

LT Propco LLC

BZA Application No. 17926

- I. Statement of Applicant
- II. Plans
- III. Surveyor's Plats
- IV. D.C. Zoning Map
- V. Prior Zoning Orders
- VI. Photographs of Property
- VII. Transportation Impact Study
- VIII. Property Owner's List
- IX. BZA Application Forms

I.

STATEMENT OF APPLICANT

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

Application of LT Propco LLC (“Applicant”)
and John W. Ridenour III & Linda Ridenour (“Owners”)

BZA Application No.
Hearing Date:
ANC 3E03

PRELIMINARY STATEMENT OF THE APPLICANT

I. NATURE OF RELIEF SOUGHT

This is an application for special exception relief pursuant to Sections 3104.1 and 2116.5 of the Zoning Regulations from the requirement that all parking spaces be located on the same lot with the buildings they are intended to serve. The property that is the subject of this application is located on two parcels in Friendship Heights along Western Avenue, N.W. (the “Property”):

- Square 1660, Lot 811: this parcel, currently used as a parking lot, is roughly shaped like a baseball diamond’s home plate and contains approximately 47,764 square feet of land area (the “**Home Plate Lot**”).
- Square 1580, Lot 33: this parcel is currently improved with a Lord & Taylor department store and associated parking, and contains approximately 273,625 square feet of land area (the “**Lord & Taylor Lot**”).

Plats of the Property involved in this application are included as Exhibit B. The Applicant plans to construct a one-story retail development on the Home Plate Lot and requests permission to use the existing parking improvements on the Lord & Taylor Lot to provide the required parking for the new retail development. The Home Plate Lot is located entirely in the C-3-A Zone District, and the Lord & Taylor Lot is located in the C-2-A, R-5-B, and R-2 Zone Districts, as shown on the portion of the Zoning Map attached as Exhibit C.

II. JURISDICTION OF THE BOARD

The Board has jurisdiction to grant the relief requested pursuant to Section 3104.1 of the Zoning Regulations.

III. BACKGROUND OF PROPERTY—EXISTING USES

A. The Lord & Taylor Lot

The existing Lord & Taylor store was developed in the late 1950s. At that time, the Lord & Taylor lot was zoned C-3-A and R-2. In 1958, the Board of Zoning Adjustment (the “**BZA**” or the “**Board**”) granted permission to the then-owner/developer of the Lord & Taylor Lot to use the R-2 zoned portions of the lot as parking associated with the Lord & Taylor store. *See* BZA Order No. 5173 (1958), attached as Exhibit D. Pursuant to BZA Order No. 5173, this portion of the lot continues to be used as surface parking today.

Parking and retail uses were permitted a matter of right on the balance of the lot under its original C-3-A zoning designation. In 1974, the Zoning Commission rezoned the northern portion of the Lord & Taylor Lot to the C-2-A Zone District and the southern portion of the lot to the R-5-B Zone District (the western portion remained in the R-2 Zone District). *See* Z.C. Order No. 87 (1974). The use of the R-5-B zoned portion of the Lord & Taylor Lot for parking continues today as a permitted pre-existing nonconforming use. Parking and retail uses continue on the C-2-A zoned portion of the lot as a matter of right.

B. The Home Plate Lot

In conjunction with the development of the Lord & Taylor store, the then-owner also secured permission to locate additional required parking associated with the store on the Home Plate Lot. *See* BZA Order No. 5226 (1958), attached as Exhibit D. In approving the application, the BZA found that the request was in harmony with the general intent and purpose of the Zoning Regulations and would not tend to adversely affect the use of neighboring property in accordance with the Regulations.

The Home Plate Lot is zoned C-3-A and continues to exist today as a parking lot. However, two important changes have made the need for additional parking obsolete. First, the Regulations have since been amended to reduce the parking requirement for the Lord & Taylor store. Second, the Friendship Heights Metrorail Station was constructed and has an entrance approximately one block from the Home Plate Lot and two blocks from the Lord & Taylor store. As a result, the Lord & Taylor store no longer requires or uses the additional parking.

