

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
DEPARTMENT OF TRANSPORTATION**



**d.** Planning and Sustainability Division

**MEMORANDUM**

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

**FROM:** Anna Chamberlin  
Neighborhood Planning Manager 

**DATE:** December 17, 2018

**SUBJECT:** **BZA Case No. 19200B** – 1401 Okie St. NE – Jemal’s Pappas Tomato’s

**APPLICATION**

Application of Jemal’s Pappas Tomato’s, LLC (the “Applicant”), pursuant to 11 DCMR Subtitle Y § 704, for a modification of significance to the plans and relief approved by BZA Orders No. 19200 and 19200A to include special exceptions under Subtitle U § 802.1(d) from the use provisions of Subtitle U § 802, under Subtitle C § 703.2 from the minimum parking requirements of Subtitle C § 701.5, under the penthouse use provisions of Subtitle C § 1500.3(c), and under Subtitle J § 210.1 from the rear yard requirements. The site is located at 1401 Okie Street, NE (Square 4093, Lot 832). A summary of the development program approved under BZA Order No. 19200A and the proposed program is below:

	<b>Approved (BZA 19200A)</b>	<b>Proposed (19200B)</b>
<b>Land Use</b>	125,000 sf retail	137,600 sf entertainment
<b>Parking</b>	0 on-site spaces (relief from the 43 required spaces)	0 on-site spaces (relief from the 85 required spaces)
<b>Loading</b>	Two (2) 30-foot loading berths, including one (1) that accommodates 55-foot trucks One (1) service delivery space	Two (2) 30-foot loading berths, including one (1) that accommodates 55-foot trucks One (1) service delivery space

**SUMMARY OF DDOT REVIEW**

The District Department of Transportation (DDOT) is committed to achieving an exceptional quality of life in the nation’s capital by encouraging sustainable travel practices, constructing safer streets, and

providing outstanding access to goods and services. As one means to achieve this vision, DDOT works through the zoning process to ensure that impacts from new developments are manageable within, and take advantage of, the District's multimodal transportation network.

DDOT's previous report dated December 7, 2018 stated that DDOT was unable to evaluate the potential impacts of the subject action in light of missing development-related transportation mitigation measures. Since that report was issued, DDOT identified the following major transportation mitigations that have not been installed:

- Pedestrian improvements at the New York Avenue and Fenwick Street intersection. This entails upgrading the pedestrian facilities to DDOT standards including installing ADA-compliant curb ramps at all pedestrian crossings, upgrading crosswalks with high visibility striping, and modifying any stormwater inlets or other infrastructure that conflicts with these improvements. These improvements were intended to be constructed as part of the ZC Case No. 14-01 in order to improve pedestrian connectivity between Ivy City and the New York Avenue corridor. The Applicant is expected to design and construct these improvements as part of the subject BZA action in order to ensure safe pedestrian passage.
- Installation of an approximately 150-foot westbound left turn lane at New York Avenue and Fenwick Street. This improvement was intended to be constructed as part of the ZC Case No. 14-01 in order to safely accommodate the increase in vehicle trips generated from Case No. 14-01. These improvements have not yet been installed. DDOT and the Applicant are continuing to discuss alternate access options that cost-effectively improve safe vehicular capacity from the east, and DDOT will require that the improvements be implemented as a condition of public space permit approval for Large Tract Review Case No. 2018-01 (1515 New York Avenue NE).

The purpose of DDOT's review is to assess the potential safety and capacity impacts of the proposed action on the District's transportation network and, as necessary, propose mitigations that are commensurate with the action. DDOT finds:

- On-street vehicle parking supply is available to meet the project's parking demand;
- Off-street vehicle parking is available in the Applicant's neighboring parking garage to meet the project's parking demand;
- 40 long-term and 14 short-term bicycle parking spaces are proposed, which meets Zoning requirements;
- The requested approval for entertainment uses is not anticipated to impact the site's trip generation compared to the all-retail land use program;
- Substandard pedestrian facilities at the New York Avenue/Fenwick Street were expected to be improved as part of ZC Case No. 14-01 but have not been installed, thus resulting in a gap in pedestrian connectivity that could affect pedestrians' ability to safely travel to the site;
- Loading access is proposed to occur from two (2) curb cuts on Fenwick Street. Truck access will utilize backing movements in public space, which does not meet DDOT standards. A robust Loading Management Plan is proposed to mitigate potential impacts; and

- The Applicant has already constructed the adjacent public space, including the curb cuts, despite the lack of public space permit approval. The public space includes several elements that do not meet DDOT standards including an inaccessible bus zone, a bioretention area that does not meet DDOT specifications, and a continuous tree planting area without paved pedestrian pass-throughs. The Applicant is currently pursuing retroactive public space permit approvals for the work in public space and will be required to modify the public space design in order to comply with DDOT standards.

