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Office of the Director

**MEMORANDUM**

**TO:** District of Columbia Board of Zoning Adjustment

**FROM:**  Harriet Tregoning  
Director

**DATE:** March 6, 2007

**SUBJECT:** BZA Application 17600 - Request filed by Pillsbury Winthrop Shaw Pittman LLP  
for an **area variance** for the construction of a mixed-use building at 300 -320 Riggs  
Road, N.E., by Dakota Square, LLC

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**APPLICATION**

Application of Dakota Square, LLC for:

**An area variance to § 2201.1 of Title 11 DCMR**, to decrease the minimum 55-foot deep  
loading berth for a residential building consisting of more than 50 units;

for a property located on the north and east side of 3<sup>rd</sup> Street, the south side of Chillum Place and  
the west side of Riggs Road, N.E.

**SUMMARY RECOMMENDATION**

The Office of Planning recommends **APPROVAL** of the request for a variance as submitted by  
the applicant.

**AREA DESCRIPTION**

<b>Square:</b>	3748	<b>Lot:</b>	52	<b>Quadrant:</b>	North East
<b>Area:</b>	4.62 acres	<b>Zone:</b>	C-2-A	<b>Alley:</b>	None
<b>Building Restriction Line:</b>	10 feet along Chillum Place frontage				
<b>Existing Improvements:</b>	Shopping Center				

BOARD OF ZONING ADJUSTMENT  
District of Columbia

CASE NO. 17600  
EXHIBIT NO. 29

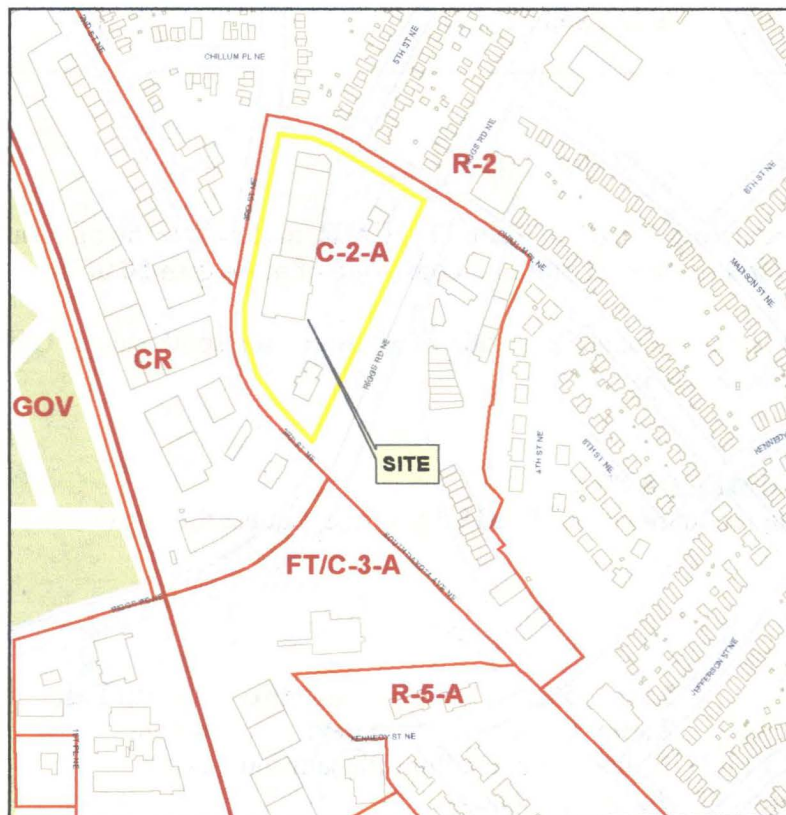
Board of Zoning Adjustment  
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### C-2-A District

*"The C-2-A District is designed to provide facilities for shopping and business needs, housing, and mixed uses for large segments of the District of Columbia outside of the central core."*  
(§ 720.2)

### Surrounding Properties:

- North:** Across Chillum Place, semi-detached dwellings within the R-2 District.  
**South:** Across 3<sup>rd</sup> Street, commercial and industrial uses within the CR District.  
**East:** Across Riggs Road, retail storefronts and garden apartment buildings within the C-2-A District and the Riggs Road/ South Dakota Avenue interchange.  
**West:** Across 3<sup>rd</sup> Street, industrial uses within the CR District, and garden apartments and semi-detached dwelling within the R-2 District.



Zoning Vicinity Map

### **SUBJECT PROPERTY**

The subject property occupies the entire square and is developed as a 1950's one-story strip commercial center with two pad sites surrounded by an asphalt parking lot. It consists of 46,293 square feet of gross floor area, has a building height of 21 feet and an FAR of 0.23. Most of the storefronts are vacant.

### **PROJECT DESCRIPTION**

The application proposes to demolish all existing improvements and construct a mixed-use building consisting of approximately 420 apartment units and 85,000 square feet of commercial space, including the possibility of a grocery store. The largest residential units in the building will have two bedrooms.

