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MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Elisa Vitale, Case Manager
Joel Lawson, Associate Director Development Review
DATE: October 1, 2013

SUBJECT: BZA Case 18632 - request for special exception relief from the parking requirement (§ 2120.6) and setback requirement (§ 1902.2) and variance relief from the public space requirement (§ 633), lot occupancy (§ 634) and minimum required rear yard setback (§ 636.2) to renovate two historic structures and construct a mixed-use building at 1921 – 1923 and 1925 14th Street and 1351 Wallach Place, NW.

I. OFFICE OF PLANNING RECOMMENDATION

With regards to this proposal to construct a nine-story mixed-use building at 1921 – 1923 and 1925 14th Street and 1351 Wallach Place, NW, the Office of Planning (OP) is not opposed to the Board of Zoning Adjustment granting the following requested relief; however, the applicant's relief analysis relies on guidance provided by Historic Preservation Office (HPO) staff and not a decision of the Historic Preservation Review Board (HPRB).

Special Exception (pursuant to § 3104.1):

- § 1902.2, ARTS Overlay setback (setback above 65 feet adjacent to a residential zone; setback not provided at 9th floor and penthouse); and
- § 2120.6, parking (26 spaces required; 0 spaces proposed).

Area Variance (pursuant to § 3103.2):

- § 633, public space (954 square feet required; 0 proposed);
- § 634, lot occupancy (80% residential with Inclusionary Zoning and 100% commercial permitted; 100% on the first floor with 90% commercial/10% residential and 90% on the second floor with 80% residential/10% commercial proposed); and
- § 636.2, rear yard setback (25 feet required, 0 proposed).

OP also recommends that the Board require the applicant to reduce the size of the rooftop enclosure.

II. LOCATION AND SITE DESCRIPTION

Address:	1921 – 1923 and 1925 14 th Street and 1351 Wallach Place, NW (See Attachment 1.)
Legal Description:	Square 0237, Lots 0180, 0196, and 0806
Ward/ANC:	1/1B

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 18632

EXHIBIT NO. 28

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Lot Characteristics:	The property, a corner lot, is generally square in shape. The property is bounded on the west by 14 th Street NW, the south by Wallach Place NW, and the east by a 15-foot public alley. To the north are commercial buildings.
Zoning:	ARTS/CR – Arts Overlay District and commercial residential.
Existing Development:	The property is partially improved with two vacant, historic structures and a parking lot. There is a one-story frame structure at 1925 14 th Street NW, associated with the parking lot, which is to be demolished.
Historic District:	Greater U Street Historic District
Adjacent Properties:	To the north is a one-story commercial building with retail tenants. To the south, across Wallach Place NW, a new mixed use building is under construction at 1919 14 th Street NW. Across the alley to the east are row dwellings that front on Wallach Place NW.
Surrounding Neighborhood Character:	The immediate area consists of a wide variety of commercial and residential uses. Along 14 th Street are commercial businesses and residential apartment buildings that are zoned ARTS/CR and ARTS/C-3-A to the south of Wallach Place NW. Row dwellings are located to the Property's east and are in the R-4 district.

III. PROJECT DESCRIPTION IN BRIEF

Applicant:	Griffin, Murphy, Moldenhauer & Wiggins, LLP, attorneys on behalf of 14 th & U Residential, LLC, owner.
Proposal:	The applicant is proposing to construct a nine-story mixed-use building with approximately 56 dwelling units and 9,398 square feet of retail space.
Relief Sought:	The applicant seeks special exception relief from the parking requirement for historic structures (§ 2120.6) and from the ARTS Overlay setback requirement (§ 1902.2). The applicant seeks variances from the public space requirements (§ 633), lot occupancy requirements (§ 634), and rear yard setback requirement (§ 636.2).

