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June 17, 2003

CHRISTINE MOSELEY SHIKER
202-457-7167

Internet Address: cmshiker@hklaw.com

VIA HAND DELIVERY
Members of the Board of Zoning Adjustment
District of Columbia Office of Zoning
441 4th Street, N.W., Suite 210S
Washington, D.C. 20001

D.C. OFFICE OF ZONING
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2003 JUN 17 PM 3:20

Re: Board of Zoning Adjustment Case No. 17029
Prehearing Submission

Dear Board Members:

On behalf of the applicant in the above-referenced case, enclosed please find twenty copies of its prehearing submission in support of the above-referenced application for special exception and variance relief.

Should you have any questions regarding this matter, please do not hesitate to contact me at (202) 457-7167.

Sincerely,

Christy Shiker

Christine Moseley Shiker

Enclosures

cc: Karen Thomas, Office of Planning (Via Hand Delivery; w/enclosure)
Jennifer Steingasser, Office of Planning (Via Hand Delivery; w/enclosure)
Ken Laden, District Department of Transportation (Via Hand; w/enc)
Abdoulaye Bah, District Department of Transportation (Via Hand; w/enc)

BZA
Case No. 17029
Exhibit No. 26

Board of Zoning Adjustment
District of Columbia
CASE NO. 17029
EXHIBIT NO. 26A1

BEFORE THE BOARD
OF ZONING ADJUSTMENT
FOR THE DISTRICT OF COLUMBIA

APPLICATION OF
RLA REVITALIZATION CORP.
AND DONATELLI & KLEIN

BZA APPLICATION NO. 17029
HEARING DATE: JULY 1, 2003
ANC 1A

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STATEMENT OF THE APPLICANT

I.
NATURE OF RELIEF SOUGHT

This statement is submitted on behalf of RLA Revitalization Corporation, the owner of property located at the intersection of Irving and 14th Streets, N.W. (all or portions of Lots 659, 660, 661, 662, 663, 664, 720, 721, 864, 865, 866, and 876 in Square 2672 and the alley proposed to be closed) (the "Site"), and Donatelli & Klein, the contract purchaser of the Site, (collectively, the "Applicant") in support of the application to the Board of Zoning Adjustment for the following variance and special exception relief from the requirements of the Zoning Regulations pursuant to 11 DCMR §§ 3103.2 and 3104.1: (i) variance from the height requirement of Section 770; (ii) a variance from the residential recreation space requirement of Section 773; (iii) a special exception for a reduction of parking spaces pursuant to Section 2108; (iv) a special exception for a zone boundary line crossing a lot line pursuant to Section 2514; and (v) a special exception from the roof structure requirements of Section 411. The relief is requested in order to permit the construction of an apartment house with approximately 235 units and more than 20,000 square feet of ground floor retail.

II.
JURISDICTION OF THE BOARD

The Board of Zoning Adjustment (the "Board") has jurisdiction to grant the variance and special exception relief requested herein pursuant to Sections 3103 and 3104 of the District of Columbia Municipal Regulations (the "Zoning Regulations"). 11 DCMR §§ 3103 and 3104.

III.
BACKGROUND

A. Description of the Site and Surrounding Area

The Site is located on the south side of Irving Street, N.W., just west of 14th Street, N.W., adjacent to the entrance to the Columbia Heights Metrorail Station, and consists of all or portions of Lots 659, 660, 661, 662, 663, 664, 720, 721, 864, 865, 866, and 876 in Square 2672 and the alley proposed to be closed. A subdivision application will be filed to consolidate this property into a single record lot. Square 2672 is bounded by Irving Street to the north, 14th Street to the east, Columbia Road to the south, and 15th Street to the west. The Site is in the northeast corner of Square 2672 and constitutes the significant majority of RLA Revitalization Corporation's property known as Parcel 26[1]. The Site is currently vacant and is split-zoned C-3-A/R-5-B.

The Site is located in the heart of the redeveloping Columbia Heights neighborhood. The area contains a number of properties currently in the process of redevelopment, with emphasis on the development of residential and retail uses. The

[1] The remainder of Parcel 26 consists of Lots 6, 835, 837, 861, 862, 863, 864 and 879, immediately to the west of the Site.

RLA Revitalization Corporation is the owner of a significant number of these properties and is in the process of disposing of these parcels for redevelopment to developers whose projects have been selected and approved after an RFP process, which included input from local community groups.

B. Project Description

The Applicant proposes to construct an apartment house with approximately 235 units and more than 20,000 square feet of ground floor retail (the "Project") adjacent to the Columbia Heights Metrorail Station. The Project proposes a height of eighty-five feet and an FAR of 3.81. The Project provides 278 parking spaces in two and one-half below grade levels. Furthermore, the Project complies with all loading requirements, providing a fifty-five foot loading berth, 200 square foot loading platform and a twenty foot service/delivery space. Pursuant to Section 2201.2 of the Zoning Regulations, no loading is required for the retail use.

IV.
THE APPLICANT MEETS THE BURDEN OF PROOF FOR VARIANCES

A. Standards for Granting Area Variances

Under D.C. Code §6-641.07(g)(3) and 11 DCMR 3103.2, the Board is authorized to grant an area variance where it finds that three conditions exist:

(1) the property is unique because of its size, shape or topography or other extraordinary or exceptional situation or condition;

(2) the owner would encounter practical difficulties if the zoning regulations were applied; and

(3) the variance would not cause substantial detriment to the public good and would not substantially impair the intent, purpose and

integrity of the zone plan as embodied in the Zoning Regulations and Map

See French v. District of Columbia Board of Zoning Adjustment, 658 A.2d 1023, 1035 (D.C. 1995) (*quoting Roumel v. District of Columbia Board of Zoning Adjustment*, 417 A.2d 405, 408 (D.C. 1980)); *see also, Capitol Hill Restoration Society, Inc. v. District of Columbia Board of Zoning Adjustment*, 534 A.2d 939 (D.C. 1987). As discussed below, the Project and the variances requested for the same meet all three prongs of this test.

B. Variance Relief from Height Requirement

The Applicant requests a variance from the height requirement set forth in Section 770 of the Zoning Regulations. Section 770 of the Zoning Regulations permits a building in the C-3-A District to be built to a height of sixty-five feet. The Project proposes a height of eighty-five feet to the top of the parapet. The Applicant, therefore, requests a variance from Section 770 to increase the permitted height for the development.

1. Basis for Variance

The Site has several exceptional and extraordinary conditions that create a practical difficulty in developing this Project within the confines of the height requirement set forth in Section 770 of the Zoning Regulations. These conditions include the below-grade complexities due to Metro facilities beneath the Site, the location of the above-grade WMATA facilities serving the Columbia Heights Metrorail Station, the requirements for the inclusion of retail in the Project, and the unusual shape of the lot, which creates areas that are not easily built upon.

Specifically, the above- and below-grade WMATA facilities create areas in which the Applicant is prohibited from constructing portions of the Project. As discussed in the letter from the WMATA, attached hereto as Exhibit F, the Project is limited by the WMATA canopy, the pedestrian clearance around the WMATA canopy, the WMATA vent on 14th Street, the WMATA elevator and related facilities, and the WMATA bus shelters and required public space surrounding the same. These limitations have only been recently confirmed to the developer and were not included in the description of the Site or as a restriction on the development of the Site as part of the Request for Proposal ("RFP") issued by RLA Revitalization Corporation. Thus, at the time the developer submitted its proposal for the acquisition of the Site, these restrictions had not been imposed by WMATA. Without these restrictions, a building with an approximate FAR of 4.0 could have been designed within six stories rather than seven stories.

Furthermore, the Project must include retail on the first floor for a variety of reasons. First, the RFP states that considerable attention should be given to creating a very strong retail presence and image on the first floor of this Site. According to the RFP, the District prefers well-designed, mixed-use buildings in which retail is not an additive consideration, but rather an integral part of the overall image of the building. Similarly, in the charettes leading up to the issuance of the RFP, the community strongly encouraged that this Site include major retail uses. Furthermore, the 14th Street Urban Renewal Plan identified this Site in a Major Community Service Center, which dictated predominant retail uses. As discussed in detail below, in order to attract high quality retail tenants to this Site, the Applicant

must incorporate ceiling heights of approximately twenty feet. Without this type of space, the Project will not draw the retailers envisioned by the RFP, the community or the 14th Street Urban Renewal Plan.

2. A Strict Application of the Zoning Regulations Would Impose a Peculiar and Exceptional Practical Difficulty on the Applicant

A strict application of the Zoning Regulations would impose a peculiar and exceptional practical difficulty based on the exceptional conditions discussed above. The WMATA restrictions discussed above, along with the requirement to create a workable public realm around these facilities, eliminate approximately 16,000 square feet of site area that is not available to the Applicant for development. Although not all of this space can be used due to the lot occupancy requirement, the Project could have used a portion of this lot area to achieve the permitted FAR on the Site. Specifically, the Project has a lot occupancy of only sixty-five percent, which is less than the permitted seventy-five percent. If the building were constructed to the permitted lot occupancy (75% on the C-3-A portion of the Site and 60% on the R-5-B portion of the Site), approximately 7,215 square feet of additional lot area could be occupied by the building footprint. Assuming that the building was constructed to six stories in these areas, the Project could include approximately 43,290 square feet of additional gross floor area, which is greater than the 36,000 square feet of gross floor area proposed for the seventh (or additional) floor. As evidenced above, this difference is a direct result of the WMATA restrictions on the Site. Moreover, the required inclusion of items such as the WMATA canopy within the lot occupancy calculation further exacerbate this problem.

Even without the seventh floor, the Applicant has a practical difficulty in complying with the height requirement. The practical difficulty results from the retail use on the first level. As stated above, the Project must include retail use on the first floor. To obtain quality retailers, which is strongly supported by the community, and to make the retail use a successful and integral part of the Project, as encouraged by the RFP, the Project must incorporate ground floor ceiling heights of approximately twenty feet clear. This Project only proposes a top of slab to underside of slab of eighteen feet, six inches, which is below the preferred height. To reduce that height any further threatens the Applicant's ability to lease the retail space to quality retailers. Furthermore, the top floor of the building requires an additional foot of clearance to provide space for plumbing and drainage lines. The first floor ceiling height and the additional top story height are almost equivalent to an additional floor and, therefore, create a further complication in achieving the permitted gross floor area on the Site.

As a result of both the WMATA constraints and the additional height resulting primarily from the inclusion of retail, the Applicant faces a practical difficulty because it is unable to use the permitted gross floor area on the Site without the request for additional height. The C-3-A District permits 4.0 FAR. Even with the requested height variance, the maximum gross floor area for the Project is only 3.81 FAR. Accordingly, the Applicant requests this variance.

3. Relief Can Be Granted Without Substantial Detriment to the Public and Without Substantially Impairing the Intent, Purpose and Integrity of the Zone Plan as Embodied in the Zoning Regulations and Map

The variances from the building height requirements can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the Zoning Regulations. First, the proposed height of the Project is compatible with surrounding structures and strongly supported by the community. Specifically, a ninety foot residential building is located immediately south of the Project on the east side of the 14th Street. Other residential buildings with similar heights are located to the south of the Project, south of Columbia Road. It should be noted that although the requested height variance is for eighty-five feet, the building includes a three foot, six inch parapet, resulting in the height of the building to the top of the roof being only eighty-one feet, six inches.

Second, the Project is consistent with the goals of the Comprehensive Plan and the current planning initiatives of the Office of Planning and District of Columbia. The Site is designated on the Generalized Land Use Map in the mixed use category for medium density residential uses and moderate density commercial uses. The Comprehensive Plan does not indicate appropriate heights for each land use designation; rather, the Comprehensive Plan speaks in term of density. This Project is within the permitted density of 4.0 FAR and, as discussed above, is compatible with the heights of the buildings in the surrounding area.

In addition, the Site is designated on the Generalized Land Use Policies map in both a housing opportunity area and development opportunity area. Housing

opportunity areas are areas where the District expects and encourages either new housing or rehabilitated housing and represent locations for significant concentration of housing. Development opportunity areas are areas that offer opportunities to accommodate new growth and development. These areas may be designated for housing, commercial development, employment centers or for a mixture of uses. Achieving the permitted FAR at the Site with additional housing units is consistent with both of these designations.

The Project's location at the Columbia Heights Metrorail Station, on 14th Street, a major road in the District, and within housing and development opportunity areas all support the idea of maintaining the permitted density on the Site. The inability to maximize FAR in the Project will result in the loss of residential units, which is inconsistent with the District's stated goal of increasing the residential population by 100,000. Furthermore, the 14th Street Urban Renewal Plan designated the Site within a Major Community Service Center. That plan stated that projects in the Major Community Service Centers should include height density residential and retail uses with a maximum FAR of 6.5 and a maximum building height of 100 feet.

Finally, the Project is an ideal transit-oriented development, placing dense residential uses with ground floor retail on top of a Metro station. The focus of transit oriented development is primarily to encourage a mixture of uses to be developed at transit centers to decrease reliance on passenger vehicles. These new policies are consistent with the Transportation Element of the Comprehensive Plan which encourages significant development at Metrorail and Metrobus stations. The Project is an ideal candidate to support transit-oriented development policies of the

District due to its proximity to Metrorail and Metrobus Stations and its provision of a mix of uses for a diversity of activities and purposes at this location. Accordingly, the requested relief will not have an adverse impact on the public or the zone plan.

C. Variance Relief from Residential Recreation Space Requirement

The Applicant requests a variance from the residential recreation space requirements of Section 773. Section 773.3 requires that residential development in the C-3-A District provide not less than fifteen percent of the gross floor area of the building devoted to residential use for residential recreation space. Based on the proposed 255,502 square feet of residential gross floor area, the Project must include 38,326 square feet of residential recreation space (or fifteen percent). The Project proposes to devote 27,770 square feet (almost eleven percent) to residential recreation space. Because the residential recreation space requirement of fifteen percent cannot be met on the Site, the Applicant requests a variance from the residential recreation space requirement of Section 773.3.

1. Extraordinary or Exceptional Condition

The Site is affected by extraordinary or exceptional conditions. First, the Site is an exceptionally large residential site, requiring a significant amount of residential recreation space. Due to the amount and locations of residential recreation space provided (as discussed below), there is no additional available interior or exterior space to be devoted to residential recreation space. Thus, the size of the Site and the constraints associated with providing additional residential recreation space create an extraordinary or exceptional condition.

2. The Strict Application of the Zoning Regulations Would Result in a Practical Difficulty

Due to the Site's exceptional conditions, it is practically difficult to include any additional residential recreation space. The Applicant proposes to devote 27,770 square feet of gross floor area to residential recreation space, which is almost eleven percent of the residential gross floor area. This residential recreation space is provided as follows: ground level esplanade (7,268 square feet), ground level garden (2,375 square feet), 3,766 square feet (main lobby and mezzanine), 630 square feet (library/computer center), community room (1,975 square feet), fitness center (1,756 square feet), and roof garden (10,000 square feet). As is evidenced by this listing, the Project incorporates every reasonable type of residential recreation space for an apartment complex of this size.

There is no additional space in which to include more residential recreation space. For exterior space, the design of the roof deck maximizes the space available and the roof deck cannot be enlarged. Specifically, the shape of the building, along with the required placement of the mechanical equipment, limit the amount of space that can be devoted to a roof garden. Similarly, all available outdoor space on the ground floor has been utilized for ground level gardens and the esplanade, and thus, no other exterior, ground-level space is available.

Internally, a significant amount of space has been provided for residential recreation space, including a fitness center, a community room, a library/community room, and open spaces for the residents. To comply with the residential recreation space requirements, an additional 10,556 square feet of area currently devoted to

apartment or retail uses would need to be converted to residential recreation space. If the Applicant included this additional residential recreation space inside, the number of residential units would decrease, contrary to the intent of the Zoning Regulations which encourages housing in this area. Alternatively, the elimination of the ground floor retail space would result in the loss of neighborhood serving retail, which the community strongly supports. Thus, the conversion of additional interior space to residential recreation space either reduces the number of dwelling units or the amount of retail space provided, which is contrary to the goals for this area.

Finally, no residential recreation space can be provided below-grade. Further excavation is not possible due to the existence of Metro facilities. Furthermore, the conversion of parking spaces to residential recreation space would be an inefficient use of the available below-grade space, and the space would not constitute meaningful residential recreation space. Accordingly, the strict application of Section 773.3 results in a peculiar and exceptional practical difficulty for the Applicant.

3. Relief Can Be Granted Without Substantial Detriment to the Public Good and Without Impairing the Intent, Purpose and Integrity of the Zone Plan as embodied in the Zoning Regulations and Map

Variance relief from the residential recreation space requirement of Section 773.3 can be granted without substantial detriment either to the public good or the Zoning Regulations. As proposed, the Project provides a significant amount of residential recreation space for residents of this type of building. All types of residential recreation space are included within the building.

In addition to the provided residential recreation space, the Project incorporates more than 20,000 square feet of retail on the ground level to be devoted

to neighborhood serving retail, which is strongly supported by the community. The residents of this type of project in an urban location look for certain amenities, which are included within the Project, but primarily desire that entertainment and shopping be within walking distance. The proposed retail, along with the Grid project to the north and the additional 20,000 square feet of retail to the east, will provide these opportunities for the residents as well as create a lively street life for the area's other residents.

Overall, the Project provides important new residential construction for the area and neighborhood serving retail development, which serve to substantially benefit the neighborhood. When this area's many retail and urban amenities are considered along with the Site's provided recreation space, the recreation space available to residents is more than sufficient. Accordingly, the requested relief will not have an adverse impact on the public or the zone plan.

V.
THE APPLICANT MEETS THE TEST FOR SPECIAL EXCEPTION RELIEF TO ALLOW A REDUCTION IN RETAIL PARKING UNDER 11 DCMR § 2108

Section 2108.1 of the Zoning Regulations permits the Board to reduce the amount of parking spaces required for non-residential uses under Section 2101.1 in accordance with Section 3104 of the Zoning Regulations. Section 2101.1 of the Zoning Regulations requires 176 parking spaces as follows: 1 space per two dwelling units (.5 x 235), for a total of 118 spaces, and one space for each additional 300 square feet over 3,000 square feet of retail (22,060 – 3,000 = 19,060/300), for a total of sixty-four spaces. For the Project, the Applicant provides 278 total parking spaces, which is

significantly more parking than the total required for all uses at the Site. However, because the anticipated use of the retail will be by local residents arriving on foot and patrons arriving from the adjacent Metrorail station, the Applicant requests a special exception to reduce the parking required for the retail use by twenty-five percent.