The building is proposed as a 4-story structure with ground-level retail and three floors of residential above. Building height is proposed to be 50 feet with an FAR of 2.5, of which 1.9 will be residential. Retail spaces are proposed along the Riggs Road frontage, with a grocery store proposed at the corner of Chillum Place and Riggs Road. A landscaped recreation space will be provided on the roof of the grocery for the residents of the building.

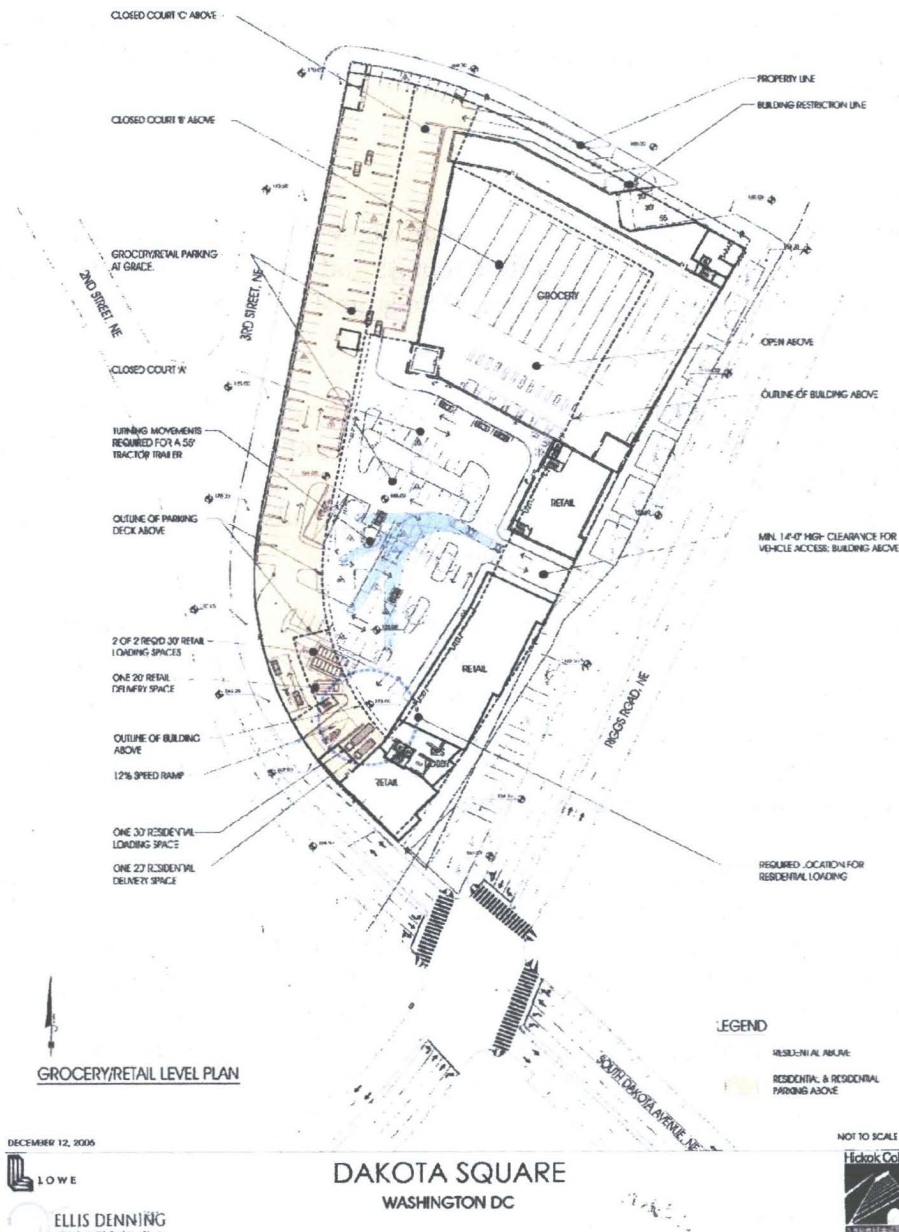
A total of 550 parking spaces will be provided, in excess of the minimum requirement of 484. Parking for the commercial spaces will be provided within a courtyard within the center of the building and extend to the west beneath a level of residential parking with apartment units above. Parking for the residential units will be provided along the western perimeter of the building along the 3<sup>rd</sup> Street frontage. However, due to the sloping topography, this parking and the commercial parking beneath it will be underground.

Loading for the residential component of the building will be provided on the south side of the property. Access to the residential loading spaces will be from 3<sup>rd</sup> Street, just west of Riggs Road, and the loading spaces will be interior to the site. Adequate maneuvering space is provided for the trucks. Alternatively, the trucks could also enter from Riggs Road, passing through the commercial parking area to the residential loading bays. Commercial loading will be accessed from Chillum Place and will be angled to face the commercial development along Riggs Road and away from the dwellings to the north and west of the site.

### **RELIEF REQUESTED:**

#### **Variance to § 2201.1 – Schedule of Requirements for Loading Berths, Loading Platforms, and Service/Delivery Loading Spaces**

Section 2201.1 sets forth the minimum loading requirements. Apartment buildings with 50 or more units are required one loading berth a minimum of 55 feet deep in all zone districts. The application proposes to provide this loading berth at a depth of 30 feet, less than the minimum requirement. The application conforms to all other loading requirements as required, including for the retail component.



