# TESTIMONY OF THE OFFICE OF PLANNING

## BZA APPLICATION No. 17232

## RLA Revitalization Corporation for Grid/DC USA

Stephen Cochran, AICP February 1, 2005

Thank you.

The Project

The applicant has an ERA to build an approximately 486,789 sf retail complex, with the Target Department Store occupying approximately 1/3 of the net retail space. There will be additional retailers, with the smaller scaled ones fronting onto 14th street or Irving Street, and the larger national chains being entered from the atrium off 14th Street.

The Relief

The applicant is seeking two forms of zoning relief:

1. A special exception to have multiple roof structures with three enclosures.

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2. Variance and/or special exception/variance relief from its parking requirements.

*1. Roof Structure*

OP has reviewed the Section 411.11 tests for the roof structure special exception on pages 9 and 10 of its November 9, 2004 report. We believe the applicant has demonstrated that the exceptionally large footprint and unique HVAC requirements of the tenants require multiple mechanical units. OP also believes that the applicant has demonstrated that having multiple structures with the indicated setbacks and distances from neighborhing properties would be less intrusive than one large roof structure.

*2. Parking*

The evaluation of the requested parking relief is not so straightforward.

The retail space requires 1612 parking spaces. The applicant is requesting relief to provide either: a) 1000 self parked spaces throughout the year or, b) 1000 self parked spaces for the vast majority of the year, and up to 1244 parking spaces, through the use of valet parking, when peak parking demand is projected to exceed 1000 spaces.

The applicant has approached this relief in several ways:

- Option 1: In its November 2, 2004 pre-hearing statement it requested a variance from the parking requirements of Section 2101.1;
- Option 2: In its January 11, 2005 supplemental filing the applicant requested alternative relief, should the Board not grant the above variance. This alternative consisted of:
    - A special exception under Section 2108 to reduce the required parking by no more than 25%, coupled with
    - A Variance from Section 2115.9 to permit attendant parking in the C-3-A district.

- OP recommends that the Board approve the "Option 1" variance request with conditions noted later in our testimony. This option has also been reviewed favorably by the DDOT, which is here to testify today.

Evaluation of Option 1

In its supplemental report of December 20, 2004, OP recommended the Board approve the requested variance from Section 2101.1, based on supplemental information submitted by the applicant on December 7, 2004. OP continues to recommend in favor of this option.

*With Respect to Uniqueness and Practical Difficulties*

- Columbia Heights Urban Renewal Plan and the RLA's RFP required that this site be developed as a major uptown retail center, thereby not permitting the applicant to shift its development towards office or retail uses, if it appeared infeasible to provide the full amount of required retail parking. The site has been slated as a major retail center for over 20 years. Retail uses have a higher ratio of parking per square foot than do general office or residential uses.

- As OP summarizes on page 2 of its December 20th report, the applicant's contractor, in consultation with its engineering consultant, has determined that because of the groundwater level and the adjacency to the Metro tunnel, constructing a third level of parking, would be present a practical difficulty to the applicant. It would not be possible to have more than

1000 parking spaces without constructing at least a partial third level of parking.

*With Respect to Any Detriment to the Public Good or Zone Plan*

- Between early November and late December of 2004, the applicant worked closely with OP and DDOT to address the added public realm needs that stemmed from the project's projected modal split. That projection indicates a higher than average number of patrons using alternative transportation modes – i.e., walking or taking transit. While such a modal split implies a reduction in the parking needed, it also implies the need for generous sidewalks, plantings and street furniture to enhance the public realm and to provide for public safety in an area where there will be so many pedestrians, cyclists, and arrivals from the transit station to the south and west of the project. This is discussed in more detail on page 7 of OP's November 9 report. The design changes to which the applicant, DDOT and OP have agreed are summarized on page 3 of OP's December 20th report, and described in more detail in DDOT's letter of December 20th. I would be happy to review them if the Board wishes, but I note that Doug Noble, Associate Direct of the Transportation

Services Administration at DDOT is here to testify on that agency's behalf today. As had been established when this Board approved a 25% special exception parking reduction for an earlier version of this project in Application No. 16858, and has been further documented in studies by Gorove Slade for the present application, DC USA is a Transit Oriented Development project where at least 50% of the patrons will not be arriving by automobile. OP discusses this is some detail on page 7 of our November 9 report. This project would provide 2.2 parking spaces per thousand square feet of net retail space. This is comparable to the 2.3 parking spaces per thousand sf provided by the new Gallery Place complex.

