

**BEFORE THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

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Application of Clark Associates, LLC, on behalf of Perseus Realty, LLC

1728 14th Street, N.W. (Square 207, Lot 120)

PRELIMINARY STATEMENT OF COMPLIANCE

**I.
Introduction**

A Description of Property

The property is zoned ARTS/C-3-A and is identified as Lot 120 in Square 207. The property is also located in the Greater 14th Street Historic District. The property fronts on the west side of 14th Street, NW, between R and S Streets. The property is rectangular in shape and measures 60.06 ft. wide by 140.20 ft. deep, with 8422 sq. ft. of land area. There is a 20 foot wide public alley in the rear.

The existing warehouse building contains approximately 9027 sq. ft. of gross floor area and was built as a matter of right in the mid-1980's when the property was zoned C-M-3. The building has a flat unarticulated red brick façade, with very little fenestration, and replaced three 20-ft wide commercial row structures which are believed to have been destroyed in the 1968 riots.

B Description of Project

The proposed building is a four-story neighborhood retail and office building, which incorporates the former two-story warehouse. The existing brick street façade will be removed and a new façade along with 2 upper floors will be constructed as shown on the plans. The existing masonry and steel structure will be retained behind the new façade at the 1st and 2nd floors.

The proposed design establishes an artfully composed masonry and composite panel skin contributing to its established commercial context. The front façade, formally composed and classically proportioned akin to its limestone and masonry 20's automotive era context, responds to both the two-story and three-story residential townhouses in the immediate vicinity that were previously converted to commercial use. At its center, a playful lattice of aluminum frames and colored glass establishes this as a building of its time and place and announces its commercial uses. The lattice is composed of two main vertical elements rhythmically marking the former lot lines of the three townhouses lost in the 1968 riots. Horizontally composed metal and glass spandrels "weave" their way through the façade and further relate the building to its modified

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context. The retail entries are placed within the center bay while the office entry is located at the left side of the façade

The Uptown Arts Overlay regulations provide for certain bonus density based upon the type of use in the building. At this point, the Applicant does not know what type of "preferred" ground floor use from the list in Sections 1907 and 1908 of the Uptown Arts Overlay regulations will be located in the building, but the Applicant is targeting lease discussions with those uses listed in both Sections 1904.2(b) and (c). The amount of bonus density permitted in the building will depend upon the proposed use, which will be identified prior to construction.

The maximum permitted density in the ARTS/C-3-A zone is 4.5, utilizing bonus density. The maximum permitted height is 75 ft., with a maximum roof structure height of 83.5 ft above the measuring point of the building. The three alternative matter of right density tenant scenarios for the proposed building, as further explained on Sheet 2A of the drawings, are as follows.

Scheme 1--3.0 FAR and 57 ft. in height

- Ground floor---Section 1904.2(c)-6461 sq. ft. of any Section 1907 or 1908 use.
- 18,805 sq. ft. of office use on floors 2, 3 and 4. Partial 4th floor footprint.
- 25,266 sq. ft. of total gross floor area.

Scheme 2--3.43 FAR and 57 ft. in height

- Ground floor---6461 sq. ft. of restaurant (or any other use listed in Section 1904.2(b))
- 22,295 sq. ft. of office use on floors 2, 3 and 4. Full fourth floor footprint
- 28,756 sq. ft. of total gross floor area.
- (Section 1904.2(b) use on ground floor would generate a maximum permitted density of 4.03 FAR)

Scheme 3--3.41 FAR and 57 ft. in height

- Ground floor and second floor---Section 1904.2(c)-13,453 sq. ft. of any Section 1907 or 1908 use.
- 15,303 sq. ft. of office use on floors 3 and 4. Full fourth floor footprint
- 28,756 sq. ft. of total gross floor area
- (Section 1904.2(c) use on floors 1 and 2 would generate a maximum permitted density of 4.25 FAR)

C. Description of Required Zoning Relief

As summarized below and shown in more detail on Sheet 2A of the drawings, a variance from the number of parking spaces is required under all of the three Schemes listed above. A variance from the office loading requirement is required under Scheme 2 above.