The criteria set forth in Section 2108 of the Zoning Regulations are satisfied as follows:

A. The amount of required parking spaces shall not be reduced by more than twenty-five percent.

The retail component includes 22,060 square feet, which requires sixty-four parking spaces. The Applicant proposes to devote forty-eight parking spaces to the retail use, which is a reduction of twenty-five percent.

B. The Board shall give consideration to the following:

1. Nature and Location of the Structure

The Project is located on 14th Street, in an emerging area, and adjacent to the Columbia Heights Metrorail station. The proposed retail will be neighborhood-serving retail, not destination retail, and will be accessed primarily by residents of the area and patrons arriving from the adjacent Metrorail station. According to the Traffic Impact Assessment prepared by O.R. George & Associates, and attached hereto as Exhibit E, (the "Traffic Report") the proposed retail use would be local community-servicing retail, resulting in a high percentage (80%±) of pedestrian trips.

2. Maximum number of students, employees, guests, customers, or clients who can reasonably be expected to use the proposed building or structures at one time

The proposed retail will primarily be neighborhood-serving, to be accessed by area residents and patrons arriving from the adjacent Metrorail station. According to the Traffic Report, the proposed number of parking spaces, combined with the availability of other parking facilities in the area and the number of multi-purpose walk trips, support the requested parking adjustment and result in no adverse parking demand impacts.

3. Amount of traffic congestion existing or that the building or structure can reasonably be expected to create in the neighborhood

The Traffic Report concludes that the projected trip generation for the Project would have a minimal impact on traffic and parking conditions within the local area.

4. Quantity of existing public, commercial or private parking, other than curb parking, on the property or in the neighborhood which can reasonably be expected to be available when the building or structure is in use

This retail will primarily be accessed by neighborhood residents. In addition to the parking provided on-site, patrons of the retail facilities can park in the parking garage proposed as part of the new Grid project located directly to the north across Irving Street. According to the Traffic Report, the proposed parking on-site will be sufficient to meet the needs of the Site, without consideration of the additional parking opportunities.

5. Proximity to public transportation, particularly Metrorail stations, and the availability of public transportation service in the area

The Project is situated on top of the Columbia Heights Metrorail Station, with the entrance to the station being on the Applicant's property. In addition, numerous Metrobus routes run along 14th Street adjacent to the site.

Finally, the special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Map and will not tend to affect adversely the use of neighboring properties. The Project provides an important development of residential and retail uses in a growing area of the city. The Project also results in the development of vacant, under-utilized property. Accordingly, the Project will not adversely affect adjacent or nearby property and will serve to benefit this redeveloping area.

VI.
THE APPLICANT MEETS THE TEST FOR SPECIAL EXCEPTION RELIEF FOR A ZONE BOUNDARY LINE CROSSING A LOT LINE UNDER 11 DCMR § 2514.

Section 2514.2 of the Zoning Regulations provides that if approved by the Board, the regulations applicable to that portion of a lot located in a lesser restrictive use zone district that control the use, height, and bulk of structures and the use of land may be extended to that portion of the lot in a more restrictive zone provided that certain criteria are satisfied. In the present case, the vast majority of the Site (approximately 93%) is zoned C-3-A; however, the southern-most portion of the Site (approximately 7%) is zoned R-5-B. The Applicant requests this special exception to allow an extension of the Project into the R-5-B zoned portion of the Site.

The criteria set forth in Section 2514.2 are satisfied as follows:

A. <u>The extension shall be limited to that portion of the lot in the more restrictive use zone district but not exceeding thirty-five feet.</u>

Because the zone boundary line cuts diagonally through the Site, the proposed extension ranges from twenty-five feet to thirty-five feet. The extension is not greater than thirty-five feet in any location.

B. <u>In authorizing the extension, the Board shall require compliance with Section 2514.1(d), which states that for computation purposes, any portion of the lot located in an R-4 District shall be deemed to be limited to a floor area ratio of 0.9 FAR.</u>

No portion of the Site is zoned R-4.

C. <u>The extension shall have no adverse effect upon the present character and future development of the neighborhood.</u>

The extension of the C-3-A zone into the R-5-B zone will have no adverse impact on the present character and future development of the neighborhood. The R-5-B zone is located within the middle of the square, with all property to its east being zoned C-3-A. The extension will become part of the larger project, which is compatible with the nearby developments. Therefore, the proposed extension will not adversely impact the light and air of adjacent developments.

D. <u>The Board may impose requirements pertaining to design, appearance, screening, location of structures, lighting, or any other requirement it deems necessary to protect adjacent or nearby properties.</u>

Because there will be no adverse impact of the proposed extension within the R-5-B zone, the Board need not impose any of the above-described requirements.

Finally, the special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Map and will not tend to affect adversely

the use of neighboring properties. The Project provides an important development of residential and retail uses in a growing area of the city. The Project also results in the development of vacant, under-utilized property. This Project will not adversely affect adjacent or nearby property and will serve to benefit this redeveloping area.

VII.
THE APPLICANT MEETS THE TEST FOR SPECIAL EXCEPTION RELIEF TO ALLOW ADJUSTMENTS TO THE ROOF STRUCTURE REQUIREMENTS UNDER 11 DCMR § 411.

A. Standard for Approving Special Exception Relief

Due to the exceptional conditions of the Site, the Project cannot comply with the setback requirements relating to roof structures set forth in Sections 411 and 770.6(b) of the Zoning Regulations. Thus, the Applicant requests special exception relief to deviate from the strict compliance of those requirements as permitted under Sections 411.11 and 3104.1 of the Zoning Regulations.

Relief granted through a special exception is presumed appropriate, reasonable and compatible with other uses in the same zoning classification, provided the specific regulatory requirements for the relief requested are met. In reviewing an application for special exception relief, "[t]he Board's discretion ... is limited to a determination of whether the exception sought meets the requirements of the regulations." *First Baptist Church of Washington v. District of Columbia Board of Zoning Adjustment*, 423 A.2d 695, 701 (D.C. 1981) (*quoting Stewart v. District of Columbia Board of Zoning Adjustment*, 305 A.2d 516, 518 (D.C. 1973)). If the applicant meets its burden, the Board must ordinarily grant the application. *Id.*

B. Standard of Review for Roof Structure Special Exceptions

Under Section 411.11, the Board may grant special exception relief from the strict requirements for a roof structure where full compliance is "impracticable because of operating difficulties, size of building lot, or other conditions relating to the building or surrounding area" and would be "unduly restrictive, prohibitively costly, or unreasonable." 11 DCMR §411.11. The Board may approve deviations from the roof structure requirements provided the intent and purpose of Chapter 400 and the Zoning Regulations are not "materially impaired by the structure, and the light and air of adjacent buildings shall not be affected adversely." *Id.*

C. Relief from Sections 411.2 and 770.6(b) to Deviate from Roof Structure Setback Requirement

The Applicant requests relief from Sections 411.2 and 770.6(b) of the Zoning Regulations. That section requires roof structures to be set back in accordance with the provisions of the zone district in which the Project is located. 11 DCMR §411.2. The C-3-A District requires a roof structure to be set back from the building's walls a distance at least equal to the roof structure's height. 11 DCMR §770.6(b).

The proposed roof structures for the Project all comply with this provision with the exception of the Metro cooling tower, which is located on the northeast portion of the roof. The cooling tower is currently located on the ground level in the Metro plaza area. The Applicant has agreed to relocate the cooling tower to the roof of the building in an effort to create a more pedestrian friendly Metro plaza. However, due to the width of the roof of the building adjacent to the Metro plaza, the cooling tower

cannot be setback from the edge of the roof a distance equal to its height. Specifically, the base of the cooling tower is twenty-nine feet square, with a height of fifteen feet. At this location, the building is only forty-five feet in width, which makes it impossible to achieve a fifteen foot setback on each side.

The proposed roof structure does comply, however, with the spirit and intent of the roof structure provisions and the Zoning Regulations. The purpose of the setback requirement is to ensure adequate light and air to adjacent property and abutting streets. This purpose is achieved despite the requested special exception. In order to disguise the cooling tower, it has been enclosed in a tower-like architectural embellishment, which has become an important design feature for the 14th Street façade. Therefore, the roof structure relates to the architecture and does not adversely impact the light and air of adjacent buildings. Accordingly, the proposed penthouse is in harmony with the purpose and intent of the Zoning Regulations and meets the test for special exception relief under Section 411.2.

D. Relief from Section 411.3 to Deviate from Roof Structure Enclosure Requirement

Section 411.3 requires that all penthouses and mechanical equipment be placed in one enclosure. In addition to the cooling tower, the Project includes four penthouse enclosures which all meet the setback requirements. A single enclosure cannot be provided because it would eliminate the majority of the roof terrace and create a significant mass, which is not in keeping with the intent of Section 411. Furthermore, multiple enclosures are required in order to provide two means of ingress and egress as required for roof deck.

The multiple roof structures will not adversely impact the light and air of adjacent buildings. The placement of the penthouse enclosures minimizes the visibility of the penthouses from any vantage point, and the overall mass of the roof structure has been reduced. Therefore, the intent and purposes of the Zoning Regulations will not be materially impaired and the light and air of adjacent buildings shall not be adversely affected.

VIII.
COMMUNITY SUPPORT

The Applicant has worked with the community and obtained support for the Project. Specifically, Advisory Neighborhood Commission ("ANC") 1A, the ANC in which the Project is located, voted to support the Project at its meeting on March 12, 2003. A copy of the ANC 1A letter is attached hereto as Exhibit G.

IX.
EXHIBITS SUBMITTED IN SUPPORT OF THE APPLICATION

Exhibit A:	Portion of the Sanborn Atlas showing the Site highlighted in yellow;
Exhibit B:	A portion of the Zoning Map showing the Site highlighted in yellow;
Exhibit C:	Surveyor's Plat of the Subject Property;
Exhibit D:	Revised Architectural Plans and Drawings;
Exhibit E:	Traffic Report dated June 9, 2003, from O.R. George & Associates;
Exhibit F:	Letter from WMATA dated June 11, 2003
Exhibit G:	Letter of Support from Advisory Neighborhood Commission 1A;
Exhibit H:	Outline of Testimony of Representative of Donatelli & Klein;

Exhibit I: Outline of Testimony of Torti Gallas and Partners – CHK, project architect;

Exhibit J: Outline of Testimony of O.R. George & Associates, Traffic Consultant;

Exhibit K: Outline of Testimony of John Asasdoorian, Asadoorian Retail Solutions; and

Exhibit L: Outline of Testimony of Steven E. Sher, Land Planner.

X.
WITNESSES

A. Representative of Donatelli & Klein.

B. Representative of Torti Gallas and Partners – CHK, Project Architects.

C. Representative of O.R. George & Associates, Traffic Consultant.

D. Representative of Asadoorian Retail Solutions, Retail Consultant

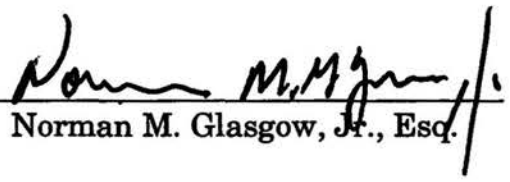
E. Steven E. Sher, Land Planner.

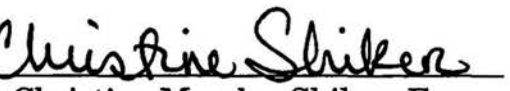
X.
CONCLUSION

For the reasons stated above, the requested relief meets the applicable standards for area variances and special exception relief under the Zoning Regulations. Accordingly, the Applicant respectfully requests the Board to grant the application.

Respectfully submitted,

HOLLAND & KNIGHT, LLP

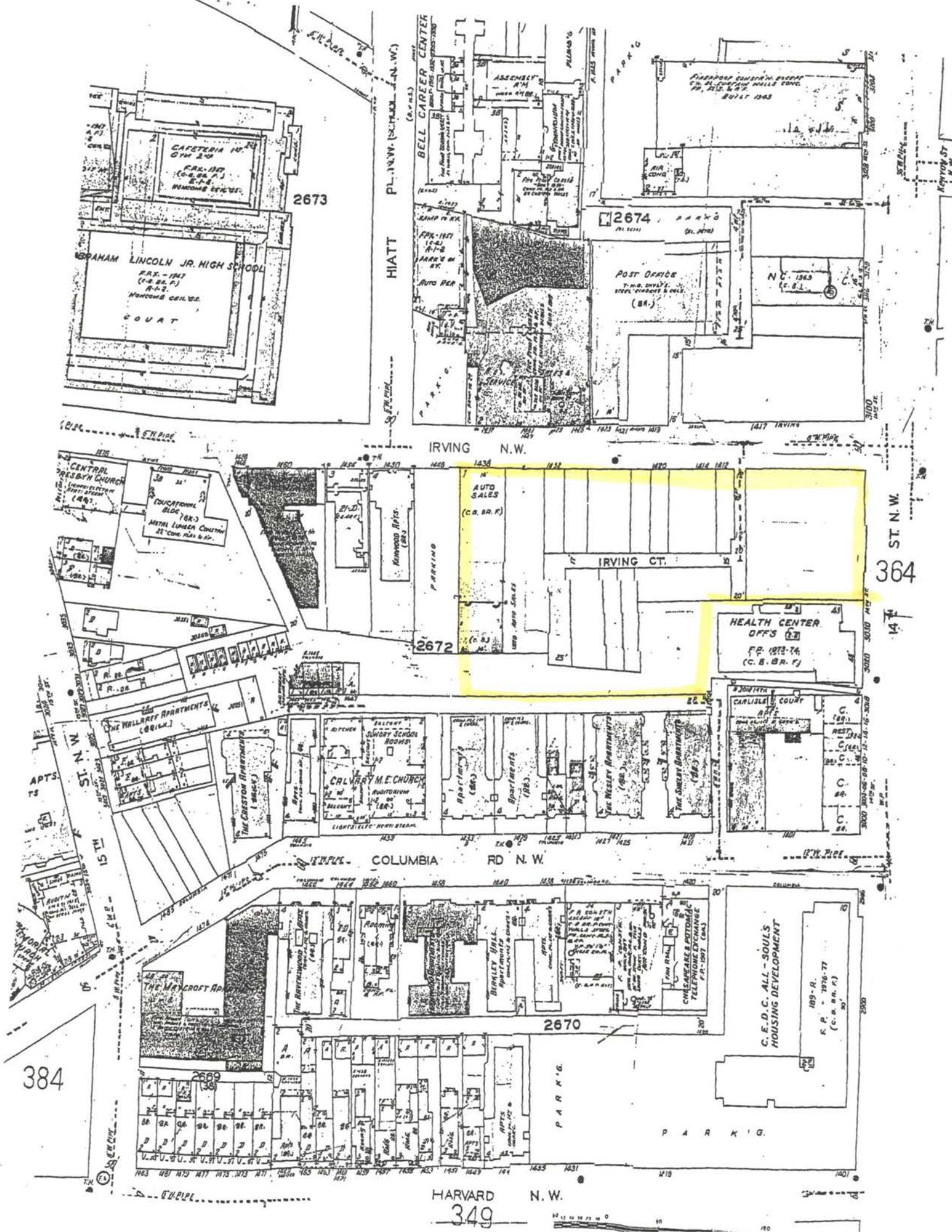
By: 
Norman M. Glasgow, Jr., Esq.

By: 
Christine Moseley Shiker, Esq.

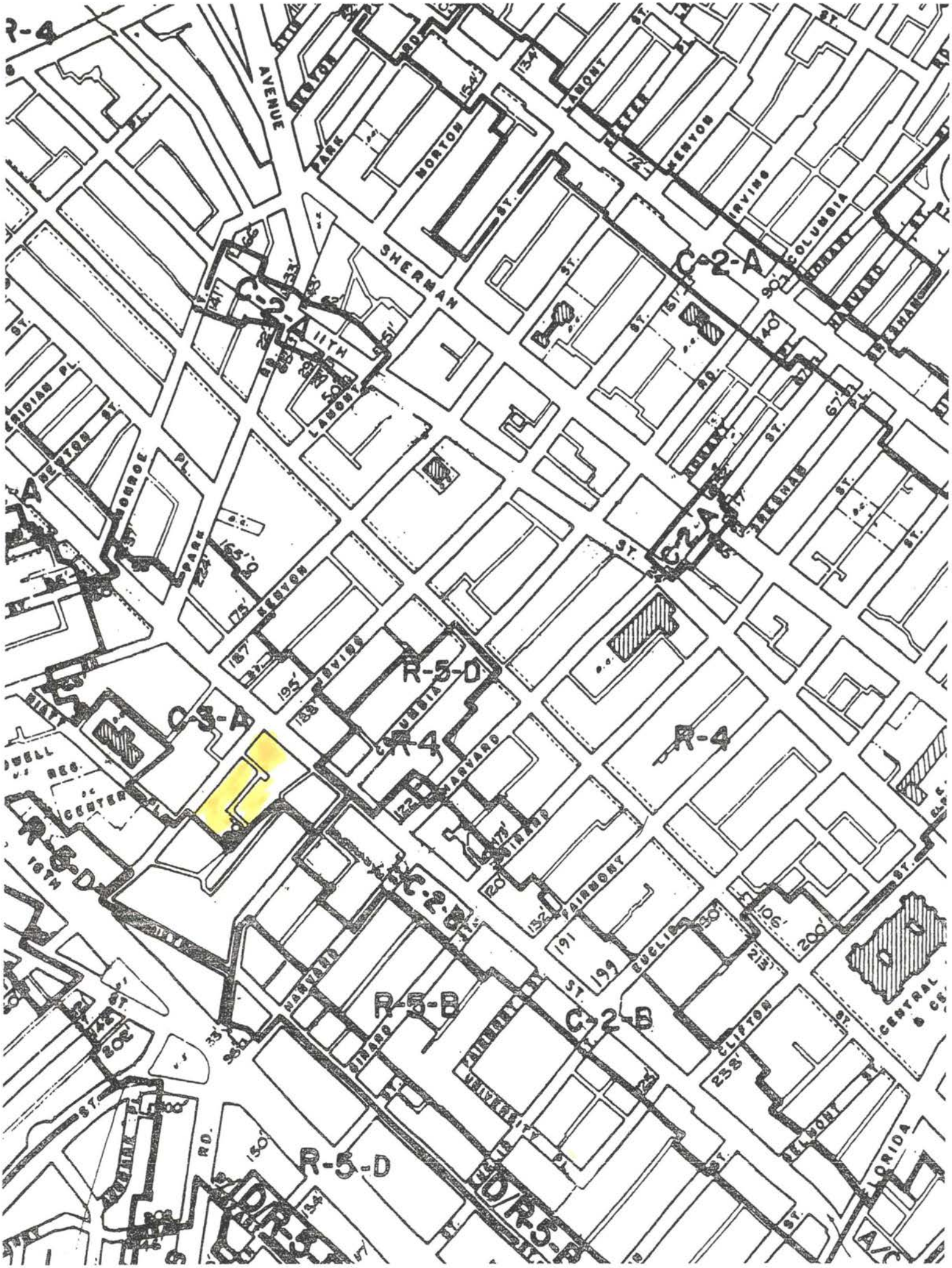
2099 Pennsylvania Avenue, N.W.
Suite 100
Washington, D.C. 20006
(202) 955-3000

