GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

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Office of the Director

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MEMORANDUM

TO: Board of Zoning Adjustment

FROM: JLS for
Ellen McCarthy
Director

DATE: April 4, 2005

SUBJECT: BZA Application 17304 – WMATA

APPLICATION

Application of Washington Metropolitan Area Transit Authority (WMATA), pursuant to 11 DCMR § 3104.1, for special exception approval to allow construction of an office building, not meeting:

- The parking requirements under section 2107,
- The roof structure setback requirements under subsection 411.11, and to
- Provide accessory parking on adjacent residentially zoned property under section 214, in the C-3-A and R-2 Districts

At 4500 Benning Road, N.E. (Square 5138, part of Lots 84-87 and 45th Street realignment and all of Lots 83, 126, 140, and 829, and in Square 5139, part of Lot 806).

SUMMARY RECOMMENDATION

The Office of Planning recommends approval of the request to permit the office building construction, including approval to:

- Reduce the parking requirement under Section 2107
- Provide accessory parking on adjacent property in the R-2 Zone District under Section 213, and
- Permit the requested roof structure setback at a distance less than the required 1:1 setback from the edge of the roof.

OP determined that the accessory-parking request was more appropriately reviewed under Section 213, instead of Section 214 as advertised. The applicant has provided supplemental information to the pre-hearing statement addressing this Section.

BZA
Case No. 17304
Exhibit No. 28

Board of Zoning Adjustment
District of Columbia
CASE NO. 17304
EXHIBIT NO. 28

BACKGROUND

WMATA is proposing to allow development of its existing Park & Ride lot adjacent to its Benning Road Metro Station by Benning 45 LLC. The lot would be developed as a 5-story office building for the D.C. Court Services and Offender Supervision Agency (CSOSA). Benning 45 LLC assembled various parcels and entered into an agreement with WMATA to purchase the above grade metro site (Parcel 1), subject to the retention of easements to allow for the continued operation and maintenance of WMATA's station and its facilities.

The property comprises two parcels located in two squares as follows:

- Parcel 1 – Square 5138
  - Parts of Lots 84-87; Lots 140, 829 and 45th Street realignment (site area 33,294 square feet) and
  - Square 5139 Part of Lot 806 (site area -129 square feet)
    all zoned C-3-A
- Parcel 2 – Square 5138
  - Lots 83 and 126 with a site area of 5,523 square feet and zoned R-2.

Square 5138 is bounded by Central Avenue to the south, 46th Street to the east, Benning Road and 45th Street to the west and Blaine Street to the north. A 20-foot wide, one-way public alley, which exits on Central Avenue, separates both parcels. As described above, the property is combined as two parcels located primarily in Square 5138, with a 129-square foot area located in Square 5139.

Parcel 1 in the C-3-A zone represents a gross floor area of 34,053 square feet of Metro's facilities, including improvements of an elevator, escalators and the entrance platform to the Metrorail station's Blue Line. Other on-site structures include a chiller plant, vent shafts and a short-term parking area of six (6) spaces for Metrorail's customers.

Parcel 2 is an unimproved area of 5,523 square feet. This parcel is a combination of two lots, Lots 81 and 126 and is zoned R-2.

The development of the parcels is one in a series of joint development offerings between WMATA and public, as well as private agencies, designed to maximize the relationship between development and land use around WMATA's rapid transit service stations. The project enables CSOSA to provide services to its clients at a rapid transit site, since many clients do not drive. In addition, metro use by employees would be encouraged. Thus, the project supports the Smart Growth principles and Transit-Oriented Development policies of the District.

PROJECT PROPOSAL

The developer is proposing to construct a 39,895-g.s.f, A-class office building on Parcel 1. The building's footprint would occupy 8,115 square feet at grade and 7,945 square feet on each floor, up to five stories. The project would also include on-site surface parking for 15 spaces on the main parcel. Parcel 2 would be developed as an accessory surface parking lot for the office building, with up to 13 spaces.

