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TECHNICAL MEMORANDUM

DATE: July 18, 2003 *(Update of Memorandum dated July 7, 2003)*

TO: Dr. Jay John Hellman, President
The Hellman Company, Inc.

FROM: Osborne George

RE: Board of Zoning Adjustment Application No. 17047 -
33 Patterson Street NE, Washington, D.C. - Area Variance for Parking

INTRODUCTION AND BACKGROUND

Further to your request, we have reviewed the Board of Zoning Adjustment (BZA) application and Statement to the BZA, which you provided in connection with the current proposal to establish an entertainment, lounge and restaurant venue within an existing warehouse facility situated at No. 33 Patterson Street, N.E., Square 672, in the District of Columbia. The application is for an Area Variance, that would permit the proposed use without the provision of the number of parking spaces required by the relevant section of the City's Zoning Regulations. We understand that there is considerable practical difficulty in providing all required parking spaces on-site. The following factors and considerations are important to our assessment.

a) The site on which the subject property is situated is within the C-3-C Zone District, and the proposed use is permitted as a matter of right.

b) Based upon the building square footages and proposed seating, the Applicant's statement notes that 106 off-street parking spaces are required, but that only six (6) spaces can be provided.

c) The days and times of operation of the proposed use are not specified. However, it is understood that these will be in accordance with its ABC license, and would be on Thursday through Sunday nights, with happy-hour starting 4:30 PM on Fridays.

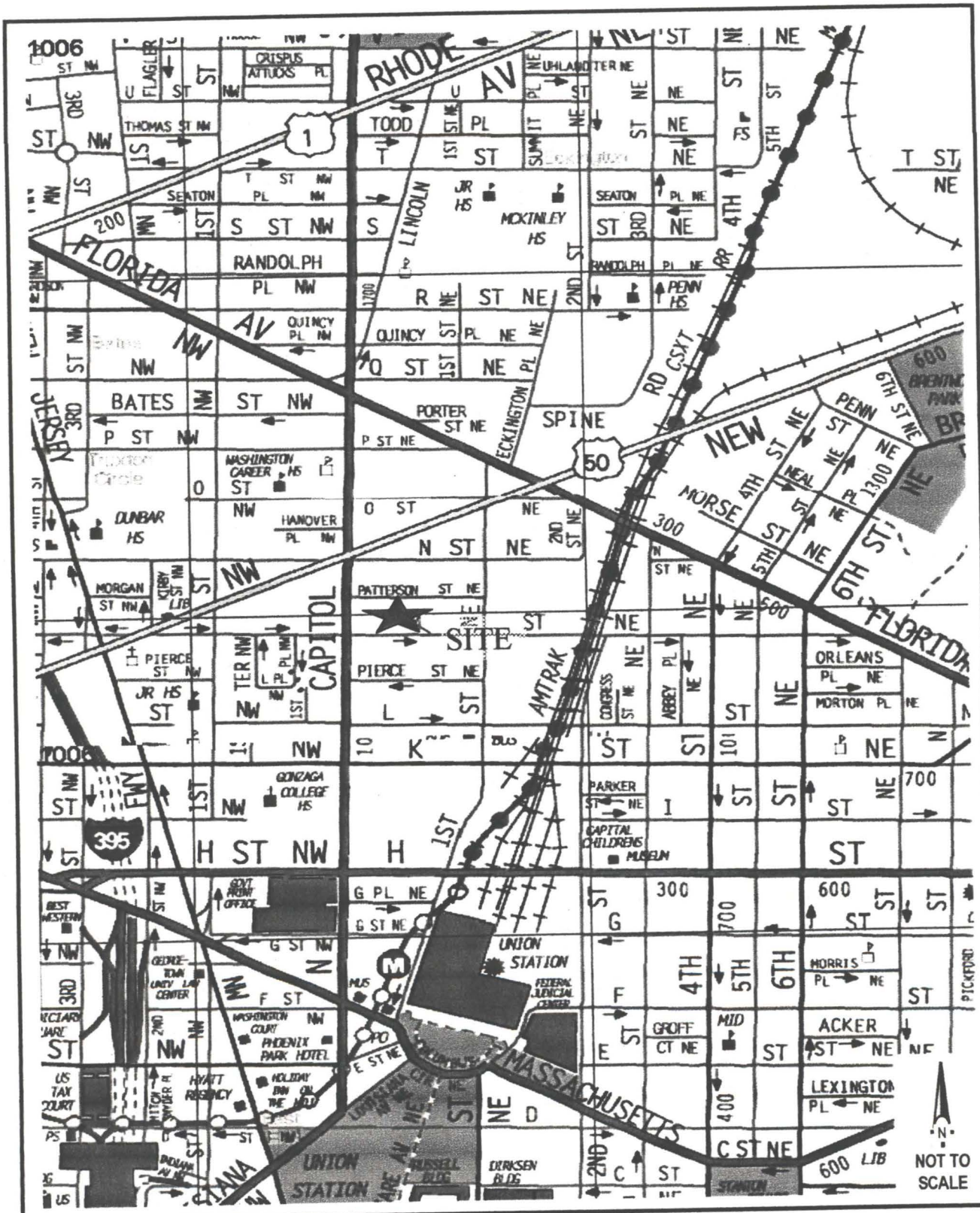
This memorandum presents data, analysis and discussion targeted toward the determination as to whether the proposed use is likely to result in objectionable conditions for neighboring properties, and users of the local environs in general, on account of the variance requested. Review of existing operations of comparable land uses and BZA proceedings related to those uses strongly indicate that the important factors relevant to this determination are as follows:

