their property. The display will have

the front pages of both domestic and foreign newspapers. The front pages will be changed by hand daily and can be easily viewed by pedestrian.

Due to the fact that the property is within the Pennsylvania Avenue Historic District, the proposed newspaper display will have to be reviewed by the Historic Preservation Office in the Office of Planning. The proposal and display have been reviewed and approved by the Fine Arts Commission.

Special Exception

Section 1702.7(c) requires approval from the BZA using the standards outlined in Section 3103.2 for review of all-day, commuter parking lots in the DD Overlay District. The following demonstrates how these standards are met:

> **"The property is unique by reason of its exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional situation or condition;"**

The property is unique due to an exceptional situation in that it is a vacant property that will remain undeveloped for approximately a year from now. The site is at a prominent location along Pennsylvania Avenue and unable to lease parking spaces to any merchants or park and shop organizations because they are not conveniently located to the site and the residential buildings in the vicinity of the site already provide adequate parking for their residents.

> **"By reason of the aforementioned unique or exceptional condition of the property, the strict application of the Zoning Regulations will result in peculiar and exceptional practical difficulties or to exceptional and undue hardship upon the owner of the property."**

Because of complex requirements imposed by the City and by its unique location, the Newseum will require an unusually long period of time for design. It must figure out how to incorporate housing, retail, and a world-class museum, while accommodating difficult setback requirements imposed by the PADC plan. Strict adherence to the Zoning Regulations given the lack of retail in the area that the parking could be leased, would present the practical difficulty of having to leave the parcel vacant while the design work is down. This could be especially difficult given the fact that the project will have to go through a lengthy approval process with Historic Preservation Review Board, National Capital Park and Planning Commission, and the Commission of Fine Arts.

> **"The variance will not cause substantial detriment to the public good and will not impair the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map."**

The proposed request to have an all-day commuter parking lot on the property will not be a detriment to the public good. In fact, since the property is vacant and surrounded by a chain link fence it is quite unsightly at this location along Pennsylvania Avenue. Although a parking lot is not the most desirable use at this location it is a one-year interim use that will provide a service. If the property were to remain fenced and unused it could quickly become an eyesore as this area has heavy pedestrian traffic from tourists and users of the surrounding buildings, and without someone on-site to continually monitor

activities, it could become a dumping ground for trash from passers-by. The parking lot will be landscaped and setback from Pennsylvania Avenue to minimize it impact. Additionally, the additional parking provided will help to alleviate the hardship of finding parking in this area. The District of Columbia Courthouse, the US District Courthouse, and the Department of Motor Vehicles located north of the site generate a large number of persons who visit the area and need parking. This parking lot will help to satisfy this need.

The parking lot will not impair the intent, purpose or integrity of the Zoning Regulations and Map, as this is parking facility is an interim use not replacing the uses that are encouraged by the DD Overlay.

COMMUNITY COMMENTS

The Zoning and Licensing Sub-committee of ANC-6A voted to recommend approval of the application to the full ANC on April 10, 2002. The ANC is scheduled to make its recommendation at its May 9, 2002.

SUMMARY AND RECOMMENDATION

The proposed parking lot is an interim use on the property and will help to mitigate leaving the property undeveloped for over a year. The parking lot will provide a service to commuters who work in the many office that surround the property. The proposal will maintain the intent, purpose, and integrity of the Zoning Regulations and Map and therefore the Office of Planning recommends **APPROVAL** of the requested special exception.

ATT:

1. Site Location

AA/mbr



Feature Key

Zoning Boundaries

Square Index

Board of Zoning Adjustment

Application No. # 16870

DC Office of Planning
May 1, 2002

Scale 1:2239

25 0 25 50 75 100 Feet

Attachment 1