EXISTING ZONING AND RELIEF REQUESTED

Square 5138 and the combined property are split zoned between R-2 residential and C-3-A commercial zoning. The C-3-A commercial zone abuts the rear lot lines of private residences abutting the alley, east of WMATA's property. Surface parking spaces would be provided on Parcel 1 (15 spaces) and Parcel 2 (13 spaces) combined. A special exception is required to allow off-site accessory parking on Parcel 2, which is zoned R-2 and to reduce the number of required spaces for the project from 65 to 28 spaces. In addition, further relief is requested from the roof structure requirements, in an effort to maximize the usable floor space of the office building.

Table 1 below outlines the C-3-A zone requirements and the requested relief.

Table 1

Standard	C-3-A Requirement	Existing	Proposed	Required Relief
Lot Area	N/A	33,924 sq. ft.[1]	Same	N/A
Lot Width	N/A	N/A	N/A	N/A
Floor Area Ratio	FAR = 2.5	vacant	1.11[2]	N/A
Lot Occupancy	C-3-A = 75% : R-2 = 40%	vacant	26%	N/A
Height	65 feet/unlimited stories	--	65 feet	N/A
Parking (on-site)	65	--	28 spaces	57 % - S.E.
Roof Structure	1:1 setback	-	Less than 1:1	S.E.

The site is impacted by the location of above and below-grade WMATA facilities, including cooling towers, existing vents, the elevator shaft, signage, WMATA's Kiss and Ride parking area, as well as required public space. Based on WMATA's requirements, easements have been retained to preclude development. While the surveyed lot described as Parcel 1 is not unusual in shape, the existing constraints on the site are not typical of lots in C-3-A. Metro's underground tunnel prevents excavation of the site to accommodate underground parking levels.

The applicant contends that the WMATA restrictions discussed above, along with the requirement to create a workable public realm around these facilities and existing site encumbrances create a site that is not typical of other lots in the immediate area and the neighboring zones, resulting in a unique property with exceptional conditions.

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[1] Based on Parcel 1only

[2] Includes areas under existing escalator canopy and elevator over underground WMATA rail station.

SPECIAL EXCEPTIONS
The following outlines the review of the application's conformance to the relevant sections of the Zoning Regulations.

Parking Reduction

Section 2107
§ 2107.1 of the Zoning Regulations permits the Board to reduce the amount of parking spaces required for non-residential uses under Section 2101.1 in accordance with Section 3104 of the Zoning Regulations. Section 2101 requires that the office building to provide the following:

- In excess of 2,000 square feet, 1 for each additional 600 square feet of gross floor area and cellar floor area, i.e. – For a 40,587 square feet office building (includes mech. penthouse), the required number of spaces = (40,587 – 2,000)/600 = **65 spaces**

The submitted plan shows 28 parking spaces, 15 of which would be placed on-site and 13 on the R-2 portion of the parcels. 28 spaces represent a 57% reduction in the amount of spaces requested through special exception. The applicant contends that many clients would either be transit users or pedestrians and employees would be encouraged to use the Metrorail system. The District Department of Transportation (DDOT) has worked with the applicant throughout its development process and will issue its report to the Board.

2107.2 The Board shall consider the following:

a) **Nature and Location of the Structure and the nature and location of the connection to Metrorail.**

The building is proposed on Metro's property, which is ideally located at the intersection of major arterials in the District's southeast quadrant. The Metrorail station site is well served by at least nine (9) metrobus routes. The proposed office building would be designed to accommodate a much needed service. CSOSA is locating facilities throughout the District to improve supervision of adult offenders in the neighborhoods where they would be proposed.

b) **Maximum number of students, employees, guests, customers, or clients who can reasonably be expected to use the proposed building or structures at one time.**

The applicant has stated that CSOSA would employ approximately 90 persons and serve 500 clients per day at this location. Due to limited parking at the facility, nearly all employees would be required to use public transit. CSOSA would promote Metrorail and bus ridership among its employees. Further, according to WMATA's statistics for proposed developments at metro stations, the Benning Road development could attract 510 new person trips per day with 78 as transit trips, with the remainder walking, and other non-transit trips.