WAS1 #1188397 v3

A


2673
ABRAHAM LINCOLN JR. HIGH SCHOOL
CAFETERIA
GYM
COURT
HIATT PL. N.W.
BELL CAREER CENTER
ASSEMBLY
2674
POST OFFICE
IRVING N.W.
IRVING CT.
AUTO SALES
PARKING
2672
HEALTH CENTER
CENTRAL PRESBYTH CHURCH
EDUCATIONAL BLDG.
CALVARY M.E. CHURCH
AUDITORIUM
Apartments
THE WALLACE APARTMENTS
THE CRESTON APARTMENTS
THE WESLEY APARTMENTS
THE SHELBY APARTMENTS
CARLISLE COURT
15TH ST. N.W.
14TH ST. N.W.
COLUMBIA RD N.W.
2670
BERKLEY HALL
Apartments
C.E.D.C. ALL-SOULS HOUSING DEVELOPMENT
PARK'G
2669
HARVARD N.W.
364
384
349




R-4
AVENUE
PARK
MORTON
ABBOTT
KENYON
IRVING
COLUMBIA
SHERMAN
C-2-A
11TH
MERIDIAN PL.
LAMONT
PARK
MORTON
ST.
RD.
PL.
C-5-A
R-5-D
R-4
C-2-B
R-5-B
MARYARD
FAIRMONT
EVELIN
CLIFTON
FLORIDA
CENTRAL
CENTER



DISTRICT OF COLUMBIA GOVERNMENT
OFFICE OF THE SURVEYOR

Washington, D.C., April 7, 2003

Plat for Building Permit of SQUARE 2672 LOTS 6, 659, 660 thru 664, 835, 837, 861 thru 866, 876, 879, 720 and 721

Scale: 1 inch = 40 feet

Recorded in Book LCC Page 2 1/2 (Lot 6); Book 39 Page 116 (Lots 659 thru 664);
A & T Book Page 1613 (Lots 835, 837, 861 thru 866); A & T Book Page 2414 (Lot 876);
A & T Book Page 3778-T (Lot 879); Book 157 Page 187 (Lot 720); Book 157 Page 186 (Lot 721)

Receipt No. 03936

Furnished to: HOLLAND & KNIGHT

Surveyor, D.C.

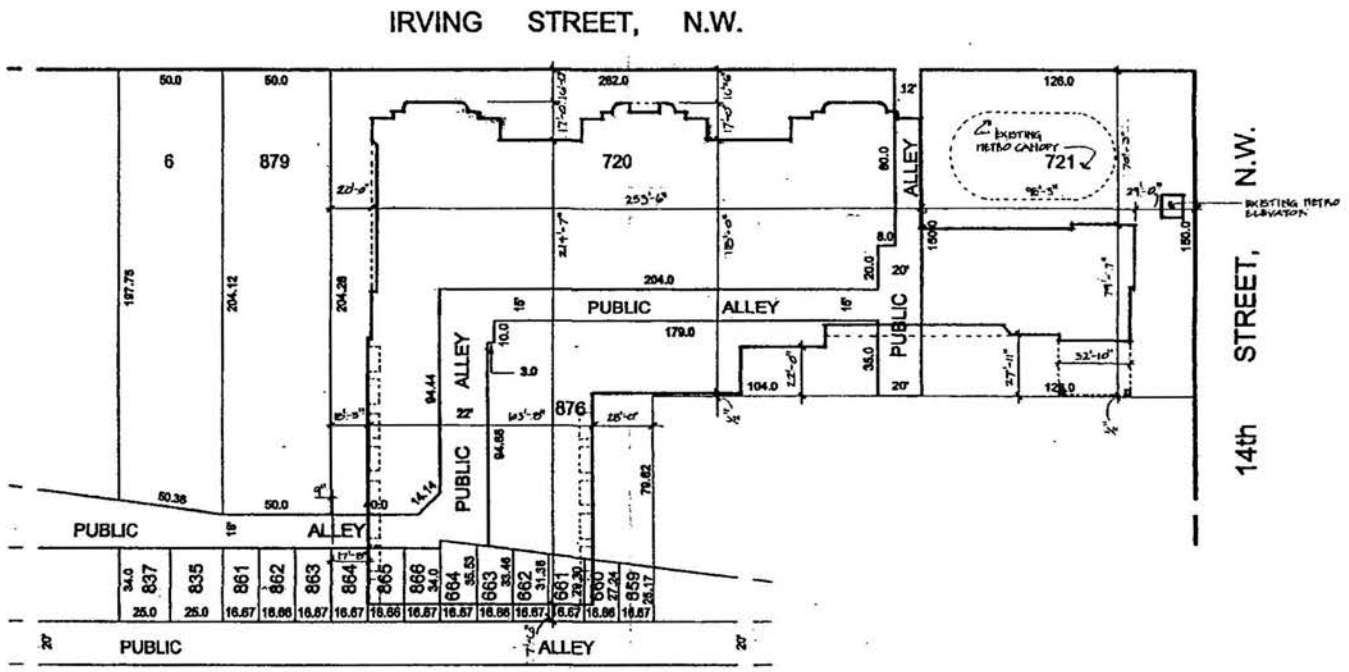
By: L.E.S.

NOTE: Data shown for Assessment and Taxation Lots or Parcels are in accordance with the records of the Department of Finance and Revenue, Assessment Administration, and do not necessarily agree with deed description.

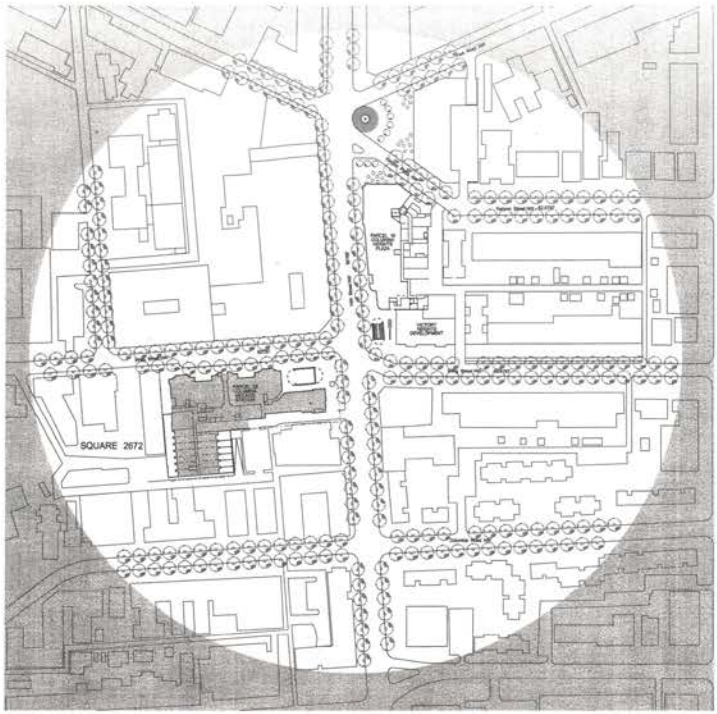
I hereby certify that all existing improvements shown hereon, are completely dimensioned, and are correctly plotted; that all proposed buildings or construction, or parts thereof, including covered porches, are correctly dimensioned and plotted and agree with plans accompanying the application; that the foundation plans as shown hereon is drawn, and dimensioned accurately to the same scale as the property lines shown on this plat;and that by reason of the proposed improvements to be erected as shown hereon, the size of any adjoining lot or premises is not decreased to an area less than is required by the Zoning Regulations for light and ventilation; and it is further certified and agreed that accessible parking area where required by the Zoning Regulations will be reserved in accordance with the Zoning Regulations, and that this area has been correctly drawn and dimensioned hereon. It is further agreed that the elevation of the accessible parking area with respect to the Highway Department approved curb and alley grade will not result in a rate of grade along centerline of driveway at any point on private property in excess of 20% for single-family dwellings or flat or in excess of 12% at any point for other buildings. (The policy of the Highway Department permits a maximum driveway grade of 12% across the public parking and the private restricted property.)

Date: 4.23.03

AIA (Exc. Arch. Lic. #4436)
(Signature of owner or his authorized agent)







KEY PLAN

SCALE: 1" = 100' - 0"

SHEET	DESCRIPTION	DATE ISSUED	DATE REVISED
A-01	COVER SHEET	04/25/03	06/16/03
A-02	SURVEY	04/25/03	06/16/03
A-03.1	ZONING DIAGRAMS	04/25/03	06/16/03
A-03.2	ZONING DIAGRAMS	04/25/03	
A-04.1	ZONING DIAGRAMS	04/25/03	06/16/03
A-04.2	ZONING DIAGRAMS	04/25/03	06/16/03
A-04.3	ZONING DIAGRAMS	04/25/03	06/16/03
A-05	GARAGE PLAN: LEVEL 3	04/25/03	
A-06	GARAGE PLAN: LEVEL 2	04/25/03	
A-07	GARAGE PLAN: LEVEL 1	04/25/03	
A-08	GROUND FLOOR	04/25/03	06/16/03
A-09	GROUND FLOOR MEZZANINE	04/25/03	
A-10	SECOND/TYPICAL FLOOR	04/25/03	
A-11	THIRD/TYPICAL LOFT FLOOR	04/25/03	
A-12	ROOF PLAN	04/25/03	
A-13	ELEVATIONS	04/25/03	
A-14	ELEVATIONS	04/25/03	
A-15	ELEVATION/SECTION	04/25/03	

ZONING SUBMISSION FOR PARCEL 26



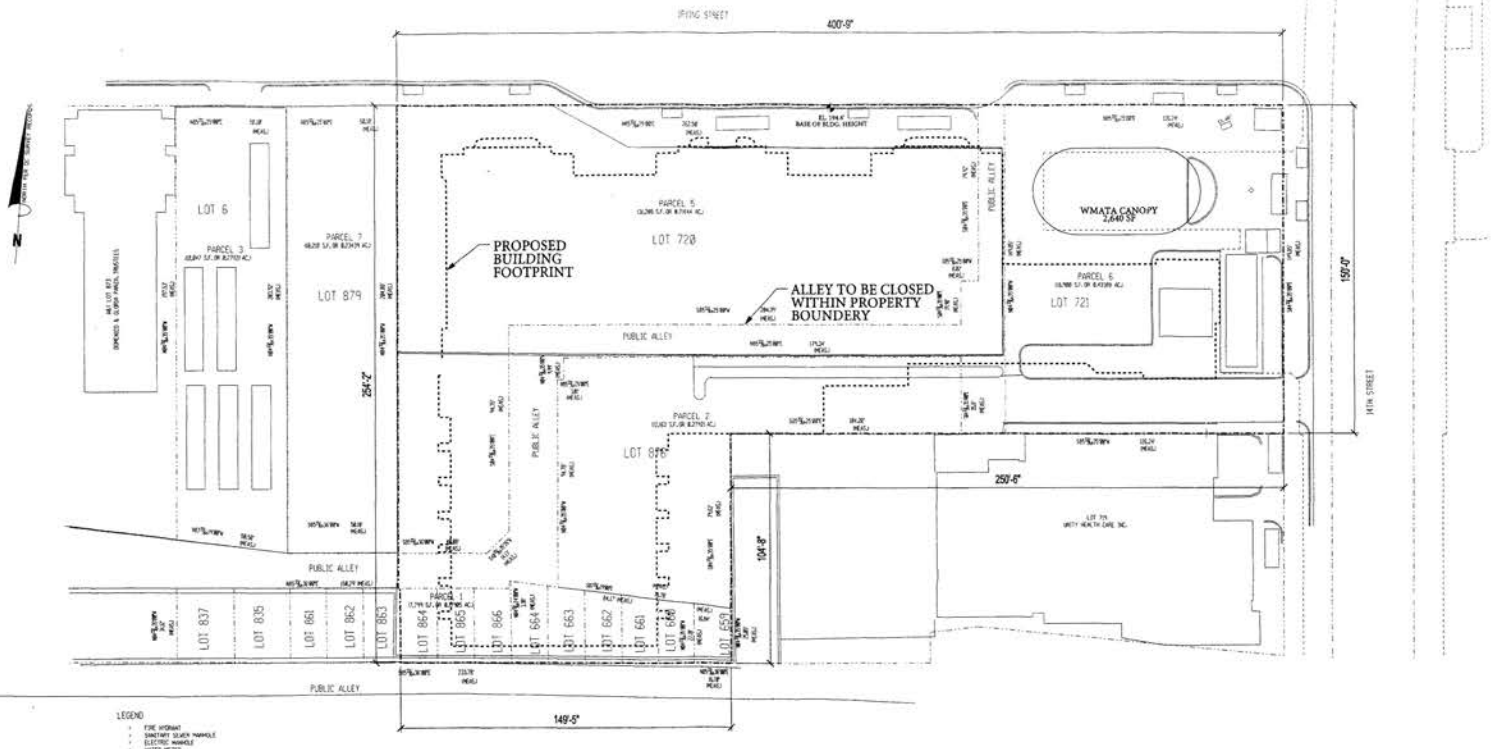
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A-01

REVISED: JUNE 16, 2003 APRIL 25, 2003

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COLUMBIA HEIGHTS STATION



LEGEND

GRAPHIC SCALE

EXISTING LOT AREA:	67,192
PROPOSED AREA OF ALLEY CLOSING:	8,587
PROPOSED LOT AREA:	75,779 SF
C-3-A LOT AREA:	70,451 SF
R-5-B LOT AREA:	5,328 SF

Note: Site Survey Information Provided By
Bowman Consulting Group
2121 Eisenhower Ave.
Suite 302
Alexandria, VA 22314
(703) 548-2188

SURVEY

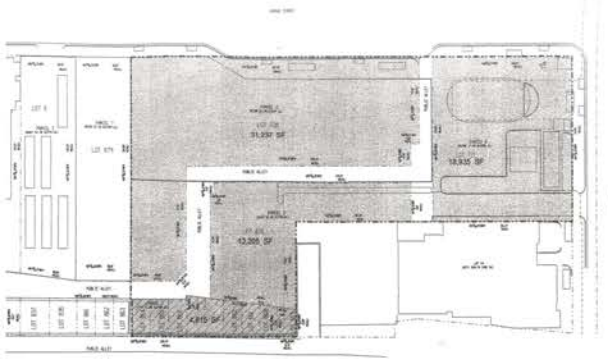
A-02

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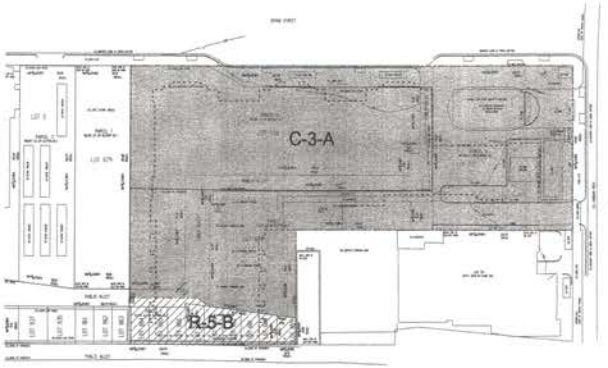
COLUMBIA HEIGHTS STATION



1 NET LOT AREA

NET LOT AREA = 67,192 SF; AREA OF ALLEY CLOSURE = 8,587 SF

1" = 40'-0"



2 GROSS LOT AREA AND EXISTING ZONING BOUNDARIES

GROSS LOT AREA UNDER C-3-A = 70,451 SF
GROSS LOT AREA UNDER R-5-B = 5,328 SF
GROSS LOT AREA TOTAL = 75,779 SF

1" = 40'-0"

Zoning Analysis
Torti Gallas and Partners
June 16, 2003

Columbia Heights, Parcel 35
Zoning: C-3-A, R-5-B
Surveyed Lot Area: 75,779 sf

Note: This analysis assumes that the portion of the building that falls under R-5-B zoning will be subsumed under the C-3-A zoning.

