Preliminarily Statement Outlining How The Application Meets The Required Burden of Proof

The Applicant is seeking the following relief from the Board of Zoning Adjustment:

- A special exception from the roof structure requirements (§411); and
- A variance from the parking requirements (§2101.1).

The Applicant will establish through its Statement of the Applicant to be filed no fewer than fourteen days prior to the hearing on the subject application, as well as at the public hearing, that the subject application meets the burden of proof for the granting of the requested relief. A preliminary summary of how the application meets the required burden of proof follows.

This project was previously the subject of BZA relief in Application No. 16858. By Order dated May 16, 2002, the Board granted a special exception to allow a reduction in parking. Since that time, the project has been reduced in size from approximately 550,000 square feet to approximately 486,000 square feet. The number of parking spaces has been reduced from 1,364 to 1,000 spaces in a garage that will have two below grade levels instead of three.

I.
Background

The subject property consists of Lots 719, 720, 812, 832, 863, 866, 869, 870, 871 and 872 in Square 2674. The subject property is in the C-3-A District in the Columbia Heights neighborhood of the City. The subject property compromises the majority of Square 2674 with the exception of the Bell Multicultural School and various row dwellings, an apartment building and various small commercial in the northwestern corner of the Square. The subject property is bounded on the west by 14th Street, N.W., on the north by Park Road, on the east by Hiatt Place, and on the south by Irving Street. The subject property consists of approximately 215,940 square feet of land area and is primarily vacant with the exception of various small retail uses in the northeast corner of the Square fronting on 14th Street and Park Road.

II.
Special Exception from Roof Structure Requirements

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In order to meet the criteria for approval of the requested special exceptions, the Applicant will be required to show the following: (1) compliance is impractical because of operating difficulties, size of building lot, or other conditions relating to the building or surrounding area that would tend to make full compliance unduly

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restrictive, prohibitively costly, or unreasonable and (2) the intent and purpose of Section 411 of the Zoning Regulations are not materially impaired by the structure and the light and air of adjacent buildings are not adversely affected. Special exception approval is required because there will be multiple roof structures (§411.3).

This site suffers from a combination of factors that render compliance with the roof structure requirements both impractical and prohibitively costly/unduly restrictive. First, the Applicant is required to provide a significant number of mechanical units on the roof due to the large overall size and footprint of the building, which has a gross floor area of 486,729 square feet. This large building cannot be served by one mechanical unit that would meet the needs of all tenants proposed to occupy the building. Second, the HVAC program of the lead tenant of the project requires separate mechanical units for separate interior zones of its store. Third, the numerous mechanical units on the lower level of the proposed building are necessary because the various individual tenants require separate units since each unit can only serve a certain square footage. The location of the mechanical units is driven by the internal configuration of the tenant space and the mechanical requirements of each space. Finally, a number of fresh air supply and exhaust vents from the parking garage will be located on the roof since the vents cannot exhaust onto the street because of pedestrians and since the multiple vents will be too numerous to project from the building's walls. The granting of the requested relief will not harm the public good in that the multiple roof structures will be spread over a very large roof surface area and will not be easily seen from the street level.

III.
Variance

In order to obtain approval of the requested variances, the Applicant must show that: 1) the subject property suffers from an extraordinary or exceptional condition; 2) strict application of the Zoning Regulations will result in peculiar and exceptional practical difficulty to the Applicant; and 3) 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.

A.
Parking Space Requirements

Section 2101.1 provides that a retail or service establishment measuring more than 3,000 square feet in the C-3-A zoning district must provide 1 parking space for each additional 300 square feet of gross floor area and cellar floor area. The Applicant's proposed building will have a gross floor area of approximately

486,729 square feet. Thus, the Applicant is required to provide 1,612 parking spaces. However, the Applicant proposes to provide 1,000 parking spaces. Accordingly, the Applicant seeks relief from this section.

The subject property suffers from a number of extraordinary and exceptional conditions. The subject property is very large, containing approximately 215, 871 square feet of land, and also has an unusual shape with multiple street frontages and angled lot lines. The large size of the site and its unusual shape also coupled with the design of the floor plates for the proposed building, which need to accommodate large tenants, such as "big box" retailers, that require large floor plates. All parking therefore will be below grade, and the levels can accommodate only 1,000 spaces. The requirement to provide 1,612 parking spaces, combined with the requirement to design large floor plates for the tenants, would force the Applicant to add an additional level of parking. Adding this additional level of parking is impracticable due to a subsurface water condition, which will be explained and addressed at the public hearing, and cost premiums connected with construction in proximity to Metro facilities.

The requested relief can be granted without harming the public good or impairing the purpose of Section 2101.1. The project is largely intended to serve the residents of Columbia Heights and surrounding communities within a two-mile radius of the site, and to attract other District residents in the nearby area. It is anticipated that the proximity to the vibrant nearby neighborhoods of Columbia Heights, Mount Pleasant, Adams Morgan and U Street, combined with the adjacent Columbia Heights Metrorail station and several bus lines running on streets next to the site, will result in a significant amount of transit and pedestrian access to the site. This will lead to a significant decrease in the otherwise expected number of persons who would come to the site by automobile and have a need for parking. The Applicant and the District Department of Transportation have been coordinating information concerning the actual demand and utilization projections for the site, assuming that the Board granted the requested relief.