

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Brandice Elliott, Case Manager
 Joel Lawson, Associate Director Development Review
DATE: July 1, 2014
SUBJECT: BZA Case 18749, 1031 4th Street, N.W.

I. OFFICE OF PLANNING RECOMMENDATION

This request has been revised from its original submission, for which OP provided a recommendation of approval, dated May 6, 2014. Given that the relief has been modified as a result of the revisions, OP has opted to provide a new recommendation that addresses all the relief that has been requested in the Prehearing Statement dated June 24, 2014.

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

- § 774.1, rear yard (15 feet required, 0 feet proposed);
- § 2101.1, parking spaces (37 parking spaces required, 22 parking spaces provided);
- § 2115.2, compact parking spaces (no compact spaces in a garage with less than 25 spaces permitted, 4 noncontiguous spaces proposed); and
- § 2201.1, loading (one 55 foot berth, one 200 square foot platform and one 20 foot service/delivery space required, 35 foot loading zone on L Street provided).

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

- § 411.3 and § 770.6, roof structures (one enclosure required, two enclosures provided).

While OP does not object to the proposed lot coverage in concept, OP is **not able to support** the new request for lot occupancy relief based on the materials provided:

- § 772.1, lot occupancy for residential use (80% maximum, 86% proposed)

II. LOCATION AND SITE DESCRIPTION

Address	1031 4 th Street, N.W.
Legal Description	Square 526, Lots 815, 816, 836, 837, 838, 808, 809, 810 and 811
Ward	6, 6E
Lot Characteristics	A total of nine lots would be combined for the proposed project, resulting in an L-shaped lot of 12,379 square feet. The property has 161.91 feet of frontage along 4 th Street and 66 feet of frontage along L Street. There is no rear alley access. The property is located approximately one-half mile east of Mt. Vernon Square Metro Station, and is located just west of Interstate 395.

Zoning	DD/C-2-C – designed to serve commercial and residential functions with higher density residential and mixed uses in the Downtown Development Overlay District.
Existing Development	A combination of vacant land, existing row dwellings and a parking lot, permitted in this zone.
Historic District	N/A
Adjacent Properties	To the north, across L Street, is vacant property that abuts Interstate 395. To the south, at the northeast corner of 4 th Street and K Street, is a three story commercial building including a delicatessen, retail store and auto repair facility. To the east, lies vacant property and right-of-way for Interstate 395. To the west, across 4 th Street, is a ten story senior apartment building.
Surrounding Neighborhood Character	The surrounding neighborhood character is a mix of uses, ranging from vacant properties, to higher density residential uses.

III. APPLICATION IN BRIEF

The applicant proposes to develop a ten story apartment building with ground floor retail at the southeast corner of 4th Street and L Street in the Mt. Vernon Square neighborhood. The site is located approximately one-half mile east of the Mt. Vernon Square Metrorail station and one-half mile east of the Walter E. Washington Convention Center.

The first floor would be occupied by a retail use consisting of 6,052 square feet, as well as the ramp to access below grade parking and an entry for the residential component of the development. Floors two through ten would include a total of 133 units, an increase from the original proposal for 125 units, with a gross floor area of 107,113 square feet. The proposed development is not required to comply with Inclusionary Zoning requirements, as it is located in the Downtown Development Overlay District. Residential amenities would be included throughout the building, such as a terrace on the second level, balconies for selected units along the west building elevation, and a roof terrace. The proposed height of 100 feet and FAR of 8.65 will be in accordance with the requirements of the DD/C-2-C District, which does not place a limit on the FAR of residential uses in the Downtown Development Overlay District.

Below grade parking would be provided for the development, accessible from a ramp located on 4th Street. Parking would consist of a total of 22 parking spaces where 37 are required, allocating one parking space for the retail use and the remaining 21 spaces for the residential use. In addition, loading would be provided from L Street rather than on-site. Other requests for relief include rear yard, number of compact parking spaces, lot occupancy and number of roof structures.

This application has been modified from its original submission, and the requested relief has been revised to reflect the proposed changes. The side yard, which was provided along the north property line to allow space for a PEPCO transformer, has been eliminated and no longer requires relief. The PEPCO equipment would now be located in public space in the below-grade garage; the applicant continues to work with PEPCO and DDOT regarding the transformer and its impact on public space. Two additional areas of relief have been requested with this application, including lot

occupancy and the inclusion of compact spaces in a garage with fewer than 25 parking spaces provided.