C. Surrounding Uses

Immediately to the east of the Home Plate Lot is the Mazza Gallerie, a multi-story commercial and retail development located in the C-3-A Zone District. To the immediate east of the Lord & Taylor Lot is a multi-story commercial and retail development located in the C-2-A Zone District, and further to the east is the WMATA Western Bus Garage, which is located in the C-2-B Zone District. To the south and west of the Lord & Taylor Lot are residential properties located in the R-2 and R-1-B Zone Districts. To the north of the Property, across the District line, is a recently constructed Bloomingdale's department store and other commercial and retail development in Montgomery County, MD.

IV. DESCRIPTION OF PROPERTY—INTENDED USES

The Applicant operates the existing Lord & Taylor department store pursuant to a Lease Agreement between the Owner and original developer, which was assigned to the Applicant in 2006. The existing Lord & Taylor store contains approximately 150,200 square feet of gross floor area and 640 parking spaces. Under the current Zoning Regulations, the store requires 491 parking spaces. The Lord & Taylor Lot itself contains more parking spaces than are required under the Zoning Regulations and, as a result, the additional parking spaces located on the Home Plate Lot are no longer required by the Lord & Taylor department store.

Therefore, as authorized by the terms of the Lease Agreement, the Applicant intends to construct a one-story retail development on the Home Plate Lot. The proposed development will contain approximately 41,840 square feet of gross floor area (0.9 FAR) and will occupy approximately 88% of the underlying lot (the "Project"). The Project will feature entrances to the retail establishments along Western Avenue and Jenifer Street, as well as a loading area along Jenifer Street. In conjunction with the Project, the Applicant will also construct streetscape improvements along its street frontages. The required parking for the Project is 121 spaces (41,840 s.f. less 2,645 s.f. devoted to loading results in approximately 39,195 s.f. of retail which sets the parking requirement). These spaces can be accommodated within the existing parking lot and structure located on the Lord & Taylor Lot.

The Home Plate Lot is located in the C-3-A Zone District. The C-3-A Zone District permits medium density development on arterial streets, in uptown centers, and at Metrorail stations. The proposed retail development is a permitted matter-of-right use in the C-3-A Zone District. The Lord & Taylor Lot is split-zoned, with the store located in the C-2-A Zone District and the parking generally located in the R-5-B and R-2 zoned areas. The retail and parking uses are permitted in the C-2-A Zone District as a matter-of-right. As described above, the parking uses are permitted in the R-2 and R-5-B Zone Districts by order of the BZA and as a pre-existing nonconforming use, respectively.

V. SPECIAL EXCEPTION RELIEF

The Application Meets the Requirements for Special Exception Relief Under Section 3104.1 of the Zoning Regulations

The Applicant is seeking a special exception under Section 2116.1 to locate parking spaces for the Project on the Lord & Taylor Lot. A special exception can be granted where it will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning

Maps and will not tend to adversely affect the use of neighboring property in accordance with the Zoning Regulations and Zoning Map.

A. This Application is in Harmony with the General Purpose and Intent of the Zoning Regulations and Zoning Maps

Section 2116.5 provides that “[O]pen parking spaces accessory to any building or structure may be located anywhere on the lot upon which the building or structure is located, or elsewhere . . . in accordance with Sections 2116.6 through 2116.9.” The Zoning Regulations further provide:

- Parking spaces can be located on a separate lot if the Board of Zoning Adjustment finds that it is more practical because it would result in more efficient use of land, better design or landscaping, safer ingress or egress, and less adverse impact on neighboring properties;
- When the accessory parking spaces are to be located elsewhere than on the lot upon which the building or structure they’re intended to serve is located, parking on adjacent lots or lots separated only by an alley from where the building is located, is preferred;
- The proposed location furnishes reasonable and convenient parking facilities for the occupants of the building the spaces serve; and
- The Board may impose conditions on any accessory parking spaces as to screening, coping, setbacks, fences, the location of entrances and exits or any other requirements it deems necessary to protect adjacent or nearby property.

For the reasons set forth below, the requested relief is in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps.