The project will provide four parking spaces, one 30 ft. loading berth, and one 100 sq. ft. loading platform. The parking and loading will both be located at grade, at the rear of the building, adjacent to and accessed by the abutting 20 ft wide north-south alley to the west of the site

Scheme 1---Variance for 35 parking spaces

Scheme 2---Variance for 40 parking spaces, and one 30 ft. berth, one 100 sq. ft. loading platform, and one 20 ft. service/delivery loading space for the office use.

Scenario 3---Variance for 52 parking spaces.

II

The Applicant Meets The Test For Variance Relief

A The Property is affected by an exceptional situation or condition

There are a number of exceptional situations or conditions affecting this property, including the existing grid pattern, spacing and location of the vertical steel columns and footings of the existing building structure, which will remain in the new project; the size, dimensions and physical constraints of the property, and the fragile nature of the abutting historic buildings to the north and south. The property is improved with a non-contributing yet structurally sound steel frame and masonry building, which will be retained on site, except for the front façade and interior non-structural elements.

B The strict application of the zoning regulations will impose a practical difficulty

The strict application of the zoning regulations would require a maximum of 56 parking spaces (for Scenario 3), and a maximum of two 30 ft loading berths, two 100 sq. ft. loading platforms, and one 20 ft deep service/delivery loading space (for Scenario 2). It would be practically difficult to include any parking and loading in the project beyond that which is currently proposed at grade, at the rear of the building.

The property is located within the Greater 14th Street Historic District. The immediate context of the historic neighborhood, and the immediate neighboring buildings on both sides, are two-story buildings, interspersed with several three-story buildings. Although the overlay zoning regulations would allow a building with a height up to 75 ft. tall, the historic preservation regulations and design guidelines would not allow a building of that height. The HPO guidelines provide that new buildings are to be proportional to their neighbors. The proposed façade was designed to relate to the adjacent three story townhouse structures to the north and south, with a fourth floor that is treated as an attic story. These proportions are a classic treatment shared with many of the original automotive and industrial buildings along 14th Street. Adding additional stories above the fourth floor would render the building out of context with its neighbors and create an almost insurmountable challenge to a grant a HPRB approval for the project. In fact, at

least one prior development proposal for the site, at a height of greater than four stories, was rejected by the Historic Preservation Office

As a result of these historic preservation restrictions, it is not possible to replace this historically insignificant and unattractive building with a new building that utilizes the permitted height and density provided in the A/C-3-A zone. Redevelopment of the site with a building of a lower height and density to address these restrictions is financially feasible only if as much of the existing structure is kept as is possible. In this case, the foundation, the footings, the vertical structural columns, and the existing side and rear walls, are all structurally sound and are able to be retained and incorporated into the project. This approach is also consistent with accepted principals of sustainability.

The existing foundation, structural footings and vertical structural columns were designed and constructed in the 1980's without regard to any consideration for parking within the building. The central column line is east/west, in the middle of the building, and the two flanking column lines to the north and south of the center column line were evidently spaced and set back from the adjacent side walls of the two historic buildings to the north and south, so that the side walls of those two buildings would not need to be underpinned or otherwise structurally supported. As a result, the existing grid pattern and location of the structural footings and vertical columns does not have either the right location or the amount of spacing necessary to retrofit a parking garage in the building, even assuming that this could be physically done.

If the structural footings and foundation and vertical structural columns were removed in order to provide a more modern and appropriately-spaced and located 20 ft. by 20 ft. structural grid pattern for a garage, the building would still likely be limited to four floors for historic preservation purposes. However, the ability to reuse the existing side and rear walls and foundation, structural footings and vertical columns is what makes the project financially feasible.