IV. ZONING REQUIREMENTS and RELIEF REQUESTED

DD/C-2-C Zone	Regulation	Proposed	Relief
Height § 1701	100 ft. max.	100 ft.	None required
Floor Area Ratio § 1706	No maximum	8.65	None required
Lot Occupancy § 772	80% max. (residential)	86% (residential)	Required
Rear Yard § 774	15 ft. min.	0 ft.	Required
Side Yard § 775	0 ft.	0 ft.	Required
Court § 776	12 ft. min.	30 ft., 5 in.	None Required
Roof Structures § 777	One enclosure	Two enclosures	Required
Parking Spaces § 2101	37 spaces	22 spaces	Required
Compact Spaces § 2115	25 parking spaces min./5 contiguous spaces	22 parking spaces/2 contiguous spaces	Required
Loading § 2201	55 ft. berth 200 sf. platform 20 ft. service/delivery	35 ft. loading from L Street	Required

V. OFFICE OF PLANNING ANALYSIS

a. Variance Relief

i. Exceptional Situation Resulting in a Practical Difficulty

Lot Occupancy (§ 772)

The revised application requests relief from lot occupancy for the residential portion of the development, increasing it from 80%, the maximum permitted for residential uses in this District, to 86%. The ground floor retail is permitted to have a lot occupancy of 100% and has not been modified from the original application. The lot occupancy of floors two through ten of this project has increased as a result of not providing a side yard, as originally proposed, and providing a smaller open court along 4th Street. The applicant has indicated that relief from lot occupancy is necessary in order to create an efficient and effective building layout on a property that is irregularly shaped. Several alternative building designs have been provided by the applicant to demonstrate the inefficiencies that result when the lot occupancy is reduced. The property is located in Housing Priority Area A of the Downtown Development District, which aims to create a high concentration of housing in the Mount Vernon Square area, and is the intent of the proposed project.

OP does not believe that the applicant has sufficiently identified a practical difficulty that justifies the need for lot occupancy relief. The property is vacant and in itself, does not present challenges, such as existing nonconforming structures or additions necessary to comply with building code, for which additional lot occupancy could be supported. The alternative floor plans provided by the applicant demonstrate that lot occupancy could be compliant provided that there is a slight reduction in the overall number of units. OP appreciates that the property is located in an area intended to create a high concentration of housing; however, with an FAR of 8.65, the development has achieved a density that is consistent with the C-4 District, a high density District generally found in the downtown core. Further, in this case, where a larger development is adjacent to an interstate and is surrounded by high density developments, it becomes even more essential that adequate open space is provided on the site, which is what lot occupancy aims to achieve.

Rear Yard (§ 774)

The proposed plan identifies that the rear yard would be located along the easternmost property line, which is 61.91 feet in length. While a 15 foot setback is required, the applicant has proposed that no setback be provided along the rear yard at the first floor level of the development; floors two through ten would have a 15 foot setback along the rear yard. Given the unique L shape of the property, the applicant has clarified with the Zoning Administrator that the rear yard is adjacent to the property line that is furthest from the front property line, as illustrated on the architectural site plan provided.

The property exhibits constraints that make development of the property practically difficult. The shape of the property is a unique L shape, with the majority of the lot having a narrow depth of 66 feet. The applicant has also indicated that the extension of the ground floor into the rear yard is necessary to provide structural columns to support the below grade parking garage. Providing the rear setback on the ground floor would reduce the size of the parking garage by four spaces. OP anticipates that the applicant will provide additional information concerning the structural constraints, as below grade parking beyond the perimeter of the floors above is common and OP has not in the past heard of this kind of a requirement for ground floor space to support below grade parking. The applicant should document why this is the case, and the practical difficulty arising. However, OP notes that providing the rear yard at the ground floor level would reduce the ground floor retail space, which may impact its viability and result in the creation of an enclosed yard area that would be potentially difficult to use.

Parking Spaces (§ 2101)

The proposed development is required to provide a total of 37 parking spaces: 33 for the residential use and 4 for the retail use. The applicant has proposed a total of 22 parking spaces for the development, for which 21 spaces would be allocated to the residential use and one space would be assigned to the retail use.

Excavation of more than one below-grade garage level would create a practical difficulty to the applicant, as the additional ramping would result in a more inefficient use of space at a substantial cost. The applicant has noted that expanding the parking garage to a second level below grade would eliminate parking spaces on the first level and create an inefficient layout, potentially not providing the required 37 parking spaces between two levels. In addition, the excavation,

sheeting/shoring, underpinning and construction required to provide additional levels of parking would add significant cost to the development, resulting in a practical difficulty.