1. **Utilizing the existing surplus parking on the Lord & Taylor Lot is more practical because it makes use of existing curb cuts and traffic patterns, and provides for the most efficient use of land.**

Providing the spaces on the Lord & Taylor Lot presents the most efficient option for the development of the Home Plate Lot. Most importantly, it uses existing curb cuts rather than introduce new parking entrances and exits into the environment. As a result, vehicles will

continue to use existing and established traffic patterns. The development of the Home Plate Lot eliminates an existing unused surface parking lot and replaces it with a vibrant retail development that will supplement existing surrounding uses. This Project will also provide additional retail development on the District side of Western Avenue and will compete with recent retail developments across Western Avenue in Maryland. Reuse of the existing adequate parking supply is an efficient and safe alternative to locating the off-street parking on the Home Plate Lot.

2. Locating the parking spaces on the Lord and Taylor lot is convenient for employees and customers of the Project and is the most appropriate location for the required parking spaces

The Lord & Taylor Lot is the most appropriate location for additional parking. Again, it makes use of established vehicular and pedestrian traffic patterns. Moreover, it is anticipated that a substantial portion of the employees and customers of the Project will use readily available mass transit options in the area, including the nearby Friendship Heights Metrorail Station a block to the east. By locating the Project's parking on the Lord & Taylor lot, such activity is focused on the west side of the Project, away from the pedestrian activity associated with public transit. The Applicant will work with the District Department of Transportation to install improvements along Jenifer Street to enhance the streetscape and ensure adequate safety for pedestrians crossing Jenifer Street to access the parking lot and structure.

3. No additional screening of the parking lot is necessary

Though the Board has the ability to condition approval of this special exception on requiring screening, etc. of the proposed parking area, the Applicant does not believe that it will be necessary for the Board to mandate any additional screening of the existing Lord & Taylor parking lot and structure. The parking lot and structure have coexisted with the surrounding

properties for fifty years. Furthermore, in conjunction with the construction of the new improvements on the Home Plate Lot, the Applicant will enhance the appearance of the existing Lord & Taylor store and its associated parking lot.

B. Locating the Parking Spaces Off-Site will not Tend to Adversely Affect the Use of the Neighboring Property in Accordance with the Zoning Regulations and Zoning Map

Locating the parking spaces for the Project on the Lord & Taylor Lot will not have an adverse effect on neighboring property and will continue to promote the intent of the Zoning Regulations. In 1958, the Board found that the location of off-street parking spaces for the Lord & Taylor Lot on the Home Plate Lot would not tend to affect adversely the use of neighboring property. The two parcels have been associated for fifty years as a joint retail and parking development, and the requested relief will merely readjust the relationship between the two parcels based on changed circumstances. The Project will make use of the existing parking lot and structure that, as detailed above, has existed for years as permissible uses under the Regulations.

Moreover, it will result in the elimination of an existing surface parking lot that is neither necessary under the regulations or as a matter of practice. As a result of the construction of the nearby Friendship Heights Metrorail station, the Lord & Taylor department store no longer requires the amount of parking required in 1958, and the amendments to the Regulations which reduced the parking requirement reflect the impact of mass transit.

Finally, the Project is well-served by public transportation, including the nearby Friendship Heights Metrorail Station a mere block from the Property. Thus, the Lord & Taylor lot contains ample parking to satisfy the parking requirements for both the existing Lord & Taylor store and the proposed Project, as discussed in the attached draft Transportation Impact Study prepared by Wells & Associates and attached as Exhibit F. For all of the above reasons,

the requested relief will not adversely impact neighboring properties due to traffic or parking impacts and is in accordance with the Zoning Regulations.

VI. Exhibits

- Exhibit A Plans, Elevations, and Section for the Property
- Exhibit B Surveyor's Plats
- Exhibit C Excerpt from D.C. Zoning Map
- Exhibit D Prior Zoning Orders
- Exhibit E Photographs of Property
- Exhibit F Transportation Impact Study prepared by Wells & Associates, Inc.
- Exhibit G Property Owner's List

VII. Conclusion

For all of the above reasons, the Applicant is entitled to the special exception it seeks in this case.