C-3-A / R-5-B	Zoning Requirements	Proposed Project
F.A.R.	4.0 per 11 DCMR (771.2)	3.81
Lot Occupancy	75% per 11 DCMR (772.1)	95%
Metro Structure Footprint		2,806 sf
Allowable Development Footprint	C-3-A: 70,451 x .75 = 52,838 sf R-5-B: 5,328 x .60 = 3,197 sf Total = 56,029 sf	46,422 + 2,806 = 49,228 sf
Allowable Building Area	C-3-A: 70,451 x 4 = 281,804 sf R-5-B: 5,328 x 1.8 = 9,590 sf Total = 291,394 sf	2,806 (WMATA) 41,407 (Ground Floor) 12,590 (Mezz.) 291,759 (5 flr.) 348,562 sf
Building Height	65 ft per 11 DCMR (770.1)	Total Height: 85'-0" 81'-6" to top of roof, plus 3'-6" to top of parapet **Variance Req'd**
	Stories, no limit	7 Stories
Rear Yard	2.5" per ft of height per 11 DCMR (774.1) 52.5' x 2.5" = 17'-2" min. (Measured from EL 191')	17'-6" Provided @ Min.
Side Yard	2" per ft of height per 11 DCMR (775.5) 85' x 2" = 14'-2" min.	16'-6" Provided @ Min
Courtyards	Min. Width, 4" per ft of height per 11 DCMR (774.1) 85' x 4" = 28'-4" 160'-0" x 4" = 22'-0" per 11 DCMR (776.3-4) Res. Closed Court Area: 2x (22' x 22') = 968 sf Non-Res. Closed Court Area: 2 x (12 x 10) = 269 sf	Provided as req'd See Sheet A04 / 46 See Sheet A04 / 46 1,810 & 4,000 sf Provided 640 sf Provided
Required Residential Recreation Space	15% of Res. Use Bldg. Area per 11 DCMR (773.2)	7,259 Grd Level Esplanade 2,375 Garden 2,375 Main Lobby 1,472 Mezzanine Lounge 930 Library/ Computer Ctr. 1,859 Comm. Rm 1,756 Gym/Aerobics 12,000 Roof Garden 37,833 sf Total 10.9% Provided **Variance Req'd**
	350,592 GFA 2,806 less WMATA 22,060 less Retail GFA 325,696 Res. Use 8,194 less Int. Res. Rec. 317,502 Res Rec Area 15 x 205,502 = 38,326 sf 50% Outside Min.	10,643 Outside: 71% 5,194 Inside: 29%
Dwelling Units		330 units
Parking Requirement	per 11 DCMR (2101.1) Residential: 0.5 space per D.U. .5 x 205 = 116 spaces Retail: 1 space for each 600 sf over 3,000 sf of retail 22,060-3,000=19,060 / 300 =64 spaces	278 Spaces Provided (Retail & Res. Combined) 64 Spaces Required 20% retail parking reduct. by special exception 64 x .75 = 48 spaces provid
Loading	per 11 DCMR (2201.1) Residential: 1 berth @ 30' deep 1 platform @ 200 sf 1 service space @ 20' deep Retail: 1 berth @ 30' deep 1 platform @ 100 sf 1 service space @ 20' deep	Provided as required per 11 DCMR (2201.2) 22,060(Retail) / 291,193(Total GFA) = 7.6% < 10% Retail Berth/Service Space not required (see 11 DCMR 2201.2)
Penthouse	One continuous structure 1:1 Setback	Res. Rec. and mechanical requirements will necessitate multiple roof structures. By special exception.

Parking Tabulation

	G1	G2	G3	Total
Standard	83	96	35	214
Compact	14	20	14	48
Tandem	0	8	8	16
Total	99	124	55	278

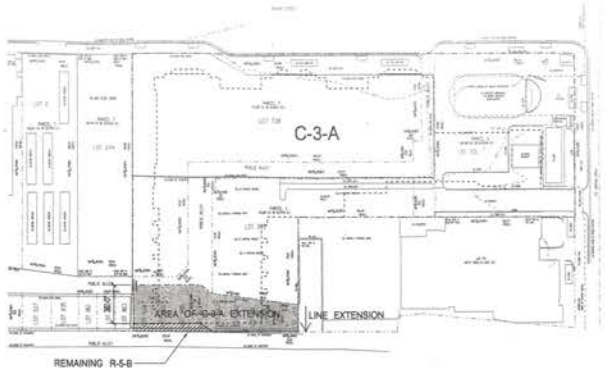
Standard Space Size: 9'-0" x 19'-0"
Compact Space Size: 8'-0" x 16'-0"

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A-03.1
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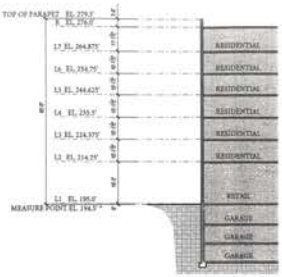
COLUMBIA HEIGHTS STATION



3 PROPOSED ZONING BOUNDARIES

GROSS LOT AREA UNDER PROPOSED C-3-A EXTENDED BOUNDARY
ZONING CONSOLIDATION ACHIEVED BY DISTRICT LINE EXTENSION (MAX. 35')

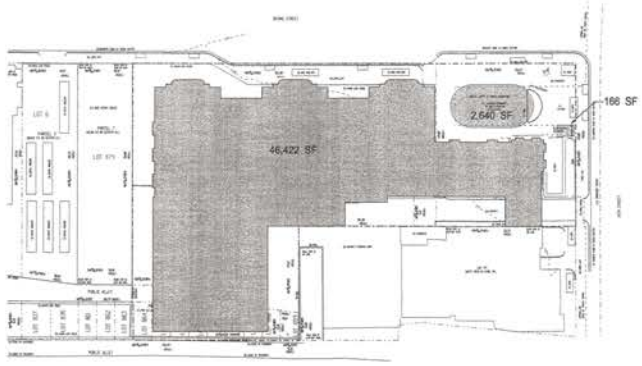
1" = 40'-0"



5 BUILDING HEIGHT

C-3-A: 65'-0" PERMITTED; 85'-0" PROPOSED
* SEE A-08 FOR LOCATION OF MEASURE POINT

1" = 20'-0"



4 PROPOSED LOT OCCUPANCY

GROSS OCCUPANCY: 46,422 (BLDG) + 2,806 (METRO STRUCT) = 49,228 SF
PERCENT OCCUPANCY: 49,228 / 75,779 = 65%

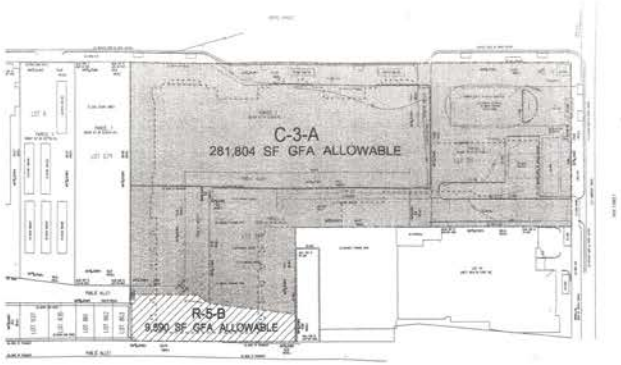
1" = 40'-0"

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A-03.2
APRIL 25, 2003

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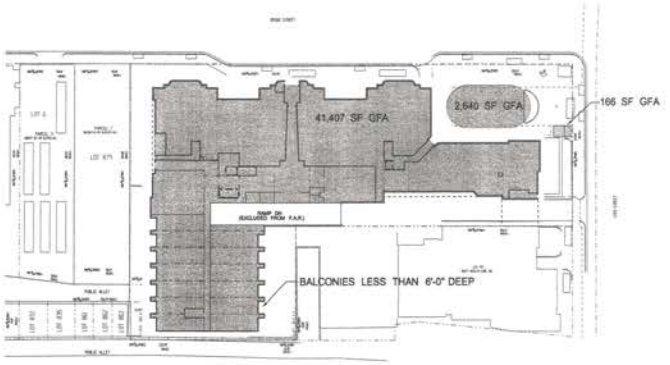
COLUMBIA HEIGHTS STATION



1 ALLOWABLE GROSS FLOOR AREA

ALLOWABLE GFA C-3-A: 70,451 x 4.0 = 281,804 SF
ALLOWABLE GFA R-5-B: 5,328 x 1.8 = 9,590 SF
COMBINED ALLOWABLE GFA: 281,804 + 9,590 = 291,394 SF

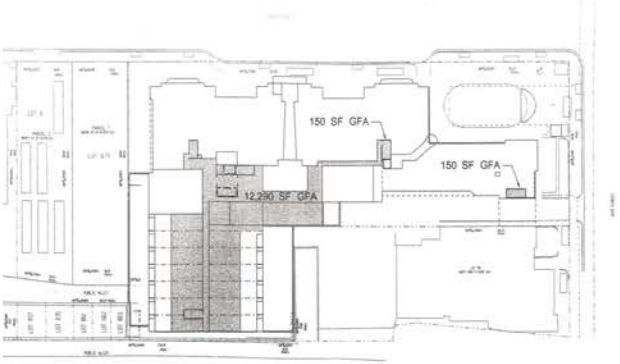
1" = 40'-0"



2 GROSS FLOOR AREA: GROUND FLOOR

41,407 (BUILDING) + 2,806 (METRO STRUCT.) = 44,213 SF GFA

1" = 40'-0"



3 GROSS FLOOR AREA: GROUND FLOOR MEZZANINE

12,290 (MEZZANINE) + 300 (STAIRS) = 12,590 SF GFA

1" = 40'-0"

FLOOR AREA RATIO TABULATION	
7TH	36,614 SF
6TH	40,639 SF
5TH	36,614 SF
4TH	40,639 SF
3RD	36,614 SF
2ND	40,639 SF
MEZZ	12,590 SF
1ST	41,407 SF
TOTAL	285,756 SF

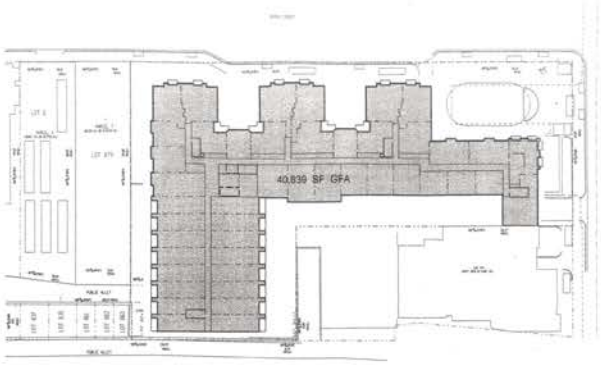
NOTE: EXCLUDES G.F.A. FOR WMATA FACILITIES

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A-04.1
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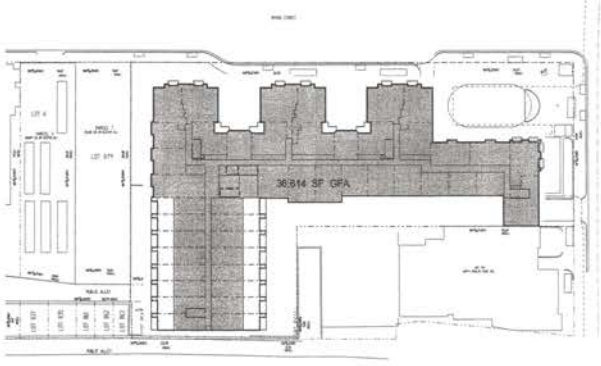
COLUMBIA HEIGHTS STATION



4 GROSS FLOOR AREA: 2ND, 4TH, 6TH FLOORS

40,839 x 3 (FLOORS)= 121,917 SF GFA

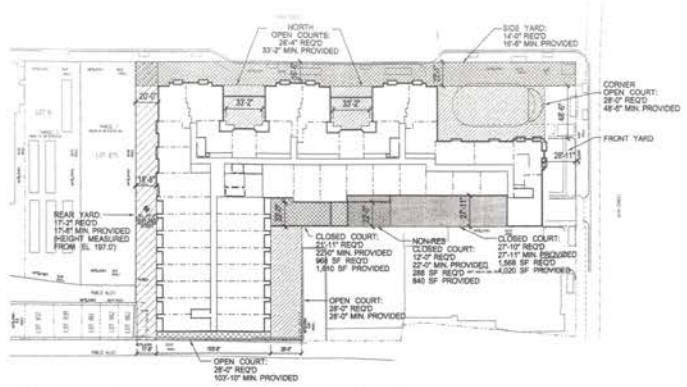
1" = 40'-0"



5 GROSS FLOOR AREA: 3RD, 5TH, 7TH FLOORS

36,614 x 3 (FLOORS)= 109,842 SF GFA

1" = 40'-0"



6 SIDE YARD, REAR YARD, AND COURTS

1" = 40'-0"

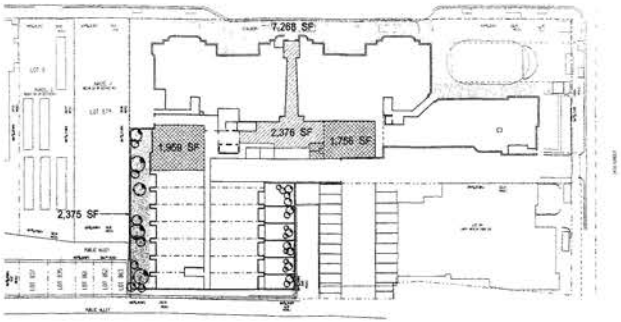
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A-04.2

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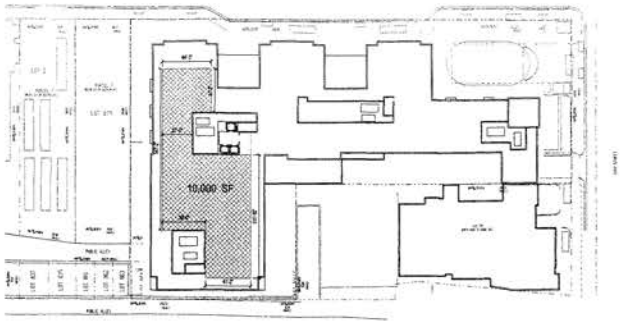
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COLUMBIA HEIGHTS STATION



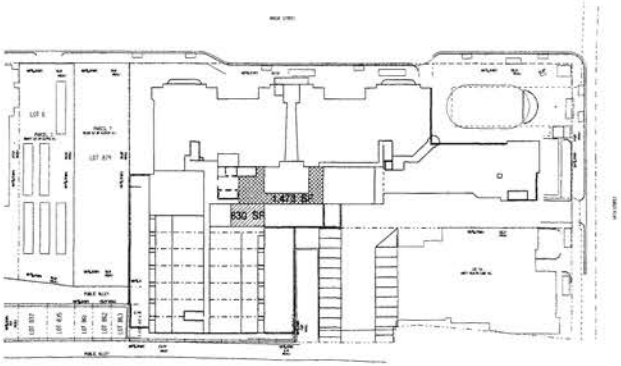
7 RESIDENTIAL RECREATION SPACE: GROUND FLOOR

RES. REC. SQUARE FOOTAGE THIS LEVEL: 15,667 SF 1" = 40'-0"



9 RESIDENTIAL RECREATION SPACE: ROOF GARDEN

RES. REC. SQUARE FOOTAGE THIS LEVEL: 10,000 SF 1" = 40'-0"



8 RESIDENTIAL RECREATION SPACE: MEZZANINE LEVEL

RES. REC. SQUARE FOOTAGE THIS LEVEL: 2,103 SF 1" = 40'-0"

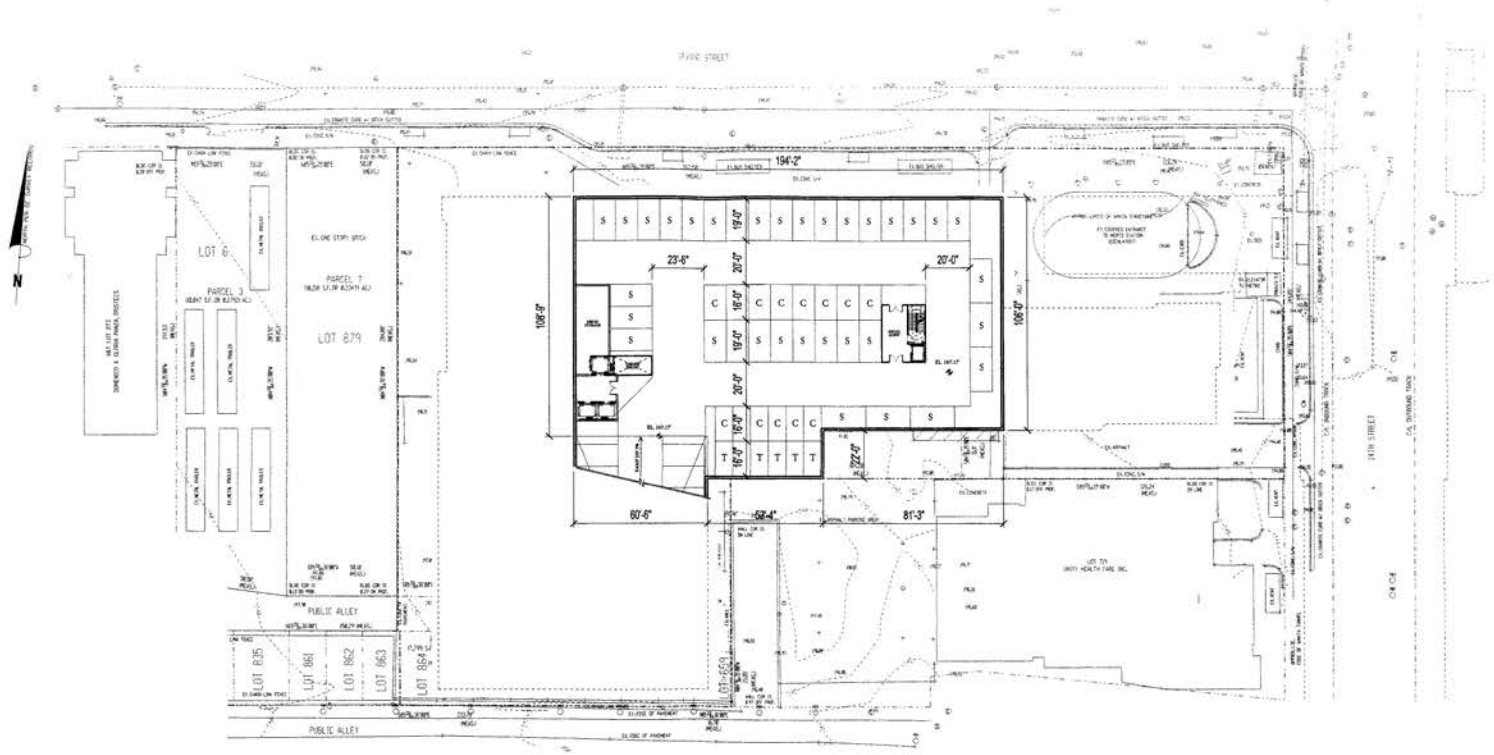
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A-04.3

