



MEMORANDUM

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TO: District of Columbia Board of Zoning Adjustment
FROM: Stephen J. Mordfin, AICP, Case Manager
Joel Lawson, Associate Director Development Review
DATE: June 21, 2012
SUBJECT: BZA Case 18372- 2321 4th Street, N.E., Waiver of Rules for Late Submittal of a Report

The attached report concerning BZA Case 18372- 2321 4th Street, N.E. is being submitted less than seven days prior to the Board's Public Hearing. The Office of Planning respectfully requests that the Board waive its rule and accept this report into the record.

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 18372

EXHIBIT NO. 28



**MEMORANDUM**

TO: District of Columbia Board of Zoning Adjustment

FROM:  Stephen J. Mordfin, AICP, Case Manager
Joel Lawson, Associate Director Development Review

DATE: June 19, 2012

SUBJECT: BZA Case 18372 – 2321 4th Street, N.E.

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following:

- § 772, Lot Occupancy (80 percent permitted, 95.4 percent proposed);
- § 2101.1, Off-street Parking (87 spaces required, 43 spaces proposed);
- § 2201.1, Loading Berths (One at 55 feet required, one at 30 feet proposed); and
- § 2201.6, Loading Berth Height (14 feet required, 12 feet proposed).

II. LOCATION AND SITE DESCRIPTION

Address	2321 4 th Street, N.E.
Legal Description	Square 3629, Lot 808
Ward	5
Lot Characteristics	Level rectangular lot with no alley access
Zoning	C-3-A: Medium bulk medium density mixed use zone
Existing Development	None
Adjacent Properties	North: Rhode Island Avenue Center shopping center South: A liquor store, gasoline station and drive-through bank. West: Across 4 th Street, mixture of neighborhood serving retail and row houses
Surrounding Neighborhood Character	Mixture of residential and commercial uses, including large off-street surface parking lots for the commercial uses to the north and south.

III. APPLICATION IN BRIEF

The applicant proposes to construct a six-story mixed use building with ground floor retail and 160 apartments above on a site that was formerly developed as a warehouse. The warehouse has been demolished.

The first floor of the building would include:

- All parking and loading facilities in the rear portion of the building;
- Storage space for fifty-three bicycles;
- Office support space for the residential units, including a small residential amenity space fronting on Fourth Street; and



- 5,173 square feet of retail space fronting on 4th Street.

All of the residential units would be affordable to families earning between \$35,000 and \$70,000 through the utilization of low income tax credits for a period of forty years.

The building as designed would have no residential units on the ground floor and would, therefore, conform to the lot occupancy requirements of the C-3-A district, which permits a lot occupancy of up to one hundred percent on the ground level. The lot occupancy on the upper floors would be 66.67 percent, less than the maximum 80 percent permitted. However, the three retail spaces on the ground floor, totaling 5,173 square feet, are designed so that they could be converted to residential units should the retail space prove unsuccessful. The potential addition of dwelling units to the first floor would reduce the maximum permitted lot occupancy permitted for the ground floor to 80 percent, resulting in the lot occupancy variance request.

The application proposes that the building be exempt from the Residential Parking Permit (RPP) program to restrict future tenants of the building from parking on surrounding neighborhood streets.

IV. ZONING REQUIREMENTS and REQUESTED RELIEF

C-3-A Zone	Regulation	Proposed	Relief
Lot Area	n/a	39,204 sq.ft.	None required
Height § 770	65-foot max.	64.5 feet	None required
Floor Area Ratio § 771	4.80 max.*	3.96	None required
Lot Occupancy § 772	80% max.*	96.72%	Required
Residential Parking § 2101.1	80 (1 per 2 du's)	40 (1 per 4 du's)	Required
Retail Parking § 2101.1	7	3	Required
Loading Berth § 2201.1	1 @ 55 feet	1 @ 30 feet	Required
Loading Berth Height § 2201.6	14-foot min.	12 feet	Required

* Includes Inclusionary Zoning bonus

V. OFFICE OF PLANNING ANALYSIS

a. Variance Relief from § 772, Lot Occupancy

i. Exceptional Situation Resulting in a Practical Difficulty

The property is oddly, triangularly shaped. Soil conditions are difficult, due to the use of former building materials as fill. These conditions limit the effectiveness and the ability to provide below grade parking. As such, parking and loading would be located on the ground floor of the building, contributing to lot occupancy. If it were feasible for the applicant to locate the parking and loading below grade, the footprint of the building could be reduced to 67 percent, the same as the lot occupancy of the floors above and less than the maximum eighty percent permitted if residential units are provided on the ground floor.