Respectfully submitted,



Phil T. Feola



Cary Kadlecek

January 12, 2009

EXHIBIT A
PLANS

GENERAL NOTES

1. THIS PLAN IS BASED ON:
 BOUNDARY AND TOPOGRAPHIC SURVEY
 PREPARED BY: CONTROL POINT ASSOCIATES
 22630 DAVIS DRIVE, SUITE 200
 STERLING, VIRGINIA 20164
 FILE NAME: S062020.SR
 DATED: 02/19/2008

SITE PLAN
 PREPARED BY: KENNETH PARKS ARCHITECTS
 360 LEXINGTON AVENUE, 7TH FLOOR
 NEW YORK, NY 10017
 PROJECT #: 08-3801
 DATED: 01/23/2008
 REVISED: 04/17/08

2. ZONING DATA: C-3-A

3. USES:
 EXISTING USE - PARKING LOT
 PROPOSED USE - RETAIL (PERMITTED BY RIGHT)

4. BULK REQUIREMENTS	REQUIRED	PROVIDED
A. MIN. LOT AREA:	N/A	1.09 AC.
B. MIN. BUILDING SETBACK		
FRONT SETBACK (SOUTH)	0.0'	0.0'
SIDE YARD	0.0'	0.0'
REAR YARD	12.0'	45.0'
C. PARKING REQUIREMENTS		
RETAIL MINIMUM		
1 SPACE PER 300 S.F. OF FLOOR AREA IN EXCESS OF 3,000 S.F.	121	5
D. LOADING REQUIREMENTS		
30,000 - 100,000 S.F. OF RETAIL	1 @ 30' DEEP 1 @ 55' DEEP 1 @ 12'x40'	0 2 @ 55' DEEP 1 @ 12'x40'
E. MIN. PARKING SPACE DIMENSIONS UP TO 40% COMPACT	9'x19' 8'x16'	9'x19' STANDARD 8'x16' COMPACT
F. MAX. BUILDING HT.	65'	20'
G. MIN. DRIVE AISLES	20'	20'
H. MAX F.A.R.	2.5	0.88

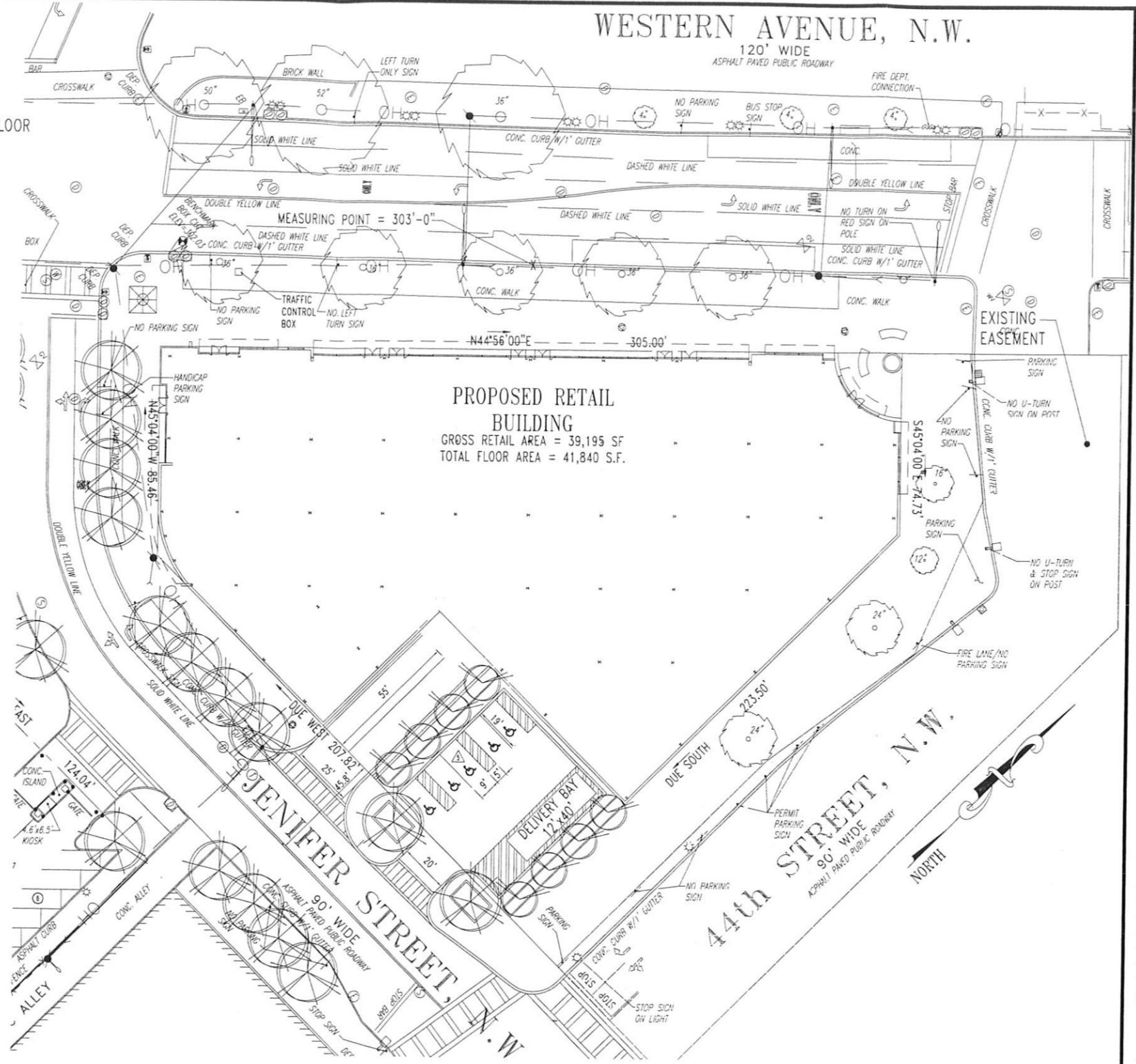
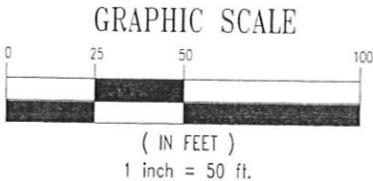
STATEMENT OF JUSTIFICATION