IV. ZONING REQUIREMENTS

ARTS/CR Zone	Regulation	Existing	Proposed ¹	Relief:
Lot area (sq. ft.)	N/A	9,540 sq. ft.	9,540 sq. ft.	None required
Lot width (ft.)	N/A	90 ft.	90 ft.	None required

¹ Information provided by applicant.

ARTS/CR Zone	Regulation	Existing	Proposed ¹	Relief:
Lot Occupancy § 634	Commercial 100% Residential 80% (IZ)	N/A	1 st Floor 100% (90% commercial; 10% residential) 2 nd Floor 90% (80% residential; 10% commercial)	Relief required
Rear Yard (ft.) § 636.2	3 in./ft. of height/12 ft. min.; 25 ft. required	0 ft.	0 ft.	Relief required
Arts Overlay Setback § 1902.2	No part of the building shall project above a plane drawn at a forty-five degree (45°) angle from a line located sixty-five feet (65 ft.) directly above the property line.	N/A	Setback not provided at ninth floor and penthouse.	Relief required
Parking (number) § 2120.6	20 residential spaces (1 space/3 dwelling units) 2 retail spaces (1 space/750 sq. ft. over 3,000 sq. ft.) 22 total spaces	N/A	0	Relief required

V. OP ANALYSIS:

a. Special Exception Relief from §§ 1902.2 and 2120.6

The applicant is seeking special exception relief from § 1902.2, which states that if the lot abuts a street, an alley, or a zone district boundary with a Residence District, no part of the building shall project above a plane drawn at a 45 degree angle from a line located 65 feet directly above the property line on each such street, alley, or zone district boundary line.

The applicant is seeking special exception relief from § 2120.6, which states that the Board may grant relief from all or part of the parking requirements if the owner of the property demonstrates that, as a result of the nature or location of the historic resource, providing the required parking will result in significant architectural or structural difficulty in maintaining the historic integrity and appearance of the historic resource.

The Board of Zoning Adjustment may grant exceptions under § 3104 from any of the requirements or limits of the ARTS Overlay, other than § 1901.6, based upon the following criteria; except that the Board shall apply criteria (c) and (d) only if relevant to the relief sought.

- i. **The uses, buildings, or features at the size, intensity, and locations proposed, will substantially advance the purposes of the ARTS Overlay District and will not adversely affect neighboring property or be detrimental to the health, safety, convenience, or general welfare of persons living, working, or visiting in the area;**

In general, the proposed project would advance the purposes of the ARTS Overlay as it would provide a mixed-use building with ground floor retail and residential units above.

Regarding the building setback requirement and the requested relief from § 1902.2, the applicant is proposing a “U” shaped structure that would step back from the residential properties fronting

Wallach Place. The massing of the proposed development would be concentrated on the northern portion of the property and should ensure that sufficient light and air are available to the neighboring properties.

With respect to the requested relief from the parking requirement, the following additional criteria also must be addressed under § 2120.6:

- i. Maximum number of students, employees, guests, customers, or clients who can reasonably be expected to use the proposed building or structure at one time;**
- ii. Amount of traffic congestion existing and/or that the redevelopment of the historic resource can reasonably be expected to add to the neighborhood;**
- iii. Quantity of existing public, commercial, or private parking, other than curb parking, on the property or in the neighborhood that can reasonably be expected to be available when the redevelopment is complete; and**
- iv. Proximity to public transportation, particularly Metrorail stations, and availability of either public transportation service in the area, or a ride sharing program approved by the District of Columbia Department of Transportation.**

The applicant states that according to geotechnical reports it would be difficult to excavate, underpin, and construct parking under the historic buildings and cites the presence of a high water table at the site. Additionally, the provision of underground parking on the site would be highly inefficient and would create undesirable parking geometries because only a portion of the site could be used for underground parking. The site lines down the alley are limited because the historic apartment building at 1351 Wallach Place is located at the rear property line with bay windows that further encroach on the alley at the second level. Given space constraints on the property due to the presence of the historic structures, the garage ramp would only permit one-way traffic and would be of such a slope that it could present safety concerns. Finally, the applicant states that the limited size of the garage would necessitate extensive maneuvering to get vehicles in to and out of parking spots.

