

**Outline of Testimony
before the Board of Zoning Adjustment**

**BZA Application No. 17521
601-645 H Street, N.E.**

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I. Site location and description

A. Location

1. South side of H Street between 6th and 7th Streets, N.E.
2. Project site consists of lot 177 in Square 859
3. Site located on the H Street Corridor in Northeast Washington
4. Abuts public alleys on south and portions of east and west sides

B. Size

1. Total site area is approximately 109,351 square feet
2. Irregularly shaped site
 - a. Frontage of approximately 560 feet on H Street, 75 feet on 7th Street and 120 feet on 8th Street
 - b. Center portion has depth of approximately 260 feet from H Street, east portion has a depth of 120 feet from H Street, west portion has a depth of 75 feet from H Street

C. Existing site condition:

1. At southeast corner of 6th and H Streets, improved with five story office building known as 601 H Street
2. At southwest corner of 7th and H Streets, improved with five story office building known as 645 H Street

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3. Between two office towers, improved with 1 story building originally constructed as a grocery store, now office space
4. Surface parking

II. Description of surrounding area (see aerial photos, attached)

- A. H Street Corridor, extending from the rail yards north of Union Station to the Bladensburg Road intersection
- B. Low density residential areas to the north and south of the corridor
- C. Area contains mix of buildings and uses
 1. Predominantly low rise buildings devoted to retail use, many vacant
 2. Number of mid and high rise buildings devoted to storage, residential and other uses
 3. Residential areas are mostly rowhouse structures

III. Existing zoning: HS/C-2-C and HS/C-2-A (see map, attached)

- A. Split-zoned lot
 1. Approximately 42,781.1 square feet zoned C-2-A
 2. Approximately 66,570.2 zoned C-2-C
 3. Boundary line located 132.08 feet from and parallel to H Street
- B. C-2-C
 1. Uses (§§721 – 734)
 - a. Commercial use permitted as a matter-of-right, including retail, service and office use
 - b. Hotel
 - c. Residential use permitted as carry-over from Special Purpose and Residential Districts

2. Height - maximum of 90 feet (§770.1)
3. Density - maximum of 6.0 FAR, with nonresidential uses limited to 2.0 FAR (§771.2)
4. Lot occupancy – residential uses limited to 80% (§772.1)
5. Rear yard – minimum of 15 feet (§774.1)
6. Side yard - not required (§775.5)
7. Residential recreation space - minimum area equal to 15% of the gross floor area devoted to residential use (§773.3)
8. Parking (§2101.1)
 - a. For apartment house use, minimum of 1 space for each 4 units
 - b. For retail use, minimum of 1 space for each 750 square feet of gross floor area in excess of 3,000 square feet
 - c. For office use, minimum of 1 space for each 1,800 square feet of gross floor area in excess of 2,000 square feet

C. C-2-A

1. Uses (§§721 – 734)
 - a. Commercial use permitted as a matter-of-right, including retail, service and office use
 - b. Hotel
 - c. Residential use permitted as carry-over from Special Purpose and Residential Districts
2. Height - maximum of 50 feet (§770.1)
3. Density - maximum of 2.5 FAR, with nonresidential uses limited to 1.5 FAR (§771.2)
4. Lot occupancy – residential uses limited to 60% (§772.1)
5. Rear yard – minimum of 15 feet (§774.1)

6. Side yard - not required (§775.5)
 7. Residential recreation space - minimum area equal to 20% of the gross floor area devoted to residential use (§773.3)
 8. Parking (§2101.1)
 - a. For apartment house use, minimum of 1 space for each 2 units
 - b. For retail use, minimum of 1 space for each 300 square feet of gross floor area and cellar floor area in excess of 3,000 square feet
 - c. For office use, minimum of 1 space for each 600 square feet of gross floor area and cellar floor area in excess of 2,000 square feet
- D. H Street Neighborhood Commercial (HS) Overlay District (§§1320-1326)
1. Site included in Housing Sub-District (HS-H)
 2. Requirement for preferred uses
 - a. Minimum of 50% of gross floor area of the ground floor
 - b. Residential included as preferred use
 3. Limitations on certain retail and service uses (§§1320.4 and 1320.5)
 4. BZA approval required for any new development on a lot with 6,000 square feet of land area or for a enlargement of an existing building by 50% or more on a lot with 6,000 square feet of land area
 5. No driveway leading to required parking or loading permitted from H Street (§§1303.2 and 1320.7)
 6. FAR for new construction for nonresidential uses limited to 0.5