Furthermore, assuming that the complete removal of the existing building and replacement with a new four story structure was financially feasible, it would still be difficult to include an adequate functioning parking garage in the project. The lot measures 60' 06" ft. wide. A maximum of two 12 ft. wide, 30 ft. deep berths and one 10 ft. wide, 20 ft. deep service/delivery loading space (for Scheme 2) would consume a minimum of 34 ft. of the lot width at the rear of the building. A two-way parking access driveway to/from a below-grade garage would consume at least another 14 ft. of width, leaving at most 12 ft. of width for rear egress from the building, and a trash receptacle area. If only one 12 ft. wide loading berth was required, (for Schemes 1 and 3) then two 9 ft. wide parking spaces would theoretically be provided on the surface, with a minimum 14 ft. wide two-way driveway and at most 16 ft. left for rear building egress and a trash receptacle area. The remaining required parking spaces would need to be located in a garage.

Assuming for discussion purposes that the removal of the entire structure and replacement with a four story building was financially feasible, the minimum required width of a garage in order to provide the required 20 ft. wide aisle around the perimeter of the garage spiraling down to multiple garage levels, with a single row of 19 ft. long parking spaces in the

middle, is 59 ft. The lot is just over 60 ft wide, and a portion of the adjacent building to the south encroaches 0.4 ft. onto the site. Therefore, given the 140 ft depth of the lot, the garage would be required to have four levels in order to accommodate 35 spaces, and five levels to accommodate 52 spaces. However, the location of the building core (which would need to be extended to the first garage level), would need to be shifted to the center of the building, in order to not interfere with the drive aisle around the perimeter of the garage. This would result in the loss of additional spaces in the center parking aisle, with a corresponding increase in the number of required parking levels to accommodate the amount of required parking.

The proposed building is set back 20 ft from the rear lot line. Assuming that the garage ramp would begin at the property line, a substantial amount of the ground floor space in the building would be lost in order to accommodate the ceiling height of the ramp to the garage. The portion of the first floor above the minimum 14 ft. wide garage ramp would need to be recessed approximately 55 ft from the rear lot line, resulting in a loss of at least 500 sq. ft. of ground floor retail space. The relocation of the building core to the center of the building would result in a less efficient floor plan on floors one through four and the loss of significant tenant space in the building.

Moreover, if this construction was theoretically feasible and possible, it would require extensive underpinning and structural support of the adjacent existing historic structures on the north and south sides of the site. These buildings are fragile, and would require extensive and expensive measures in order to retain their structural integrity.

In addition, soil borings indicate the water table depth as shallow as 23.5 ft below the surface. The requirement to dewater the site at the third level and below would create significant additional expense.

C Relief can be granted without substantial detriment to the public good and without substantially impairing the intent, or integrity of the zoning regulations.

The requested parking variance is appropriate. The building footprint and tenant spaces in the building are small, and will not likely attract a "destination retail" tenant. Rather, the tenant will most likely be a neighborhood-oriented retail or service use. Likewise, the upper level office space of between 15,000 and 22,500 sq. ft. will most likely attract one or two neighborhood-oriented tenants. The property is located within 2060 ft of the U Street/Cardozo Metrorail station. The property has a walk score of 98% and a transit score of 90% on walkscore.com, with 50 bus routes and the U Street/Cardozo Metrorail Station in close proximity. There are bikeshare stations at 14th and U, 14th and Rhode Island, and 15th and P Streets, NW. There is also a zipcar facility at 14th and Corcoran Streets, N.W.

The office loading variance is also appropriate. The office loading berth requirement of one 30-foot deep berth and one 20-foot deep service delivery loading space is required for office uses in the C-3-A zone of between 20,000 sq. ft. and 50,000 sq. ft. There is no office loading variance under Schemes 1 and 3. Under Scheme 2, the proposed office use is just over the minimum threshold requirement, at 22,722 sq. ft. The same loading requirement would apply to an office use that was more than twice the size of the maximum proposed in this application.

The applicant expects that the 30 ft. berth that is provided in the project will be sufficient to be shared by the retail/service use and the office use in this small building.

III

Conclusion

Based upon the above, and upon the testimony of the witnesses to be presented at the public hearing, the Applicant respectfully requests approval of the application.