



MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Jennifer Steingasser, Deputy Director
Development Review & Historic Preservation

DATE: January 5, 2010

SUBJECT: BZA Case 18020 - Request for Variance from the parking requirements (Section 2101) at 4085 Minnesota Avenue, NE

I. SUMMARY RECOMMENDATION

The Department of Real Estate Services (DRES) requested a variance to reduce the number of parking spaces from the required 281 spaces to 195 spaces for the building at 4085 Minnesota Avenue, NE. Upon review, the Office of Planning (OP) has determined that the variance requirements are met and recommends **approval of the request**.

II. AREA AND SITE DESCRIPTION

Address:	4085 Minnesota Avenue, NE
Legal Description:	Square 5052, Lot 821
Ward:	Ward 7, ANC-7D
Lot Characteristics:	The subject property is part of sliver of land consisting of several lots at the northwest quadrant of the intersection of Minnesota Avenue, NE and Benning Road, NE.
Existing Development:	The property consists of the DOES building, currently under construction; the WMATA parking garage and parking lot, unoccupied 1 and 2-story buildings; and the Minnesota Avenue Metro Station.
Zoning:	C-3-A – medium density development, with a pattern of mixed-use development.
Adjacent Properties:	North: Minnesota Avenue Metro Station East: Across Minnesota Avenue is a small retail center, 3-story apartment buildings and a school. South: Vacant properties and 1 and 2 story vacant buildings West: WMATA parking garage; WMATA and CSX rail tracks.
Surrounding Neighborhood Character:	The area is predominantly a mixture of small retail uses and residential apartment buildings. Interspersed are vacant properties and boarded up vacant buildings.





Aerial Site Location

III. PROPOSAL

The Department of Real Estate Services (DRES) requests approval of a reduction in the required parking spaces for a building under construction to house the District of Columbia Office of Employment Services (DOES). The proposed parking would be provided in a below grade parking garage and in the adjacent WMATA parking garage. The applicant proposes to reduce the required parking from 281 required spaces to 195 spaces.

IV. ZONING and REQUESTED RELIEF

The subject property is located in the C-3-A district. The C-3-A district is designated for “. . . medium density development, including office, retail housing, and mixed-use development”.

The proposed DOES building will have a total square footage of 227,033 gross square feet which has a requirement of 281 spaces. The proposed office building was granted a building permit to provide 102 spaces in a below grade garage and through an agreement with WMATA 179 spaces would be provided in the adjacent WMATA garage. The below grade garage of the DOES building has been constructed but only 87 spaces are provided. Similarly, the WMATA garage has been constructed but only 108 spaces are being made available to DOES. Both these reductions have resulted in a deficit of 86 spaces. The table below summarizes the requirement and distribution of the parking spaces.

Garage	Required	Approved By Building Permit	Spaces Constructed	Deficit
DOES	281	102	87	15
WMATA	n/a	179	108	71
TOTAL	281	281	195	86

Variance

The following is an analysis of how the proposal meets the variance requirements:

The property is unique by reason of its exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional situation or condition;

The property is unique due to an exceptional situation in that unforeseen circumstances were discovered during construction subsequent to the approval of the building permit.

By reason of the aforementioned unique or exceptional condition of the property, the strict application of the Zoning Regulations will result in peculiar and exceptional practical difficulties or to exceptional and undue hardship upon the owner of the property.

Subsequent to the construction of the garage and the installation of drainage pipes as required and approved by the District Department of the Environment (DDOE) it was discovered that the head room on two spaces were insufficient rendering them unusable. Additionally, there are 13 tandem spaces which cannot be counted as required spaces. The DOES underground garage is already constructed and the upper levels of the building are currently under construction. In order to provide the required number of spaces in the DOES the building would have to be altered and/or demolished, which would be impractical and very expensive for the District to undertake.

Regarding the spaces in the WMATA garage, the District has an agreement with WMATA in which the District would build a garage for WMATA with 519 spaces of which 179 would have been reserved for use by DOES. The number of spaces to be dedicated to DOES in the WMATA garage was reduced by 71. WMATA is not now able to provide the number of approved spaces due to contract changes between WMATA and the District and without additional WMATA Board Authority and Federal Transit Authority approval. Changes to accommodate the additional parking spaces would delay the completion of the WMATA garage and the contractual agreement, which would be a practical difficulty to the District, as well as to WMATA.

The variance will not cause substantial detriment to the public good and will not impair the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map.

The proposal would not impair the intent of the zone plan because the DOES building is adjacent to the Minnesota Avenue metrorail station which provides rail service, as well as several bus routes. The reduction in the parking spaces would not be detrimental to the neighborhood as persons working at or visiting the site would have the option of driving or taking public transportation to the site. OP encourages the use of various modes of transportation.

V. COMMUNITY COMMENTS

The property is within Advisory Neighborhood Commission (ANC) 7D. OP is not aware of the ANC taking a vote on this BZA application.

VI. CONCLUSION AND RECOMMENDATION

The Office of Planning recommends **approval** of the variance to allow a reduction in the required number of parking spaces. The building is adjacent to a metorail and metrobus station.

JLS/ Maxine Brown-Roberts