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Outline of Testimony before the Board of Zoning Adjustment

BZA Application No. 18313
1328 14th Street, N.W.

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I. Site location and description

A. Location

1. West side of 14th Street between Rhode Island Avenue and N Street, N.W.
2. Project site consists of Lots 864 and 867 in Square 211
3. Site located in the Logan Circle area

B. Size

1. Site area is approximately 10,423 square feet
2. Site is rectangular in shape
3. Frontage of approximately 80 feet on 14th Street with a depth of 130 feet
4. Bounded by 10 foot alley on the west side
5. Bounded by private property on the north and south sides

C. Existing site condition: improved with a one story commercial building with adjacent surface parking

II. Description of surrounding area

A. Logan Circle area

MAR 21 2012

BOARD OF ZONING ADJUSTMENT
District of Columbia
Board of Zoning Adjustment
CASE NO. 18313
DISTRICT OF COLUMBIA
CASE NO. 18313
EXHIBIT NO. 30
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B. Remainder of Square 211:

1. To the north: 1 and 2 story commercial buildings fronting on 14th Street
2. To the west:
 - a. Apartment houses (3 story plus basement) on the south side of Rhode Island Avenue west of the alley
 - b. Hotel Helix at 1430 Rhode Island avenue (10 stories)
 - c. District Hotel at 1440 Rhode Island Avenue (4 stories plus basement)
 - d. Apartment house (3 story plus basement) at 1442 Rhode Island Avenue
 - e. Apartment houses (4 to 10 stories) at 1444-1448, 1460 and 1464 Rhode Island Avenue and 1301 15th Street
3. To the south
 - a. Commercial buildings (1 to 3 stories) on the west side of 14th Street
 - b. Apartment house (10 stories) at 1401 N Street
 - c. Apartment houses (4 to 10 stories) at 1411, 1417, 1425, 1435, 1445 and 1449 N Street

A. Uses to the south:

1. Apartment houses, churches and hotels south to Massachusetts Avenue
2. South of Massachusetts Avenue, high-rise office buildings and hotels part of the Central Employment Area

B. Uses to the east:

1. N Street Village (north side of N Street between 14th Street and Vermont Avenue)
2. Mixed commercial uses in 1 to 3 story buildings

C. Uses to the north:

1. Mixed commercial uses lining both sides of 14th Street and on both sides of P Street west of 14th Street, some in ground floor of newer apartment houses
2. Studio Theater at the northeast corner of the intersection of 14th and P Streets
3. Residential uses in both high-rise and low rise buildings

II. ARTS/C-3-A District

A. C-3-A District

1. Uses (§§741 – 744)
 - a. Commercial use permitted as a matter-of-right, including retail, service and office use
 - b. Hotel
 - c. Residential use permitted as carry-over from Special Purpose and Residential Districts
2. Height - maximum of 65 feet (§770.1)
3. Density
 - a. Maximum of 4.0 FAR, with nonresidential uses limited to 2.5 FAR (§771.2)
 - b. Under inclusionary zoning, maximum permitted residential density is increased by 20% to 4.8 FAR (§2604.1)
4. Lot occupancy
 - a. Residential uses limited to 75% (§772.1)
 - b. Under inclusionary zoning, maximum permitted lot occupancy is increased to 80% (§2604.2)
5. Rear yard – minimum of 2 1/2 inches per foot of height measured from the mean finished grade at the rear to the high point of the roof or parapet, but not less than 12 feet (§774.1)

6. Side yard - not required; if provided, minimum of 2 inches per foot of height of building (§775.5)
7. Parking (§2101.1)
 - a. For apartment house: minimum of 1 space for each 2 units
 - b. For retail use: minimum of 1 space for each 300 square feet of gross floor area and cellar floor area in excess of 3,000 square feet
8. Loading berth:
 - a. For residential: minimum of 1 berth @ 55 feet and 1 service/delivery loading space for apartment house with 50 or more units
 - b. For 5,000 to 20,000 square feet of retail: minimum of 1 berth @ 30 feet

B. ARTS Overlay District

1. Use restrictions (§1901):
 - a. Preferred retail and arts uses must occupy at least 50% of the ground level
 - b. No drive-throughs
 - c. Limitations on frontage devoted to eating and drinking establishments
2. In the C-3-A District, maximum permitted height is 75 feet (§1902.1), provided that:
 - a. Roof structures may not exceed 83.5 feet
 - b. If lot abuts a residence district (including where the zone boundary line is an alley), building must be setback 1:1 above 50 feet as measured from the property line that abuts the alley
3. Street frontage design requirements (§1903)
4. Bonus density (§1904)

III. Proposed development

- A. Use: apartment house with approximately 53 units
- B. Gross floor area of approximately 48,600 square feet (approximately 4.66 FAR), including 4,125 square feet of ground floor retail
- C. Height: 65 feet
- D. Parking: 20 spaces provided