The proposed development would have access to a variety of transportation options for its residents. The property is located: 1.5 blocks from the U Street Metro, which is served by the green line; on eight WMATA bus routes and a Circulator route; and close to bikeshare and carshare locations. The property has a walkscore of 100 and a bikescore of 95. The applicant is proposing a Transportation Demand Management (TDM) package to mitigate the requested parking relief, including the following measures:

- Restrict tenants from obtaining a Residential Parking Permit (RPP) to offset the parking relief sought;
- Install an electronic information display providing real time information related to local transportation options;
- Provide the first occupant of each residential unit a \$100 car sharing membership, or a \$150 Capital Bikeshare membership, or a \$200 Smart Trip card;
- Designate a member of the property management team as the Transportation Management Coordinator (TMC) to ensure that information identifying programs and incentives for using alternative modes of transportation is disseminated to tenants of the building; and
- Provide at least 30 covered and secure bicycle spaces in the building.

- ii. **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;**

The applicant asserts that the property is uniquely affected by the presence of the two historic structures that are proposed to be preserved and incorporated in the development, the high water table, the narrow rights-of-way abutting the property, and the contradictory limitations given the location of the property in the Greater U Street Historic District, the ARTS Overlay, the CR district, and the Inclusionary Zoning requirements. Construction of parking below the historic structures would not be viable because it could jeopardize the structural integrity of the historic buildings. Provision of below grade parking on the portion of the property unencumbered by the historic buildings would result in an inefficient parking garage layout that would be further constrained by the provision of an access ramp.

The proposed development is 16,277 square feet smaller than is permitted under the Floor Area Ratio (FAR) requirements as a matter-of-right. Conformance with the building setback requirement would create a practical difficulty for the applicant to meet roof structure setback requirements and achieve an efficient design and location for building rooftop mechanicals.

- iii. **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 property is located in the Greater U Street Historic District. The applicant indicates that the proposed project design is based on input provided by HPO staff. The HPRB hearing is scheduled for October 3, 2013. OP staff notes that the project design and the resulting relief requested could change based on HPRB review.

- iv. **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**

The applicant is seeking relief from the require parking under § 2120.6 and loading is not required per § 2200.5. However, the applicant is proposing one loading space to serve the residential and retail uses. The applicant states that vehicular access for loading, which will take place via the alley, would be designed to minimize conflicts with pedestrian pathways, function efficiently, and avoid dangerous or otherwise objectionable traffic conditions.

- v. **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 staff recommends that the Board request that the applicant modify the rooftop enclosure to reduce its overall size.

b. Variance Relief from § 633, 634, and 636.2

In order to be granted a variance, the applicant must demonstrate how it meets the three-part test described in § 3103.2.

The applicant is requesting the following variance relief: § 633 to not provide the required public space at ground level; § 634 for lot occupancy at the first and second stories; and § 636.2 to not provide the required rear yard setback of 25 feet.

i. Does the property exhibit specific uniqueness with respect to exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional situations or conditions?

The applicant states that the property is characterized by an exceptional situation and condition due to a confluence of factors, including the following: the presence and location of two historic structures on the property that are proposed to be incorporated in the new development; the presence of a high water table below the surface of the property; the narrow rights-of-way abutting the property (15-foot alley); and contradictory limitations on development based on the property's location in the Greater U Street Historic District, the ARTS Overlay, the CR district, and the Inclusionary Zoning requirements.

The applicant indicates that the preservation of the two historic structures would impact the design and layout of the proposed development and presents difficulties in complying with the public space, lot occupancy, and rear yard requirements. The historic structure at 1351 Wallach Place is a two-story apartment building and the applicant is proposing to preserve the residential use throughout the building, which necessitates residential square footage in place of retail at the ground floor. Additionally, the apartment building is sited at the rear property line and is an existing encroachment in the required rear yard setback.