c) **Amount of traffic congestion existing or that the building or structure can reasonably be expected to create in the neighborhood.**

At this time, OP has no information from DDOT concerning the requested parking adjustment and whether there would be adverse impacts based on parking demand. However, OP understands that the applicant has worked in conjunction with DDOT in the design phases of the project to mitigate any adverse impact due to increase traffic in the neighborhood, including the parking lot's design and the direction of traffic in the alley, which separates the surface parking lot on Parcel 2 from the proposed main structure.

d) **Quantity of existing public, commercial or private parking, other than curb parking, on the property or in the neighborhood which can reasonably be expected to be available when the building or structure is in use.**

In accordance with the regulations, the proposed development also provides loading facilities, including: a 12'x30' loading berth, a 10' x 20'service delivery area, and a 100 square foot loading platform located in a 31-foot wide open court area at the rear of the building, with access off 45th Street. Loading and delivery are expected during off-peak periods and will be controlled by the facility's management.

OP expects that the project will provide controlled on-site parking that will be available at all times to clients and to some employees who may drive. While OP does not have DDOT's final opinion at this time, OP is aware that the applicant has consulted with DDOT regarding the location of the parking and loading dock areas.

e) **Proximity to public transportation, particularly Metrorail stations, and the availability of public transportation service in the area**

The site is well served by public transportation, as it is located directly adjacent to the Benning Road Metro Station, which serves Metro's Blue Line and at least nine (9) Metrobus routes.

Additional Requirements

The request must also conform to Sections 2115 and 2117, which provides the guidelines for the size of parking spaces and controls access, maintenance and operation of the lot. Based on submitted plans OP believes that the design requirements of the Sections have been met, and that actual construction would be subject to further review and approval by DDOT.

Further review indicates that the application also conforms to Section 2116.5, which determine the criteria for the location of parking spaces accessory to a building, which may be located elsewhere. Sections 2116.6 through 2116.8 essentially require that the thirteen accessory parking spaces proposed for Parcel 2, only be allowed due to efficiency in use of the land or for topographical reasons. As previously discussed, the dimensions of Parcel 1, with the existing WMATA encumbrances make it impractical to locate all the intended parking on-site. Locating

the remainder of spaces on Parcel 2 would result in a more efficient use of land, with improved design of the proposed office building.

The application satisfies the location requirement of Section 2116.7, which prefers accessory parking to be located on adjacent lots or lots separated only by an alley from the main structure. Both a 20-foot wide alley separates the parcels, thus this requirement is satisfied. Therefore, the accessory parking spaces proposed for Parcel 2 would provide reasonable and convenient spaces for CSOSA's clients, as required by Section 2116.8.

The Office of Planning believes that the request meets the general intent and purpose of the Zoning Regulations and would not adversely affect the use of neighboring properties. The site provides parking, which could have been eliminated by the Board, since it is located at a Metrorail station (Section 2107). The area is well served by Metrorail and Metrobus, and accommodates the type of service intended for this office development.

OP concurs that approval of this project is not detrimental to the public good and would not substantially impair the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations. The lot occupancy on the site was not exceeded and the project's proximity to Metrorail and Metrobus stations support the transit-oriented development policies of the District. Accordingly, the requested relief will not be detrimental to the public good or impair the intent of the Zone Regulations.

Accessory Parking Spaces

Section 213

213.1 Use as a parking lot shall be permitted as a special exception in an R-1 District if approved by the Board of Zoning Adjustment under §3104, subject to the provisions of this section.

213.2 A parking lot shall be located in its entirety within two hundred feet (200 ft.) of an existing Commercial or Industrial District.

The parking lot is located within the 200 feet radius of the C-3-A Zone District.

213.3 A parking lot shall be contiguous to or separated only by an alley from a Commercial or Industrial District.

The R-2 zoned lot is separated from the C-3-A zone District by an alley system, which traverses north to south.

213.4 All provisions of Chapter 23 of this title shall be complied with.
The provisions of Chapter 23 are discussed in a subsequent section.

