


**MEMORANDUM**

**TO:** District Board of Zoning Adjustment

**FROM:**  Jennifer Steingasser, Deputy Director Development Review & Historic Preservation

**DATE:** July 17, 2012

**SUBJECT:** **BZA 18382 – Georgetown Custom House and Post Office**

**I. OFFICE OF PLANNING RECOMMENDATION**

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

- Use variance to permit a commercial (retail and office) use in the R-3 District pursuant to § 2002.5; and
- Area variances from the lot occupancy, rear and side requirements of §§ 403, 404 and 405, to accommodate the proposed cellar expansion of the historic Georgetown Post Office building

**II. AREA AND SITE DESCRIPTION**

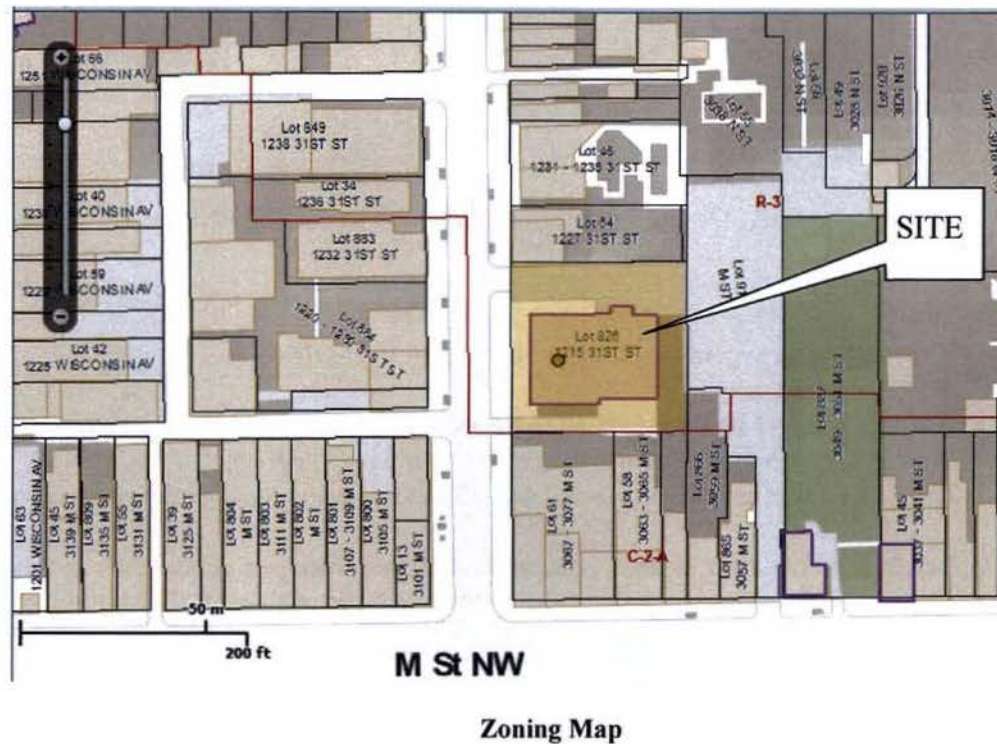
Address	1251 31 <sup>st</sup> Street NW
Legal Description	Square 1209, Lot 826
Ward/ANC	2/ANC 2E
Zoning	The property is split-zoned R-3/C-2-A It is within the R-3 District for the majority of the property and the C-2-A District for a 6-foot wide area at the southern property line
Lot Characteristics	The property gradually slopes downward from north to south along 31 <sup>st</sup> Street
Adjacent Properties	To the north is a 3-story residential building, to the east an open parking lot; to the south are several one-story retail establishments in the C-2-A District The property fronts on 31 <sup>st</sup> Street at the west property line
Neighborhood Character	The surrounding neighborhood is a mix of commercial and residential uses To the north of the site are residential row homes within the R-3 District, and commercial establishments to the west and south of the building

**BOARD OF ZONING ADJUSTMENT**  
District of Columbia

CASE NO. 18382

EXHIBIT NO. 26





#### IV. HISTORIC PRESERVATION

The property is located in the Georgetown Historic District and is designated a Historic Landmark building known as the Georgetown Custom House and Post Office. Development on the property is subject to review by the Commission of Fine Arts (CFA). CFA's report dated November 18, 2011 would be submitted under separate cover.