- The nature of existing and planned uses within a reasonable zone of influence of the subject property.
- Availability of publicly available and potential contracted parking spaces within acceptable walking distances of the subject property.
- Site accessibility and proximity to public transportation, and consequent impacts on modal splits and parking demand.

The remaining sections of this memorandum address these issues. In order to facilitate the discussions, which follow, Exhibit 1 shows the location of the subject property. Exhibit 2 is an aerial photograph showing key existing uses within the area.

BZA Case No. 17047 Exhibit No. 29

Board of Zoning Adjustment
District of Columbia
CASE NO. 17047
EXHIBIT NO. 29



O. R. GEORGE & ASSOCIATES, INC.
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EXHIBIT - 1

Patterson St - Site Location Map



O. R. GEORGE & ASSOCIATES, INC. *Traffic Engineers – Transportation Planners*	**BZA Application No. 17047** **EXHIBIT - 2 33 Patterson Street** **Existing Land Use and Zoning**

SITE LOCATION AND LAND USE CONSIDERATIONS

For purposes of this evaluation, the impact area (or zone of influence) of the proposed use was defined as the area bordered by North Capitol Street to the west, L Street to the south, the AMTRAK Metrorail Corridor on the east and Florida Avenue/P Street to the north. The area is zoned C-3-C in its entirety, and is currently underutilized and undergoing significant revitalization. Existing uses include several office buildings housing various DC Government offices, warehouses, mechanics garages, and a major bus storage lot of the District of Columbia Public School System. Except for the bus lot, these are daytime uses. There is considerable vacant space, notably within Squares 670 and 711.

The defined area is situated within the NoMa planning district. The City's Office of Planning has determined that the prime location and transportation access are catalysts for development of a new downtown neighborhood, consisting of mixed employment, residential and cultural uses. Recently completed and currently proposed developments include the Peoples Building, Fed Ex distribution center, XM Satellite Radio Headquarters, and the new headquarters for the Alcohol-Tobacco and Firearms (ATF) Division of the Treasury Department. The site is also within easy access to major uses such as Union Station employment and activity, and also in proximity to Gallaudet University and the recent Washington Convention Center. In keeping with the City's vision and the onset of development, WMATA has embarked upon construction of the New York Avenue Metrorail Station, which is scheduled to be opened in 2004.

SITE ACCESS AND PARKING SITUATION

The subject property is favorably situated with respect to roadway access, public (bus) transportation, and mass transit (Metrorail) service. Based upon this factor, and the proposed evening and nighttime hours of operation, traffic operations and roadway capacity does not present an issue. This section therefore focuses on parking availability and modes of access.