213.5 No dangerous or otherwise objectionable traffic conditions shall result from the establishment of the use, and the present character and future development of the neighborhood will not be affected adversely.

Based on information provided in the applicant's submission, OP does not believe that dangerous or otherwise objectionable traffic conditions would be created to adversely affect the present and future character of the neighborhood. At OP's request, the applicant made revisions to allow the parking lot to be accessed only from the alley. In addition, since traffic flow along the alley is one –way, this mitigates against any adverse impact on the nearby residential 46th Street. Further, the placement of the screen walls around the lot would allow access only to Central Avenue and not through the residential neighborhood streets. OP believes since the majority of clients would use the Metrorail and bus system, client traffic should be minimal and staggered throughout the day. In addition, CSOSA has committed to a transportation management system to encourage Metro use among its employees.

213.6 The parking lot shall be reasonably necessary and convenient to other uses in the vicinity, so that the likely result will be a reduction in overspill parking on neighborhood streets.

The parking lot is necessary to serve the intended use of the facility and meet some of the parking requirement for the zone district. OP is not aware of other potential users of the lot in the immediate vicinity at this time. However, use of the lot on a short-term basis to the community when feasible is encouraged, to reduce potential overspill parking on neighborhood streets.

213.7 A majority of the parking spaces shall serve residential uses or short-term parking needs of retail, service, and public facility uses in the vicinity.

CSOSA, qualifies as a public facility use and the majority of the short-term parking spaces are designed to accommodate clients of the facility.

213.8 Before taking final action on an application for use as a parking lot, the Board shall submit the application to the D.C. Department of Transportation for review and report.

The applicant has worked with DDOT to refine the transportation aspects of its plans. DDOT will submit its comments to the Board separately.

Section 2303

In discussions with OP, the applicant was informed about Section 2303's landscaping requirements and agreed to include these as part of the design submission to be presented to the Board.

With respect to the all weather impervious surface requirement of Section 2303.1(a), the applicant's landscape plan shows bituminous paving for Parcel 2's parking lot. OP understands

that the applicant is complying with the requirement of Section 2303.1(a). However, in keeping with environmentally sensitive design and materials currently being addressed in District policies and the Zoning Regulation regarding impervious surfaces (ZC 04-34), OP recommends an all weather surface, preferably pervious, to potentially decrease stormwater runoff from all paved surfaces, including the parking lot on Parcel 2.

The lot is intended for the sole use of CSOSA's clients and no other structure is intended to be located on the lot. OP requested improved landscaping and lighting for the lot, and a masonry wall directly abutting the residence and fronting 46th Street to maintain residents' privacy and character of the immediate residential neighborhood. Submitted plans show these features, as well as a gate to control the lot when not in use. The applicant has not requested a waiver from any of the requirements of the Section.

Roof Structure
Section 411
The applicant submits that due to the exceptional conditions of the site, the setback requirements relating to roof structures as outlined in §§ 411 and 770.6(b) of the Zoning Regulations cannot be met. Thus, the Applicant requests a special exception from the strict compliance of those requirements as permitted under Sections 411.11 and 3104.1 of the Zoning Regulations.

411.2
Sections 411.2 and 770.6(b) of the Zoning Regulations requires roof structures to be set back from the building's walls a distance at least equal to the roof structure's height in accordance with the provisions of the C-3-A zone district.

The proposed roof structure does not meet the 1:1 setback.

411.3
Section 411.3 requires that all penthouses and mechanical equipment be placed in one enclosure. Based on the submitted plans, the proposal shows four penthouse enclosures which all meet the setback requirements.

The mechanical equipment and penthouse will be combined within one rooftop enclosure. This enclosure will harmonize with the main structure in architectural character and color and will appear as a vertical extension of the building.

The roof structures will not adversely impact the light and air of adjacent buildings. The placement of the penthouse enclosures minimizes the visibility of the penthouses from any vantage point, and the overall mass of the roof structures is not out of character with the main structure and is designed within the maximum height limit of 18' 6" for penthouse structures.