The Parking and Loading Management Plan provided by the applicant resolves that there are several large off-street parking facilities providing approximately 800 spaces that are available to be used by future tenants of the development. Further, the site is well-served by public transit, including three bus lines, is located one-half mile from the Mount Vernon Square Metrorail station, and near several Capital Bikeshare docking stations.

Compact Parking Spaces (§ 2115)

The revised application requests relief from the provision of compact parking spaces. Compact parking spaces may be provided as required parking when there are a minimum of 25 spaces in the garage, but the proposed garage provides only 22 parking spaces. Further, compact spaces must be placed contiguously in groups of five. The proposed plan provides two groups of two compact parking spaces, separated by the main electric room.

The applicant indicates that the maximum number of parking spaces has been provided on a single garage level, and providing regular size parking spaces in lieu of compact spaces would reduce the overall number of parking spaces available to the development and would impact the location of structural columns, the spatial requirements of the building's electrical and emergency equipment, and space requirements for the storage and water rooms.

Loading (§ 2201)

The residential component of the proposed development is required to provide one berth at 50 feet, one platform at 200 square feet, and one service/delivery space at 20 feet. The area of the retail use is not large enough to require additional loading. In lieu of the required loading facilities, an on-street loading space in front of the building, located on 4th Street has been proposed.

The L shaped lot and narrow width make it practically difficult to comply with the loading requirements for the site. DDOT's Design and Engineering Manual requires front-in front-out loading and discourages back-in only loading maneuvers. Providing facilities that comply with the Manual as well as the Zoning Regulations would result in a significant portion of the ground floor being devoted to maneuvering space for trucks. The lack of an alley also presents a practical difficulty in designing loading facilities.

The applicant has proposed a 35 foot loading space on 4th Street that would be available for loading during the day, but could be used as on-street parking in the evenings. The details of this loading space are under discussion with DDOT.

ii. No Substantial Detriment to the Public Good

Lot Occupancy (§ 772)

The request for increased lot occupancy would cause substantial detriment to the public good. The requirement for lot occupancy is intended to ensure that the circulation of light and air to a

development are not impaired and that adequate open space is provided for the use of residents. In the revised application, the lot occupancy has been increased at the expense of the open court, located along 4th Street, and the rear yard, located along the east property line. The Mt. Vernon Square neighborhood is intended to support higher density developments, which makes the inclusion of adequate open space even more essential to residents of the proposed development. Further, the project is adjacent to Interstate 395, and increased open space would create a buffer or refuge from the noise and air pollution generated in close proximity to the site.

Rear Yard (§ 774)

The proposed reduced rear yard would not pose a substantial detriment to the public good. Several of the properties located adjacent to the subject lot are currently vacant and would not be adversely impacted by the proposed development. Along the east property line, where the reduced yard would be located, there is no existing structure that would experience decreased light and air. Floors two through ten would maintain the required 15 foot rear yard, which would minimize any impact the building may have on the future development of those properties. In addition, there is not an alley located along the rear of the development, and providing a rear yard could result in future maintenance issues with the area.

Parking Spaces (§ 2101)

The request for reduced parking spaces for the proposed development will not pose a substantial detriment to the public good. The site is accessible via other modes of transportation, including three bus lines, is located one-half mile from the Mount Vernon Square Metrorail station, and is near several Capital Bikeshare docking stations. With a walkscore of 95 and a transit score of 99, the neighborhood is classified as a mixed-use, walkable neighborhood. In addition, the Parking and Loading Management Plan indicates that there are several large off-street parking facilities in the vicinity of the site offering approximately 800 parking spaces. The applicant has proposed TDM measures, including car share or Bikeshare memberships, or a \$100 SmartTrip card, a ride-matching/ridesharing program, a transit screen in the lobby, and a Transportation Management Coordinator. In combination with on-street parking and the proposed TDM measures, there would be ample opportunities to park a vehicle in the neighborhood.

Compact Parking Spaces (§ 2115)

The proposed relief would not result in a substantial detriment to the public good. The inclusion of four compact parking spaces would allow for the increased efficiency of on-site parking and would help alleviate the demand for parking in the neighborhood. In addition, the site is well-served by public transportation, including multiple bus lines, the Mount Vernon Square Metrorail station and Capital Bikeshare.