DDOT has no objection to the requested relief with the following conditions included in the Zoning Order:

- Implement the Loading Management Plan as proposed by the Applicant in the November 5, 2018 CTR for the life of the project, unless otherwise noted. The Applicant will also be required to secure public space permit approval for all work in public space; and
- Design and construct pedestrian improvements at the New York Avenue and Fenwick Street intersection to DDOT standards including installing ADA-compliant curb ramps at all pedestrian crossings, upgrading crosswalks with high visibility striping, and modifying any stormwater inlets or other infrastructure that conflicts with these improvements.

### **Continued Coordination**

The Applicant is expected to continue to work with DDOT on the following matters:

- Continue to coordinate with DDOT to identify alternate options to improve safe vehicular capacity from the east. The improvements will be required as a condition of public space permit approval for Large Tract Review Case No. 2018-01 (1515 New York Avenue NE).
- Public space, including curb and gutter, street trees and landscaping, street lights, sidewalks, and other features within the public rights of way, are expected to be designed and built to DDOT standards. All streetscape improvements will be reviewed as part of the public space permitting process and may be subject to Public Space Committee approval. As currently constructed, the bus zone, bioretention planter, and continuous tree strip do not meet DDOT standards and will be required to modify the public space design in order to comply with DDOT standards. Additional non-standard elements may be identified during the public space permitting process that would need to be corrected; and
- A comprehensive curbside management and signage plan, which will be required during public space permitting.

### **TRANSPORTATION ANALYSIS**

DDOT requires applicants requesting an action from the Board of Zoning Adjustment complete a Comprehensive Transportation Review (CTR) in order to determine the action's impact on the overall transportation network. Accordingly, an applicant is expected to show the existing conditions for each transportation mode affected, the proposed impact on the respective network, and any proposed mitigations, along with the effects of the mitigations on other travel modes. A CTR should be performed according to DDOT direction. The Applicant and DDOT coordinated on an agreed-upon scope for the CTR that is consistent with the scale of the action.

The following review provided by DDOT evaluates the Applicant’s November 5, 2018 CTR, prepared by Gorove/Slade Associates, to determine its accuracy and assess the action’s consistency with the District’s vision for a cohesive, sustainable transportation system that delivers safe and convenient ways to move people and goods, while protecting and enhancing the natural, environmental, and cultural resources of the District.

**Vehicle Parking**

The overall parking demand created by the development is primarily a function of land use, development square footage, price, and supply of parking spaces. However, in urban areas, other factors contribute to the demand for parking, such as the availability of high quality transit, frequency of transit service, proximity to transit, connectivity of bicycle and pedestrian facilities within the vicinity of the development, composition of nearby land-uses, and the demographic composition of the potential residents and patrons.

Zoning requires the provision of 186 parking spaces for the project, but a 101 space parking credit from the prior BZA cases reduces the requirement to 85 spaces. The Applicant requests full parking relief.

A detailed curbside parking occupancy was completed as part of BZA Case No. 19200. The Applicant’s analysis of the data shows unused nearby on-street parking that would meet the proposed project’s parking demand (see Figures 1, 2, 3, and 4). 289 spaces are available during peak weekday on-street parking demand in the study area (5:00 pm to 6:00 pm). Additionally, Figures 4 shows that on the east-side of Fenwick Street, adjacent to and south of the proposed development, parking occupancy is less than 50% during peak weekday demand. DDOT finds that the available parking spaces can accommodate the expected peak hour site generated vehicular trips and parking demand.

Square 4037’s parking garage (approved by ZC Order No. 13-02 and owned by the Applicant, also known as Hecht’s Garage) was constructed to exceed the parking requirements for the development on that square in order to accommodate the parking demand associated with the development of nearby sites owned by the Applicant. Square 4037’s parking garage contains 1,067 parking spaces and 361 of these spaces (34%) are allocated to specific uses for nearby buildings. Parking occupancy data was also collected for this garage as part of BZA Case No. 19200, and only 83 spaces (7.8%) were occupied during the peak demand for the garage (6:00 pm to 7:00 pm). As such, there is sufficient space to accommodate parking for the retail patrons and employees of this project in the off-site parking garage and curbside as intended and approved in the original application and first modification.

