

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Karen Thomas, Case Manager
JL Joel Lawson, Associate Director Development Review
DATE: November 2, 2018

SUBJECT: BZA Case 19864 (526 8th Street S.E.) to permit a three-story commercial building with relief from the parking and loading requirements in the MU-25 zone

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following variance relief:

- Loading, Subtitle C § 901, pursuant to Subtitle X § 1000 (1 loading berth minimum required; none existing; none proposed); and

The Office of Planning (OP) recommends **approval** of the following special exception relief:

- Parking, Subtitle C § 703.2, pursuant to Subtitle X § 900 (4 spaces minimum required; surface parking lot existing; 2 proposed).

II. LOCATION AND SITE DESCRIPTION

Address	526 -528 8 th Street, S.E.
Applicant	MDP 526 8 th Street LLC
Legal Description	Square 926, Lots 809 and 810
Ward, ANC	7/ANC 6B
Zone	MU-25
Historic District	Capitol Hill HD
Lot Characteristics	Both lots are rectangular, abutting the hammerhead of a T-shaped alley at the rear. Due to the alley's shape, Lot 810 is greater in area than Lot 809 to its south.
Existing Development	The lots are improved with a surface parking lot.
Adjacent Properties and Surrounding Neighborhood Character	The lots abut commercial properties to its north and south and are located on the east side of the Barracks Row corridor on 8 th Street. The commercial lots are also within the Capitol Hill Historic District, where they are separated by the alley from single-family dwellings and flats, which front on G Street and 9 th Street.
Proposed Development	The applicant proposes to redevelop the surface parking lot with a three-story commercial building for office and retail uses. Two parking spaces would be provided at the rear, and loading would not be provided.

III. ZONING REQUIREMENTS and RELIEF REQUESTED

Zone - MU-25	Regulation	Existing	Proposed	Relief
Height G § 703	50 ft. max.	N/A	32 ft.	None Required
Lot Width	N/A.	46.17 ft.	46.17 ft.	None Required
Lot Area	N/A	4,559.67 sf	4,559.67 sf	None Required
Floor Area Ratio G § 702	2.5 max.	N/A	2.0 (9,245 sf GFA)	None Required
Lot Occupancy G § 704	60 % max. residential 100% commercial	N/A	92 %	None Required
Rear Yard G § 705	15 ft. min.	N/A	Not Provided	None Required
Front Setback	N/A	N/A	Not Provided	-
Side Yard G § 706	Not less than 5 ft. min.	N/A	Not Provided	-
Parking C § 703.2	4 spaces required	Surface parking with 10 spaces	2	S.E Required
Loading C § 901.1	5,000 – 20,000 sf GFA - 1 loading berth	N/A	None	Variance Required

IV. OFFICE OF PLANNING ANALYSIS

a. Variance Relief from Loading - Subtitle C § 901.1

i. Exceptional Situation Resulting in a Practical Difficulty

The combined lots (“Property”) have a small footprint with an irregular shape at the rear. It abuts in part, the hammer-head end of the 30-foot wide portion of the alley, which is shared with residential homes fronting G Street and 9th Street S.E. The access to the rear from 8th Street is via a 15-foot wide portion of the alley. This creates a practical difficulty for providing the required turning radius for delivery trucks entering and exiting the alley.

ii. No Substantial Detriment to the Public Good

An existing commercial loading zone accommodates loading for commercial uses on this section of the 8th Street corridor¹. Residential neighbors at the rear discussed their desire to continue accommodating such loading functions in its current location. This is due to the alley’s configuration and the burden to residential access that would result from continuous truck/delivery traffic at the rear, along with potential vehicular queuing, both on-street from the 15-foot wide alley entrance, as well as at the rear of residential homes to accommodate movement of turning and exiting trucks. As shown in photos of the existing conditions (Sheet A16), commercial loading functions could create traffic conflicts between trucks and access to existing residential garages. The applicant is working with the District Department of Transportation (DDOT) to accommodate on-street loading by utilizing and expanding the on-

¹ An existing commercial loading zone approximately 60 feet long, exists immediately adjacent to the north of the Property on the east side of 8th Street (between the public alley entrance to the north and the Applicant’s existing curb cut to the south). The commercial loading zone is in effect from 7:00 AM to 6:30 PM, Monday through Friday. (Exhibit 31, Page 9, Paragraph 3).

street loading zone. A Transportation Plan was submitted providing a delivery analysis of potential uses for DDOT's review and comment.

iii. No Substantial Harm to the Zoning Regulations

Substantial harm to the regulations should not result, as limited loading operations are anticipated with future commercial uses on the small site. An existing on-street loading area would be available for future uses within the proposed development.

b. Special Exception Relief from Parking - Subtitle C § 703

703.2 The Board of Zoning Adjustment may grant a full or partial reduction in number of required parking spaces, subject to the general special exception requirements of Subtitle X, and the applicant's demonstration of at least one (1) of the following:

(a) Due to the physical constraints of the property, the required parking spaces cannot be provided either on the lot or within six hundred feet (600 ft.) of the lot in accordance with Subtitle C § 701.8;

Due to the lot's physical constraints discussed prior, four parking spaces could not reasonably be provided on the lot. There is no area within 600 feet of the lot where the spaces could be provided, as the north/south commercial corridor abuts residential lots to the east and west, where there is no opportunity for the provision of commercial parking.

