

**BEFORE THE BOARD OF ZONING ADJUSTMENT
OF THE DISTRICT OF COLUMBIA**

Application of

TPWR Developer, Inc.

STATEMENT OF THE APPLICANT

I. NATURE OF RELIEF SOUGHT

TPWR Developer, Inc., (the “Applicant”), submits this application pursuant to 11 DCMR Subtitle X, Chapter 9 for a special exception under Subtitle K, § 921 to develop a mixed-use project with ground floor retail space (“Project”) which does not comply with the 50 foot uninterrupted, maximum linear retail frontage restriction along Elder Street, N.W. in the 7100 block of Georgia Avenue, N.W. (Square 2950, Lot 846) on the former Walter Reed campus in the WR-2/WR-3 zone district (the “Property” or “Subject Property”). (See Exhibit A, Applicant’s PowerPoint Presentation of Issue Including Property Location and Zoning.)

II. JURISDICTION OF THE BOARD

The Board of Zoning Adjustment has jurisdiction to grant the requested special exception relief pursuant to Subtitle K §921.1 and Subtitle X, § 901.2 of the Zoning Regulations.

III. EXHIBITS IN SUPPORT OF THE APPLICATION

This application includes the following additional materials:

- Exhibit A:** Applicant’s PowerPoint Presentation of Issue Including Property Location and Zoning
- Exhibit B:** Master Plan
- Exhibit C:** D.C. Zoning Map showing the Property outlined in red
- Exhibit D:** Photos of the Property and Surrounding Area
- Exhibit E:** Project Conceptual Development Plans
- Exhibit F:** Site Plan Showing Proposed Linear Frontage Dimension

IV. BACKGROUND OF THE CASE

A. Site and Vicinity Characteristics

1. The Property Background and Description

The Property which is the subject of this application is located on the west side of Georgia Avenue NW., between future planned right of ways, including: 12th Street NW to the east, Elder Street NW to the north, and Dahlia Street NW to the south. It is located within the former Walter Reed Army Medical Campus a 66.25 acre portion of which was transferred by the Army to the District of Columbia. The District selected the Applicant, TPWR Developer LLC, a joint venture partnership of Hines, Urban Atlantic, and Triden Development Group, to redevelop the Site under the oversight of the Walter Reed Local Redevelopment Authority (“LRA”). The Applicant is engaged in a comprehensive redevelopment of the site which has been named The Parks at Walter Reed (“The Parks”).

The Property, to be constructed on parcel “IJ” on the Master Plan (see attached Exhibit B) is zoned WR-2 (“WR” stands for “Walter Reed”) (see attached zoning map, Exhibit C, “DC Zoning Map”). The Property is located within the boundaries of Advisory Neighborhood Commission (“ANC”) 4A and borders ANC 4B. The Walter Reed site has been the subject of extensive planning conducted by the LRA, the District of Columbia Office of Planning and the Applicant all of which included numerous D.C. agency and community reviews and input. Key planning goals established for the Walter Reed site included activating and integrating the shuttered and isolated campus into the City and the surrounding communities while preserving the historic character and generous open space and landscapes of the original campus. The Subject Property is part of the planned Town Center and is to be developed with a large mixed-use project to include important anchor retail uses as well as residential uses. The development of a vibrant Town Center will provide economic development, employment, and retail opportunities for the District and adjacent neighborhoods and is a major component of the overall development

plan. In fact, an economically successful Town Center is critical to the economic feasibility of The Parks and generates the value needed to preserve and renovate the campus historic and open space features and new community parks, plazas, and future public right of ways.

At present, the Property is primarily vacant except for an underground parking structure which will be incorporated and reused in the Town Center project (the previous structure that was located on top of it has since been razed). The existing neighborhood outside the boundaries of the Walter Reed campus is developed with a mix of multi-family and single family residential uses. To the east across Georgia Avenue, the Georgia Avenue frontage is developed with older rowhouses. To the north of Elder Street, a new development of rowhouse condos called Georgia Row was recently developed by Craftmark Homes along the east side of Georgia Avenue. A new condo development was also recently completed one block to the north, on Fern Street, east of Georgia Avenue. To the south, below Dahlia Street, is an apartment building at the corner of Dahlia and Georgia Avenue. (See Exhibit D Photos of Property and Surrounding Area).

B. Nature of Special Exception Request

A special exception is being requested to allow a planned sub-anchor retail space along Elder Street to deviate from the 50 linear foot frontage restriction set forth in Subtitle K, Section 902.7 (e). That section is highlighted in bold type below in Section 902.7 sets forth development standards for the W-2 zone as follows:

902.7 In the WR-2 zone, all portions of the ground floor devoted to non-residential uses shall be subject to the following requirements:

*(e) On 12th Street, no single non-residential occupancy shall occupy more than one hundred (100) consecutive linear feet of ground-floor building frontage. **On other streets, no single non-residential occupancy shall occupy more than fifty (50) consecutive linear feet of ground-floor building frontage.***

As noted above, the Property is being developed by the Applicant as part of The Parks Town Center. The Town Center will include three buildings which will feature the key Town Center retail uses. They are labeled Buildings IJ, P and O in the attached Master Plan. As shown in the PowerPoint and the attached Conceptual Development Plans (attached hereto as Exhibit E), the Applicant has carefully designed these Town Center buildings around a central plaza with double-sided retail along 12th Street (extended) to create a vibrant and pedestrian-oriented mixed use center. Retail spaces fronting 12th Street and the plaza are the prime retail spaces within the Property.