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COLUMBIA HEIGHTS STATION



AREA: 21,337

STANDARD SPACES:	33
COMPACT SPACES:	14
TANDEM:	8
TOTAL THIS LEVEL:	55

GARAGE PLAN: LEVEL 3

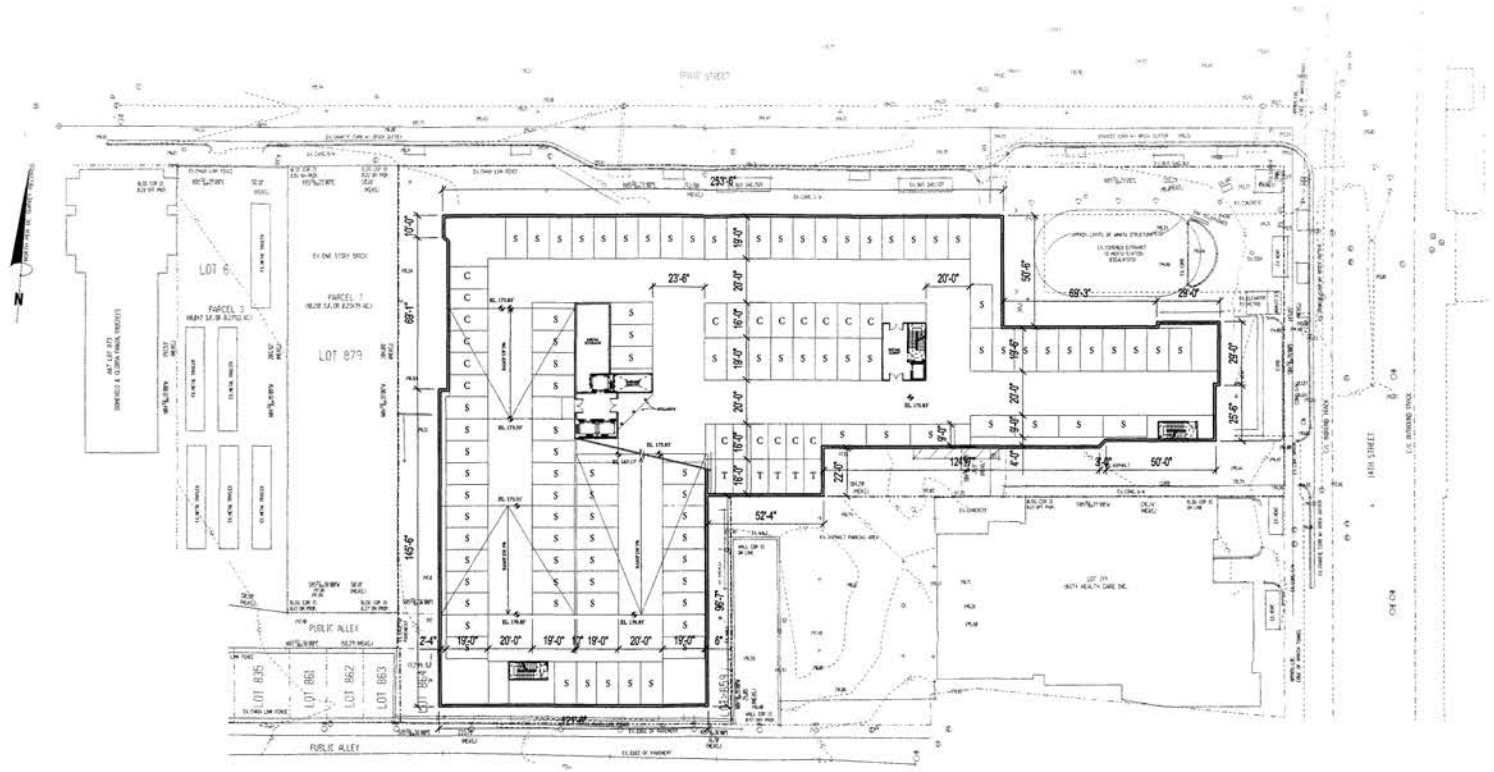
A-05

APRIL 25, 2003

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COLUMBIA HEIGHTS STATION



AREA.: 47,663

STANDARD SPACES:	96
COMPACT SPACES:	20
TANDEM:	8
TOTAL THIS LEVEL:	124

GARAGE PLAN: LEVEL 2

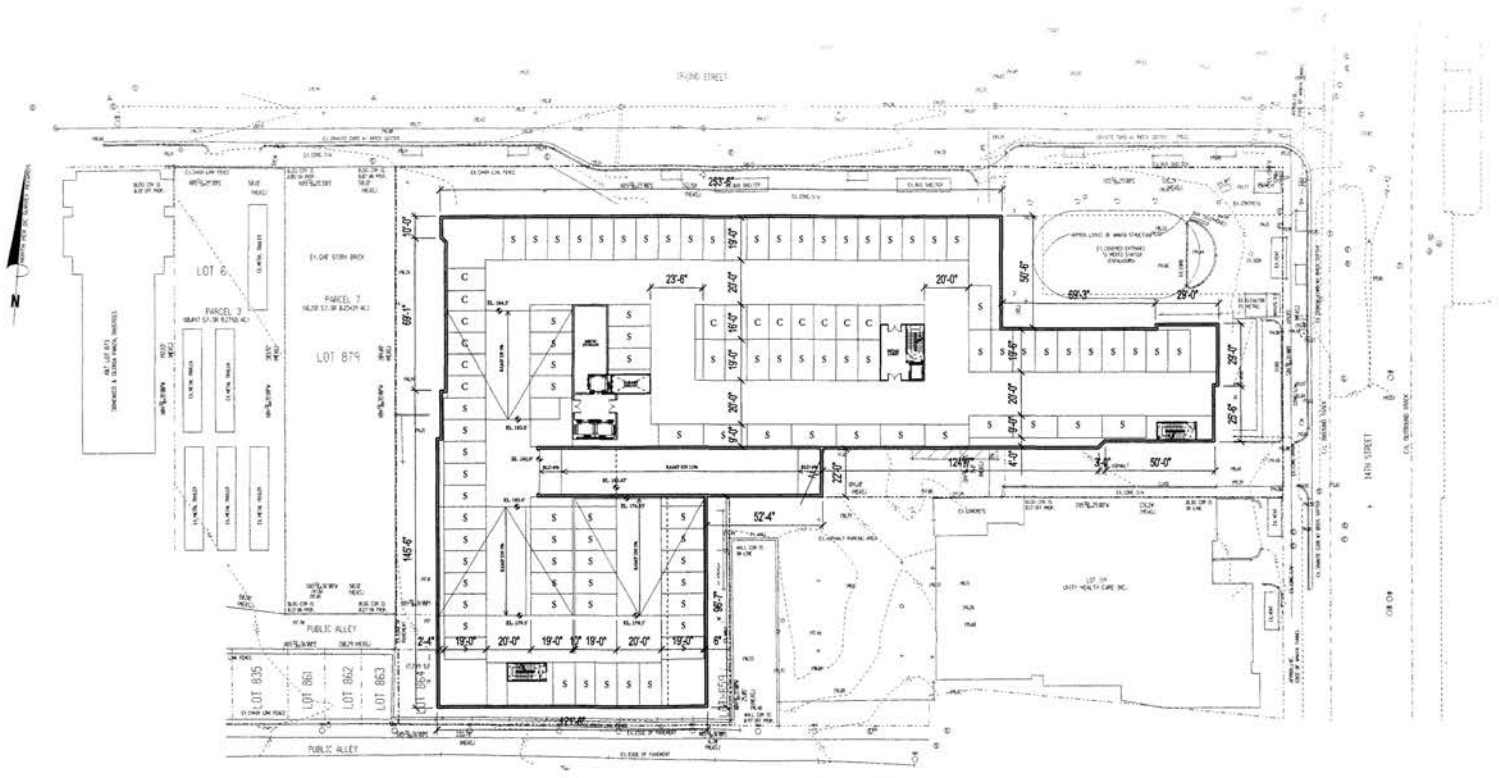
A-06

APRIL 25, 2003

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COLUMBIA HEIGHTS STATION



AREA.: 47,663

STANDARD SPACES:	85
COMPACT SPACES:	14
TOTAL THIS LEVEL:	99

GARAGE PLAN: LEVEL 1

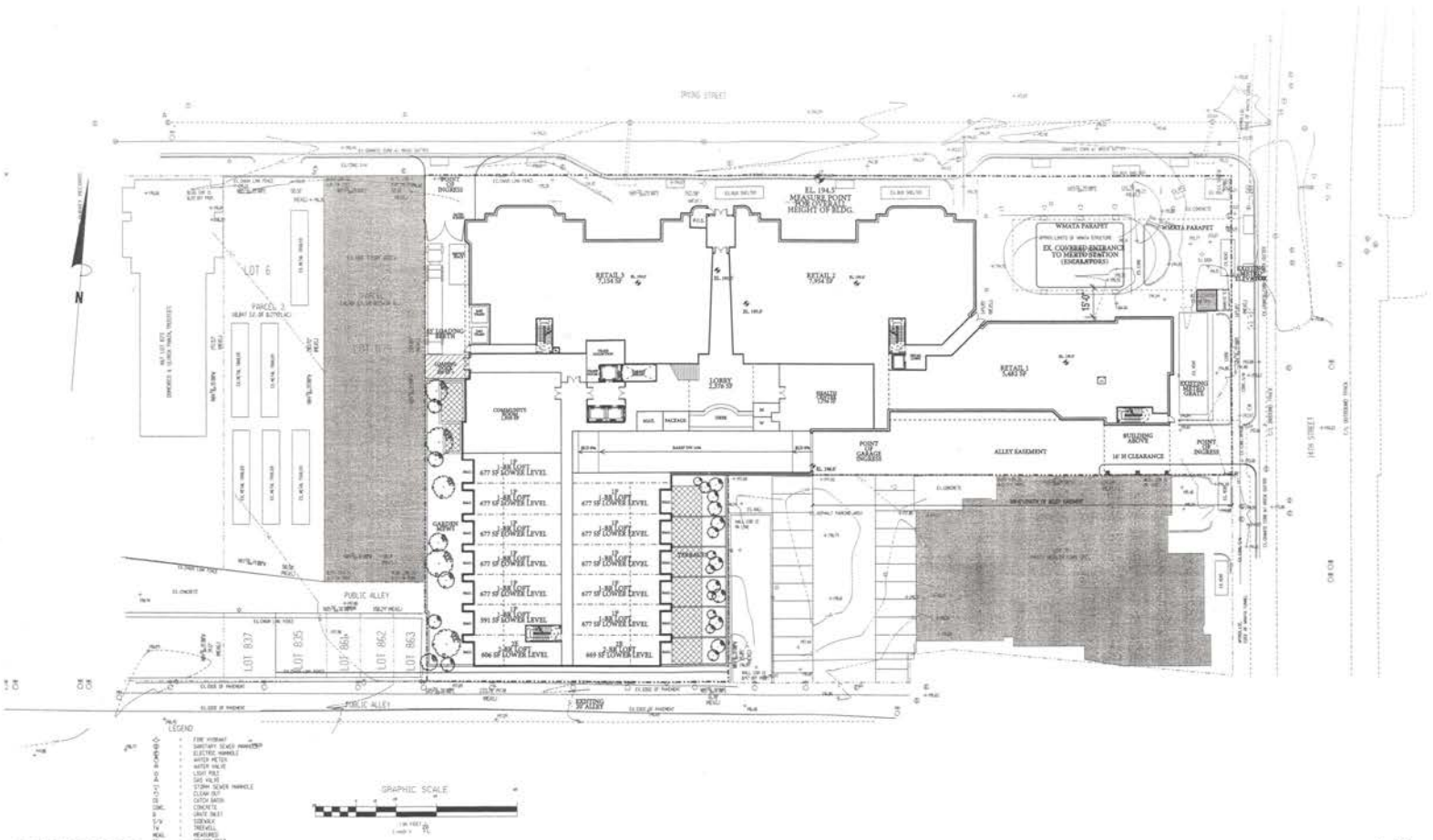
A-07

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COLUMBIA HEIGHTS STATION



GROUND FLOOR

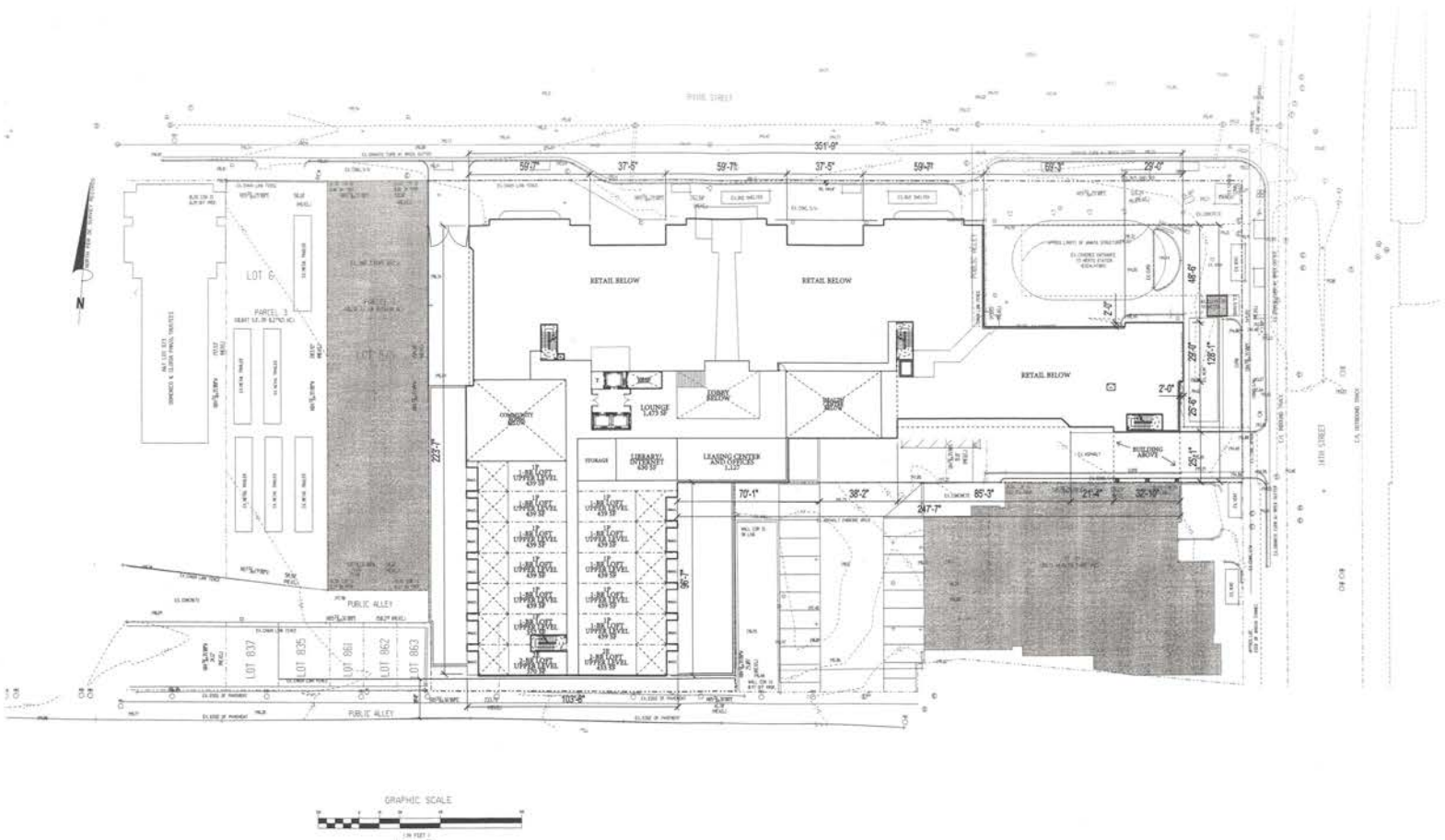
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REVISED JUNE 16, 2003 APRIL 25, 2003

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MEZZANINE FLOOR

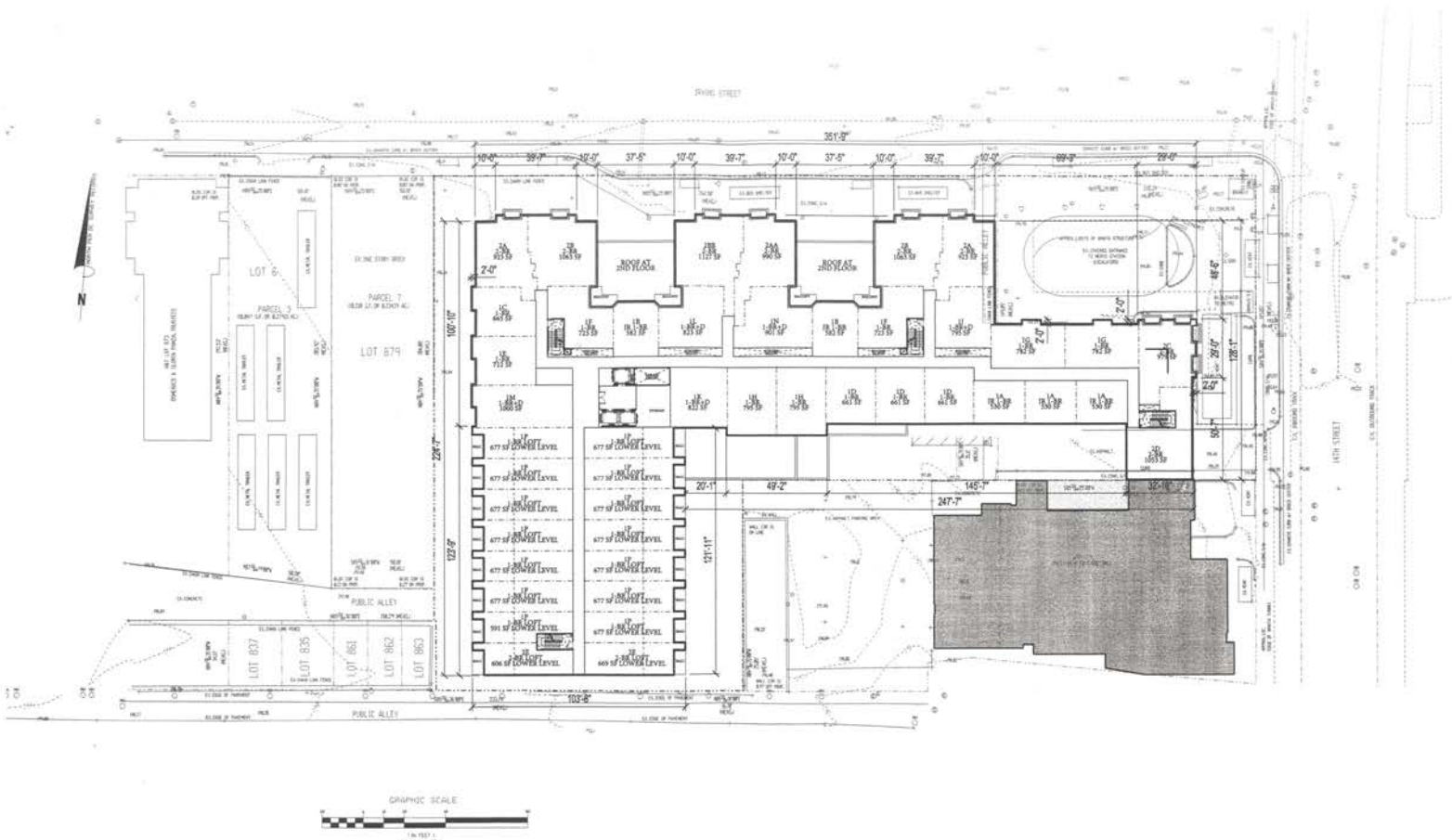
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COLUMBIA HEIGHTS STATION



