

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Stephen Gyor AICP, Case Manager
 Joel Lawson, Associate Director Development Review
DATE: June 23, 2015

SUBJECT: BZA Case 18906, a variance and special exception relief to allow an addition to an existing office building for use as an inn at premises 1337 Connecticut Avenue, N.W.

I. OFFICE OF PLANNING RECOMMENDATION

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

- § 400.7(b) Roof Structures (1:1 setback from exterior walls(10 feet 6 inches) required; 5 feet six inches proposed); and
- § 512 Hotels and Inns (permitted in SP-1 by special exception only)

OP recommends **approval** of the following variances:

- §§ 536 and 777.1 Courts (15 feet required; 5 feet proposed);
- § 2101.1 Parking (7 spaces existing; 13 spaces required; 7 spaces proposed);
- § 2201 Loading; and
- § 2514.2 Zone District Boundary Line Crossing a Lot (the proposal would shift the C-3-C Zone boundary line 35 feet to the east)

II. LOCATION AND SITE DESCRIPTION

Address	1337 Connecticut Avenue NW (the “Subject Property”)
Applicant	Endeka Enterprises LLC and 1320 Penelope LLC (the “Applicant”)
Legal Description	Square 137, Lot 55
Ward	2
Lot Characteristics	The Subject Property is a through lot and is bound by 18 th Street to the east and Connecticut Avenue to the west. Dupont Circle is located to the north and N Street to the south. The zone boundary lot traverses the lot in a north-south direction, dividing the lot into a western portion on Connecticut Avenue zoned C-3-C and an eastern portion located on 18 th street zoned SP-1. The Subject Property has an area of approximately 7,799 square feet (3,035 sq. ft. in the SP-1 zone and 4,764 sq. ft. in the C-3-C zone).
Historic District	Dupont Circle Historic District - non-contributing structure.

Existing Development	The site includes an existing five-story office building, built in 1953. The building includes a rear addition fronting 18 th Street which was built in the mid-1980's. The building also includes a small garage accessed from 18 th Street. The portion of the building fronting on Connecticut includes a façade with historic significance. The façade on 18 th Street is a relatively recent addition (mid-1980s).
Zoning	Split zoned DC/SP-1 and DC/C-3-C SP-1: matter-of-right medium density development including all kinds of residential uses, and limited offices for non-profit organizations, trade associations and professionals C-3-C: matter-of-right development for major business and employment centers of medium/high density development, including office, retail, housing, and mixed uses DC: Dupont Circle Overlay District – requires a scale of development consistent with the nature and character of the Dupont Circle area, (the DC Overlay does not impact the requested relief).
Adjacent Properties	The Subject Property is located immediately adjacent to almost identically scaled four-story buildings on each side. Residential apartment buildings are located across 18 th Street. The west side of Connecticut Avenue includes office buildings with ground floor retail. The Subject Property is located 300 feet from the Dupont Circle Metrorail station.
Surrounding Neighborhood Character	The neighborhood is characterized by a mixture of office, commercial, and residential uses.

III. APPLICATION IN BRIEF

The Applicant's initial application requested variance relief from the parking requirements, as well as special exception relief from the roof structure requirements, for the conversion of two floors of a previously approved project to 21 residential micro-units. The Applicant has since modified the project and is now converting floors three, four, and five of the existing building from office to inn use. The Applicant is proposing to convert the previously approved sixth floor addition to inn and restaurant use. The existing five-story building would retain the existing retail tenant on the first and second floors, the office use on the third, fourth and fifth floors would be converted to 44 inn units, all of which would be available on an extended stay basis. In addition, the Applicant would construct a sixth floor that would be dedicated to six additional inn units and an unaffiliated restaurant.

The Historic Preservation Review Board (HPRB) approved a design that treats the roof structures as a seventh story rather than a penthouse. Though the space would function as a seventh story, it does not contain any habitable space.

The building provides a garage with eight parking spaces with access from 18th Street; no changes to the garage or its access are proposed.

The Board also previously heard a case involving the Subject Property in June 2013 (BZA 18569). The Subject Property was before the Board for variance and special exception relief in June 2013 to allow an addition to the existing office building. The Board approved special exception relief pursuant to Section 2514.2 to shift the zone boundary line and variance relief from the court requirements of Section 776.3.