The Project which is the subject of this Application, located on Parcel IJ,, has been named The Hartley. As a key component of the Town Center, the Project will include a substantial amount of retail space including a retail anchor and sub-anchor – approximately 60,000 square feet. The main anchor as well as multiple smaller retail spaces are planned along 12th Street to achieve the WR zone objective to create a varied and engaging retail center and a main street (12th Street). In contrast, Elder Street is planned as a primarily residential corridor, with townhomes planned to the north of the Project and multifamily to the west. In keeping with the residential character of Elder Street, the Applicant has incorporated residential townhouse-style apartments in the Project along the western frontage of Elder Street to reduce the length of retail frontage along Elder Street. The Elder Street retail space is limited to the remaining, eastern frontage.

The zoned 50 foot limitation presents two significant challenges to the retail leasing along Elder Street. First, the *minimum* depth in planning for retail space is typically 60 feet (e.g., a small inline tenant would be 30' x 60'). For an inline retail space fronting 12th Street, this can be achieved for a tenant oriented toward the primary retail street, 12th Street. But this minimum

depth cannot be achieved at the corner of Elder and 12th due to the frontage limitation on Elder Street. Second, if the spaces were divided so as not to exceed the 50 foot frontage, a single retail space would be isolated on Elder Street. Additionally, the depth of the floorplate, which is driven by the grocery anchor to the south, also presents challenges on the north – that is, a rather sizeable portion of the space adjacent to the loading dock is difficult to combine with a small tenant use. As a result, the Elder Street retail space is only suitable for a single mid-size junior-anchor retail use and the proposed 90-100 foot linear frontage along Elder Street is critical to the marketability of this space. Further, the Applicant maintains that the proposed storefront is more representative of typical corner retail conditions for mid-size tenant in the area as opposed to the 50 foot zoning standard. It is also typical of corners on highly dynamic retail streets, such as 14th Street NW.

V. THE APPLICATION MEETS THE REQUIREMENTS FOR SPECIAL EXCEPTION RELIEF FROM THE APPLICABLE WR STANDARDS

Pursuant to Subtitle K § 921.1, relief from Section 902.7 is to be processed as special exception. § 921.1 provides that the BZA must find that the request for relief is consistent with the purposes of the WR zone. There are two sets of purposes at issue: the special purposes of the applicable WR-2 zone and the overall purposes of the WR zone.

First, pursuant to Subtitle K § 902.1, the purposes of the WR-2 zone are as follows (emphasis added in bold):

- (a) ***Create a vibrant and pedestrian-oriented commercial and residential center to serve as a housing, commercial, and retail anchor for the Walter Reed campus, adjacent neighborhoods, and the District.***
- (b) ***Promote an engaging streetscape to activate adjacent uses and users;***
- (c) ***Encourage clear visibility of retail uses along 12th Street from Georgia Avenue;***
and
- (d) ***Create new passive and active open space amenities to accommodate residential and retail uses.***

And pursuant to § 900.1, the overall purposes of the Walter Reed (WR) zone are as follows (with emphasis added in bold):

- (a) *Provide for the growth of the former Walter Reed Army Medical Center campus with a broad mix of uses, achieved through the adaptive reuse of existing buildings as well as new construction, as generally indicated in the Comprehensive Plan and as recommended by the planning studies of the area;*
- (b) *Preserve the unique historic architectural and landscape character of the Walter Reed campus as a resource for the adjacent neighborhoods and the District as a whole;*
- (c) *Reweave the Walter Reed campus into the physical and social fabric of the adjacent neighborhoods by extending the existing street grid into the WR zone;*
- (d) ***Create a vibrant town center that will provide economic development, employment, and retail opportunities for the District and adjacent neighborhoods;***
- (e) *Advance sustainability performance with green building techniques and promote innovative energy uses and stormwater management; and*
- (f) *Accommodate selected uses pursuant to a Base Realignment and Closure Act Notice of Interest process.*

As indicated above, the Project will feature two anchor retail tenants and is a key component of the planned Town Center for the Walter Reed redevelopment. The Applicant's retail experience indicates that the 50 foot linear restriction along Elder Street is detrimental to their efforts to secure a quality junior-anchor tenant at this location and the requested relief is needed to permit the 91'4" linear frontage as shown in Exhibit F. As a result, the proposed special exception will further the purposes of the WR zone in creating a vibrant Town Center. The Conceptual Project Plans attached hereto provide details as to the Applicant's plans for an engaging streetscape design in furtherance of the WR zoning purposes.

VI. APPLICANT ALSO MEETS THE SPECIAL EXCEPTION REVIEW STANDARDS UNDER 11 DCMR Subtitle X § 901.2.

Pursuant to § 901.2, the Board of Zoning Adjustment is authorized under § 8 of the Zoning Act, D.C. Official Code § 6-641.07(g)(2), to grant special exceptions where, in the judgment of the Board of Zoning Adjustment, the special exceptions:

- (a) Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps;
- (b) Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps; and
- (c) Will meet such special conditions as may be specified in this title.

As indicated above, the proposed special exception furthers the purposes of the WR zone. It will not tend to adversely impact neighboring property as all of the adjacent properties are being developed by the Applicant in concert with the Project and City plans for the site. Further, the Applicant has worked closely with the impacted ANCs, both ANC 4B and 4A, as plans for The Parks have evolved including the Town Center.

VII. COMMUNITY OUREACH

The Applicant presented to ANC 4B on April 22nd and received their support. They also presented to ANC 4A on May 5, and subsequently requested the item be added to an upcoming ANC 4A agenda for a resolution. The Applicant also presented to the Walter Reed Community Advisory Committee on June 3. Finally, the Applicant met with the Office of Planning prior to filing this Application.

VIII. CONCLUSION

For the reasons stated above, the requested relief meets the applicable standards of the Zoning Regulations and can be granted without substantially impairing the intent, purpose and

integrity of the Zoning Regulations. The Applicant therefore requests that the Board grant this Application.

Respectfully submitted,



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