	PM				
	5:00	6:00	7:00	8:00	9:00
<b>Occupancy</b>	<b>280</b>	<b>214</b>	<b>173</b>	<b>173</b>	<b>167</b>
<b>Total Spaces</b>	<b>569</b>	<b>569</b>	<b>569</b>	<b>569</b>	<b>569</b>
<b>Utilization</b>	<b>49%</b>	<b>38%</b>	<b>30%</b>	<b>30%</b>	<b>29%</b>

**Figure 1: On-Street Weekday Parking Occupancy and Utilization (Source: BZA 19200 CTR)**

Space Type	Peak Period (5:00PM-6:00PM)			
	Spaces	Occupancy	Utilization	Available
Metered	0	--	--	--
Non-RPP	40	5	13%	35
RPP	131	47	36%	84
Unrestricted	398	228	57%	170
<b>All On-Street Spaces</b>	<b>569</b>	<b>280</b>	<b>49%</b>	<b>289</b>

Figure 2: On-Street Weekday Parking Peak Hour Inventory and Occupancy (Source: BZA 19200 CTR)



Figure 3: Parking Restrictions (Source: BZA 19200 CTR)



Figure 4: Weekday Peak (PM) Parking Occupancy (Source: Grove/Slade)

### Trip Generation

BZA Case No. 19200 and 19200A were evaluated for their trip generation impacts based on a retail development program. This involved utilizing Institute of Traffic Engineers (ITE) Trip Generation Manual Land Use Code 820 (Shopping Center) and applying mode splits to arrive at the estimated number of trips by mode. Due to the nature of the relevant zoning actions – a variance for parking relief – a full CTR with capacity and queuing analysis was not required as part of DDOT’s review of the earlier BZA cases.

The Applicant now seeks approval for entertainment uses to occupy the entirety of the site. While this represents a change in use from a zoning perspective, the change is not anticipated to impact the site’s trip generation. The Applicant considered a variety of trip generation estimates utilizing the ITE Trip Generation Manual codes for uses similar to entertainment. After a review of these options, DDOT finds that the ITE code for Shopping Center (Code 820) continues to provide the best estimate for trip generation for the proposed entertainment uses. As such, no change in trip generation is expected compared to the approved retail uses, thus a capacity and queuing analysis is not required as part of DDOT’s review of the subject action.

### Pedestrian Facilities

The District is committed to enhance pedestrian accessibility by ensuring consistent investment in pedestrian infrastructure on the part of both the public and private sectors. DDOT expects new developments to serve the needs of all trips they generate, including pedestrian trips.

The Applicant performed an inventory of the pedestrian infrastructure surrounding the site and found several gaps or deficiencies in the pedestrian network surrounding the site. Developments within the vicinity are expected to improve nearby pedestrian facilities such that major destinations and transit are accessible via accessible pedestrian infrastructure. Of note, pedestrian improvements at the New York Avenue and Fenwick Street intersection identified as part of the ZC Case No. 14-01 have not been installed. The Applicant is expected as part of the subject BZA application to upgrade all pedestrian crossings at this location to DDOT standards including installing ADA-compliant curb ramps at all pedestrian crossings, upgrading crosswalks with high visibility striping, and modifying any stormwater inlets or other infrastructure that conflicts with these improvements.

Streetscape improvements as part of DDOT's New York Avenue Trail and Streetscape Project, which is planned but not programmed, would make additional improvements along New York Avenue.

### Bicycle Facilities

The District of Columbia is committed to enhance bicycle access by ensuring consistent investment in bicycle infrastructure on the part of both the public and private sectors. DDOT expects new developments to serve the needs of all trips they generate, including bicycling trips.

Existing dedicated bicycle infrastructure near the site is limited. The site is in the vicinity of the West Virginia Avenue signed bicycle route, which connects to several north-south running bicycle lanes. A shared-use pedestrian and bicycle trail is envisioned along the north-side of New York Avenue as part of DDOT's New York Avenue Trail and Streetscape Project. This trail is planned but not programmed. The closest Capital Bikeshare station is located across Okie Street on Hecht Avenue with a 23 dock station. An additional station is planned as part of the nearby New City development.

