

**MEMORANDUM**

TO: District of Columbia Board of Zoning Adjustment

FROM: *[Signature]* Stephen Cochran, AICP, Case Manager
Joel Lawson, Associate Director Development Review

DATE: January 17, 2012

SUBJECT: BZA Case No. 18306, 1905 – 1917 14th Street, NW

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 18306
EXHIBIT NO. 32

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I. OFFICE OF PLANNING (OP) RECOMMENDATION

The Office of Planning (OP) recommends Board of Zoning Adjustment (BZA) **approve** the following relief for a proposed new residential and retail building at 1905-1917 14th Street N.W.

Area Variances

- § 2101.1, minimum off-street parking (83 required, 34 proposed)
- § 2115.2, percentage of compact car spaces (maximum 40% of provided spaces; 44.% proposed)
- § 2202.1 loading facilities (55' deep loading berth, 200 sf loading platform, 20' service/delivery space required; 30' loading berth, 24' loading berth, 200 square foot loading platform, no service/delivery space proposed)
- § 776.3 Open Court Width requirements (15' required; 5' 10" proposed)

The applicant has demonstrated that there are exceptional conditions that would lead to practical difficulties if the requested variance relief were not granted and that granting such relief would not substantially harm either the public or the zoning regulations.

Special Exception

- § §411.11 Uniform Roof Structure Height (uniform heights required; 10', 12', and 17' requested)
- §1902.1 (a), Maximum Total Height of Building and Roof Structure in the ARTS C-3-A district (83'.6" permitted; 90' 4" feet requested [6'10" difference])

The applicant has demonstrated that the requests meet the special exception criteria.

II. AREA AND SITE DESCRIPTION

Applicant: 1919 14 th St LLC for 14 th Street Properties.		Legal Description: Sq. 237, Lots 179, 194,195	
Address: 1905 – 1917 14 th Street, NW		Ward: 1	ANC: 1B
Zoning: Arts/ C-3-A		Historic Preservation: Greater U St/14 th Street	
Lot Features	Level, essentially rectangular 5,390 square foot lot with one-story non historic retail structure proposed for demolition. Fronts 14 th Street, Wallach Place, and a 15 foot alley.		
Adjacent Properties	<u>North:</u> Arts/CR, vacant 3-story comm./res. structure across Wallach Pl. <u>East:</u> NE corner of site, an Arts/C-3-A, 2-story rowhouse structure used commercially and not part of proposal; remainder of eastern boundary R-4, 2-story rowhouses across 15’ alley. <u>South,</u> Arts C-3-A, 2-story warehouse being renovated for restaurant. <u>West:</u> Arts/C-3-A, primarily 2 to 4 story commercial buildings.		
Neighborhood Character	A wide variety of institutional, commercial, and residential uses with a moderate to medium density commercial and housing spine on 14 th and residential behind. Thriving mixed use, historic neighborhood. Site is two blocks from Metrorail.		

Board of Zoning Adjustment



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Total Height of Building and Roof Structure	1902	14 ft.	75' building height permitted, if total with roof structure is ≤ 83' 6"	72' 8" to roof 90' 4" to roof structure 45° angle provided	Special Exception, § 1902.1 (a), for 6' 10" feet of height relief inclusive of roof structure	Total height with roof structure height may not exceed 83' 6", from building's measuring point. If more than 50 feet above that point, a roof structure must be set back at a 45 ° angle from a property line abutting a residential zone.
Vehicle Parking	2101.1	0	72 res. + 11 retail=83	34	Variance: 49 spaces	1 per 2 dwelling units; 1/300 sf > 3,000 sf of gfa and cellar area
Compact Parking	2115.2		40% of provided spaces	44% (15 of 34)	Variance: 4%	
Loading	2202.1	0	1 berth at 55', 1 200 sf platform, 1 service space @20'	1 berth @ 30', 1 berth @ 24', 1 200 sf platform	Variance from 1 @ 55', and from service/delivery space	Same area of relief, with minor dimensional adjustments to between initial filing and pre-hearing statement
Bicycle Parking	2119.2	0	5% required vehicle spaces	65	conforms	
Rear Yard	774.1 774.9 (a)	25'	2.5" /ft. of height ; 12 ft. min.	23.64 ft.	conforms	Rear yard depth may be measured from the center of the alley.
Side Yard	775.5	0	None required	None provided	conforms	
Open Court Width	776.3 776.5	0	15.5 ft. if provided	5.83 ft.	Variance for 9 ft. 2" of width	None required, but If provided, width of 4"/ft. of height and at least 15'
Closed Ct.	776.2	0	Width at least 15 feet	0	conforms	Greater of 15' or 4" per foot of court height
Equal Height Roof Structure	411.5	n/a	Equal height walls ≤ 18.5'	8' 6", 10' 6", 13' 6", 17' 8"	Special Exception	Must also have 1:1 setback; 0.37 FAR and have overall height, with building, of ≤ 83.5 feet
ARTS Uses	1901.1	none	≥ 50% of ground floor	> 50% of ground floor	conforms	Specific type not noted; if restaurant or bar, § 1901.6 may apply at occupancy permit stage
Streetwall	1903.3 (a)	100%	at least 75% at prop. line	86%	conforms	