7. Design requirements (§1324)

- a. Not less than 75% of streetwall to height of 25 feet shall be constructed to the property line abutting the street
- b. Lot occupancy of 70% permitted, calculated at plane of lowest level where residential uses begin
- c. Each new building that faces H Street shall devote not less than 50% of the surface area of the streetwall at the ground level to display windows and entrances
- d. Security grills shall have no less than 70% transparency
- e. Each commercial use fronting on H Street shall have an individual public entrance accessible from the sidewalk
- f. Apartment house shall have at least one public entrance from H Street
- g. Buildings shall not preclude an entrance on average every 40 feet
- h. Ground floor level minimum clear height of 14 feet
- i. Buildings which must provide the 14 foot clear height are permitted an additional 5 feet of overall height
- j. Limitations on signs
- k. Special exception permitted for exceptions to the requirements of the overlay

IV. Proposed development

- A. Removal of one story central wing and construction of an infill structure between and connecting the two 5 story office towers (constituting a single building for zoning purposes)
- B. Uses:
 - 1. In the existing 5 story buildings: office uses to remain and portions of ground floor to be converted to retail

2. In the new construction:
 - a. Ground floor: retail along H Street, office behind and residential to the rear
 - b. Second floor: office along H Street, residential to the rear
 - c. Third floor and above: residential

C. Density:

1. Existing nonresidential gross floor area of approximately 168,778 square feet to remain
 - a. 160,481 square feet of office
 - b. 8,297 square feet of retail
2. New construction:
 - a. 288,879 square feet of gross floor area of residential
 - b. 22,855 square feet of office
 - c. 5,679 square feet of retail
3. Total gross floor area of approximately 494,191 square feet
 - a. 296,879 square feet of residential
 - b. 183,336 square feet of office
 - c. 13,976 square feet of retail
4. Total of approximately 238 dwelling units

D. Height:

1. Maximum of 9 stories, 95 feet
2. New residential building steps down to eight stories, then 5 stories and 4 stories along the southern edge of the building
3. Existing office towers remain at 5 stories, approximately 60 feet

- E. Parking – 487 spaces in 3 level underground garage with access from 7th and H Streets

V. Relief required

- A. Special exception to construct an addition to a building that increase the gross floor area by more than 50% on a lot of 6,000 square feet or more (§1320.4(f) and 1325)
- B. Special exception for exceptions from the requirements of the H Street Overlay District (§1325)
 - 1. Lot occupancy (§1324.4)
 - 2. Driveway on H Street leading to required parking spaces (§1303.2)
- C. Special exception for a 35 foot extension of the C-2-C District height provisions into the C-2-A District on a lot crossed by a zone boundary line (§2514.2)
- D. Variance from the lot occupancy requirements (§772)
 - 1. Maximum permitted:
 - a) C-2-A: 60%
 - b) C-2-C: 80%
 - c) HS Overlay: 70%
 - 2. Proposed: 77% (overall)
 - 3. Variance: 7%
- E. Variance from residential recreation space requirements
 - 1. Minimum required:
 - a) C-2-A: 20% of the area devoted to residential use
 - b) C-2-C: 15% of the area devoted to residential use
 - c) Total required: 49,324 square feet

2. Proposed: 23,312 square feet
3. Variance: 26,012 square feet

VI. Standards for the special exceptions under the HS Overlay (§1325)

- A. Project is consistent with the intent of the design requirements of §1324 and the Design Guidelines of the H Street Strategic Development Plan
- B. Architectural design shall enhance the urban design features of the immediate vicinity
- C. Vehicular access and egress shall be located and designed so as to encourage safe and efficient pedestrian movement, minimize conflict with principal pedestrian ways, function efficiently and create no dangerous or otherwise objectionable traffic conditions
- D. Parking and traffic conditions associated with operation of a proposed use shall not adversely affect adjacent or nearby residences
- E. Size, type, scale and location of signs shall be compatible with the surrounding corridor and the Design Guidelines
- F. Board may impose conditions

VII. Compliance with standards for HS Overlay special exception

- A. Requirements of §1324
 1. More than 75% of streetwall along 6th, H and 7th abuts the property line
 2. Residential lot occupancy is an aggregate of 77% (exception requested)
 3. Approximately 75.9% of surface area of the ground floor streetwall is glass
 4. Security grilles will have no less than 70% transparency
 5. Each store front has an individual entrance on H Street
 6. Primary apartment house entrance is on H Street