IV. ZONING REQUIREMENTS and RELIEF REQUESTED

SP-1/C-3-C Zone	Regulation	Existing	Proposed	Relief
Height § 400	C-3-C: 90 ft. max. SP-1: 65 ft. max	60 ft.	70 ft. 8 in.	None required (per § 2514.2)
Roof Structures § 400.7(b)	10 ft. 6 in. setback	NA	5 ft. 6 in. setback	Relief required
Lot Width § 401	NA	NA	45 ft. 52 in.	None required
Lot Area § 401	NA	7,799 sf.	7,799 sq. ft.	None required
Floor Area Ratio § 402	C-3-C: 6.5 max. SP-1: 4.0 max	4.7	5.9	None required (per § 2514.2)
Lot Occupancy § 403	100% (commercial) 80% (residential)	100%	100% (commercial) 79% (residential)	None required
Rear Yard § 404	17 ft. min.	45 ft.	45 ft.	None required
Side Yard § 405	NA	NA	NA	None required
Hotels and Inns § 512	In SP-1 by special exception	NA	hotel	Relief required
Court, Closed §§ 536, 776	15 ft. width	N/A	5 ft. width	Relief required
Parking § 2101.1 ¹	13 spaces	7 spaces	7 spaces	Relief required
Loading § 2201	1 loading berth @ 30 ft. 100 sf. loading platform 20 ft. service and delivery space	NA	NA	Relief required
Zone Boundary § 2514.2	35 ft. by special exception max.	NA	35 ft.	Relief required

¹ The proposed inn and restaurant would require an additional fifteen spaces; however, because the inn would be replacing an existing office use and would be displacing an existing parking space, the net requirement is six spaces.



Subject Property

V. OFFICE OF PLANNING ANALYSIS

a. Variance Relief pursuant to §§, 536 & 776 (Courts), 2101.1 (Parking), 2201 (Loading)²

i. Exceptional Situation Resulting in a Practical Difficulty

The irregular lot and the existing structure constrain the property and would present difficulties in providing for a functional garage and loading spaces. The site is an irregularly shaped through-lot with frontage of varying widths on Connecticut Avenue and 18th Street. The Property narrows significantly and includes grade changes as the lot approaches the Connecticut Avenue frontage. The canted shape of the lot does not easily allow for a uniform garage floorplate. Further, it would be difficult to provide parking spaces of a requisite depth, a ramp, and a drive aisle because the lot is approximately 45 feet wide (see Exhibit 25E, Page A-100, of the Applicant's submission dated June 16, 2015).

The existing building also contributes to the exceptional situation on the property in that the existing garage is encased in steel and concrete, which would make any additional excavation below the building or expansion of the garage difficult. Parking could theoretically be placed under the existing garage, but the underpinning would presumably be difficult and extremely expensive. The building's existing columns and core create additional impediments to expanding the existing parking garage. In addition, trucks would not be able to access the existing garage given its existing six foot six inch clearance and that it is located at the bottom of an entrance with a 15% grade. Finally, the existing floor levels of the structure along 18th Street do not align with those along Connecticut Avenue (differing by eight feet), making the creation of a single garage space difficult.

According to the Applicant, providing two courts a minimum of 15 feet wide would reduce the floorplate of the addition significantly and would undermine the utility of the addition.

ii. No Substantial Detriment to the Public Good

Granting the requested relief would not result in a substantial detriment to the public good. The site is in a very transit-dense area. The Dupont Circle metro station is nearby, as are several bus lines. Bike share is also available in the neighborhood,

² The inn use would require one loading berth at 30 feet deep, a 100 square foot loading platform and a 20 foot service and delivery space. The restaurant would not trigger an additional loading requirement as it does not increase the loading requirement beyond 20,000 square feet, which is the threshold where additional loading facilities are required for retail uses (existing retail uses are approximately 15,566 square feet in size; the restaurant is an additional 1,820 square feet).

and the site is extremely walkable. The Transportation Study submitted by the Applicant, (Exhibit 25F), indicates that guests of the inn are not anticipated to have vehicles but would likely take public transportation or taxi's to the site. OP supports the Applicant's efforts to negotiate six parking spaces from Colonial Parking for a period of two years, but would also support an agreement for a longer term.

The Transportation Study also indicated the inn and restaurant would not generate significant loading demand. Further, the Study indicates an existing loading space along Connecticut Avenue could be used to accommodate the Building's loading needs. OP would support the Applicant working with the District Department of Transportation (DDOT) to provide a Transportation Demand Management (TDM) plan.

The proposal would creatively allow for an addition to a building in a manner that would be contextually consistent with the neighboring land uses and building patterns. The setback, form, materials, and height of the addition would result in the addition being perceived as a compatible, secondary element on top of the existing structure.

