

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Brandice Elliott, Case Manager
 Joel Lawson, Associate Director Development Review
DATE: June 10, 2014
SUBJECT: BZA Case 18776, 700-702 Kennedy Street, N.W.

I. OFFICE OF PLANNING RECOMMENDATION

Although OP is highly supportive of efforts to revitalize existing buildings on commercial corridors such as Kennedy Street, and may be able to support this request, in this case, OP has advised the applicant that OP is not able to provide a definitive recommendation in support as the application does not adequately address the relevant tests. As such, the Office of Planning (OP) **is not able to support** the following request:

- § 772.1, lot occupancy (60% maximum, 67.6% proposed); and
- § 776.3, courts (15 feet required, 13.5 feet proposed).

In a memorandum from the Zoning Administrator to the Board of Zoning Adjustment, dated February 18, 2014, it is indicated that relief from § 776.3 for a court is required. However, OP was unable to identify the court in the plans provided. OP contacted the Zoning Administrator's Office to verify the required relief, but as of the date of this report, has not received a response.

II. LOCATION AND SITE DESCRIPTION

Address	700-702 Kennedy Street, N.W.
Legal Description	Square 3152, Lots 59 and 60
Ward	4, 4D
Lot Characteristics	The proposal consists of two rectangular lots with a combined area of 3431.25 square feet, and a street frontage of 37.50 feet along Kennedy Street. A public alley is located along the rear of the property.
Zoning	C-2-A – permits facilities for shopping and business needs, housing, and mixed-uses.
Existing Development	Mixed-use development, permitted in this zone.
Adjacent Properties	Adjacent properties are an array of uses, including mixed-use developments, multi-family buildings, row dwellings, detached dwellings and a funeral home.

Surrounding Neighborhood Character	The surrounding neighborhood character is a mix of structures used predominantly for residential purposes. Kennedy Street between 7 th and 8 th Streets is generally mixed-use, providing neighborhood-serving retail.
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III. APPLICATION IN BRIEF

Proposal:	The applicant proposes to construct two second-story rear decks to accommodate two residences located in a mixed-use structure. Each deck would be ten feet wide and 15'-10" in length, adding 158.3 square feet of outdoor space to each unit.
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IV. ZONING REQUIREMENTS and RELIEF REQUESTED

C-2-A Zone	Regulation	Existing	Proposed	Relief
Height § 770	50 ft. max.	Not provided	Not provided	None required
Floor Area Ratio § 771	2.5	Not provided	Not provided	None required
Lot Occupancy § 772	60% max.	57.6%	67.6%	Required
Rear Yard § 774	15 ft. min.	Not provided	25 ft.	None required
Side Yard § 775	None required	--	--	None required
Court § 776	15 ft. min.	--	13.5 ft.	Required ¹

V. OFFICE OF PLANNING ANALYSIS

a. Variance Relief from § 772.1, Lot Occupancy

i. Exceptional Situation Resulting in a Practical Difficulty

The applicant has not identified an exceptional situation resulting in a practical difficulty. The statement provided with the application indicates that the mix of two uses – a market on the ground floor and residential on the second floor – makes it difficult to provide a distinct separation between the uses. It is further noted that the distance of 15'-4" from the ground floor to the second floor creates a hardship of significant disconnect between the two levels, which would be remedied by the proposed decks.

OP does not believe that the situations noted by the applicant are exceptional. A mixed-use development is not an exceptional situation, as the Zoning Regulations permit and anticipate both uses by right. In addition, the issue of height between stories is not unique, as this is a condition that often occurs with mixed uses, or even in residential districts where row dwellings accommodate two or more units. A second means of egress is currently provided to the residences, including a landing and stairs, and would meet the building requirement for providing egress. However, it is

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noted that the subject lots are among the smallest in the square, having an area of 1,716 square feet, where property areas range from 1,716 square feet to 20,294.

OP is particularly supportive of improvements to structures located on revitalizing corridors, such as Kennedy Street. The proposed decks would provide open space that would be a valued amenity for future residents, while allowing the rear yard to accommodate parking. In addition, with each deck having an area of 158 square feet, the outdoor space provided to potential residents would be modest. However, the applicant has not demonstrated that there is an exceptional situation in this case. Should the applicant provide additional information, as requested by OP during the review process, including floor plans, demonstrating that a roof terrace could not be provided, or that modernizations of the interior necessitate the deck, then it may be possible to reconsider the current recommendation.

ii. No Substantial Detriment to the Public Good

The proposed decks would not pose a substantial detriment to the public good. The decks would provide outdoor space for future residents of the units along a street frontage that is generally comprised of mixed-uses. The provision of decks would allow the applicant to devote additional land area to parking spaces to accommodate both the ground floor and second floor uses, reducing the parking burden on public streets.

iii. No Substantial Harm to the Zoning Regulations

The proposed decks would not cause substantial harm to the zoning regulations. The existing structures were developed in the early 1920s, prior to the adoption of the zoning regulations. The decks would provide useable outdoor space to residents, while allowing parking spaces to be provided at the ground floor level that would accommodate residents and customers of the market. The proposed additions would add an attractive amenity to an area that has been targeted for enhancement in the Kennedy Street Corridor Revitalization Plan.

VI. COMMENTS OF OTHER DISTRICT AGENCIES

As of the date of this report, comments from other District Agencies have not been received.

VII. COMMUNITY COMMENTS

Comments from neighbors regarding this application have not been received by OP. In addition, OP did not receive a response from ANC 4D concerning the requested relief.

Attachment: Location Map

Location Map