Design	1903.4 (a)	n/a	50%+ of street level with clear windows or entrances	82%	conforms	Applies to first 15 feet of height. Must meet definition of clear or low emissivity glass in §199
Entrance spacing	1904.3 (b)	n/a	≤ 40' on average	38' on average	conforms	

Table 1: Zoning Requirements and Requested Relief

V. OFFICE OF PLANNING ANALYSIS

A. Area Variances (§§ 2101.1, 2115.2, 2201.1 and 776.3)

- 1. Does the property exhibit specific uniqueness with respect to exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional situations or conditions? and**
- 2. Does the extraordinary or exceptional situation impose a practical difficulty which is unnecessarily burdensome to the applicant?**

The applicant states that there is a unique combination of circumstances affecting the site that constitutes an exceptional condition. The applicant cites:

- *The existing improvements on the site.* There is an existing one-story 1980's building.
- *The size of the site.* The 15,390 sf site is one of the largest properties in the square and is substantially underdeveloped in relation to other sites in the Square.
- *The site's zoning history and prior approvals.* The site was zoned C-M-2 prior to 1982. In 1972, when the site was zoned C-M-2, BZA Order 11070 granted approval to use the site as a parking lot serving a nearby public hall. The site was rezoned to ARTS/C-3-A in 1989.
- *The site is a prominent corner location on major streets.* The site is bordered by 14th Street and the one-block long Wallach Place.
- *The site is bordered by a narrow alley.* The alley at the rear is 15-feet wide.
- *Historic Preservation Context and Conditions of Design Review.* Although not a contributing building, the site is adjacent to contributing structures in the Greater 14th Street Historic District, particularly a contributing structure that maintains the uniform residential street wall on Wallach Place. The Historic Preservation Review Board (HPRB) has encouraged certain setbacks that affect ability of project to conform to zoning regulations.
- *Groundwater and soil conditions.* The applicant has submitted a January 5, 2012 letter from PSI, Inc., which specializes in engineering, consulting and testing, stating that two test borings determined that the high water table and loose sandy soils would require costly dewatering and stabilization measures to enable more than one level of underground parking.

The applicant has established that the last three conditions are exceptional and would pose practical difficulties for the applicant if certain relief were not granted. However, the applicant has not established that the first four factors constitute exceptional conditions leading to practical difficulties, or that they are relevant to the special exception criteria.

§ 2101.1 - Off Street Parking, and § 2115.2 – Percentage of Compact Car Spaces

The applicant has submitted a January 5, 2012 letter from PSI, Inc., which specializes in engineering, consulting and testing, stating that two test borings determined that the high water table and loose sandy soils would require dewatering and stabilization measures to enable more than one level of underground parking. The consultant states that this would make the cost of multi-level underground parking “significantly greater” than a similar site without such conditions.

This condition is similar to one for the property at 1513 – 1521 14th Street, which was considered by the Board in Application 18183. Both sites are on the same side of 14th Street as this applicant’s, four blocks from each other. In Order 18183 the Board ruled in favor of parking relief on the site due in part to the high water table and soil contamination. The water table for Case 18306’s site is 12 feet shallower than on the Application 18183 site. The water and soil constraints constitute an exceptional condition that would impose a practical difficulty in constructing the full measure of required parking and also justify the applicant’s providing a higher percentage of compact spaces than would otherwise be permitted, in order to partially compensate for the full size spaces in would not be practical to provide.

The ARTS overlay requirement that 50% of the ground floor be devoted to commercial uses also inhibits the applicant’s ability to provide more surface parking than is now proposed.

§ 2202.1 – Loading Facilities

A building with the proposed number of dwelling units must provide one 55-foot long loading berth, one 200 square foot loading platform and one 20-foot long service-delivery space. The applicant has requested relief to provide one 30-foot loading berth, one 24-foot loading berth, one 300 square foot loading platform and no service/delivery space.

The one-way eastbound nature of T Street could lead westbound truck traffic to access the site from Wallach Place, which has only one travel lane. The applicant has submitted a truck turning diagram demonstrating that the combination of the fifteen-foot alley width, the one-way eastbound T Street and one-way westbound Wallach Place constitute an exceptional condition that poses a practical difficulty for providing 55-foot truck access. This length could not be accommodated without complex backing and turning movements within the alley, or the elimination of the building adjacent to the northeast corner of the applicant’s site. OP has also been made aware of damage to buildings on the east side of this alley in other blocks.