- In its November 9th report, on page 9, OP had noted 3 conditions that would bring the application into harmony with the zoning regulations, map and intent. These were:

  - Demonstrate the uniqueness of the site, which OP believes the applicant has now done;
  - Demonstrate the practical difficulty that would result from subsurface water conditions and proximity to metro facilities, which the applicant has now done, and;

- Work with DDOT to ensure that the sidewalk and other public realm elements accommodate the higher than typical alternative mode split. The applicant has now done this to both DDOT's and OP's satisfaction, as DDOT will later testify.

Option 2

OP understands that the applicant has submitted this as an alternative in order to respond to some of the concerns previously expressed by the Board. The applicant is trying to achieve more parking during the peak hours about which the Board has shown concern. However, OP believes this option to be unnecessary and overly complicated and recommends that the Board not consider this alternative because of its potential impact on the integrity of the zoning regulations.

The applicant had requested a special exception under Section 2108.2. The Board has already granted the project, as configured two years ago, a 25% reduction in actual required, striped parking spaces, as permitted by 2108.2. In the January, 2005 alternative request, the applicant is not asking for a 25% reduction in the number of striped spaces; the applicant is asking for the ability to park 25% more cars at peak times by means of attendant parking.

The spaces would not actually be striped and countable by the zoning administrator.

Sections 2115.9 – 2115.18 permit waivers of certain dimensional requirements for parking spaces in the more intense zone districts. These waivers are conditioned on the required provision of attendant parking during a DDOT-specified peak period. OP believes that variances from these sections could appropriately seek additional relief from dimension requirements, signage, or the duration of attendant parking. However, OP believe that it would substantially impair the integrity of the zoning plan, as embodied in the zoning regulations, to grant a variance to permit, in effect, theoretical parking spaces achieved by attendant parking to satisfy the required minimum number of parking spaces, if the zone does not provide for attendant parking as a permitted method of achieving the minimum number of real, striped spaces.

For these reasons, OP has focused on only the earlier requested variance from Section 2101.8. OP continues to believe the applicant has met the tests for the requested variance and continues to recommend the Board approve the required variance.

New Matters

*Optional Attendant Parking*

OP believes the applicant has demonstrated that it meets the tests needed for the Board to grant the relief that would enable the applicant to construct only 1000 parking spaces. DDOT has based its analysis on 1000 self-parked spaces.

If the Board wishes to require the applicant to provide attendant parking on certain days, OP would have no objection provided DDOT determines that the additional parking would not have a negative impact on the public good.

*The Nature of Parking Structure*

Since the last hearing, several questions have arisen about the accessory nature of the parking structure and spaces. OP has asked the applicant to provide additional information, or highlight previously submitted material to help the OAG's and the Board's consideration of this matter. The applicant has highlighted the City Council's TIF resolution referring to the garage as "a parking facility for the DC USA Project", and has sent a letter to the BZA from RLARC dated January 31, 2005 that describes the nature of

the garage and how RLARC intends to manage it so that its primary users will be the customers of the DC USA retail project.

Community Comments

ANC 1A supported the original application for the 38% relief to allow for a 1000 space parking lot. The ANC also has given unanimous support to an option that would "increase the available number of parking spaces from 1,0000 on a self-park basis to 1,244 and that attendants would be available in the garage as need to serve the demand for parking spaces for retail commercial project project to be developed by DC USA".

The Councilperson for Ward 1 has also expressed strong support for the project and for the requested zoning relief.

**SUMMARY RECOMMENDATION**

The Office of Planning recommends the Board approve the special exception relief for roof structures.

OP further recommends the Board approve the variance relief from the parking requirements of Section 2101.1 as requested by the applicant in its prehearing statement dated November 2, 2004, with the following conditions:

- The garage owner, successors and assigns structure the fee schedule and operate the garage in a manner that gives first priority to meeting the needs of the building's owners, tenants and retail patrons; that discourages long-term, and especially all-day commuter parking; and that precludes non-hourly leasing of individual spaces or blocks of spaces. OP recommends the language be based on the following, which is excerpted from the Land Disposition Agreement dated January 17, 2003:
    - *Retailers and the project's lender will require covenants that insure that the parking will always be available for customers of the project's tenants when they want it. The parking facility will be open to the public but its pricing structure will be used to encourage retail customers to use the garage while discouraging non-retail customers during peak retail demand periods. During the weekday, commuters will be encouraged to park in the facility and the pricing will be set to discourage commuters from staying into the later afternoon or evening hours (if there are insufficient spaces available to satisfy retail customers). Weeknights, overnight parking will be made available to community residents to the extent there is no interference with the parking demand of the retail customers.*
- If the Board wishes to require the applicant to provide attendant parking on certain days in order to increase the

garage's capacity, OP would have no objection provided DDOT determines that the additional parking and attendant queing would not have a negative impact on the public good.

Thank You.