SECOND/TYPICAL FLOOR

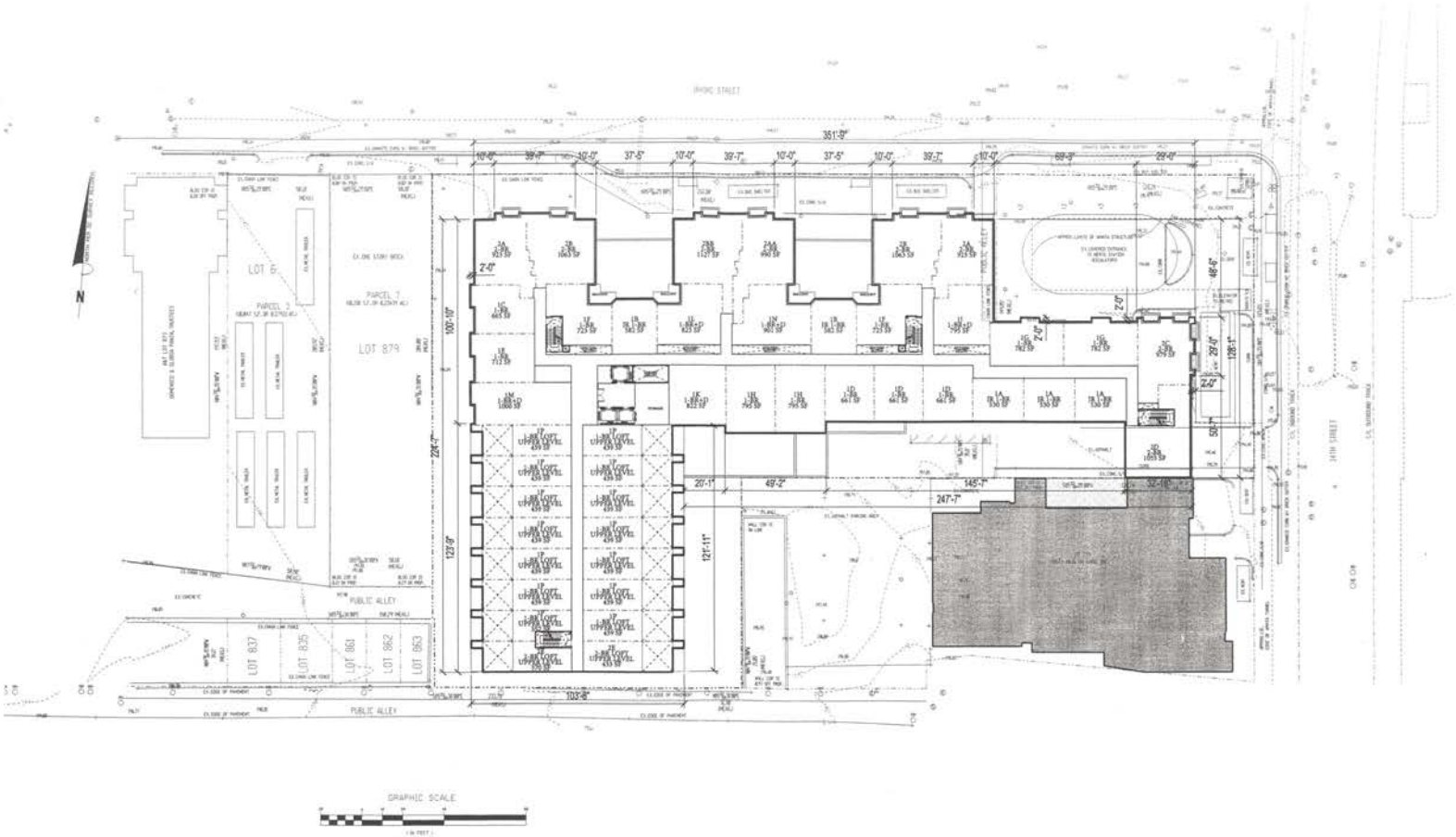
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THIRD/TYPICAL LOFT FLOOR

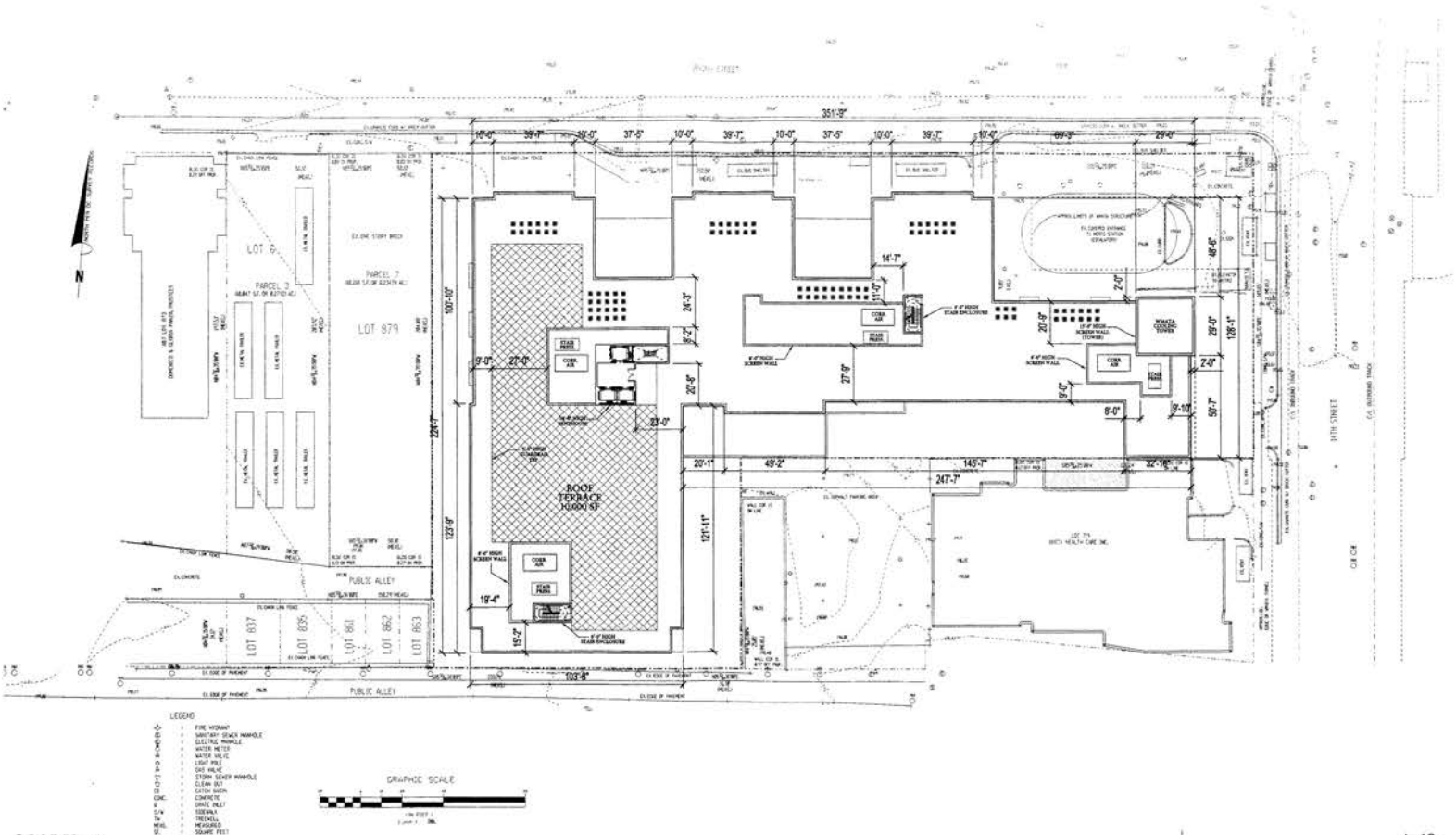
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COLUMBIA HEIGHTS STATION



ROOF PLAN

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COLUMBIA HEIGHTS STATION



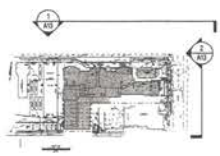
1 IRVING STREET (NORTH) ELEVATION

1"=20'-0"



2 14TH STREET (EAST) ELEVATION

1"=20'-0"

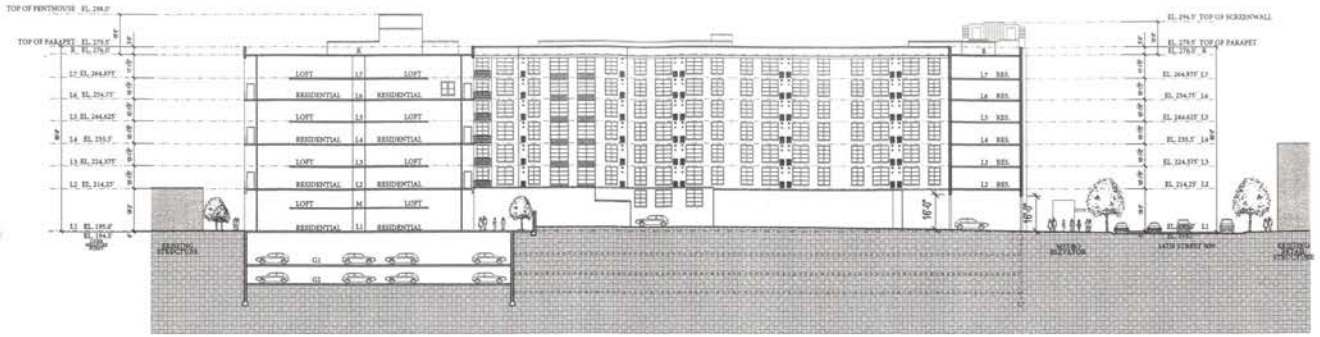


KEY PLAN

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COLUMBIA HEIGHTS STATION



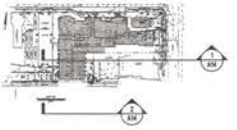
1 SOUTH ELEVATION / SECTION

1"=20'-0"



2 SOUTH ELEVATION ALONG REAR ALLEY

1"=20'-0"



KEY PLAN

ELEVATIONS

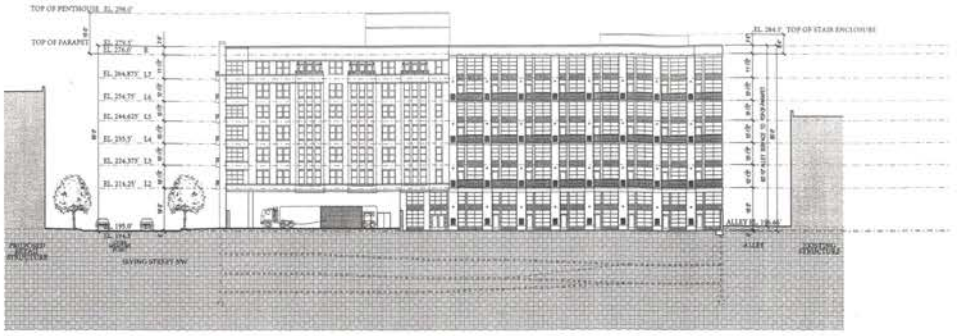
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APRIL 25, 2003

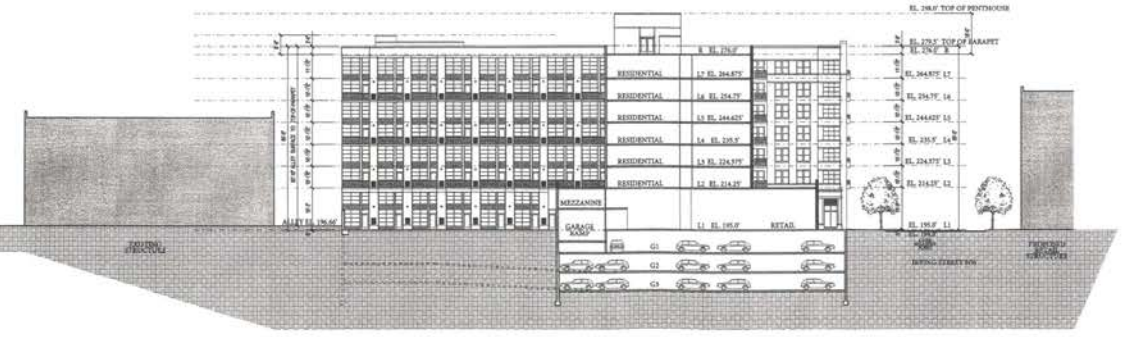
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COLUMBIA HEIGHTS STATION



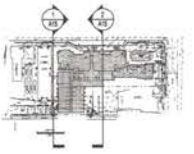
1 WEST ELEVATION

1"=20'-0"



2 EAST ELEVATION / SECTION

1"=20'-0"



KEY PLAN

ELEVATIONS

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COLUMBIA HEIGHTS STATION



Technical Memorandum:

TRAFFIC IMPACT ASSESSMENT – COLUMBIA HEIGHTS STATION RESIDENTIAL/ RETAIL DEVELOPMENT (PARCEL 26), BOARD OF ZONING ADJUSTMENT APPLICATION, NORTHWEST, WASHINGTON, D.C.

(Application No. 17029)

Prepared for:

DONATELLI & KLEIN, INC. And
COLUMBIA HEIGHTS VENTURES
7200 Wisconsin Avenue, Suite 310
Bethesda, MD 20814

- Larry Clark, Vice President

Land Use Counsel:

HOLLAND & KNIGHT, LLP
2099 Pennsylvania Avenue, N.W. Suite 100
Washington, DC 20006-6801

- Norman M. Glasgow, Jr., Esquire
- Christine M. Shiker, Esquire

Prepared by:

O. R. GEORGE & ASSOCIATES, INC.
10210 Greenbelt Rd, Suite 310
Lanham, Maryland 20706-2218
Tel: (301) 794-7700

June 9, 2003

O. R. GEORGE & ASSOCIATES, INC.

Traffic Engineers – Transportation Planners

10210 Greenbelt Road, Suite 310 • Lanham, MD 20706-2218
Tel: (301) 794-7700 • Fax: (301) 794-4400
E-mail: orgassoc@aol.com

MEMORANDUM

DATE: June 9, 2003

TO: Mr. Christopher Donatelli, President
Donatelli & Klein, Inc. / Columbia Heights Ventures

FROM: Osborne R. George / Edward Lynch

RE: Traffic Impact Assessment – Board of Zoning Adjustment Application No. 17029, Columbia Heights Station (Square 2672), Northwest Washington, D.C.

INTRODUCTION

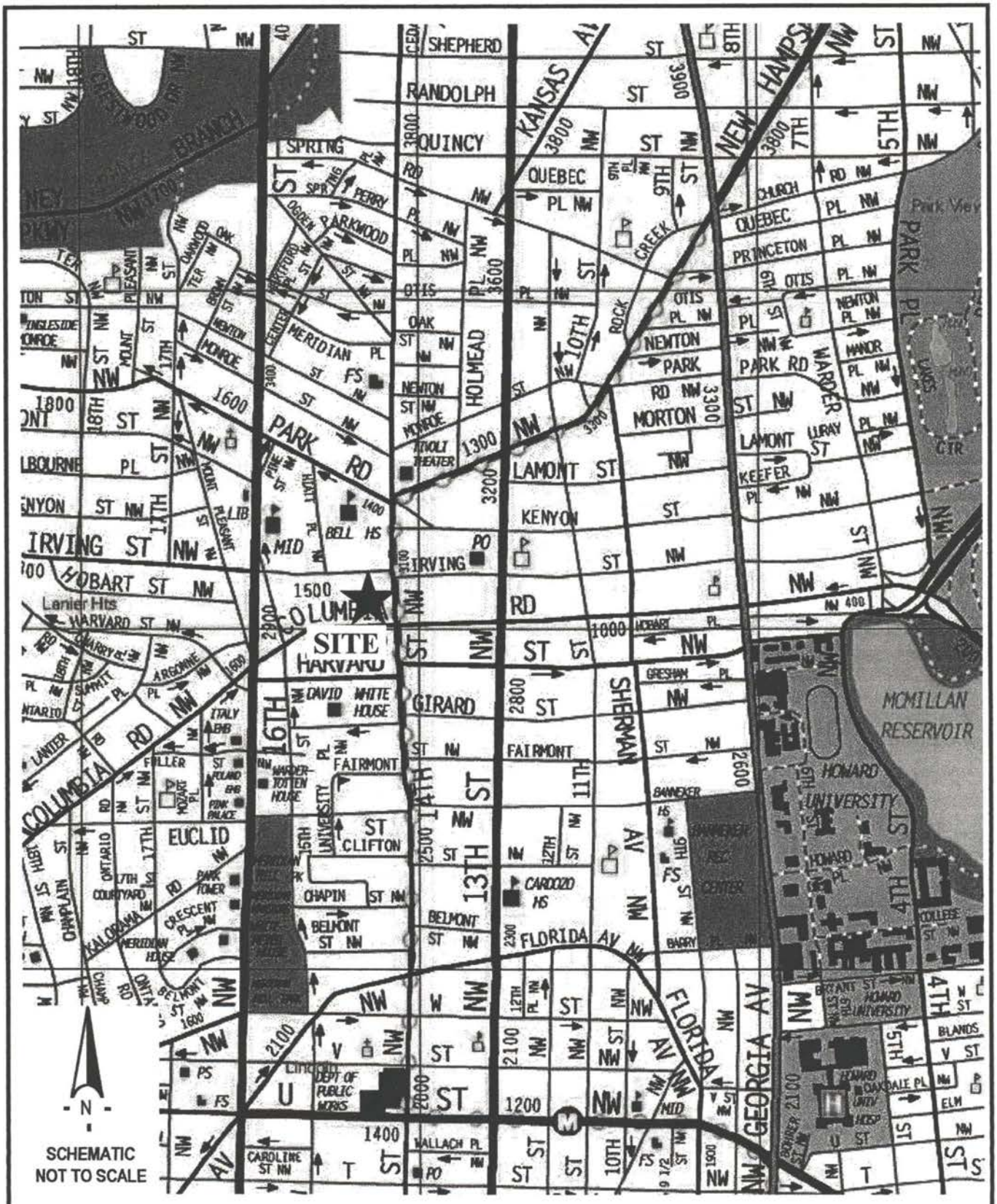
The Applicant, Donatelli & Klein, Inc., and Columbia Heights Ventures, plans to develop a mixed-use residential/retail complex on a 1.7 acre site located within the southwest quadrant of the 14th Street/Irving Street intersection, within the Columbia Heights area of Northwest Washington, D.C. The site is located within Square 2672; and is split-zoned Medium Bulk Major Business and Employment (C-3-A) and Moderate Density Apartment Houses (R-5-B). Current plans call for the site to be developed with two hundred thirty-five (235) apartment units and 22,060 square feet of retail space. The development plan proposes the closure of segments of a public alleyway, connecting Irving Street to land uses situated west of the subject property.