7. New construction has been designed to provide the proper number of entrances
8. Ground floor of new construction has 14 foot clear ceiling height
9. Building is proposed at 95 feet in height
10. Signs will meet requirements; no roof signs

B. Design Guidelines (April, 2003)

1. Type I Development
2. Building envelope
 - a. Building frontage on H Street and side streets = 100%
 - b. Front setback = 0
 - c. Side setback = 0
 - d. Side street setback = 0
 - e. Rear setback = 10 to 25 feet
 - f. Building height = 4 – 8 stories
3. Encroachments above the sidewalk – projections governed by the Building Code
4. Parking – all below ground
5. Compliance with intent:
 - a. Building generally flush to the street lines with articulation of H Street facade
 - b. Building is 95 feet, 9 stories in center portion on H Street, stepping down to lower heights to the east, west and south

- c. 9 stories is within the overall permitted height and is essential to meet the program requirements for this development, even though it is less total square footage than permitted as a matter-of-right under the two applicable zone districts
- d. Unique circumstances, unlikely to be duplicated on the H Street corridor
- e. Additional setbacks provided at east and west sides adjacent to the alley
- f. Lot occupancy less than the guideline

C. Architectural design

- 1. Height steps down from 9 stories at the center to five stories (existing) at the two corners on H Street and to eight stories, five stories and four stories for the new residential construction in the center of the block
- 2. Design fits the context of existing office buildings blending to older rowhouse area
- 3. Not a historic landmark or in a historic district

D. Vehicular access

- 1. Existing driveway from 7th Street
- 2. Additional driveway for larger number of spaces
- 3. Alley system is winding and narrow in places
- 4. Access from 6th and 7th Streets is not practical
- 5. 600 block of H Street is long and affords opportunity for driveway in middle of block
- 6. Existing parking lot has a driveway in about the same location
- 7. Proposed driveway located east of the principal apartment house entrance
- 8. Potential for crosswalk and traffic light

- 9. No adverse affects, per Wells and Associates
 - E. Noise – no unexpected noise from additional residential units
 - F. Signs – compatible and comply
- VIII. Standards for the split zoned lot special exception (§2514.2)
- A. Extension shall be limited to that portion of the more restrictive zone not exceeding 35 feet
 - B. Extension shall have no adverse effect upon present character and future development of the neighborhood
 - C. Board may impose conditions
- IX. Compliance with the special exception standards for split zoned lot
- A. Extension applies only to 35 feet closest to the C-2-C District
 - B. Extension is only for height
 - C. Height within that area is limited to 8 stories
 - D. Further height step-downs to five stories and then four serve to protect the adjoining lower density residential area
- X. 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.

XI. Compliance with the variance standards

- A. Exceptional or extraordinary situation or condition
 - 1. Shape of the site
 - 2. Existing office buildings on the site at 5 stories in height
 - 3. Size of the site
 - 4. Impact of the zone boundary line crossing the lot
- B. Practical difficulty
 - 1. Rooftop space available for recreation is limited because of different roof levels and presence of mechanical equipment
 - 2. Significant part of footprint of site is taken up by two existing office buildings
 - 3. All available space is being used for recreation space
 - 4. To provide more space would require excavating further, losing residential program or sacrificing parking, which is more desirable
- C. No detriment to the public good
 - 1. Sufficient amount of recreation space is provided
 - 2. Units are provided with private balconies and terraces
 - 3. Zoning Commission has proposed to repeal requirement