1. THE PURPOSE OF THIS PLAN IS TO ALLOW FOR PARKING SPACES TO BE LOCATED OFFSITE IN ACCORDANCE WITH SECTION 2116.5.

LEGEND

- EVERGREEN TREES
- DECIDUOUS PARKING LOT TREES
- DECIDUOUS STREET TREES ON GRASS PANELS
- DECIDUOUS SPECIMEN TREE
- ORNAMENTAL TREES
- SHRUBS

NOTE: FINAL LOCATION OF TREES IS DEPENDENT ON EASEMENTS AND OVERHEAD WIRE LOCATIONS.



The Shops at

The Shops at Lord & Taylor
 Square 1660, Lot 811 and
 Square 1580, Lot 33
 Western Avenue, NW
 Friendship Heights,
 Washington, DC 20016

Applicant / Owner:
LT Procco LLC
 c/o NRDC Equity Partners Fund III LLC
 3 Manhattanville Road
 Purchase, NY 10577

And
John W. Ridenour III
 11 E. Melrose Street
 Chevy Chase, MD 20815-4203

And
Linda Ridenour
 6911 Oak Ridge Avenue
 Chevy Chase, MD 20815

Master Planner:
Street-Works, LLC
 30 Glenn Street
 White Plains, NY 10603
 914-949-6505

Architect of Record:
kennethpark architects
 360 Lexington Avenue, 7th Floor
 New York, NY 10017
 212-599-0044

Civil Engineer:
Bohler Engineering
 22630 Davis Drive, Suite 200
 Sterling, VA 20164
 703-709-9500