#### V. PROPOSAL

The applicant, Pony Express LLC, has proposed the renovation and expansion of the landmarked structure known as the Georgetown Custom House and Post Office, which continues to accommodate the modern operations of the United States Parcel Service (USPS). The renovation includes the interior and exterior elements of the structure, while the expansion is proposed at the cellar level. An elevator would be installed within the area of the 1926 addition for ADA compliance, resulting in the expansion of the gross floor area of the upper floor by 200 square feet. The cellar level would be expanded by 2,357 square feet, as provided on A.4 of the submitted plans. The main floor would not be expanded. The expansion would also provide natural light and air via the roof structure which would be located essentially at grade in the rear and side yards.

The proposed expansion of the cellar would provide contemporary space for commercial uses that may include retail or office space. The applicant has stated that the structure may be marketed as a commercial condominium with the USPS's retail operations retaining a portion of the main floor, and would be partitioned off from a new stairwell providing access for the commercial use to the upper and cellar levels (A.11 of the plan).

The proposal would require use variance relief since the enlargement would not be devoted to a conforming use in the zone. Further, the Zoning Administrator has determined that because the addition would be more than four feet above grade (and therefore a basement), the lot occupancy would be increased and the rear and side yard would be reduced below that permitted for the zone, even though the expansion would be at the same level of the existing cellar.

**VI. ZONING REQUIREMENTS and REQUESTED RELIEF**

<b>R-3 Zone</b>	<b>Regulation</b>	<b>Existing</b>	<b>Proposed <sup>1</sup></b>	<b>Relief</b>
Lot Area	None prescribed	14,850 sq ft	14,850 sq ft	None required
Height § 400	40 ft /3 stories max	40 ft /2 stories	No Change	None required
FAR	None prescribed	-	-	-
Lot Occ § 403	40%	35%	51%	Variance required
Rear Yard § 404	20 ft min	21 ft	4ft 9ins	Variance required
Side Yard § 405	8 ft min for depth of lot	25 ft (south) / 35 ft (north)	0 ft for a portion (south)	Variance required
Use and expansion §2002.5	Designed primarily for row dwellings	Retail Post Office	Retail post office, and commercial space	Variance required

**VII. ANALYSIS****USE VARIANCE****i. Exceptional Situation leading to a hardship**

The property exhibits several characteristics which create an exceptional situation, including

- The reduced space requirements of the contemporary operations of the USPS facility compared with its earlier operations, which required more space for mail sorting and handling
- The security requirements of USPS's operations which make residential use incompatible with the ongoing operations of the mail facility
- The individual Historic Landmark status of the building which limits design and additions to the structure
- The inability to demolish the 1926 addition at the rear which is also considered a contributing element of the historic structure

These factors in combination create a hardship for the applicant in maintaining the continued operation as a post office in the entire building. All of the existing square footage is no longer needed for the efficient operations of the USPS, and it would be a detriment to the historic landmark to allow the remaining unused space to remain vacant and not be assigned to a productive use

The applicant has worked extensively with OP, including the Historic Preservation Office (HPO) to consider several options and redesigns for the landmark structure. However, a previously discussed option to convert the structure to a contemporary multi-family residential use proposed additions to the structure, which did not meet the HPO's approval, as staff contemplated the adverse impact of those additions to the historic resource. The community also disapproved of the multi-family residential option, citing their concerns of adverse impacts on neighborhood streets due to traffic and parking. The use would also not be permitted by the Zoning Regulations as a matter-of-right. OP also considered that other permitted uses for the zone, including a community-based residential facility, an emergency shelter, a youth residential care home or other permitted uses would be impractical, as the space requirements for such facilities would not be satisfied without significant additions or alterations to the existing resource.