Proposed Site Plan



The subject property is unique. Although it occupies the entire square, topographical constraints restrict vehicular access to the property. The lot contains steep slopes downward from both 3<sup>rd</sup> Street and Chillum Place, leveling out as it approaches Riggs Road. Therefore, vehicular access is limited to Riggs Road, and easternmost 3<sup>rd</sup> Street and Chillum Place frontages. The shape of the property is also unique.

Although the property occupies the entire square, it is not square. Third Street curves around from the west to the south, as the topography slopes steeply downward from the north to the south, making it difficult for the larger trucks to navigate into loading bays from the street. As a result the site is designed to allow for 30-foot trucks to maneuver on-site, where the topography will be level. There is sufficient space within the commercial parking lot occupying the courtyard within the center of the building to allow 55-foot trucks to maneuver around as necessary. However, this would require the elimination of a substantial amount of the off-street parking and would not be a good use of the space. Therefore, the Office of Planning has concluded that the subject property is unique.

Not granting the requested variance will result in a peculiar and exceptional practical difficulty to the owner. It will result in the applicant having to set aside a substantial amount area within the building for the maneuvering of trucks only, an inefficient use of the space, or have truck maneuvering within the public streets, as there are no alleys.

The site plan minimizes the impacts to traffic and streetscape character by locating the loading bays internal to the site. However, a 55-foot loading berth cannot be provided without eliminating a significant amount of on-site retail parking. Therefore, the proposal is considered to be of benefit to the neighborhood. One and two-bedroom units, as proposed for the subject building, do not typically 55-foot long trucks, and adequate loading for the proposed retail uses is provided. As such, the granting of this variance will not impair the intent and integrity of the zone plan as it will allow for a more efficient design for the building. In addition, the requirement for a 55-foot loading berth is not based on the size of the units within the building, but rather the number of units within the building. By limiting the size of the proposed units to no more than two bedrooms, the need for the larger loading berth will not be engaged.

It is the Office of Planning's conclusion that the applicant has satisfactorily met the criteria for the granting of the variance and that in granting the relief, the intent and purpose of the chapter "shall not be materially impaired by the structure, and the light and air of adjacent buildings shall not be affected adversely."

## **COMPREHENSIVE PLAN**

### **Comprehensive Plan (1988)**

The application is not inconsistent with the following focus of the Ward 4 Plan:

*"Discourage the extension of strip commercial areas..." (§ 1501.1(g))*

The application is not inconsistent with the following objectives of the Ward 4 Plan:

*“Create and expand retail activity focused primarily on designated nodes and on ... Fort Totten Metrorail Station areas;”* (§ 1505.1(a))

*“Encourage the private sector to provide new housing to meet the needs of present and future District residents at locations consistent with District land use policies and objectives.”* (§ 1508.1(c))

*“Encourage well-designed developments in areas that are... underused or deteriorated.”* (§ 1520.1(b))

The application is not inconsistent with the following policy of the Ward 4 Plan:

*“Upgrade local business centers to better serve and support the community.”* (§ 1506.1(d))

***draft Comprehensive Plan (2006)***

The application is not inconsistent with the following messages and priorities of the Upper Northeast Area Element:

*“Retail choices in Upper Northeast need to be expanded.”* (§ 2407.2(d))

The application is not inconsistent with the following policy of the Upper Northeast Area Element:

*“Encourage compatible residential infill development throughout upper Northeast neighborhoods,...”* (§ 2408.3)

*“Reduce the number of vacant, abandoned, and boarded up structures in Upper Northeast, ...”* (§ 2408.6)

*“Improve neighborhood shopping areas throughout Upper Northeast.”* (§ 2408.7)

**Generalized Land Use Map (1988):** Moderate Density Commercial: Shopping and service areas that generally provide a much broader range of goods and services are the predominant uses. Chain drug stores and grocery stores as well as branches of department stores, some specialty shops, and personal service establishments may be present.

***draft Future Land Use Map (2006):*** Moderate Density Commercial: Shopping and service areas that are somewhat more intense in scale and character than the low-density commercial areas. Retail, office, and service businesses are the predominant uses. Areas range from small business districts that draw primarily from the surrounding neighborhoods to larger business district uses that draw from a broader market area. Buildings are larger and/or taller than those in low density commercial areas but generally do not exceed five stories in height.

The subject application is not inconsistent with either the existing or draft comprehensive plans and land use maps.

#### **COMMUNITY COMMENTS**

Comments were requested from **ANC 4B**; however, none were received as of the date of the filing of this report. The applicants have indicated that they have met with the ANC.

#### **AGENCY COMMENTS**

Comments were requested from the District Department of Transportation; however, none were received as of the date of this report. The applicants have met with DDOT, OP and other District officials to address the overall transportation and street design issues.

#### **RECOMMENDATION**

The Office of Planning has reviewed the application in terms of the property's zoning, the intensity of use, the character of the neighborhood and the standards for variances. The Office of Planning concludes that the requested variance meets the required tests and 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."