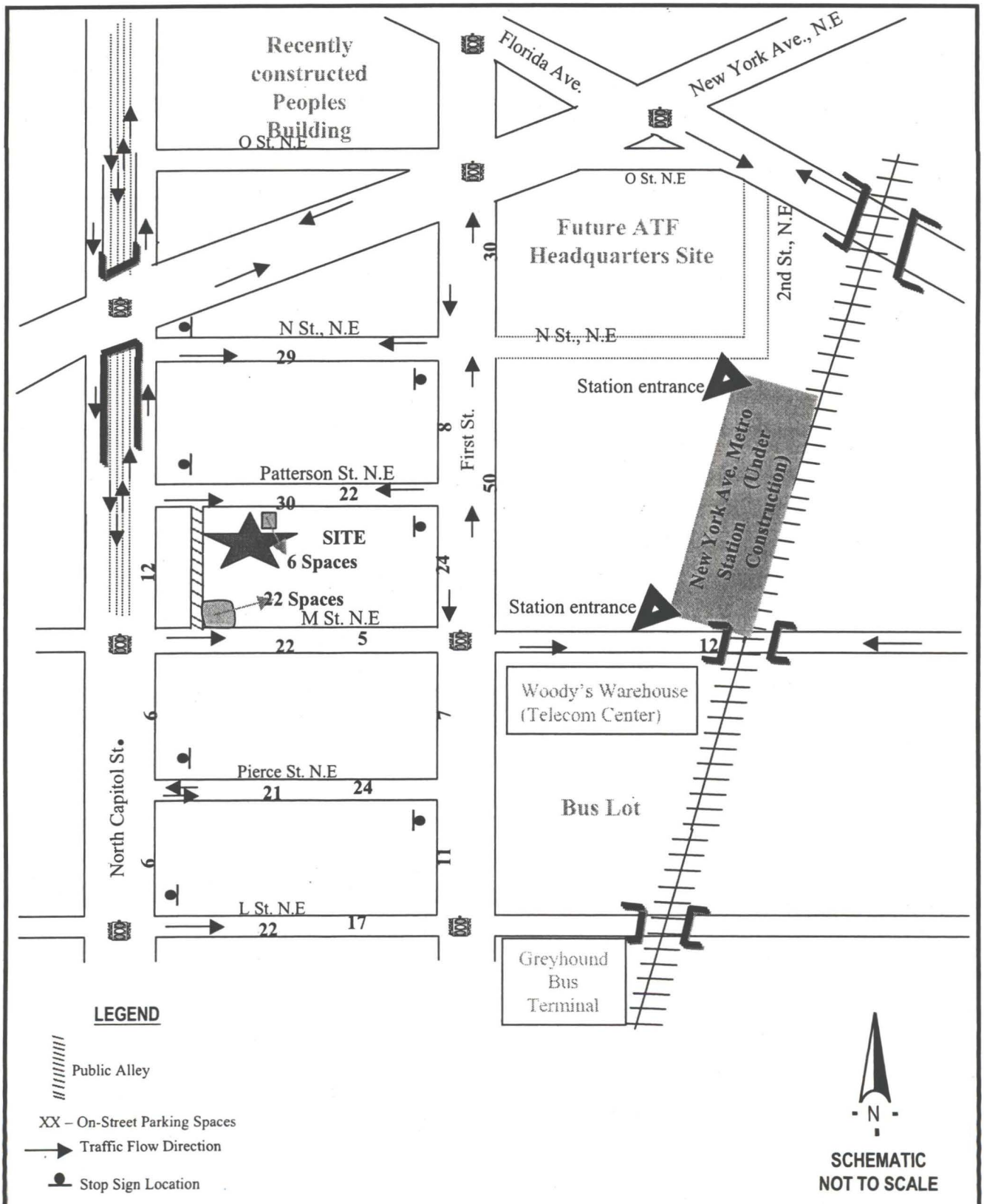
Exhibit 3 shows the existing parking situation within an area bounded by New York Avenue, First Street, L Street and North Capitol Street. Because of their width and vehicular characteristics, North Capitol Street and New York Avenue constitute physical "barriers." The southern and eastern boundaries were selected in view of what is considered to be acceptable walking distances for trip purposes related to the proposed nightclub use. Research of the literature on pedestrian characteristics indicate the following:

a) Pedestrians would typically walk up to 1.0 mile to work, (and even beyond this distance for recreation or entertainment trip purposes). *[AASHTO – Geometric Design of Highways and Streets, 2001.]*

b) Pedestrians would walk up to 0.64 miles (3,400 ft.) and a duration of 9.0 + minutes for social and recreational purposes. *[Creating Walkable Communities by Bicycle Federation of America – Campaign to Make America Walkable, 1998.]*

c) Eighty percent (80%) of pedestrian trips will be within 3,000 ft. for most trip purposes. *[ITE Traffic Engineering Handbook, 1992.]*

d) Pedestrians would, on average, walk at the rate of 4 - 5 ft./sec., covering up to 1,500ft. within a 5 - minute duration.



O. R. GEORGE & ASSOCIATES, INC. *Traffic Engineers – Transportation Planners*	**BZA Application No 17047** **EXHIBIT - 3 33 Patterson Street, N.E.** **Site Access and On-Street Parking Situation**

Based upon the factors presented above (page 4), the following data represent important considerations relevant to the proposed use:

I. There are approximately 340 on-street parking spaces situated within a 5-minute walking distance from the subject property. All of these spaces would be free of cost to users during the periods of the club's activities.