411.4 When there are varying roof levels, multiple elevator cores are allowed.

The proposed building has only one roof level and one elevator core.

411.5 Enclosing walls shall be of equal height and rise vertically to a roof.

According to submitted plans, enclosing walls are of equal height and rise vertically to the roof of the penthouse.

411.6 Allows no roof on penthouse structure when it encloses solely mechanical equipment.

As shown on Sheet A-05 of the Plans, the proposed penthouse is partly covered with a roof and partly open to the sky.

411.7 Additional density of 0.37 FAR is allowed solely for the roof structure.

The proposed roof structure has an FAR of 0.02 (692 g.f.a), which is within the allowable FAR of 0.37.

411.8 Roof structures shall not exceed 1/3 of roof area in those districts where there is a limitation on the number of stories.

Not applicable because the C-3-A District does not have a limit on the number of stories.

411.9 In addition to the floor area ratio allowed by § 411.7, mechanical equipment owned and operated as a roof structure by a fixed right-of-way public mass transit system shall be permitted in addition to roof structures permitted in this section.

The roof structure proposed for the proposed office building does not conflict with any of WMATS's on-site roof structures.

411.10 Before taking final action on a roof structure, the Zoning Administrator shall submit the plans to the D.C. Office of Planning for review and report.

In this case, the Office of Planning will report its findings to the Board of Zoning Adjustment at the hearing.

411.11 Where impracticable 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 restrictive, prohibitively costly, or unreasonable, the Board of Zoning Adjustment shall be empowered to approve, as a special exception under § 3104, the location, design, number, and all other aspects of such structure regulated under §§ 411.3 through 411.6, even if such structures do not meet the normal setback requirements of §§ 400.7, 530.4, 630.4, 770.6, 840.3, or 930.3, when applicable, and to approve the material of enclosing construction used if not in accordance with §§ 411.3 and 411.5; provided, that the intent and purpose of this

chapter and this title shall not be materially impaired by the structure, and the light and air of adjacent buildings shall not be affected adversely.

This regulation authorizes a special exception from the setback standards of § 770.6. The justification for setting back less than 1:1 from all exterior walls derives from the complications of constructing a building atop an operating rapid transit station. Because the site is irregular in shape due to existing encumbrances, the remaining floor area will be highly inefficient if the elevator core were positioned in the middle of the building.

The purpose of the setback requirement is to ensure adequate light and air to adjacent property and abutting streets. The roof structure as incorporated into the design elements of the building, does not abut any adjacent property, and is sufficiently set back from the alley and 45th Street. Accordingly, OP does not perceive an adverse impact to the light and air of adjacent buildings and concludes that the special exception is in harmony with the purpose and intent of the Zoning Regulations.

Sections 411.12 through 411.17 provide rules of interpretation for computation of the roof structure, and mechanical equipment. OP is satisfied that the application has met these requirements.

AGENCY and COMMUNITY COMMENTS

At this time, OP has no information on the ANC's formal or written opinion. However, the ANC has been actively involved throughout the process. The applicant expects to presents its final submissions to the ANC in April before the Board's scheduled hearing date.

