

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
OFFICE OF PLANNING



Office of the Director

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**MEMORANDUM**

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

**FROM:**  Harriet Tregoning  
Director

**DATE:** April 18, 2007

**SUBJECT:** BZA Application 17606- Request filed by Pillsbury Winthrop Shaw Pittman LLC for a **special exception** to allow varying roof structure heights on a residential building, proposed by Dakota Pointe, LLC for 5545-5549 and 5553-5575 South Dakota Avenue, N.E.

**APPLICATION**

Application of Dakota Pointe, LLC for:

**Special Exception pursuant to 11 DCMR §§ 411.5, 411.11 and 3104.1 to permit roof structures of two different heights**

for property located along the eastern side of the ramp connecting northbound South Dakota Avenue, N.E. and northbound Riggs Road, between Kennedy Street and Chillum Place, Square 3760, Lot 10 and Parcel 137/86.

**SUMMARY RECOMMENDATION**

The Office of Planning recommends **APPROVAL** of the application as submitted by the applicant.

**AREA DESCRIPTION**

|                           |            |               |            |                |            |
|---------------------------|------------|---------------|------------|----------------|------------|
| <b>Square:</b>            | 3760       | <b>Lot:</b>   | 10         | <b>Parcel:</b> | 137/86     |
| <b>Quadrant:</b>          | North East | <b>Area:</b>  | 1.73 acres | <b>Width:</b>  | 149.1 feet |
| <b>Zone:</b>              | C-2-A      | <b>Alley:</b> | None       | <b>ANC:</b>    | 4B         |
| <b>Historic District:</b> | N/A        |               |            |                |            |

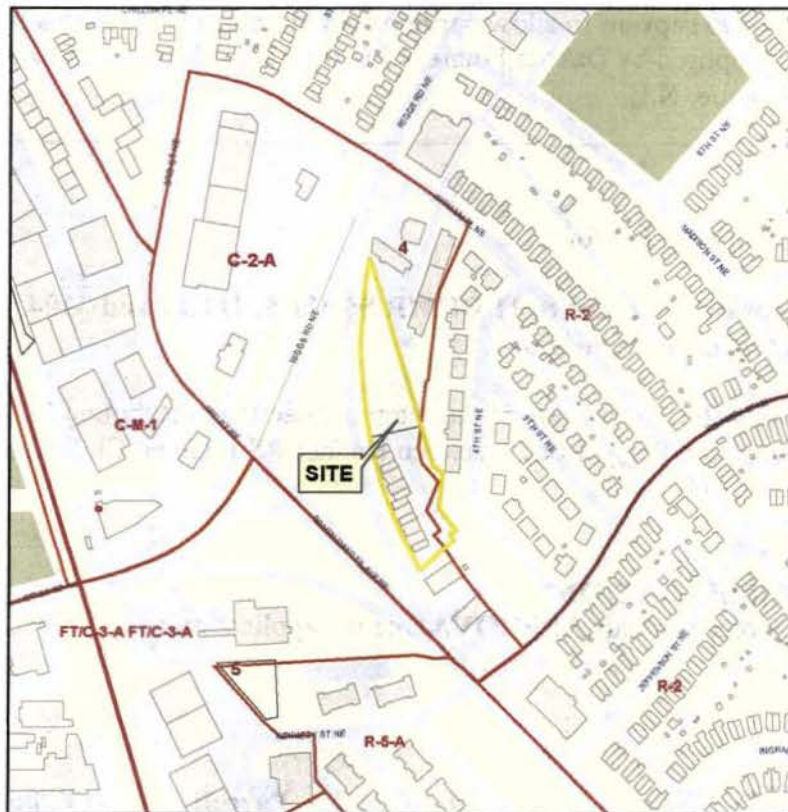
BOARD OF ZONING ADJUSTMENT  
District of Columbia

CASE NO. 17606  
EXHIBIT NO. 31

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**Surrounding Properties:**

- North:** Commercial and residential apartment buildings within the C-2-A District.
- South:** A convenience store and gas station within the C-2-A District. Across South Dakota Avenue is an institutional building within the FT/C-3-A District and a garden apartment complex within the R-5-A District.
- East:** Single-family detached and semi-detached dwellings within the R-2 District.
- West:** Across Riggs Road, the mostly vacant Riggs Plaza Shopping Center proposed to be rebuilt as a mixed-use building within the C-2-A District (BZA Application No. 17600), and the Riggs Road/South Dakota Avenue interchange.



Zoning and Vicinity Map

**PROJECT DESCRIPTION**

This application proposes to remove all existing improvements and construct a four-story apartment building with approximately 171 dwelling units and 90 garage parking spaces.

Two penthouses are proposed for the building. Penthouse A, on the south side of the building, is proposed to be of two different heights, 10.75 feet and 13.75 feet. The higher portion is to accommodate an elevator override and mechanical equipment. The remainder of the penthouse will provide for access from individual units to private rooftop terraces. Penthouse B, on the north side of the building, is proposed to be entirely at a height of 10.75 feet. It will house access from individual units to private rooftop terraces and will also include mechanical space, and storage of maintenance materials and various roof-related equipment.