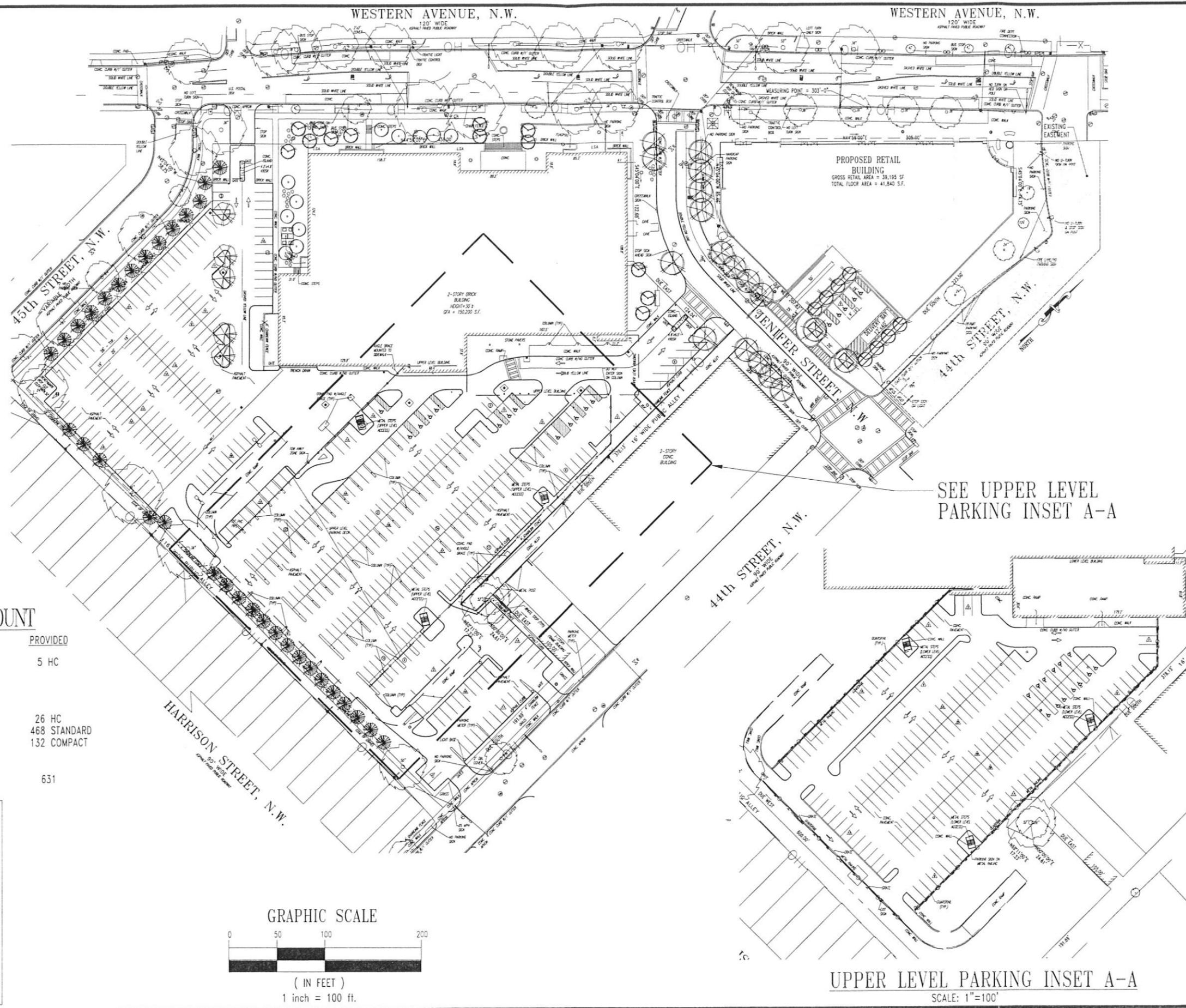
Traffic Engineer:
Wells & Associates
 1420 Spring Hill Road, Suite 600
 McLean, VA 22102
 703-917-6620

NO.	DATE	REVISION
3	04/18/08	RE. PER NEW BUILDING
2	04/10/08	RE. PER NEW BUILDING
1	04/04/08	SPECIAL EXCEPTION PLAN
△	DATE	REVISION

SHEET TITLE:
SITE AND LANDSCAPE PLAN

PROJECT NO. S062020
 SCALE: 1"=50'
 DATE: APRIL 04, 2008
 DRAWN BY: BAS II
 REVIEWED BY: R.J.B.
 SHEET NO.