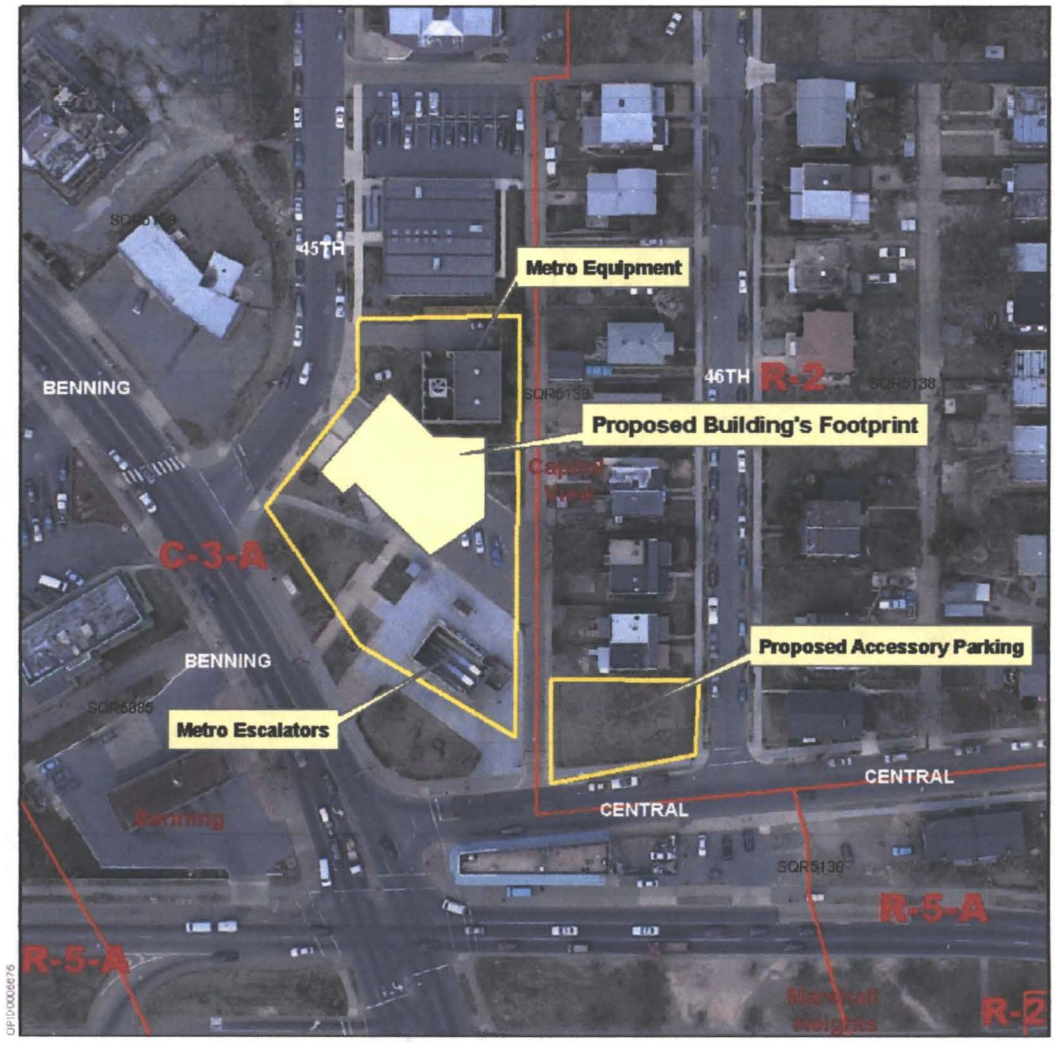
DDOT has not formally submitted its comments to OP to date.

RECOMMENDATION

The Office of Planning has worked with the applicant for a period of two years revising the project plans to assist the applicant in meeting the requirements of the Zone Regulations. OP believes that the applicant has addressed concerns regarding the accessory parking lot and its landscaping requirements to mitigate any adverse impact on the immediate residential district.

Existing site constraints of WMATA's facilities impede the site's maximum development potential, which would have permitted the number of required parking spaces. Therefore, based on analysis of the arguments presented by the applicant in support of the special exception requests, the Office of Planning recommends approval of the application to:

- Reduce the parking requirement under Section 2107,
- Provide accessory parking on adjacent property in the R-2 Zone District under Section 213, and
- Permit the requested roof structure setback at a distance less than the required 1:1 setback from the edge of the roof.



Zoning Map

BZA Application 17304
CSOSA

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Government of the
District of Columbia
Anthony A. Williams, Mayor

Office of Planning ~ January 3, 2005

This map was created for planning purposes from a variety of sources. It is neither a survey nor a legal document. Information provided by other agencies should be verified with them where appropriate. Oblique imagery ©2003 Pictometry International

- Water
- Street Centerlines
- Property Squares
- Roads
- Neighborhood Names
- Owner Points (shp)