Q

Board of Zoning Adjustment
District of Columbia
CASE NO. 17232
EXHIBIT NO. 54A3

Holland Knight

Tel 202 955 3000
Fax 202 955 5564

Holland & Knight LLP
2099 Pennsylvania Avenue, N.W., Suite 100
Washington, D.C. 20006
www.hklaw.com

Supplemental Outline of Testimony
before the Board of Zoning Adjustment

BZA Application No. 17232
14th between Irving Street and Park Road, N.W.

Steven E. Sher
Director of Zoning and Land Use Services
Holland & Knight LLP

January 25, 2005

I. Proposed development

A. Use: retail and service, including Target

B. Gross floor area: approximately 513,722 square feet (2.38 FAR)

C. Height: three stories, 65 feet

D. Parking: 1,244 off -street parking spaces in two underground garage levels

1. 1,000 self park spaces (based on 482,631 square feet chargeable for calculating parking)

2. 244 additional spaces through attendant assisted parking

II. Alternative relief required:

A. Special exception under §2108 for a reduction in the parking requirement for nonresidential use

1. Minimum number of spaces required: 1,599

2. Proposed number of spaces to be provided: 1,244

3. Reduction: 355 spaces

B. Variance to allow attendant assisted parking in the C-3-A District (§2115.9)

III. Standards for the parking reduction special exception (§2108)

A. Maximum reduction of 25%

B. Nature and location of the structure

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

D. Amount of traffic congestion that the building can reasonably be expected to create

E. Quantity of existing public, commercial or private parking, other than curb parking, that can reasonably be expected to be available

F. Proximity to and availability of public transportation

IV. Compliance with the special exception standards for parking reduction

A. Reduction is 22.2%

B. Building is entirely devoted to retail/service uses

C. Two level parking garage will provide 1,000 spaces on a self-park basis and additional 244 spaces via attendant parking (see below)

D. Located across 14th and Irving Streets from entrances to Columbia Heights Metrorail Station; extensive bus service in both north/south and east/west directions

E. Number of parking spaces on-site are sufficient to serve actual site demand, per Gorove/Slade

F. Excess number of spaces can accommodate demand for other uses in vicinity

G. Traffic to be generated will not adversely impact neighborhood streets

V. Standards for a variance (§3103.2)

A. Where, 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,

B. the strict application of any regulation adopted under D.C. Code §§5-413 to 4-432 (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;

C. 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 plan as embodied in the Zoning Regulations and Map.

VI. Compliance with the variance standards

A. Exceptional or extraordinary situation or condition

1. Unusually shaped site of large size

2. Water table above level of what would be the third and fourth parking levels

3. Presence of Metrorail tunnel below 14th Street

B. Practical difficulty: cost premium to construct any additional parking levels which are not needed to serve the proposed uses for the great majority of the time

C. No detriment to the public good

1. Parking to be provided meets expected demand with enough additional for margin of error

2. New retail development on this site is consistent with planning objectives for Columbia Heights

VII. Conclusions

A. Reduction in parking meets the test for special exception

B. Subject property is affected by exceptional conditions, preventing additional level of below grade parking

C. Attendant assisted parking is practical solution to meet peak parking demand

D. Variance can be granted without substantial detriment to any surrounding properties

E. The application should be granted