Loading (§ 2201)

The requested relief to provide no loading on site would not be a substantial detriment to the public good. The applicant has proposed a loading space in front of the building on 4th Street, which would double as parking in the evenings. The Parking and Loading Management Plan provided by the applicant indicates that residential units of the proposed size (studios and one bedrooms) tend to

use moving vehicles up to 24 feet in length, and the occasional 30 foot vehicle. The applicant would manage and schedule the use of the loading zone, providing an organized process for move-ins and move-outs.

The applicant has indicated that the retail area, at 6,052 square feet, is not large enough to require major loading operations on a regular basis. As such, the retail is not anticipated to generate more than one to two deliveries per day, regularly. The applicant has committed to encourage the residents and retail establishments to use vehicles 24 feet in length or smaller while also managing the loading operations on 4th Street.

iii. No Substantial Harm to the Zoning Regulations

Lot Occupancy (§ 772)

The requested lot occupancy relief would result in substantial harm to the Zoning Regulations. OP recognizes that there is not an FAR limit on the subject property because it is located in Housing Priority Area A in the Downtown Development Overlay District. However, other development regulations are intended to restrict the size of the development in relationship to the size of the property, including height, setbacks, and lot occupancy. This ensures that consideration has been given to open spaces and buffers from other uses. The alternative floor plans provided by the applicant suggest that development within the constraints of the regulations is possible, although it would not yield the number of units desired. Given that this is a new development, OP believes that it can be designed to include efficient units in a footprint that complies with lot occupancy.

Rear Yard (§ 774)

No substantial harm to the Zoning Regulations would result from a reduced rear yard. Only the first floor would provide no rear yard, whereas the second through tenth floors would comply with the 15-foot setback. In addition, there is not a development located along the rear yard that would be impacted by the development. Open space would be provided elsewhere within the development, including balconies on the units located along the front elevation, a terrace on the second level, and a terrace on the roof.

Parking Spaces (§ 2101)

No substantial harm to the Zoning Regulations would result from the reduction in parking spaces. As a walkable neighborhood, the site has access to Metro, Bikeshare and several bus lines within a short walking distance. The Zoning Regulations would require a total of two bicycle parking spaces to be provided on site; however, the site plan identifies a total of 41 spaces would be provided on the parking level of the development. In addition, the applicant will work with DDOT to locate additional bicycle racks along the building frontage, which would require review and approval by the Public Space Committee.

Compact Parking Spaces (§ 2115)

The proposed off-street parking spaces and their compact sizes would increase the efficiency of on-site parking by allowing the development to provide parking beyond what could be achieved by

striping only regular-sized parking spaces, thereby reducing the impact of the development on adjacent properties.

Loading (§ 2201)

No substantial harm to the Zoning Regulations would result from a reduction in loading facilities. The proposed loading space that would be located on 4th Street would be adequate to meet the needs of the development. In addition, the management of loading operations ensures that the loading space will be scheduled accordingly, minimizing the impact on traffic and street parking.

b. Special Exception Relief pursuant to § 411 and § 770.6, Number of Roof Structures

i. Is the proposal in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps?

The request proposes to provide more than one roof structure at two different heights: the elevator and stair tower located closest to the north building elevation would be enclosed in a single roof structure with a height of 15 feet, while the stair tower adjacent to the south building elevation would be contained in a separate structure with a height of nine feet, six inches.

The Zoning Regulations would require the roof structures to be contained in one structure of a single height, which would significantly increase the size and visibility of the structure above what has been proposed. The structures are sufficiently set back from the street frontage, reducing their visibility from street level. As a result, the proposal is in harmony with the general purpose and intent of the Zoning Regulations.

ii. Would the proposal appear to tend to affect adversely, the use of neighboring property?

The proposed roof structures are setback sufficiently from the edge of the building, reducing their visibility from the street. In addition, increasing the number of roof structures, as opposed to consolidating and creating one large, taller structure, serves to minimize the impact of the enclosures on the neighborhood. The applicant has indicated that the surrounding walls will be integrated into the overall design of the building with the use of high quality material. As a result, the proposed roof structures do not tend to affect adversely the use of neighboring property.

VI. COMMENTS OF OTHER DISTRICT AGENCIES

As of the date of this writing, comments from other District Agencies had not been received. However, DDOT is expected to file a report under separate cover.

VII. COMMUNITY COMMENTS

At a regularly scheduled meeting held on June 3, 2014, Advisory Neighborhood Commission 6E voted to recommend approval of the proposed request. OP did not receive comments from neighbors concerning this case.

Attachment: Location Map

Location Map