The proposed development would be served by a total of two hundred seventy-eight (278) below grade garage parking spaces. Two hundred thirty (230) of the parking spaces would be designated for residential use, with the remainder (48 spaces) serving the retail component of the proposed development. Vehicular access to the proposed garage would be provided exclusively via an alley easement off 14th Street, south of Irving Street. A service entranceway would be provided off Irving Street along the western property line. The development process requires the Applicant to demonstrate that the proposed use will not have adverse or objectionable impacts on neighboring properties based on traffic and parking considerations, among other factors. This memorandum addresses this requirement. Exhibit 1 shows the location of the subject site. Exhibit 2 shows the site layout and access situation for the proposed development.

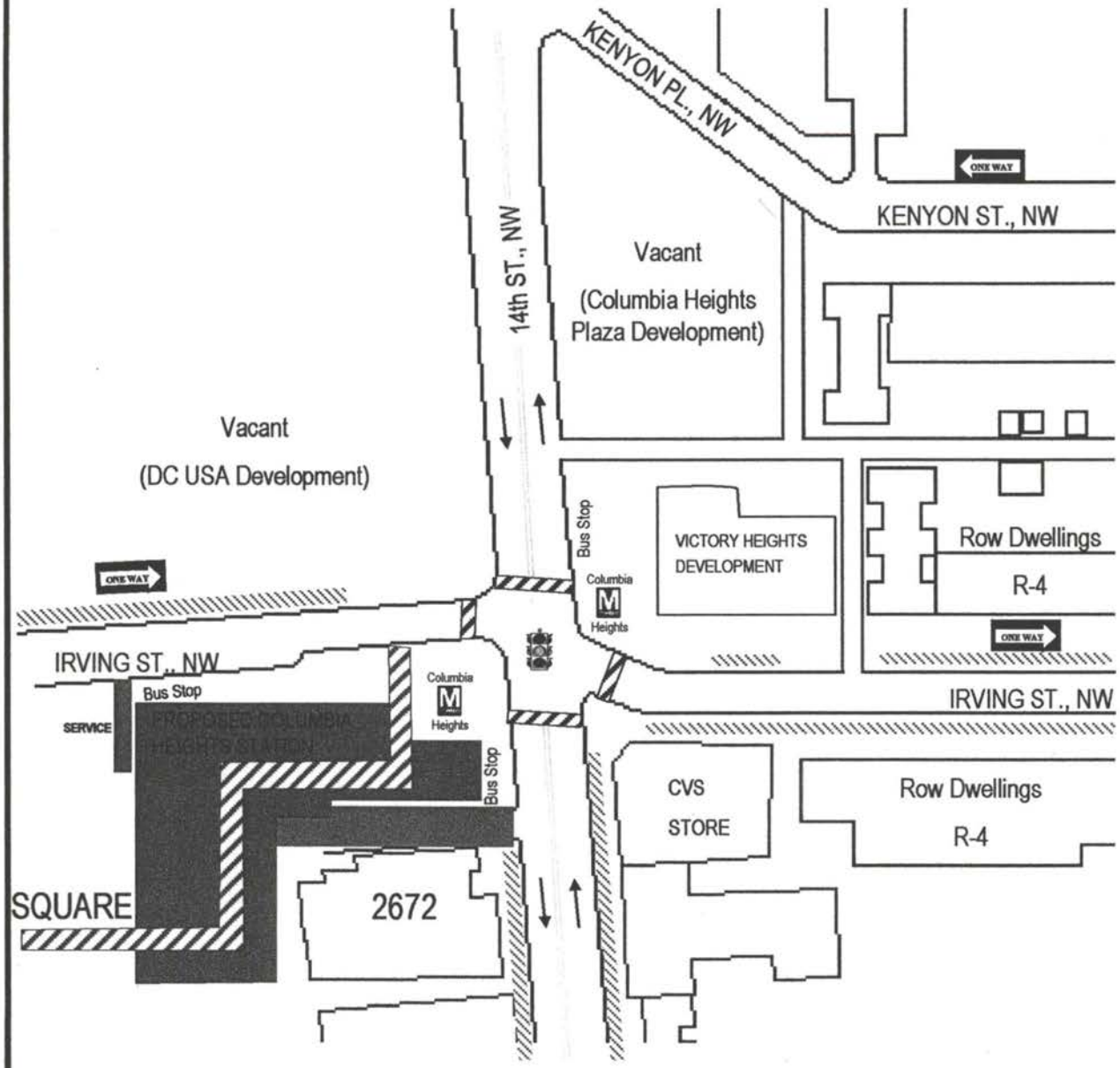
As part of the study, discussions were held with the Policy and Planning Administration staff of the District Department of Transportation (DDOT), as is noted in Appendix A. The study involved the following key tasks:

- Site visit and reconnaissance of the adjacent roadway network;
- Field observations of traffic volumes on the adjacent roadway network;
- Consideration of other developments planned for the immediate site area, as well as annual traffic growth trends for the adjacent roadways; and
- Analyses and general assessments of the information and perspectives gained from the above tasks, relative to the subject application.

This study concludes that the proposed development would not adversely impact traffic, access, and parking, such that it will affect the quality of life in the surrounding neighborhood. As such, it satisfies the stated requirements of the City's Zoning Regulations.



O. R. GEORGE & ASSOCIATES, INC. *Transportation Engineers & Traffic Planners*	**EXHIBIT 1:** **SITE LOCATION MAP** **Columbia Heights Station, Northwest, Washington, D.C.**



LEGEND

- Proposed Alley Easement
- Service Drive
- On-Street Parking
- Proposed Alley Closure
- Crosswalk

N

SCHEMATIC
NOT TO SCALE

O. R. GEORGE &ASSOCIATES, INC.
Traffic Engineers - Transportation Planners

EXHIBIT 2:

PROPOSED SITE LAYOUT AND ACCESS SITUATION
Columbia Heights Station, Northwest, Washington, D.C.

SITE ZONING, LOCATION AND ACCESS

The subject site is situated southeast of and adjacent to the western portal of the Washington Metropolitan Area Transit Authority (WMATA) Columbia Heights Metrorail Station. The property is zoned C-3-A (*Medium Bulk Major Business and Employment Center*) and R-5-B (Moderate Density Apartment Houses); and is currently vacant. The site is virtually unimproved, except for the Metrorail canopy and passenger elevator located along the eastern perimeter of the site. Land uses in the more general area are largely mixed, with residential (R-4) zoning dominating the area to the east along Kenyon Street, and commercial (C-3-A) zoning along 14th Street. The area is largely developed in accordance with those zoning categories.

The location of the subject property is well suited for this type of residential development, which is occupied primarily by small- to medium-sized households who are transit dependent. The advantages of this location include the following:

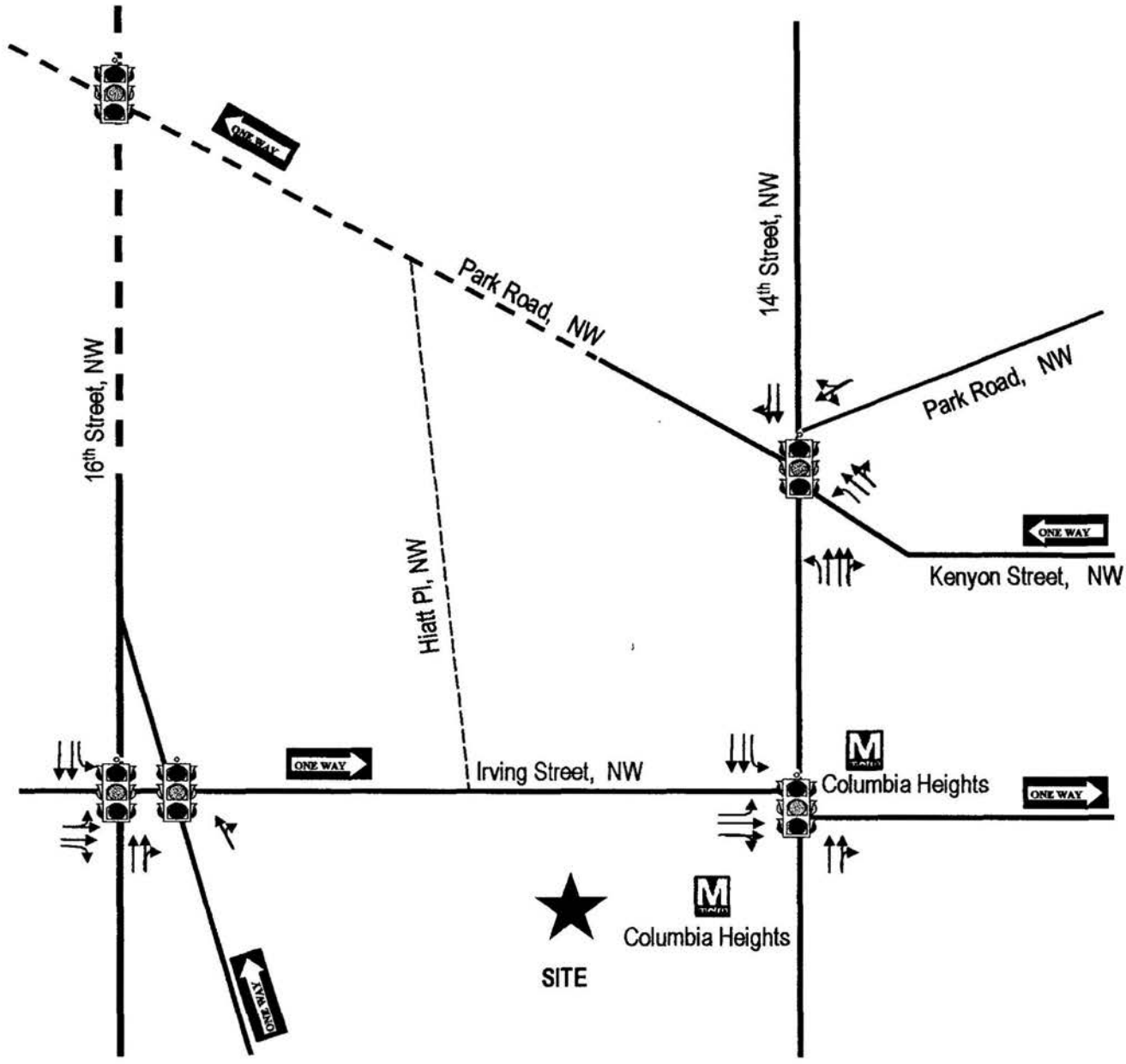
- Setting within the Columbia Heights neighborhood, in proximity to shopping, services, restaurants, churches and other institutional and community uses;
- Proximity to the WMATA Columbia Heights Metro Station on the Green Line; and
- Easy access to a number of Metrobus routes along 14th and Irving Streets as well as Columbia Road, with stops conveniently located adjacent to the intersections formed by these three (3) roadways.

These factors indicate that vehicle trips generated by the proposed development will be relatively low, even for market housing. As discussed in later sections of the report, these trip-making characteristics also have a bearing on potential parking demand by the proposed use.

Immediate vehicular access to the proposed development would be provided off 14th and Irving Streets. These roadways have the following characteristics:

- **Fourteenth Street, N.W.** is designated as a Minor Arterial on the City's Functional Roadway Classification Map. This facility generally provides for four (4) travel lanes with parking along both sides. This roadway serves significant regional/commuter traffic, and carries approximately 20,000 vehicles per day. The posted speed limit is 25 MPH.
- **Irving Street, N.W.** is a Minor Arterial on the City's roadway system. This facility provides one-way traffic flow via two (2) travel lanes. Parking is allowed on both sides. The Average Daily Traffic served by this roadway is 8,500 vehicles. The posted speed limit is 25 MPH.

Sidewalks are provided along each street in the vicinity of the subject site, and there are high volumes of pedestrians due to the proximity of the Metro Station. Crosswalks and pedestrian signals are provided at the study area intersections. Exhibit 3 shows the roadway configuration and traffic control devices provided at the study area intersections.



LEGEND

For informational/reference purposes only

Signalized Intersection

N

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EXHIBIT 3:

EXISTING ROADWAY LANE CONFIGURATION
Columbia Heights Station, Northwest, Washington D.C.

EXISTING TRAFFIC SITUATION

In order to assess the existing traffic situation, field observations were made of typical weekday traffic flow conditions within the study area during the morning and afternoon peak periods. Additionally, peak period traffic turning movement counts were conducted on typical weekdays at all the study intersections. Based on these counts, the morning and afternoon peak hours for the study intersections were determined to be 8:00 - 9:00 AM and 5:15- 6:15 PM.

Exhibit 4 shows the existing peak hour turning movement volumes. The count summaries are presented in Appendix A. In accordance with DDOT requirements, the peak hour volumes were analyzed using the Highway Capacity Manual (HCM) procedures for signalized intersections. The capacity analysis results are presented in Table 1 below. These results show that the study area intersections currently operate at acceptable Levels of Service[1] (LOS), during both morning and afternoon peak periods. The capacity analysis worksheets are presented in Appendix B.

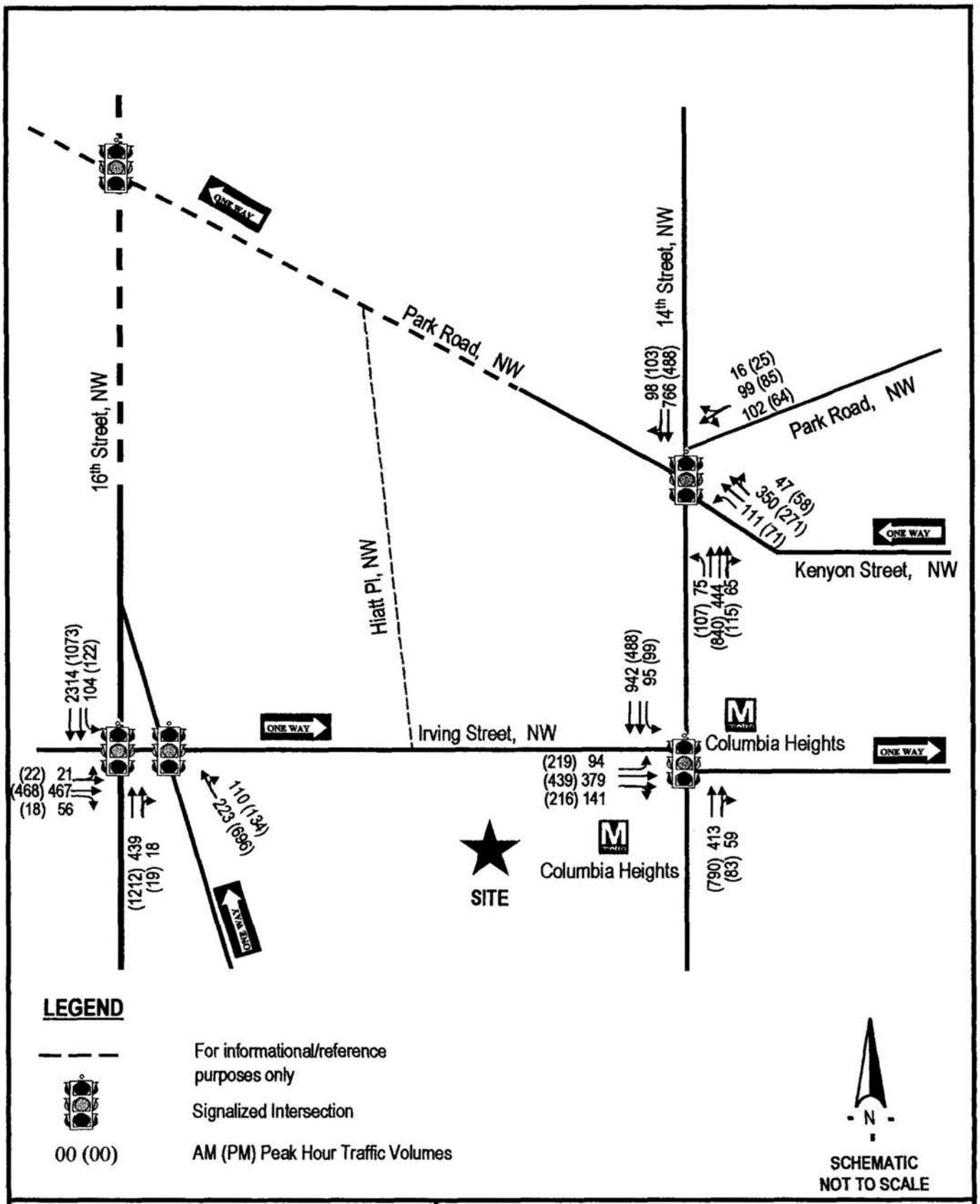
TABLE 1
SUMMARY OF CAPACITY ANALYSIS RESULTS –
EXISTING WEEKDAY PEAK HOUR TRAFFIC SITUATION

Intersection	AM Peak Hour		PM Peak Hour	
	Level of Service	Average Delay	Level of Service	Average Delay
1. 14th St. @ Irving St.	B	17.8	C	23.7
2. 14th St. @ Kenyon St./Park Rd., NW	D	37.2	C	30.1
3. 15th St. @ Irving St.	B	12.2	B	13.4
4. 16th St. @ Irving St.	C	29.6	B	13.9

Source: O. R. George & Associates.