C-101



OVERALL PARKING COUNT

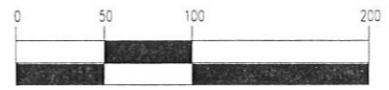
OVERALL PARKING REQUIREMENTS	REQUIRED	PROVIDED
ON-SITE - HOME PLATE LOT (1 SPACE/ 300 S.F. OVER 3,000 S.F.)	121	5 HC
OFF-SITE - LORD AND TAYLOR LOT (1 SPACE/ 300 S.F. OVER 3,000 S.F.)	491	26 HC 468 STANDARD 132 COMPACT
TOTAL	612	631

LEGEND

- EVERGREEN TREES
- DECIDUOUS PARKING LOT TREES
- DECIDUOUS STREET TREES ON GRASS PANELS
- DECIDUOUS SPECIMEN TREE
- ORNAMENTAL TREES
- SHRUBS

NOTE: FINAL LOCATION OF TREES IS DEPENDENT ON EASEMENTS AND OVERHEAD WIRE LOCATIONS.

GRAPHIC SCALE



(IN FEET)
1 inch = 100 ft.

UPPER LEVEL PARKING INSET A-A

SCALE: 1"=100'

The Shops at
Wells & Associates

The Shops at Lord & Taylor
Square 1660, Lot 811 and
Square 1580, Lot 33
Western Avenue, NW
Friendship Heights,
Washington, DC 20016

Applicant / Owner:
LT Propco LLC
c/o NRDC Equity Partners Fund III LLC
3 Manhattanville Road
Purchase, NY 10577

And
John W. Ridenour III
11 E. Meirose Street
Chevy chase, MD 20815-4203

And
Linda Ridenour
6911 Oak Ridge Avenue
Chevy chase, MD 20815

Master Planner:
Street-Works, LLC
30 Glenn Street
White Plains, NY 10603
914-949-6505

Architect of Record:
kennethpark architects
360 Lexington Avenue, 7th Floor
New York, NY 10017
212-599-0044

Civil Engineer:
Bohler Engineering
22630 Davis Drive, Suite 200
Sterling, VA 20164
703-709-9500

Traffic Engineer:
Wells & Associates
1420 Spring Hill Road, Suite 600
McLean, VA 22102
703-917-6620

NO.	DATE	REVISION
3	04/18/08	RE. PER NEW BUILDING
2	04/10/08	RE. PER NEW BUILDING
1	04/04/08	SPECIAL EXCEPTION PLAN
△	DATE	REVISION

SHEET TITLE:
**OVERALL SITE AND
LANDSCAPE PLAN**

PROJECT NO. S062020
SCALE: AS SHOWN
DATE: APRIL 04, 2008
DRAWN BY: BAS II
REVIEWED BY: R.J.B.
SHEET NO.

C-102

EXHIBIT B
SURVEYOR'S PLATS

DISTRICT OF COLUMBIA GOVERNMENT
OFFICE OF THE SURVEYOR

Washington, D.C., March 13, 2008

Plat for Building Permit of SQUARE 1660 LOT 811

Scale: 1 inch = 40 feet Recorded In A&T Book Page 3602-A

Receipt No. 03064

Furnished to: PWSP

Robert D. Smith
Surveyor, D.C.

By: D.M. *[Signature]*

I hereby certify that all existing improvements shown hereon, are completely dimensioned, and are correctly platted; that all proposed buildings or construction, or parts thereof, including covered porches, are correctly dimensioned and platted and agree with plans accompanying the application; that the foundation plans as shown hereon is drawn, and dimensioned accurately to the same scale as the property lines shown on this plat; and that by reason of the proposed improvements to be erected as shown hereon the size of any adjoining lot or premises is not decreased to an area less than is required by the Zoning Regulations for light and ventilation; and it is further certified and agreed that accessible parking area where required by the Zoning Regulations will be reserved in accordance with the Zoning Regulations, and that this area has been correctly drawn and dimensioned hereon. It is further agreed that the elevation of the accessible parking area with respect to the Highway Department approved curb and alley grade will not result in a rate of grade along centerline of driveway at any point on private property in excess of 20% for single-family dwellings or lots, or in excess of 32% at any point for other buildings. (The policy of the Highway Department permits a maximum driveway grade of 42% across the public parking and the private restricted property.)

Date: _____

(Signature of owner or his authorized agent)

NOTE: Data shown for Assessment and Taxation Lots or Parcels are in accordance with the records of the Department of Finance and Revenue, Assessment Administration, and do not necessarily agree with deed description.

PARKING COUNT:

5 HANDICAP

5 TOTAL