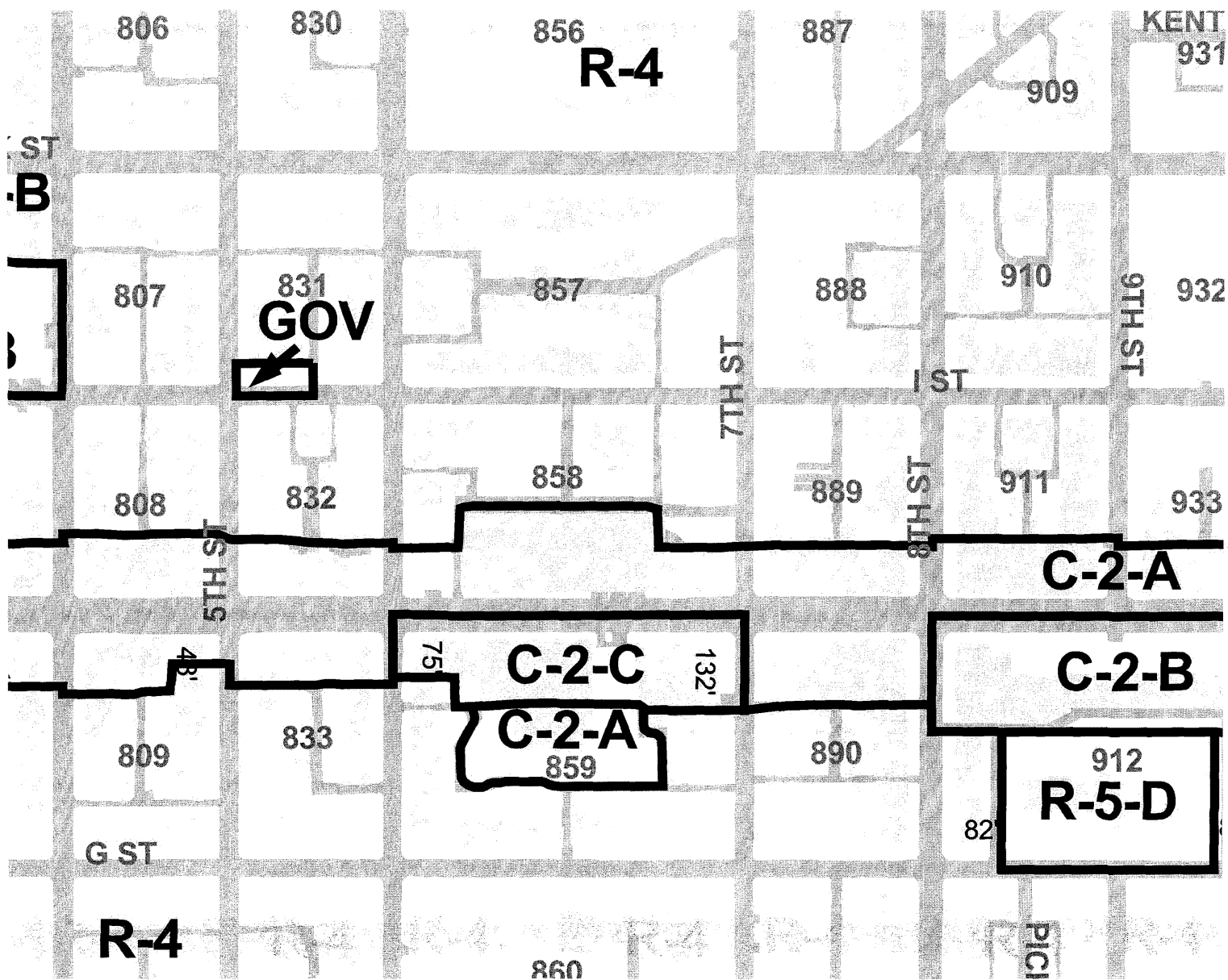
XII. Conclusions

- A. Application meets the special exception standards for approval of a development on a lot over 6,000 square feet and for the exceptions on lot occupancy and driveway access from H Street

- B. Application meets the standards for the extension of the C-2-C District regulations 35 feet into the C-2-A District for height only
- C. Site has combination of exceptional and extraordinary conditions that create practical difficulty for the owner in complying with the Regulations as to lot occupancy and residential recreation space
- D. The application should be granted







level, in order to permit the construction of a mixed-use residential and commercial building at premises 601-645 H Street, N.E., Square 859, Lot 177.

The project site is located on the south side of H Street, between 6th and 7th Streets, in the northeast section of Washington, D.C. The site is split-zoned C-2-C and C-2-A, and improved with a one-story, 27,537 S.F. former grocery store that now is used as an office building. This building is flanked by two five-story office buildings with a combined total of 168,778 S.F. Vehicular access to an existing surface parking lot is provided by two driveways on H Street and by a public alley network with driveways on 6th, 7th, and G Streets.

601-645 H Street Ventures, LLC, proposes to demolish the existing 27,537 S.F. office building and replace it with a new building that will contain 5,179 S.F. of ground floor retail space, 30,394 S.F. of second floor office space, and 240 residential apartment units. 601-645 H Street Ventures, LLC also proposes to convert 8,297 S.F. of space in the ground floor of two existing office buildings that will remain from office to retail space. In sum, this proposal would add 13,476 S.F. of retail space, reduce office space by 5,440 S.F. and add 240 residential apartments to the subject site.

