

SUPPLEMENTAL REPORT

TO: District of Columbia Board of Zoning Adjustment

FROM: Brandice Elliott, Case Manager

JL Joel Lawson, Associate Director Development Review

DATE: April 9, 2015

SUBJECT: Supplemental Report – BZA Case 18884, 1351 Wisconsin Avenue, N.W.

At the public meeting of April 7, 2015, the Board requested that the Office of Planning (OP) verify that the loggia addition provided between the theater and the proposed residence meets the requirements of a “meaningful connection,” ensuring that there is only one principal structure on the lot, and to confirm the FAR calculations provided by the applicant.

OP has met with the Zoning Administrator (ZA) to discuss these issues, and the following has been confirmed. A formal determination letter has been requested for the record. OP will continue to work with the Zoning Administrator prior to the hearing to obtain this letter for the benefit of the Board and the applicant.

Meaningful connection

1. A meaningful connection allows for pedestrian passage through one part of the building into another at ground level or above. The revised floor plan provided in the applicant’s March 16, 2015 post hearing submission shows a stairway and corridor that provides a connection from the theater building at the ground floor level to the proposed loggia addition. The ZA has determined that this connection is meaningful, as it allows for passage between the former theatre and the carriage house at ground level. The ZA noted that this decision is consistent with previous Board interpretations, most recently for the denial of Appeal Application No. 18735 of NH Street Holdings, LLC.

FAR Calculations

1. The BZA requested an interpretation from the ZA regarding the FAR calculations provided by the applicant for this case, and whether the floor area had been exceeded through the transfer of FAR from the R-3 zoned portion of the lot to the C-2-A zoned portion.
2. The ZA noted that the Zoning Regulations do not anticipate that § 2514.1 and § 2514.2, allowing the transfer of bulk from a more restrictive zone [here R-3] to a lesser restrictive zone [here C-2-A] by right, would be used in conjunction with one another.

3. In this case, the applicant has already transferred all of the allowable bulk from the R-3 zoned portion of the lot to the C-2-A zoned portion under Section 2514.1. The area in question is that portion of the lot within 35 feet of the zoning boundary which is 1,120 square feet, and § 2514.1(d) allows for the transfer of 60% of that area to the C-2-A zone, which is 672 square feet. As a result of this transfer, the ZA has determined that additional floor area in this 35-foot section of the R-3 zone is not permitted.
4. The provision does not allow for additional floor area by multiplying 672 square feet by the permitted 2.5 FAR in the C-2-A zone, as has been done by the applicant. The applicant has already received a building permit for the construction of a vertical addition to the existing building in the C-2-A zoned portion of the lot, utilizing this additional density, which is not part of the request for relief in the subject application.
5. The applicant proposes to construct a loggia that would connect the theater to the proposed residence, of which 317.5 square feet is located in the 35-foot section of the R-3 zone. The entire area of the loggia is 404.8 square feet.
6. Given that the bulk permitted in the 35-foot section in the R-3 zone has already been transferred to the C-2-A zone, special exception relief from § 2514.1 is required for the proposed 317.5 square feet located in this portion of the site.

OP Recommendation

As noted above, the applicant appears to have utilized additional bulk on the C-2-A portion of the lot that is not intended by § 2514.1 of the Zoning Regulations. Rather than transferring the permitted 672 square feet straight across, the applicant has multiplied the area by a factor of 2.5, which is the permitted FAR for the C-2-A zone, gaining over 1,000 square feet of additional floor area. While this portion of the development has already received a building permit from DCRA and is under construction and is not part of this application, OP must consider the impact of this bulk in addition to what has been proposed.

OP supports the proposed project in concept. The proposal would help to rehabilitate and put to use a dilapidated structure, and create new housing. The use of the carriage house as a residence should have minimal impact on the surrounding neighborhood, and the existing and proposed landscape would screen activities on the lot from adjacent properties. Further, the loggia itself adds only 317.5 square feet and is screened entirely by the 12 foot high fence to the south and proposed landscape to the north.

However, OP cannot support additional bulk on a site that appears to have been overbuilt. Further, if the Zoning Administrator determines that too much bulk has been inadvertently approved in the issuance of building permits, then OP would recommend denial of any additional relief requested pertaining to FAR and bulk.

Denial of the special exception request would result in the residence in the carriage house not being provided, and the applicant may be required to return to the Old Georgetown Board for the approval of a new concept. The Board may consider a compromise which would require the applicant to redesign the portion of the loggia in the 35-foot portion of the R-3 zone so that it is the minimum width needed to provide ADA access, which is 36 inches. This reduction would result in a connection that is about 105 square feet in area, which is a reduction from the 317.5 feet that has been proposed.