Three architectural embellishments are proposed for the roof, to be visible only from the front of the building, the side facing South Dakota Avenue. These embellishments will be located along the front wall of the building and will have no roofs or enclosing walls.

## **EXISTING ZONING**

The subject property is zoned C-2-A, medium density community business center.

### **Community Business Center Districts (C-2)**

*"The C-2-A District is designed to provide facilities for shopping and business needs, housing, and mixed uses for large segments of the District of Columbia outside of the central core." (§ 720.2)*

## **RELIEF REQUESTED:**

### **Special Exception pursuant to § 411 – Roof Structures**

Section 411.5 requires that roof structure *"[e]nclosing walls from roof level shall be of equal height, ..."*

Section 411.11 empowers the Board to grant relief from § 411.5 as follows:

*"Where impracticable because of operating difficulties, size of building lot, or other conditions relating to the building or surrounding area that would tend to make full compliance unduly restrictive, prohibitively costly, or unreasonable, the Board of Zoning Adjustment shall be empowered to approve, as a special exception under § 3104, the location, design, number, and all other aspects of such structure regulated under §§ 411.3 through 411.6, even if such structures do not meet the normal setback requirements of §§ 400.7, 530.4, 630.4, 770.6, 840.3, or 930.3, when applicable, and to approve the material of enclosing construction used if not in accordance with §§ 411.3 and 411.5; provided, that the intent and purpose of this chapter and this title shall not be materially impaired by the structure, and the light and air of adjacent buildings shall not be adversely affected."*

The applicant proposes to create two penthouses. Penthouse B, on the north side of the building, and the majority of Penthouse A, will be at a height of 10.75 feet and will primarily enclose rooftop access for selected residential units to private terraces, mechanical space and maintenance

storage. However, the southernmost segment of Penthouse A will be at a height of 13.75 feet to accommodate necessary mechanical equipment and elevator override. Therefore, a special exception must be granted by the Board to allow for the two heights.

Construction of the building with one roof height is possible, with the result that the one roof height would be 13.75 feet, in excess of the 10.75 feet proposed for the majority of both penthouses. As the existing residential development of the surrounding area to the east consists primarily of detached and semi-detached dwellings, increasing the height of both penthouses to 13.75 feet would only serve to increase the height of the structure for the remainder of the penthouse structures and increase the perception of mass from a single-family residential neighborhood. It would also increase the cost of construction, thereby increasing cost and reducing affordability of the units. Therefore, the Office of Planning finds it to be impracticable to require that one roof structure height be provided.

The proposed building is in compliance with all other applicable provisions of the Zoning Regulations.

## **COMPREHENSIVE PLAN**

### **Comprehensive Plan (1988)**

The application is not inconsistent with the following objectives of the Ward 4 Plan:

*“Encourage the private sector to provide new housing to meet the needs of present and future District residents at locations consistent with District land use policies and objectives.” (§ 1508.1(c))*

*“Encourage well-designed developments in areas that are... underused or deteriorated.” (§ 1520.1(b))*

### ***draft Comprehensive Plan (2006)***

The application is not inconsistent with the following policy of the Upper Northeast Area Element:

*“Encourage compatible residential infill development throughout upper Northeast neighborhoods...” (§ 2408.3)*

*“Reduce the number of vacant, abandoned, and boarded up structures in Upper Northeast, ...” (§ 2408.6)*

**Generalized Land Use Map (1988):** Moderate Density Commercial: Shopping and service areas that generally provide a much broader range of goods and services are the predominant uses. Chain drug stores and grocery stores as well as branches of department stores, some specialty shops, and personal service establishments may be present.

***draft Future Land Use Map (2006):*** Moderate Density Commercial: Shopping and service areas that are somewhat more intense in scale and character than the low-density commercial areas. Retail, office, and service businesses are the predominant uses. Areas range from small business districts that draw primarily from the surrounding neighborhoods to larger business district uses that draw from a broader market area. Buildings are larger and/or taller than those in low density commercial areas but generally do not exceed five stories in height.

The subject application is not inconsistent with either the existing or draft comprehensive plans and land use maps.

#### **COMMUNITY COMMENTS**

ANC 4B, at their regularly scheduled meeting of February 22, 2007, voted 7-1 in support of the application.

#### **CONCLUSION AND RECOMMENDATION**

The Office of Planning has reviewed the application in terms of the property's zoning, the intensity of use, the character of the neighborhood and the standards for special exception relief. The Office of Planning finds it to be impracticable to require that roof structures be of one height because of the effect that the increased building height would have on the single-family neighborhood of the surrounding area to the east, and the effect that the additional cost of construction would have on the proposed dwellings.

Therefore, The Office of Planning recommends **APPROVAL** of the special exception application pursuant to §§ 411.5, 411.11 and 3104.1 to permit roof structures of two different heights, as submitted by the applicant.