IV. Relief required:

A. Variances:

- 1. Variance from the parking requirements for the number of spaces (§2101.1):
 - a. Minimum required: 31 spaces (27 for the apartments and 4 for the retail)
 - b. Proposed: 20 spaces
 - c. Variance: 11 spaces (35%)
- 2. Variance from the parking requirements for the size of the 18 spaces in the garage (§2115.2):
 - a. Minimum required: 9 feet wide by 19 feet long
 - b. Proposed: 8 feet wide by 16 feet long
 - c. Variance: 1 foot by 3 feet
- 3. Variance from the loading requirements (§2201.1)
 - a. Minimum required: 1 berth @ 55 feet, 1 platform @ 200 square feet and 1 service/delivery loading space
 - b. Proposed: 1 berth @ 30 feet and 1 platform @ 100 square feet
 - c. Variance: size of loading berth, size of platform plus 1 service/delivery loading space

- B. Special exception for roof structure (§411)
 - 1. Required: single enclosure with walls of equal height setback 1:1 from exterior walls of building
 - 2. Proposed: 2 enclosures, with main penthouse having roofs at 11 feet and 18 feet, 6 inches, stair tower having varying height from 5 to 10 feet and the stair tower not setback 1:1 from court wall
 - 3. Relief required:
 - a. Multiple enclosures
 - b. Walls of unequal height
 - c. Stair tower with height ranging from 5 to 10 feet not set back at all from the wall of the court
- V. Standards for a variance (§3103.2)
 - A. Where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of the original adoption of the regulations, or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition of a specific piece of property,
 - B. the strict application of any regulation adopted under D.C. Code §§5-413 to 4-432 (1981) would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of the property, to authorize, upon an appeal relating to the property, a variance from the strict application so as to relieve the difficulties or hardship;
 - C. Provided, that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.
- VI. Compliance with the variance standards
 - A. Exceptional situation:
 - 1. Size and width of the lot, particularly as they effect the ability to meet the parking and loading requirements
 - 2. Presence of historic buildings to the north and south
 - 3. Width of public alley at the rear (10 feet)

4. Limitation on taking access to required parking or loading from 14th Street

B. Practical difficulty:

1. Retail requirement (minimum of 50% of the ground floor) limits the number of surface parking spaces that can be provided
2. Size of site limits development to only one level of parking below grade, including 18 spaces
3. Combined width of ramp, aisle and two rows of spaces takes up almost the entire 80 foot width of the lot, without leaving enough room to safely ramp down to another level
4. Need to underpin adjacent historic structures
5. 55 foot berth would severely impact the design of the first floor plate
6. 55 foot truck cannot negotiate the 10 foot alley

C. No substantial detriment:

1. Number of parking spaces proposed is adequate to meet the needs of the building, per reports from Gorove|Slade and DDOT
2. High transit accessibility, as well as bike parking and access to car sharing spaces, will lead to less demand for parking
3. Size of apartment units does not require a 55 foot truck for apartment move-ins and move-outs

VII. Standards for the roof structure special exception (§411.11)

- A. Where impractical because of operating difficulties, size of building lot, or other conditions relating to the building or surrounding area
- B. that would tend to make full compliance unduly restrictive, prohibitively costly, or unreasonable
- C. the Board of Zoning Adjustment shall be empowered to approve the location, design, number and all other aspects of such [roof] structure ...
- D. 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 affected adversely.

VIII. Compliance with the special exception standards for roof structure

A. Size of building lot and other conditions:

1. Small size of lot results in residential floor plates that are essentially single loaded corridors
2. Location of required retail on the ground floor pushes elevator core to one side
3. Court is necessary to provide light and air to the units on the south side of the building which do not front on either the street or the alley

B. Unduly restrictive and unreasonable:

1. Stair tower to the roof needs to be separated from the elevator core
2. Additional setback on the north side would force relocation of the corridor and the egress stair into the units facing 14th Street and unduly reduce the size and functionality of those units

C. Impact on light and air of other buildings

1. Roof structure meets setbacks from all street frontages and is within permitted height
2. Roof over stair tower has been slanted at point where it is closest to court wall
3. Main penthouse has split roof with height at 11 feet and 18 feet, 6 inches to reduce visibility
4. Roof structures are mostly not visible from the 14th Street side of the building

D. Harmony with the purpose and intent of the Regulations

1. Roof structures have been designed to minimize the height and bulk
2. Meet all setbacks from streetwall edge and alley wall

IX. Conclusions

- A. Size and shape from exceptional conditions of the property limiting how much underground parking can be provided

- B. Practical difficulty results from inability to provide more underground parking that complies with size and access limitations
- C. There are sufficient alternatives for access to the site using modes other than automobile travel and there is sufficient off-street parking available in the neighborhood for those who will drive
- D. 55 foot loading berth not necessary to serve the building
- E. Roof structures have been designed to be minimally visible
- F. The application should be granted