The Applicant proposes 40 long-term and 14 short-term bicycle parking spaces, which meets DDOT's requirements for a project this size. The location of the short-term bicycle parking spaces will be determined during the public space permitting process.

### Loading

DDOT's practice is to accommodate vehicle loading in a safe and efficient manner, while at the same time preserving safety across non-vehicle modes and limiting any hindrance to traffic operations. For new developments, DDOT requires that loading take place in private space and that no back-up maneuvers occur in the public realm per DDOT standards. This often results in loading being accessed through an alley network. The subject site is not served by an alley network, thus the Applicant proposes to provide loading access from two (2) curb cuts on Fenwick Street. These curb cuts were included as part of DDOT's review of the prior BZA cases, and have since been constructed and are currently operational. Of note, the Applicant is utilizing the curb cuts without a public space permit. The Applicant is currently in the process of seeking public space permit approval for the curb cuts.

DDOT noted during its review of the prior BZA cases that the back-in maneuvers utilized by larger trucks does not meet DDOT standards. To mitigate these impacts, the Applicant proposes a Loading Management Plan with the following elements as part of the subject action:

- A loading dock manager will be designated by building management. The dock manager will coordinate with vendors and tenants to schedule deliveries and will be on duty during delivery hours.
- All retail tenants will be required to schedule deliveries that utilize the loading docks – defined here as any loading operation conducted using a truck 20 feet in length or larger.
- The dock manager(s) will schedule deliveries for trucks using the loading berths such that the dock's capacity is not exceeded. In the event that an unscheduled delivery vehicle arrives while the dock is full, that driver will be directed to return at a later time when a berth will be available so as to not impede the drive aisle that passes in front of the loading dock.
- The dock manager(s) will monitor inbound truck maneuvers and will ensure that trucks accessing the loading dock do not block vehicular traffic except during those times when a truck is actively entering the loading facilities.
- Deliveries by the large (WB-50) trucks will occur during off-peak hours, between 6:30PM and 6:30AM.
- Trucks using the loading dock will not be allowed to idle and must follow all District guidelines for heavy vehicle operation including but not limited to DCMR 20 – Chapter 9, Section 900 (Engine Idling), the regulations set forth in DDOT's Freight Management and Commercial Vehicle Operations document, and the primary access routes listed in the DDOT Truck and Bus Route System.
- The dock manager(s) will be responsible for disseminating suggested truck routing maps to the building's tenants and to drivers from delivery services that frequently utilize the loading dock. The dock manager(s) will also distribute flyers materials as DDOT's Freight Management and Commercial Vehicle Operations document to drivers as needed to encourage compliance with idling laws. The dock manager(s) will also post these document in a prominent location within the service area.

DDOT finds the proposed Loading Management Plan sufficiently robust to address potential loading impacts, and the plan should be included as a condition of BZA approval. The Loading Management Plan will also be a condition of public space permit approval during the permitting process.

#### Streetscape and the Public Realm

In line with District policy and practice, any substantial new building development or renovation is expected to rehabilitate streetscape infrastructure between the curb and the property lines. This includes curb and gutter, street trees and landscaping, street lights, sidewalks, and other appropriate features within the public rights of way bordering the site. As part of this process, the Applicant must work closely with DDOT to ensure that the design of the public realm meets current standards and will substantially upgrade the appearance and functionality of the streetscape for public users needing to access the property or circulating around it. The Applicant may refer to the District of Columbia Municipal Regulations and DDOT's Design and Engineering Manual for specific controls of public space.

The Applicant has already constructed the adjacent public space, including the curb cuts, despite the lack of public space permit approval. The Applicant is currently pursuing retroactive public space permit approvals for the work in public space and will be required to modify the public space design in order to



comply with DDOT standards. As currently constructed, the following elements do not meet DDOT standards:

- Bus Zone – The bus zone does not meet DDOT standards ADA compliance and will need to be revised to provide ADA-compliant landing zones. Appropriate signage is also needed to demarcate the extents of the bus stop.
- Bioretention planter – The constructed bioretention planter includes a freestanding wall approximately 24" tall, which does not meet DDOT specifications for a bioretention planter. The planter design will need to be revised to comply with DDOT specifications.
- Continuous tree planting strip – In commercial areas with significant parking turnover, DDOT requires paved pass-throughs be installed between each tree to limit pedestrian activity in the root zone. Pass-throughs between each tree will need to be added to the constructed continuous tree planting strip.

Additional non-standard elements may be identified during the public space permitting process that would need to be corrected.

AC:jr