TRANSPORTATION ANALYSIS

Wells & Associates, LLC, prepared a **traffic impact study** on behalf of the applicant, 601-645 H Street Ventures, LLC. Based on the analysis of several traffic options, the District Department of Transportation (DDOT) recommends the following: 1). The proposed project should include a Right-In and Right-Out curb cut at H Street; 2). 7th street should remain one-way, southbound, with a Right-in and Right-out curb cut; 3). A separate northbound left turn lane should be added to 6th Street at H Street; and 4). Signal timings at the H Street intersections with 6th, 7th and 8th Streets should be optimized.

The applicant proposed converting the northern end of 7th **Street** into a 2-way street, in order to alleviate increased vehicular traffic on local roads by providing vehicles exiting the site onto 7th Street with direct access to H Street via a left-out option. DDOT traffic engineers, however, do not support a partial 2-way conversion of 7th Street for several reasons: 1). At only 30 feet, the existing width of 7th street does not comply with city codes required for 2 way streets with on-street traffic on both sides of street; 2). There is a lack of precedent for mid-way conversion of a one way street into 2 directions; 3). Because of the loading dock's configuration, delivery trucks must back up into dock, which requires pulling into secondary lane. Should this lane be converted to north bound, the delivery trucks would be pulling into oncoming traffic, which is dangerous. In order to alleviate increased vehicular traffic from the proposed site onto local roads, such as G Street, DDOT recommends one right-in, right-out access point from H street.

DDOT also has serious concerns about the number of parking spaces in the proposed **parking facilities**. The proposed site is zoned under both C-2-A and C-2-C. Based on these regulations, the proposed mixed-use building requires 206 parking spaces. The

applicant proposes, however, that a three-level, underground parking garage with 487 total spaces serve the proposed project and replace the existing 162 spaces (47 underground and 115 surface parking spaces). Of the 487 proposed spaces, 265 would be reserved for residential uses and 222 would be reserved for office and retail uses. DDOT objects to the number of proposed spaces on the grounds that the total is greater than the project demand or need, and undermines the Department's goal of promoting public transportation on a corridor receiving a substantial investment in transit. We would recommend a maximum of 240 residential spaces and approximately 150 spaces for commercial and retail use. Claiming a high percentage of trip reductions due to transit while providing an excessive amount of parking is contradictory.

Based on previous discussions with the Applicant, DDOT is comfortable with the proposed **loading facilities** off 7th Street, though recommends widening the alley opening as much as possible up to 25 feet. Chapter 22 of the *District of Columbia Municipal Regulations* specifies that within the underlying C-2-A and C-2-C zones, one 20-foot deep loading berth for service/delivery requirements and one 55-foot deep loading berth for residential uses are required. Within the underlying C-2-C zone, office buildings with 20,000 to 50,000 S.F. require one 30-foot deep loading berth, and one 20-foot service/delivery loading space.

TRANSPORTATION DEMAND MANAGEMENT

In order to mitigate an anticipated increase in vehicular traffic along H Street and local roads, DDOT recommends that BZA require the applicant, 601-645 H Street Ventures, LLC, to develop a Transportation Demand Management (TDM) Program for the 601-645 H Street, N.E., mixed-use Project. ***Both the high transit trip reductions assumed in the traffic impact analysis and residents' concerns about spill over traffic into the neighborhood indicate a need for a strong TDM plan.***

TDM involves the establishment of various measures to influence travel behavior by mode, frequency, time, route, or trip length, in order to achieve maximally efficient use of transportation facilities.

Recommended TDM strategies include:

1. Provide bicycle parking, storage facilities, and shower facilities;
2. Provide preferred carpool and vanpool parking;
3. Provide designated carshare parking spaces and on-site vehicles;
4. Provide a one-time membership fee subsidy in a car sharing plan of \$35 per residential unit;
5. Provide website hotlinks to CommuterConnections.com and goDCgo.com on developer and property management websites;
6. Provide an on-site business center to residents with access to copier, fax, and internet services;

7. Provide complimentary SmartTrip cards with \$20 Metro fare media per person to residential lessees upon move-in, and complimentary \$60 Metro fare media to tenants' employees at initial occupancy;
8. Designate a member of building management as a point of contact who is responsible for coordinating and implementing TDM obligations; and
9. Distribute TDM information and brochures via lobby kiosks, welcome packets and bulletin boards.