The computed levels of service are in keeping with field observations made during the data collection and field reconnaissance phases of the study. These observations showed no excessive queuing, delays, or other situations indicating significant capacity and safety deficiencies for either pedestrian or vehicular traffic. Accordingly, this analysis concludes that the study area roadway network currently operates without any significant operational, capacity or safety deficiencies with respect to the City's planning standards.

[1] Level of Service is a qualitative measure describing operational conditions within a traffic stream or at an intersection, and their perception by road users. Principal considerations are factors such as speed and travel time, delay, freedom to maneuver, traffic interruptions, comfort, convenience and safety. Current engineering practice defines six (6) levels of service ranging from A to F. Level of Service A represents the best (free flow) conditions where drivers are unaffected by the presence of others in the traffic stream, and are free to change speeds and maneuver, etc., at will. Level of Service F represents the worst (forced flow) conditions where road users experience considerable delay and inconvenience. The District of Columbia has adopted Level of Service D as the minimum acceptable standard for planning purposes.



O. R. GEORGE & ASSOCIATES, INC.
Traffic Engineers - Transportation Planners

EXHIBIT 4:

EXISTING PEAK HOUR TRAFFIC VOLUMES
Columbia Heights Station, Northwest, Washington D.C.

FUTURE TRAFFIC SITUATION

As noted earlier, the Applicant proposes to develop a mixed-use development consisting of 235 market rate apartment units and 22,060 square feet of retail space. In accordance with DDOT's guidelines, trip generation estimates were developed for the site using rates recommended by the Institute of Transportation Engineers (ITE) *"Trip Generation Manual"* (1997). The ITE data is representative of sites within suburban stand-alone uses. The trip rates and projected vehicle trips are shown in Table 2 below. Considering the proximity of the development relative to public transportation facilities, as well as retail and institutional activity within the area, a trip reduction factor of forty percent (40%) was assumed for the residential component of the development. The proposed retail space would primarily serve the local community, with a high percentage (80 % ±) of its users utilizing the walk mode. Based on the above considerations, the projected trip generation for the proposed development is presented in Table 2.

TABLE 2

PROJECTED TRIP GENERATION –
PROPOSED COLUMBIA HEIGHTS PLAZA DEVELOPMENT

Trip Rates	**AM Peak Hour**			**PM Peak Hour**		
	In	**Out**	**Total**	**In**	**Out**	**Total**
• Trips/Apartment Unit	0.16	0.40	0.56	0.41	0.26	0.67
-- With 40% Transit Use	0.10	0.24	0.34	0.25	0.15	0.40
• Trips/1,000 GSF Retail Space	0.63	0.40	1.03	1.80	1.94	3.74
-- With 80% Walk Trips	0.13	0.08	0.21	0.36	0.39	0.75
Trip Generation						
• Trips/235 Apartment Units	24	56	80	59	35	94
• Trips/22,060 GSF Retail Area	3	2	5	8	9	17
Total	27	58	85	67	44	111

GSF = Gross Square Feet

Source: O. R. George & Associates.

The above table shows that the proposed development would likely have a low impact, in terms of its projected trip generation. This is to be expected considering the proposed land uses and projected modal split factors. The location and the trip-making characteristics are also in keeping with the City's policies regarding Transit Oriented Development (TOD).

Review of historical Average Daily Traffic (ADT) data provided by DDOT indicates that traffic volumes on the study area roadways have remained stable or decreased marginally over the period 1996 - 2000. However, a growth factor of two percent (2%) was applied to the existing traffic volumes, unto year 2006, in keeping with DDOT general recommendations. The year 2006 "base" traffic volumes are included in Appendix C.

The Applicant's statement notes that the subject property is located within an area that is currently undergoing considerable revitalization and redevelopment activity. This is confirmed by the *"Economic Development Map"* of the DC Office the Deputy Mayor of Planning and Economic Development, which shows that several developments are planned for the general Columbia Heights area. Planned area developments include Victory Heights, the DC USA/Grid Properties project, Trinity Towers and Columbia Heights Station; as well as the Tivoli Theater revitalization project north of the site.

Among the projects noted above, the DC USA and Tivoli Theater projects are the more significant land use developments approved by the City's review agencies. The DC USA development would include approximately 516,250 square feet of retail and entertainment uses, supported by 1,000 parking spaces. The Tivoli Theater development would consist of approximately 104,000 square feet of retail and office uses, served by 200 parking spaces.

Considering the above, the projected year 2006 total traffic situation was developed by combining the following:

a) Year 2006 base traffic volumes (Appendix C-1), which reflects application of an annual growth factor of two percent (2.0 %) to existing traffic, unto year 2006;

b) Projected traffic assignments for the DC USA project (based on a traffic study prepared for this development in 2000 by Gorove/Slade Associates, Inc.) and the Tivoli Theater development. These traffic assignments are included as Appendices C-2 and C-3, respectively; and

c) Projected traffic assignment for the proposed Columbia Heights Plaza, which is shown in Exhibit 5.

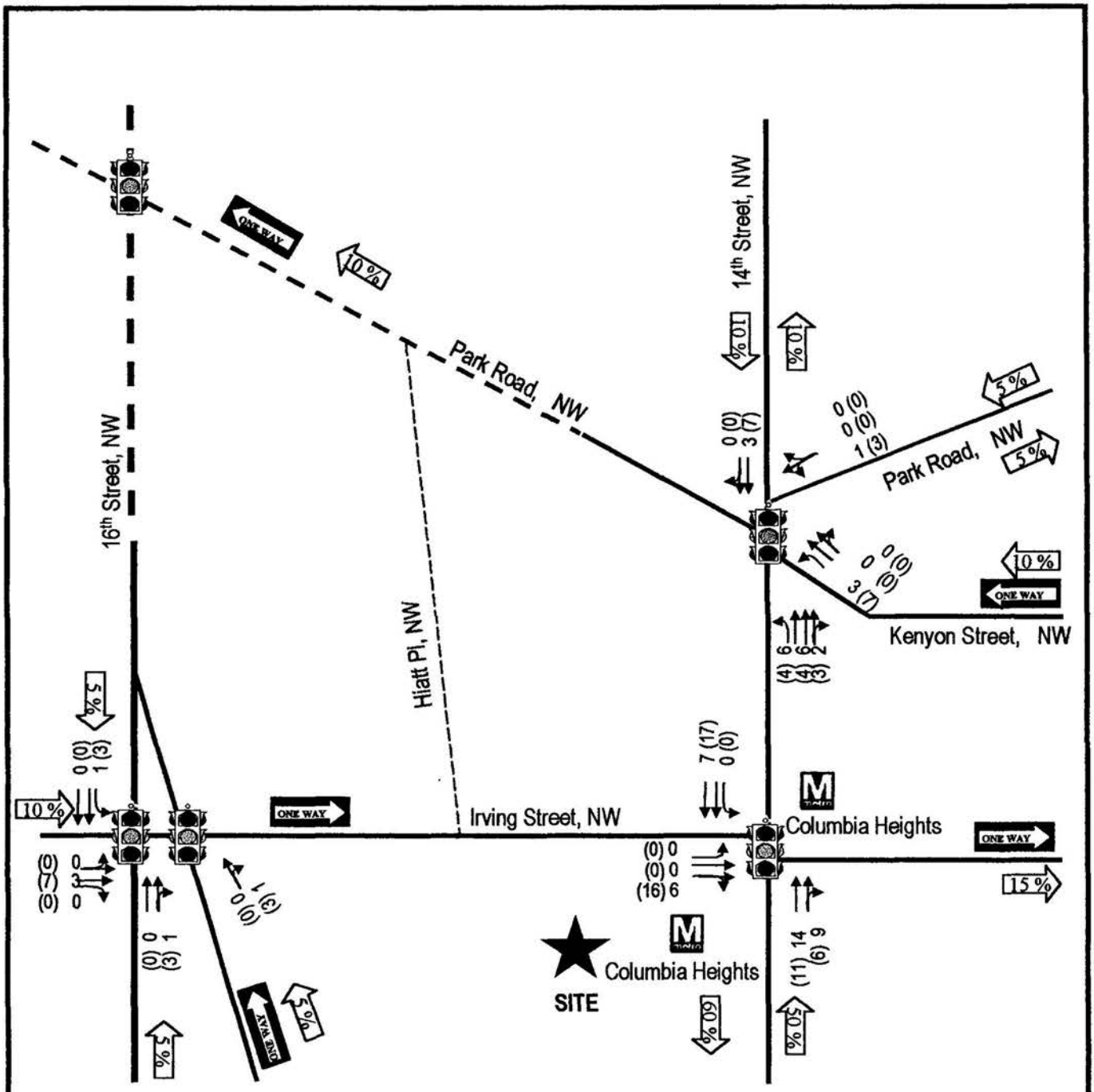
The year 2006 total traffic situation is shown in Exhibit 6. These volumes were analyzed, as was done for the existing traffic situation. The analysis results are provided in Table 3; and the analysis worksheets are provided as Appendix D.

TABLE 3

SUMMARY OF CAPACITY ANALYSIS RESULTS – PROJECTD 2006 TOTAL TRAFFIC SITUATION

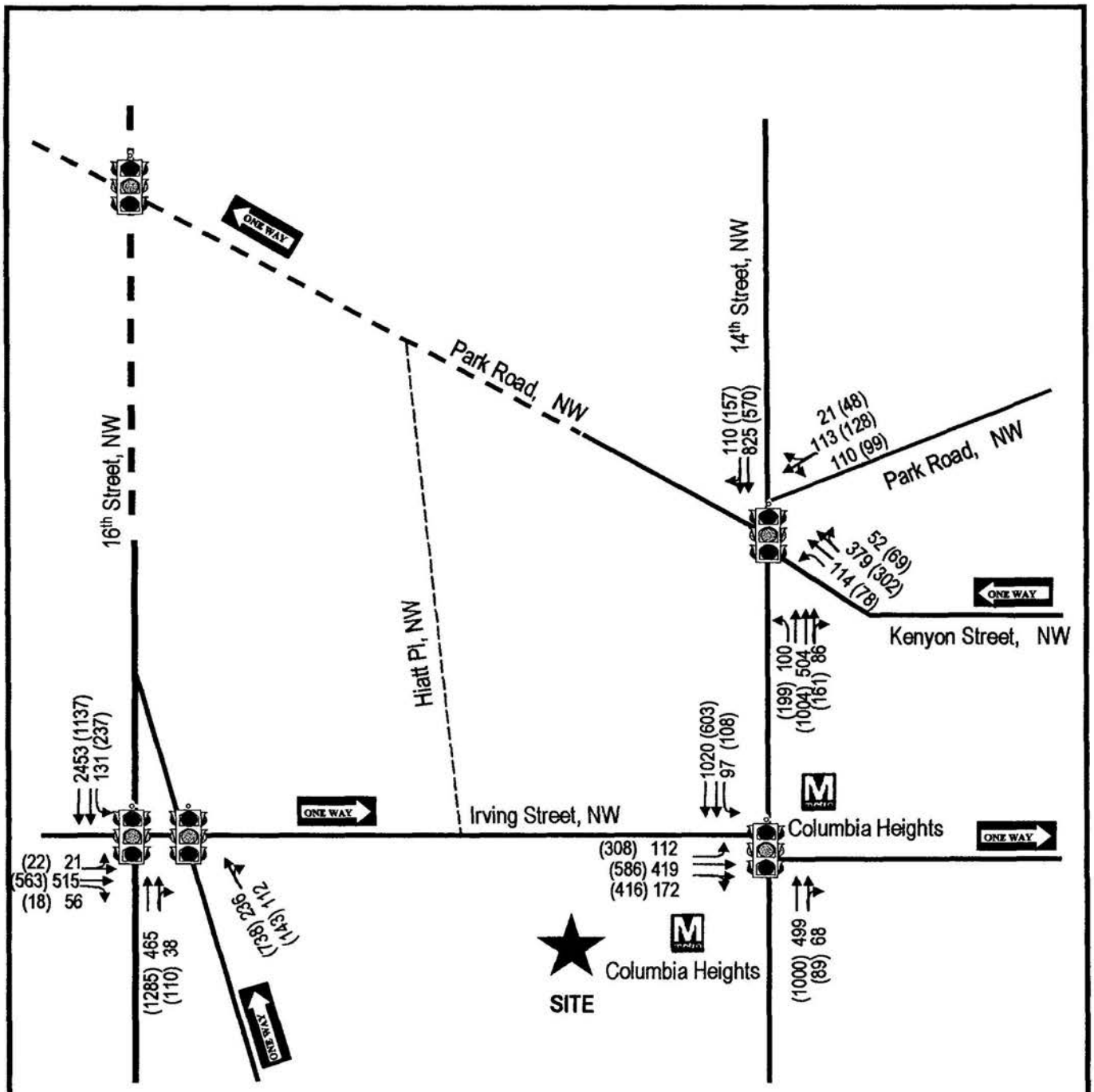
Intersection	AM Peak Hour		PM Peak Hour	
	Level of Service	Average Delay	Level of Service	Average Delay
1. 14th St. @ Irving St.	B	19.2	C	34.4
2. 14th St. @ Kenyon St./ Park Rd., NW	D	41.4	D	43.1
3. 15th St. @ Irving St.	B	14.8	B	16.3
4. 16th St. @ Irving St.	D	42.3	D	35.7

Source: O. R. George & Associates.



O. R. GEORGE & ASSOCIATES, INC.
Traffic Engineers - Transportation Planners

EXHIBIT 5:
PROJECTED TRIP DISTRIBUTION PATTERN AND TRAFFIC ASSIGNMENT
Columbia Heights Station, Northwest, Washington D.C.



O. R. GEORGE & ASSOCIATES, INC.
Traffic Engineers - Transportation Planners

EXHIBIT 6:

PROJECTED YEAR 2006 TOTAL TRAFFIC SITUATION
Columbia Heights Station, Northwest, Washington D.C.

Table 3 shows that the study area roadway network would continue to operate within acceptable Level-of-Service standards, and would therefore satisfy the DDOT requirements.

SITE ACCESS AND ROAD CLOSURE CONSIDERATIONS

As noted earlier, the proposed underground parking garage would be accessed exclusively off 14th Street via a proposed alleyway easement. Access for loading/delivery vehicles will be provided off Irving Street. A copy of the site plan drawing showing the proposed site layout and access situation is included as Appendix E.

The subject application also proposes the closure of a public alley within the subject property, which runs from Irving Street to the northeast and connects with land uses situated to the southwest. That alleyway closure was illustrated in Exhibit 2 on page 3. This exhibit also shows the future site layout and access situation, which would include the proposed alleyway easement off 14th Street, south of Irving Street. Section 504 of District of Columbia Law 12-86 "Omnibus Reform Amendment Action of 1998" stipulates that the City *"may close all or part of any street or an alley which is determined.....to be unnecessary for street and alley purposes"*. In the context of this regulation, the following should be noted:

a) The planned Columbia Heights Station would be developed on the properties currently abutting the alleyway segment proposed for closure; and
b) The proposed (future) roadway network would continue to provide adequate access to the proposed development and adjacent land uses.

Based on the above, the proposed alleyway closure would not have any adverse impacts on the study area and vicinity. Furthermore, the proposed closure would not be detrimental to the adjacent properties; and would conform to the City's stipulations regarding streets and alleyways.

PARKING AND LOADING EVALUATION

Section 2101.1 of the DC Zoning Regulations requires one parking space for every two (2) apartment units, and one (1) space for each additional 300 square feet over 3,000 square feet of retail. The required parking spaces, reflecting these ratios, are compared below with the proposed parking spaces.

	Parking Spaces	
Land Use Category	**Required**	**Proposed**
• Per 235 Apartment Units	118	230
• Per 22,060 GSF Retail Space	64	48

The above table clearly shows that the proposed residential parking spaces would be more than adequate. However, the proposed parking supply for the retail use is twenty-five percent (25%) less than that required by the City's regulations. This development application requires a special exception to allow a 25% reduction, in accordance with the allowance provided for in Section 2108 of the Zoning Regulations. In this context, the following factors should be considered:

a) The proposed retail use would be local community-serving, resulting in a high percentage (80 % ±) of pedestrian trips;
b) The proposed development site is adjacent to the Columbia Heights Metrorail Station; and
c) The site is also adjacent to existing on-street parking spaces, as well as existing and proposed retail/entertainment land uses supported by significant off-street parking; and
d) Item (c) will result in a significant number of multi-purpose walk trips, involving the local area retail establishments.

Based on the above, this study concludes that the requested parking adjustment could be supported without adverse parking demand impacts within the proposed development, as well as on the adjacent roadway network.

The proposed development is required to provide the following loading/delivery facilities, in accordance with the Zoning Regulations:

- One 12' x 55' loading berth;
- One 10' x 20' service/loading space; and
- One 200 square foot loading platform.

The proposed development would include all of the above facilities. No loading facilities are required for the proposed retail use, pursuant to the Section 2201.2 of the City's Zoning Ordinance.

It is projected that delivery/loading operations would be scheduled primarily during off-peak daytime and nighttime periods, as well as on weekends, by the prospective facility management. In addition delivery by semi-trailers would be extremely rare. Based on these considerations, the physical and operational provisions for the proposed delivery/loading facilities should be quite adequate; and would not have any significant adverse impacts on the adjacent roadway network or the users of the proposed development.

SUMMARY AND CONCLUSION

The foregoing data, discussion and analysis have shown that development of the Columbia Heights Plaza apartment complex, as currently proposed, would have no adverse impacts on the operational efficiency and safety of the study area roadways. More specifically, the analysis has determined the following:

a) Current traffic operational conditions at the adjacent intersections are quite acceptable, and are well within the City's Level-of-Service standards;
b) The proposed development is favorably situated relative to public transportation facilities, as well as retail and institutional usage;
c) The projected trip generation for the proposed development would have a minimal impact on traffic and parking conditions within the local area;

d) Analysis of the future total traffic situation shows very little change compared with the existing situation; and

e) The proposed parking, loading and access elements of the site development plan should quite adequately meet the needs of the subject site, based on practical considerations and the trip-making characteristics of the facility.

This study concludes that development of the subject site, per the submitted application, would satisfy the requirements of the Zoning Regulations, from the perspective of impacts associated with transportation (i.e., vehicular access, parking, and loading).

We trust that the above satisfies your requirements. If we can be of further assistance in this matter, please let us know. Thank you!

ORG/EL/