(b) The use or structure is particularly well served by mass transit, shared vehicle, or bicycle facilities;

The future uses of the small building would be well-served by mass transit within ½ mile walking distance to the site, seven well-used public bus route stops, the Circulator's route within the site's proximity, and other on-demand ride sharing and bike-sharing services, as documented in the applicant's transportation plan.

(c) Land use or transportation characteristics of the neighborhood minimize the need for required parking spaces;

As noted prior, the location is within a transit-rich district, which minimizes the need for vehicle use and resulting vehicle parking spaces.

(d) Amount of traffic congestion existing or which the parking for the building or structure would reasonably be expected to create in the neighborhood;

The proposed GFA at 9,425 sf is not anticipated to create traffic congestion beyond what currently exists at peak or non-peak periods. Based on the transportation study provided, the proposed project could generate up to 22 morning peak-period and 27 evening peak-period trips (Exhibit 31, Page 6). DDOT's determination would be provided to the record separately.

(e) The nature of the use or structure or the number of residents, employees, guests, customers, or clients who would reasonably be expected to use the proposed building or structure at one time would generate demand for less parking than the minimum parking standards;

The transportation plan indicates that anticipated uses, including office and retail may generate 101 trips during the morning peak and 131 total trips during the afternoon/evening

peak periods. Given the range of transportation options and the site's walkability, along with the TDM strategies that would be implemented, the parking demand should be minimized.

(f) All or a significant proportion of dwelling units are dedicated as affordable housing units; - N/A

(g) Quantity of existing public, commercial, or private parking, other than on-street parking, on the property or in the neighborhood, that can reasonably be expected to be available when the building or structure is in use;

Limited on-street parking spaces are available and there are no existing public or private or commercial parking spaces available.

(h) The property does not have access to an open public alley, resulting in the only means by which a motor vehicle could access the lot is from an improved public street and either:

(1) A curb cut permit for the property has been denied by the District Department of Transportation; or

(2) Any driveway that could access an improved public street from the property would violate any regulation of this chapter, of the parking provisions of any other subtitle in the Zoning Regulations, or of Chapters 6 or 11 of Title 24 DCMR;

(i) The presence of healthy and mature canopy trees on or directly adjacent to the property; or

(j) The nature or location of a historic resource precludes the provision of parking spaces; or providing the required parking would result in significant architectural or structural difficulty in maintaining the integrity and appearance of the historic resource.

While the property has access through an alley system at the rear, the proposal would close an existing curb cut to a surface parking lot, which is an underutilized use for this commercial district. The proposed development would remove the curb cut improving walkability along the corridor and adding curbside loading and parking spaces. There are no trees or historic resource on the surface parking lot.

703.3 Any reduction in the required number of parking spaces shall be only for the amount that the applicant is physically unable to provide and shall be proportionate to the reduction in parking demand demonstrated by the applicant.

The regulations require the development provide 4 on-site parking spaces. Two standard size spaces would be provided, and this is proportionate to the reduction in parking demand as demonstrated by the applicant's transportation plan, Exhibit 31, of the record.

Reduction in parking demand by employees would be supported by a TDM plan, including strategies to reduce the number of employee vehicular trips. Information on a variety of services would be marketed to employees including ride sharing services, provision of three secured, long-term bike spaces, offerings of Capital Bikeshare memberships and SmarTrip cards to new employees, as explained further in the transportation plan. Visitors would have access to short-term bicycle parking spaces in front of the building and information through individual websites on public access to the location.

703.4 Any request for a reduction in the minimum required parking shall include a transportation demand management plan approved by the District Department of Transportation, the implementation of which shall be a condition of the Board of Zoning Adjustment's approval.

The relevant transportation plan includes the demand management strategies as part of Exhibit 31 of the record.

i. Is the proposal in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps?

The request satisfies more than one criteria of Subtitle C § 703.2 as shown above. Therefore, the request is in harmony with the Regulations.

ii. Would the proposal appear to tend to affect adversely, the use of neighboring property?

The proposal should not adversely affect the use of neighboring property as parking would be reduced and loading from the rear would not be accommodated at the request of the residential neighbors, which would minimize vehicle conflicts at the rear of residential homes.

V. COMMENTS OF OTHER DISTRICT AGENCIES

At the writing of this report, comments of other District agencies were not included in the record.

VI. COMMUNITY COMMENTS TO DATE

The ANC voted to support the application at its regularly held meeting on October 9, 2018. The ANC's report will be filed separately to the record.

At its October 13, 2018 meeting, the Capitol Hill Restoration Society voted to support the requested relief, as stated in their report to the record at Exhibit 32. Letters in support are noted as Exhibits 34, 35, 36, 38 and 40.

Attachment: Location Map

ZONING and AERIAL MAPS - 526 8th Street SE