Although the building is permitted a lot occupancy of one hundred percent if no residential units are provided on the first floor, the application indicates that the retail space, if unsuccessful, would be converted to apartments, reducing the maximum permitted lot occupancy from 100 to 80 percent. The exceptional situation leading to a practical difficulty is the inability to provide parking and loading in a location other than above-grade, where it would contribute to and result in a lot occupancy of 96.72 percent.

ii. No Substantial Detriment to the Public Good

The increased lot occupancy would only be necessary should the proposed retail space prove to be unsuccessful. The increased lot occupancy would allow the applicant the flexibility to ensure that the retail spaces would not remain vacant should there be no demand for these spaces.

iii. No Substantial Harm to the Zoning Regulations

No substantial harm to the Zoning Regulations would occur as this is a mixed use zone which anticipates both retail and residential uses. Decreasing the lot occupancy would likely result in the need for different, additional relief from parking and/or loading requirements.

b. Variance Relief from § 2101.1, Off-Street Parking

i. Exceptional Situation Resulting in a Practical Difficulty

The subject property is triangular in shape, and impacted by below-grade soil conditions and sloping topography. A geo-technical study concluded that it would economically infeasible to excavate the site and construct below grade parking due to the presence of unsuitable fill materials. The shape of the property, almost coming to a point at the rear, makes designing an efficient garage with double-loaded aisles difficult as the property narrows from front to rear. In combination, the applicant is unable to provide below-grade parking and is unable to increase the number of parking spaces proposed without dedicating space at the front of the building or upper floors to garage space, precluding the ability of the applicant to activate the street.

ii. No Substantial Detriment to the Public Good

The reduction in parking would not result in a detriment to the public good. The site is well-served by public transit. The Rhode Island Avenue Metrorail station provides access to the Red Line approximately one-third of a mile away. Fourth Street is served by the D8 (Hospital Center Line) and the G8 (Rhode Island Avenue Line) bus routes. Additional bus service is available at the Rhode Island Avenue Metro station, providing service to downtown, areas east of the river and Prince George's County. The traffic study submitted as a part of the application dated June 5, 2012, concluded that the amount of off-street parking proposed would be sufficient to accommodate the proposed development.

Although no bicycle parking spaces would be required for this development, storage space for fifty-three bicycles would be provided within the garage, in excess of the number of automobile parking spaces proposed. Bicycle parking for an additional four bicycles would be provided to the front of the building, subject to approval of the Public Space Committee. ZipCar and Capital BikeShare stations are located near the site at the intersection of 4th Street and Rhode Island Avenue, N.E., within close proximity to the site, further increasing the number of transportation options that would be available to future tenants of the building.

iii. No Substantial Harm to the Zoning Regulations

No substantial harm to the Zoning Regulations would result from the reduction in parking. The transportation study concluded that adequate off-street parking to serve the building would be provided. The site is well served by multiple forms of transportation, including bus and rail transit, and would provide parking for fifty-three bicycles, allowing for a wide variety of transportations for the future tenants of the building.

c. Variance Relief from § 2201.1, Loading Berth Size and § 2201.6, Height of Loading Berth

i. Exceptional Situation Resulting in a Practical Difficulty

The exceptional situation resulting in a practical difficulty is the limited amount of space on the ground floor for the provision of parking and loading facilities, adversely impacting the applicant's ability to provide a loading berth of 55 feet. Increase the size of the berth would

negatively impact the location of the trash dumpsters within the limited area available for support services within the building.

A building height of 64.5 feet is proposed, six inches less than the maximum permitted building height of 65 feet in the C-3-A zone. The height of the first floor, which would include the loading berth, would be twelve feet. As a result, the height of the loading berth would be twelve feet, two feet less than the minimum fourteen feet required. Increasing the height to fourteen feet would adversely affect the residential floor-to-ceiling heights on the upper floors, reducing them from eight to 7.5 feet, an unusually low height and a practical difficulty to the applicant.

ii. No Substantial Detriment to the Public Good

There would be no substantial detriment to the public good. Large trucks would not likely be necessary to service the building. The average size of the apartments would be less than 800 square feet and the retail spaces would also be small, with the total area of the three spaces combined less than 5,200 square feet. Therefore, no substantial detriment to the public good would result. A 30 foot deep loading berth is common in smaller residential buildings, and typically would not accommodate trucks requiring a head-height of greater than 12 feet.

iii. No Substantial Harm to the Zoning Regulations

There would be no substantial harm to the Zoning Regulations. One loading berth, as required, would be provided to serve the residential and retail uses of the building.

VI. COMMENTS OF OTHER DISTRICT AGENCIES

OP is not aware of comments from any other District agency.

VII. COMMUNITY COMMENTS

ANC 5C, at its regularly scheduled meeting of May 8, 2012, voted to support the application.

Attachment: Location Map