II. The subject property is situated approximately 900 ft. from the future New York Avenue Metrorail Station, a walking duration of less than 3.5 minutes. This is marginally above the distance. Which would typically attract a 25% reduction in off-street parking requirement. *(We understand that recent legislation imposes a special assessment for all properties within a 2,500 Ft. radius of the future station.)*

III. Nightclub uses within downtown Washington, D.C., typically include a relatively high use of taxis, which, in combination with public transportation, would create a very favorable modal split, which will further reduce parking demand.

IV. The proximity to the New Convention Center and to Capitol Hill should make this facility an attractive venue for companion events, which would typically be provided with contracted bus service that could minimize parking demand.

V. There are a number of existing parking lots conveniently located and in proximity to the subject site, which could potentially be available for contractual arrangements with the property owners and facility operators, should this be necessary.

VI. Development activity within the defined area is continuing in accordance with the City's vision for NoMa and per the C-3-C Zoning. Much of this development is expected to be major employment uses with significant garage parking. This parking would provide considerable opportunity for shared (daytime/nighttime) uses as is typical for the C-4 Zone.

With respect to item (v) above, it is noted that reasonable comparisons can be made between the setting of the subject area, and C-4 Zoned Districts within the City. Furthermore, the City requires no off-street parking for nightclubs within the C-4 District. This is due largely to proximity to large office buildings, which offer abundant off-street garage parking during nighttime hours. Beyond the above factors, it is noted that impacts created by parking demands of commercial uses typically result from intrusions into residential neighborhoods. There is presently no residential development within the impact area discussed earlier.

CONCLUSION AND RECOMMENDATIONS

Based upon the data and discussion presented above, this assessment concludes that the proposed use will not create objectionable impacts on the local area. This is principally due to the fact that there is no low-density residential uses within a reasonable zone of impact. As such, the proposed use should satisfy the City's criteria for approval of the variance application. However, by its very nature and purpose, planning is never absolute in its provisions as conclusions. As such, we find that the following would be advantageous to the current process.

a) The applicant should provide a parking management plan, which could include contracted off-street parking and valet services for appropriate events at the subject venue, as a contingency.

b) The applicant should work with the relevant agencies and departments of the City to upgrade sidewalks, lighting and other amenities, as may be necessary and appropriate for a pedestrian-friendly environment within the area of the proposed use.

We understand that the applicant is required to submit transportation-related documentation to the District Department of Transportation twenty (20) days prior to the scheduled public hearing (i.e., by July 9, 2003). This was done, through memorandum dated July 7, 2003. We also understand that this information can be supplemented at the time the applicant's final statement is submitted (i.e., by July 19, 2003).

As proposed in the earlier memorandum, we performed surveys of the night-time parking situation within the 33 Patterson Street study area, and made observations of vehicle occupancies for patrons at the Dream Nightclub, which is situated in the 1300 block of Okie Street, N.E., approximately 1.4 miles from the subject site. The result of these surveys are as follows:

- ***33 Patterson Street On-Street Parking Availability Survey***
  - Total parking spaces within defined area = 340 spaces
  - Observed parking availability (7 - 8 PM on 7/12/03) = 306 spaces
  - Observed parking availability (9 - 10 PM on 7/17/03) = 302 spaces
- ***Vehicle Occupancy for Dream Nightclub***

  A survey was conducted between 9:15 and 10:15 PM on Thursday, July 17, 2003. It was confirmed with the Club management that a major "act" was scheduled for that evening. Observations were made from a vantage point near the intersection of Fenwick and Okie Streets, N.E., where vehicles approaching the site from New York Avenue could be seen, and the occupants observed. The results are as follows:

Total vehicles observed	=	150
≤ Two (2) occupants/vehicle	=	89 (59.7%)
Three (3) occupants/vehicle	=	28 (18.8%)
Four (4) occupants/vehicle	=	16 (10.7%)
≥ Five (5) occupants/vehicle	=	16 (10.8%)
Taxi usage (No. of vehicles)	=	11 (7.3%)
Average Vehicle Occupancy	=	2.52 persons/vehicle

  The site is not in proximity to mass transit service, and there was not evidence of shuttle bus service. The overall vehicle occupancy was in the range typical for recreation/entertainment uses. A significant number of patrons parked in a lot across New York Avenue. We therefore found that the 150 vehicles and close to 400 patrons surveyed represent a statistically viable sample for purposes of the current evaluation.

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

ORG/pl

Attachments: As noted.