The applicant indicates that HPO staff has encouraged the design of a connection along the Wallach Place frontage to bridge the gap between the two historic structures. HPO staff also has discouraged construction of significant structures that overhang the historic properties. The applicant indicates that these factors would further constrain the design and layout of the proposed development and could present difficulties in complying with the zoning requirements. OP staff notes that the HPRB has not yet reviewed the proposed development and the applicant's statements reflect only the opinions of HPO staff.

ii. Does the extraordinary or exceptional situation described in the first part of the variance test impose a practical difficulty which is unnecessarily burdensome to the applicant?

The applicant would encounter practical difficulties if subject to the strict application of the zoning regulations. With respect to the requested relief from the public space requirement, the applicant indicates that the placement of the two historic structures on the property limits the ability to locate the required public space along Wallach Place. Furthermore, the applicant states that the 14th Street frontage is constrained due to the proposed location for the residential entrance. If the public space were provided on 14th Street, it would be a deep, awkward space, and would conflict with the ARTS Overlay requirement that a minimum of 75% of the street frontage be built to the lot line.

With respect to the requested relief for lot occupancy, the applicant states that the need for lot occupancy relief is driven by the size and location of the existing historic structures that are proposed to be preserved. The applicant indicated that the proposed preservation of the residential

use in the historic apartment building at 1351 Wallach Place presents significant challenges with respect to design, layout, and configuration. Furthermore, conversion of the Wallach Place apartment building to retail would present challenges with respect to design, layout, and configuration, including an inability to provide an accessible entrance while preserving the historic façade. The applicant also cites the stated intent to connect the structures along the Wallach Place frontage and to not develop the air space above the historic buildings as limiting factors. The applicant is not maximizing the permitted FAR and asserts that strict conformance to the lot occupancy requirements on the first and second floor would result in a practical difficulty.

The applicant states that the location of the Wallach Place apartment building constitutes an existing nonconformity with respect to the rear yard and the strict application of the rear yard requirement would result in a practical difficulty because HPO would not permit the applicant to raze a portion of the historic structure to bring the proposed development in conformance with the rear yard setback requirement.

iii. 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?

There would be no substantial detriment to the public good and no substantial impairment to the intent, purpose and integrity of the Zoning Regulations and Map should the Board grant the requested variances. The proposed project would be consistent with the goals of the Arts Overlay and would provide a mixed-use project with ground floor retail and mixed-income housing above. The competing policy goals of the CR district and the ARTS Overlay necessitate trade-offs. The lack of public space at the ground level should be offset by the pedestrian friendly, active retail streetscape. The massing and setback of the proposed structure should provide sufficient light and air to all residential units and the neighboring properties on Wallach Place. The requested relief would permit the applicant to preserve the two historic structures on the property.