Therefore, the applicant faces a hardship in renovating the structure and putting the unused area to productive use consistent with the landmark status of the building, the neighborhood and the Zoning Regulations.

**ii. No Substantial Detriment to the Public Good**

The proposed adaptive reuse of a portion of the building for commercial use would not be a substantial detriment to the public good, as it would not be in the public's interest to allow the historic resource to be

<sup>1</sup> Information provided by applicant

underutilized and become obsolete in a state of disrepair. The proposed use in a space of less than 12,000 square feet is not anticipated to generate the number of trips and parking requirements for a multi-family residential use, which was opposed by the neighborhood. Therefore, OP does not anticipate a substantial detriment to the public good to permit a commercial use within the landmark structure, which already supports a legal commercial operation by the USPS.

**iii. No Substantial Harm to the Zoning Regulations**

No substantial harm would accrue to the Zoning Regulations, since the regulations do not intend to encourage obsolescence or disrepair of historic structures, which are devoted to legal nonconforming uses. The landmarked structure predates the current zoning and it cannot reasonably be altered to accommodate permitted residential uses. As such, the continued commercial use of the property would not substantially harm the current zoning regulations.

**AREA VARIANCE**

**Lot Occupancy, Rear Yard and Side Yard**

**i. Exceptional Situation leading to a Practical Difficulty**

The limits placed on the design of any above grade addition, as well as the existing topography of the site, combine to create a practical difficulty in renovating the structure to provide contemporary commercial space which complies with ADA requirements. Since several attempts at expansion did not meet with HP's and CFA's satisfaction, the alternative was sought below grade, beyond the existing building's footprint into the rear and a portion of the south facing side yard. The Zoning Administrator determined that such an expansion would include portions of the adjacent grade being more than four feet below the ceiling of the lowest level, thereby expanding the lot occupancy from 35% to 51%. Thus, the lot occupancy was increased to create a meaningful separate entrance for the other commercial space, while portions of the rear and side yards would be simultaneously reduced to accommodate a roof structure designed to provide light and air to that level.

**ii. No Substantial Detriment to the Public Good**

The proposed expansion will not be a detriment to the public good. The increase in lot occupancy expands the footprint partially below grade. The addition would not be immediately visible from public space and would not detract from the existing historic resource. Light and air to the abutting residential building to the north would not be impacted, as the existing separation between the structures would be maintained. OP does not anticipate a substantial increase in traffic generated by the commercial operation of the space, however, the Department of Transportation would provide separate comments in this regard.

**iii. No Substantial Harm to the Zoning Regulations**

The massing of the building would not be substantially altered as the proposed addition would be below grade and would maintain the architectural integrity of the historic resource. The continued use as a commercial property would not alter the pattern of uses in area. Therefore, the lot occupancy, rear and side yard relief requested would not impair the intent of the Regulations.

**VIII. COMMUNITY COMMENTS**

The ANC 2E voted unanimously to support the application on July 2, 2012. A copy of the letter in support would be filed separately with the Board.

**IX. AGENCY COMMENTS**

The District Department of Transportation would file a report to the Board under separate cover.

**X. CONCLUSION AND RECOMMENDATION**

The applicant has incorporated the addition to the historic resource in a manner that respects the historic character of the landmarked Custom House and Post Office. In trying to be respectful of the historic resource, the design of the addition has increased the lot occupancy and reduced the rear and side yards in order to provide light and air to the cellar. The requested variances would not adversely affect the historic resource or the surrounding area, as the long standing commercial use of the property would be continued. OP therefore recommends approval of the requested use and area variance relief to facilitate the continued productive use of this important District landmark.

JLS/kt