Give these constraints, requiring a fifty-five foot loading berth that could not likely be used would impose a practical difficulty leading to further reductions in the number of the parking spaces, for which the applicant is already requesting relief. The additional 24-foot long loading berth planned by the applicant would provide not only one more loading berth than is required, but would also double as a service/delivery space.

§ 776.3 Open Court Width

The proposed design includes a narrow, open court along the southern edge of the building’s seventh floor. The court would be 5’10” wide. The Zoning Regulations do not require that any courts be provided; rather, the open court was introduced as part of the historic preservation review process to provide a recessive feature on the top floor’s southern edge and to soften the height disparity with the project’s two and three-story neighbors. To conform to § 776.1, the court would need to be set back an additional 9’ 2” (for a total of 15’). Strict compliance with the court setback requirement would cause the relocation of fire stairs, modification of layouts for the unit tiers adjacent to that stairway, and the consequent loss of approximately two units and 730 square feet of the building which, given the historic preservation review, would be practically difficult to locate in a different part of the building. Eliminating or expanding the court to comply with zoning regulations also would create a design less responsive to the historic district’s fabric.

3. Can the relief be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the Zoning Regulations and Map?

Off-Street Parking and Percentage of Compact Spaces: The Applicant has provided a traffic impact study and proposed mitigation strategies and has demonstrated that the relief could be granted without substantial harm to the public or the Zoning Regulations.

The site is located on a principal arterial roadway with two blocks of a metro station, is served by several Metrobus lines and the D.C. Circulator, four Capital Bikeshare stations, and nearby private parking operators.

1902.2 (b): Exceptional circumstances affecting the property make compliance with the requirements of this chapter difficult or impossible, or the development provides alternative public benefits in lieu of the excepted uses or features that are of comparable value to the public in achieving the purposes of this chapter and of the Comprehensive Plan.

There is a two-story historic house adjacent to the proposed building and the alley, and an intact block of two story historic rowhouses on the 1300 block of Wallach Place. In its review the Historic Preservation Review Board staff encouraged the applicant to respect the historic structure's scale by concentrating the mass of the proposed new building towards its center, to enable the structure to be less tall at the edges, in deference to the two and three story heights of nearby structures in the historic district. Accordingly, the height of the building is limited to four stories for the first bay on 14th Street, all six bays on Wallach Place, and for the first two bays facing the northern end of the alley. It then steps up to six stories and finally to seven stories. This recommended massing combined with the unique height measurement requirements of the ARTS overlay and the desirability of providing outdoor recreation space for a residential building adjacent to downtown, combine to create an exceptional circumstance making it difficult to comply with the height restrictions.

A building in this location may rise to 75 feet, but is permitted only an additional 8' 6" above that for the total height of the building and the roof structures. Since mechanical equipment is typically 10 to 12 feet high, the effective height limit of the occupied portion of a building is approximately 73, at most. In a residential area like the applicant's 14th Street site, the number of residential units is increasing but public recreation space is not. Residential developers, therefore, prefer to offer rooftop recreation as an amenity that will benefit residents and make in-town living more attractive. If such space is provided, it must be ADA compliant, which requires elevator access. Additionally, § 1903.4 clear glass requirement, effectively requires a new building's first floor to be 15 feet high.

Without the additional overall height the applicant would likely need to reduce the number of floors or limit the floor-to-floor height to approximately 8' 1" for the 2nd to 7th floors to accommodate the mechanical equipment within the permitted height. Provide the roof deck and the elevator access would almost certainly require a reduction of one floor. This would make the building at least one story shorter than would typically be achievable in a 75 foot building.

1902.2 (c): The architectural design concept of the project will enhance the urban design features of the immediate vicinity in which it is located; provided, if a historic district or historic landmark is involved, the Board shall refer the application to the State Historic Preservation Officer for review and report;

The Historic Preservation Review Board (HPRB) has reviewed the project and approved it in concept.

1902.2 (d): Vehicular access and egress are located and designed so as to minimize conflict with principal pedestrian ways, to function efficiently, and to create no dangerous or otherwise objectionable traffic conditions; and

This provision is not relevant to the relief sought. The applicant is requesting less parking than required, and accessed from an existing alley.

1902.2 (e): The Board may impose requirements pertaining to design, appearance, signs, size, landscaping, and other such requirements as it deems necessary to protect neighboring property and to achieve the purposes of the ARTS Overlay District.

OP does not recommend imposing any additional design requirements concerning the penthouses.

VI. COMMENTS OF OTHER DISTRICT AGENCIES

No agency had filed a report with the Office of Zoning at the time OP's report was written.

VII. COMMUNITY COMMENTS

ANC 1B voted on December 1, 2011 to support the application, provided the applicant agreed to restrict residents of the proposed development from obtaining Residential Parking Permits.