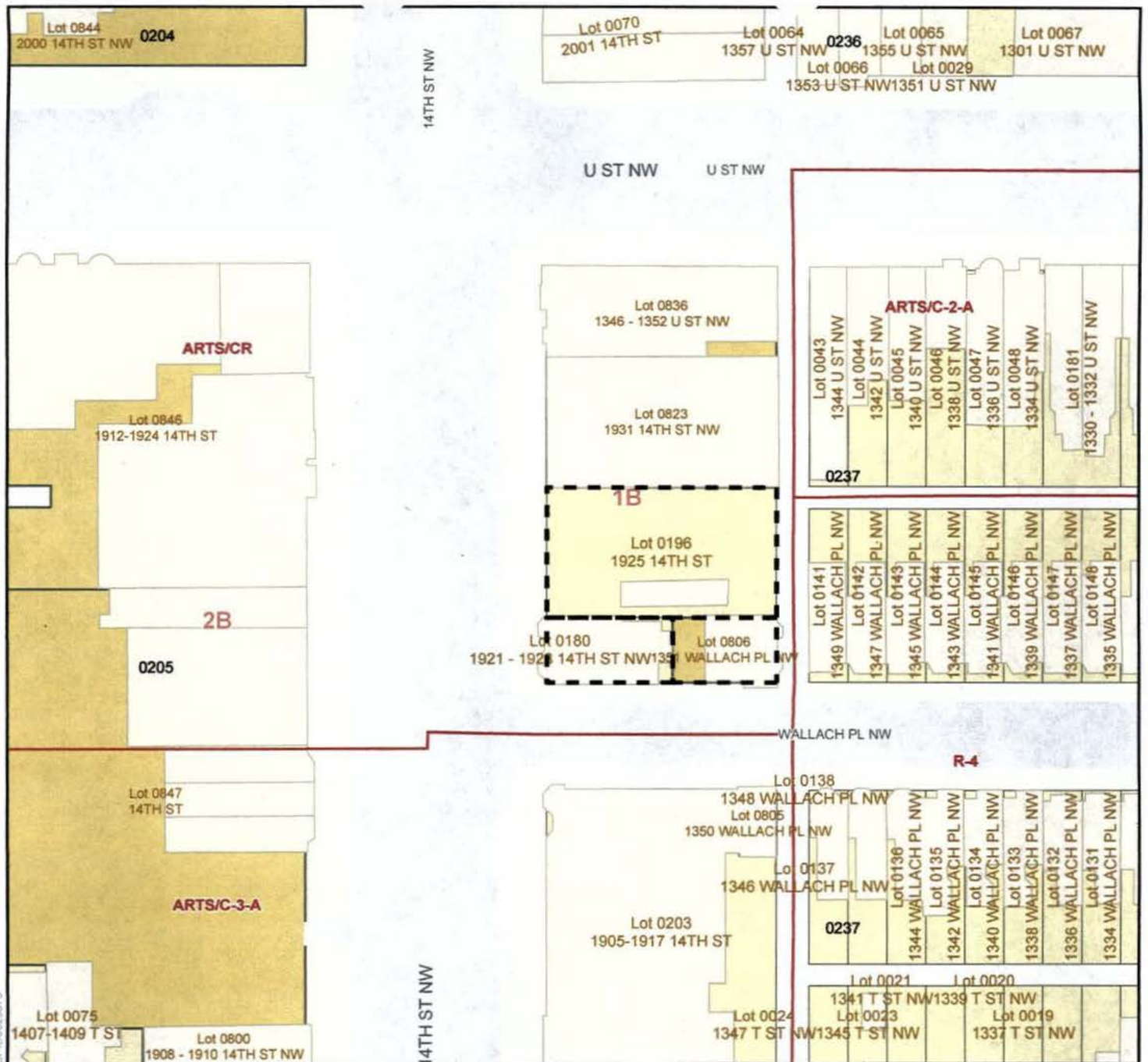
VI. COMMUNITY COMMENTS

An official ANC submission had not been received at the time this report was drafted. The ANC 1B Design Review Committee did not take an official position on the proposed project at its September 16th regular meeting. The U Street Neighborhood Association's Historic Preservation and Development Committee voted to oppose the proposed development.

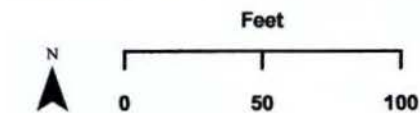
VII. COMMENTS OF OTHER DISTRICT AGENCIES

No comments had been received from other District agencies at the time this report was drafted.

Attachments: Location map



CPID0023675



Government of the District of Columbia
Office of Planning ~ September 11, 2013

This map was created for planning purposes from a variety of sources. It is neither a survey nor a legal document. Information provided by other agencies should be verified with them where appropriate.

Development Review

- Zoning Districts
- Roads
- Street Centerlines
- Buildings
- Alleys and Parking
- 2002 ANCs
- Water
- Parks

