GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

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MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Andrew Altman
Director

DATE: September 2, 2003

SUBJECT: BZA Application 17047 - Request filed by Jay Hellman for an area **variance** to reduce the number of off-street parking spaces for an "entertainment nightclub" within an existing warehouse, proposed by 33 PST LLC for 33 Patterson Street, N.E.

APPLICATION
Application of 33 PST LLC for:

1. **Variance relief to § 2101.1 of 11 DCMR** to permit a decrease in the minimum requirements for parking spaces from 106 to 6

for an entertainment nightclub for property located on the south side of Patterson Street, N.E., between North Capitol Street and First Street, Square 672, Lot 255. The property is zoned C-3-C, high bulk commercial.

SUMMARY RECOMMENDATION
The Office of Planning cannot recommend approval of the request for a variance to reduce the number of off-street parking spaces required from 106 to 6, because there is no detailed and enforceable parking management plan, including signed leases for use of off-site off-street parking, and contracts and details for valet services.

PROJECT DESCRIPTION
The application proposes the adaptive reuse of the existing one-story warehouse building into an entertainment nightclub. No new building construction is proposed, but the existing structure will be renovated.

The existing parking lot will provide for six of the 106 required off-street parking spaces. The applicant has indicated that the remainder of the parking will be provided off-site and that he is in the process of obtaining a lease for the provision of these 100 parking spaces. The applicant has not submitted to the Office of Planning evidence that he has obtained a lease for these additional

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parking spaces, just evidence that he is in contact with parking lot owners and/or parking lot operators interested in working with him. The Office of Planning has also requested that a Parking Management Plan be submitted as a part of the application.

The applicant has submitted a Parking Management Plan. This Plan describes the type of club proposed, the type of staff that will run the parking valet service and some of the security that will be provided. However, it does not address the charge, if any, for parking, or the location of the off-site parking facility or facilities.

SITE AND AREA DESCRIPTION

The surrounding area is primarily a mixture of office and industrial uses. To the north, across Patterson Street, is a one-story building housing an industrial use and to the east of that is a one-story building housing the Veterans Affairs Community Clinic with an adjacent surface parking lot enclosed by a masonry wall topped with a chain link fence and barbed wire. To the east is a parking lot for District of Columbia Public School buses that occupies approximately the entire eastern half of the block. It is improved with two doublewide trailers and surrounded by a 5.5 to 6-foot high chain link fence that is topped with 3-strands of barbed wire. To the south is a public alley that runs perpendicular to the building and is blocked by two storage boxes, debris and parked cars; a parking lot for the District of Columbia Housing Authority (DCHA) that extends into the public sidewalk; and a one-story brick building that is used by DCHA. To the west, across a 10-foot wide alley, is an asphalt paved parking lot enclosed by an 8-foot high chain link fence that is topped with 3-strands of barbed wire. The subject property and all surrounding properties are located within the C-3-C Zoning District.

Further to the west, across North Capitol Street, are 8 and 9-story apartment buildings located within the R-5-D Zoning District. Further to the east, adjacent to the west side of Metrorail's Red Line tracks, is the site of the New York Avenue Metrorail Station that is scheduled for completion in December 2004. The application indicates that the Metrorail station is approximately 900 feet from the subject property.

Several office buildings are proposed to the east, across First Street, N.E. One, the new headquarters for the Bureau of Alcohol, Tobacco and Firearms, is to be located at First and O Street, N.E. was proposed to begin construction in the spring of 2003 with a completion in the spring of 2005. It is to contain 200 off-street parking spaces, 33 less than required by the Zoning Regulations. However, it will have direct access to the New York Avenue Metro Station. Two ground-mounted signs indicate that two other office buildings are proposed between First Street and the railroad tracks north of M Street; however, no further information is provided about these buildings.



View of Existing Parking Lot from Patterson Street

Most of the streets surrounding the subject property have restricted parking during the workday, as shown below.

STREET	RESTRICTIONS
Patterson Street, N.E. (between North Capitol and First Street, N.E.	2 hour parking, 7:00 am to 6:30 pm, Monday through Friday
First Street, N.E. (between M and Patterson Street, N.E.)	West side: no restrictions East side: 10 hour parking, 7:00 am to 5:00 pm, Monday through Friday
M Street, N.E. (between North Capitol and First Street, N.E.)	2 hour parking, 7:00 am to 4:00 pm; no parking 4:00 pm to 6:30 pm, Monday through Friday
North Capitol Street, N.E. (between M and Patterson Street, N.E.)	1 hour parking, 9:30 am to 4:00 pm, Monday through Saturday

Sidewalks are inconsistently provided throughout the surrounding area. A sidewalk is not provided for the entire length of either side of Patterson Street between North Capitol Street and First Street, and no sidewalks are provided on First Street between M Street and Patterson Street, or on the north side of M Street between the proposed Metrorail station and First Street, N.E.

Sidewalks are also used for parking on the north side of M Street between First Street, N.E. and North Capitol Street.

The subject property is located within the Northeast No.1/Eckington Yards Development Opportunity Area, the Central Employment Area, the North Capital Transfer Development Rights Receiving District, the NoMa Technology, Media, Housing and Arts District and the New York Avenue Special Assessment District, established for the construction of the New York Avenue Metrorail Station.

The area has been identified on the Generalized Land Use Map as medium-high density commercial land use, which is described as *"[a] shopping and service area that generally offers the largest concentration and variety of goods and services outside the Central Employment Area is the predominant use. Most customers arrive by car, bus or subway."*

EXISTING ZONING
The subject property is zoned C-3-C Commercial Zoning District, high bulk major business and employment center.

C-3 Major Business and Employment Centers
"The C-3 District is designed to accommodate major business and employment centers supplementary to the Central Business (C-4) District." (§740.1)

RELIEF REQUESTED:
Section 3103- Variances, empowers the Board of Zoning Adjustment to grant variances subject to the following:

> *"[w]here, by reason of exceptional narrowness, shallowness or shape of a specific piece of property.at the time of the original adoption of the regulations, or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition of a specific piece of property, the strict application of any regulation adopted under D.C. Code Ann. §§5-413 to 5-432 (1981) would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of the property, to authorize, upon an appeal relating to the property, a variance from the strict application so as to relieve the difficulties or hardship; Provided, that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone of the plan as embodied in the Zoning Regulations and Map."* (§3103.2)

Uniqueness of Property
The subject property is unique because it was constructed as a warehouse, which has a very low parking generation rate (1 space for each 3,000 square feet of gross floor area), and is located within an area that the applicant has indicated no longer has a market for warehouse space. Many of the warehouses that were formerly located within the surrounding area have been converted to office space or demolished. Therefore, the ability to reuse this existing building is dependent on adaptive reuse.

The site can only provide 6 off-street parking spaces. There is no additional area within the subject property that is available for the provision of additional parking because the existing building, which is to remain, occupies approximately 86 percent of the lot. Six parking spaces are all that § 2101.1 requires for the warehouse use of the existing improvements.

Variance pursuant to § 2101 Schedule of Requirements for Parking Spaces
Section 2101.1 sets forth the minimum number of parking spaces required for the proposed use within the C-3-C District. The application indicates that a total of 106 off-street parking spaces are required for the proposed use, which is described as a public hall or a dance hall by § 2101. In order to ensure that adequate parking is available for the proposed use, the applicant was asked to submit evidence of leases with nearby parking lot owners indicating that the applicant will have use of those parking lots during those times when the proposed use is operational. The applicant should also submit to a Parking Management Plan that details the location of the off-site parking spaces, how much the applicant proposes to charge for parking, if anything, and how patrons will get from the off-site parking spaces to the entertainment nightclub and back. The cost of the parking should be included in the admission fee to the club to ensure that patrons take advantage of the off-street parking provided by the applicant and do not overwhelm the supply of on-street parking available within the neighborhood.

The applicant has submitted to the Office of Planning a list of surrounding parking lots and letters from the owners and/or operators of many of those parking lots indicating a willingness to work out a deal with the applicant in the provision of 100 parking spaces. Although the applicant does not have a lease with any of those parking providers, the list indicates the potential that exists within the surrounding area. The applicant has also indicated to the Office of Planning that depending on the location of the leased parking spaces, valet service will be provided. The Office of Planning recommends that valet service be provided for any off-site parking lot that is located more than 800 feet from the subject property, the maximum distance from a site for which the Board may reduce parking. This is appropriate for the subject property, as the public sidewalks within the surrounding area are not consistently provided. A sidewalk is provided across the frontage of the subject property; however, adjoining properties are not improved with sidewalks, resulting in a safety issue should patrons of the proposed entertainment nightclub choose to walk in the streets late at night.

The Parking Management Plan submitted by the applicant lists the owners and/or operators of nearby parking lots, the addresses of those lots, the number of parking spaces within the lots and the status of negotiations. It also addresses security and the valet employees. It does not indicate that any leases have been obtained, or what the charge will be for parking. It also does not indicate where employees will park. As the application indicates that the business will open at 4:00 pm and most of the on-street parking within the surrounding area is restricted until at least 4:00 pm during the week, this is an issue that should be addressed in the Parking Management Plan as it is assumed that many employees will arrive prior to the 4:00 opening to prepare.

The subject property is not eligible for an exception to the schedule of parking requirements because the New York Avenue Metrorail Station is 900 feet away, more than the maximum 800 feet permitted by § 2104.1, and because the subject property is approximately 400 feet from an R-4 Zoning District, less than the minimum 800 feet required by § 2104.1(a). It also is not eligible

for an exception to the parking requirements for nonresidential structures located within the Central Employment Area because it does not have a direct connection to a Metrorail station, as required by § 2105.1(a). In addition, the subject property cannot provide a minimum of seventy-fifty percent of the required parking, or 80 parking spaces on-site, the maximum amount of parking the Board is empowered by § 2108.2 to reduce the number of required parking spaces for this nonresidential this use.

It is the Office of Planning's conclusion that the applicant has neither satisfactorily met the criteria for variance relief of § 2101, nor "that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map." (§3103.2)

COMMUNITY COMMENTS

ANC 6C unanimously voted to support this application at their meeting of August 4, 2003. Surrounding property owners have voiced opposition to the request.

AGENCY COMMENTS

The District Department of Transportation, in a memo July 22, 2003, indicated that it had no objection to the application.

Comments were solicited from the Metropolitan Police Department, but none were received.

RECOMMENDATIONS

The Office of Planning has reviewed the application in terms of the property's zoning, the intensity of use, the character of the neighborhood and the standards for variance relief. The application fails to provide the address or addresses of where the 100 parking spaces will be provided and how the parking will be provided. Therefore, the Office of Planning cannot recommend approval of the request unless the applicant unless the following conditions are met:

1. That the applicant submits a lease for a minimum of 100 off-street parking spaces prior to the issuance of the final BZA Order;
2. That the final BZA Order expires on the date that the lease expires; and
3. That a Parking Management Plan be submitted detailing the location of the parking, the charge for parking, if any, and how patrons will get to and from the entertainment nightclub.

AA/sjm$_{AICP}$