The Applicant would provide five long-term, secure bicycle parking spaces in the parking garage for employee use.

iii. No Substantial Harm to the Zoning Regulations

Granting the variance should not cause substantial detriment to the zoning regulations. The proposal would maintain the existing building footprint. The Project would result in a mixed-use building which would add to the vitality of the neighborhood.

b. Special Exception Relief pursuant to § 400.7(b) Roof Structures

Meeting the requirement would be impracticable because of operating difficulties, size of building lot, or other conditions relating to the building or surrounding area that would tend to make full compliance unduly restrictive, prohibitively costly or unreasonable.

Section 411.12 requires that all penthouses are subject to the provisions of Section 770.6 (which requires a 1:1 setback from all exterior walls). The Applicant is proposing to provide a mechanical penthouse for the elevator overrun that is 10 feet, six inches above the parapet, yet the penthouse is only setback 5 feet 6 inches from the northern exterior wall facing the courtyard. According to the Applicant, the mechanical penthouse is designed to read as an additional story; however, it would be used to store the mechanical equipment and hide it from public view.

The intent and purpose of this chapter and this title shall not be materially impaired by the structure, and the light and air of adjacent buildings shall not be affected adversely.

The intent of the regulations is to minimize the visibility of the rooftop structures. The rooftop structure would be designed to read as an additional floor. Further, the special exception would not adversely affect the use of neighboring properties. The addition would be restrained in height and intensity and constructed within the existing building footprint. Given the extensive setback of the building, the requested relief should not have a detrimental impact to the light and air of neighboring properties.

c. Special Exception Relief pursuant to § 512 Hotels and Inns

512.3 The height, bulk, and design of the hotel or inn shall be in harmony with existing uses and structures on neighboring property.

The inn use in the SP-1 Zone would be largely located in an existing building. No external changes to the building pertaining to the inn use on Floors 3, 4, and 5 are proposed. Six inn units would be located in the 6th floor addition; however, the inn units would be located entirely in the C-3-C zone (the portion of the 6th floor located in the SP-1 Zone would be restaurant use). The height, bulk and design of the 6th floor would be in harmony with existing uses and structures on neighboring property.

512.5 The approval of the hotel or inn shall result in a balance of residential, office, and hotel or inn uses in the SP District in the vicinity of the hotel or inn.

The Subject Property is located immediately adjacent to almost identically scaled four-story buildings on each side. Residential apartment buildings are located across 18th Street. The west side of Connecticut Avenue includes office buildings with ground floor retail. Therefore, the inn would not disrupt the balance of uses in the vicinity.

512.6 The gross floor area devoted to function rooms and exhibit space shall not exceed fifteen percent (15%) of the gross floor area of the hotel.

The inn would not provide any function or exhibit space.

512.7 The hotel or inn shall be located within thirteen hundred feet (1,300 ft.) of the Central Employment Area or a Metrorail station.

The inn would be located within the Central Employment Area and approximately 300 feet from the Dupont Circle Metro Station.

512.9 The Board may require more or less off-street parking spaces and loading berths than required by chapters 21 and 22 of this title to accommodate the activities of the hotel or inn, so as to avoid unduly impacting parking or traffic on the surrounding streets.

The Transportation Study provided by the applicant indicates that the inn use should not generate significant parking and loading demand.

512.10 The location and design of driveways, access roads, and other circulation elements of the hotel or inn shall be to avoid dangerous or other objectionable traffic conditions.

The Subject Property includes an existing driveway accessed from 18th Street and a loading zoning located along Connecticut Avenue. The Applicants proposal would not significantly alter the Property's existing condition.

d. Special Exception Relief pursuant to § 2514.2 Zone Boundary

Section 2514.2 authorizes the Board to approve as a special exception the extension of the regulations governing use, height, and bulk applicable in a less restrictive zoning district into a more restrict zoning district on the same lot, provided the following conditions are satisfied:

(a) The extension shall be limited to that portion of the lot in the more restrictive use zone district but not exceeding thirty-five feet (35 ft.);

The proposed addition would not extend into the SP-1 District more than 35 feet. The façade with historic significance is located in the C-3-C Zone District, making it difficult to capture the density and height that the C-3-C Zone District would otherwise afford. The height and density that would be transferred to the SP-1 portion of the Subject Property could be accommodated entirely on the C-3-C portion of the lot but for the restrictions imposed by the historic significance of the building.

(b) In authorizing an extension, the Board shall require compliance with § 2514.1(d);

Section 2514.1(d) relates to the permitted use and bulk of a structure located on a lot a portion of which is located in an R-1, R-2, R-3, or R-4 District. As such, the provision does not apply to this application because no portion of the lot is in the referenced residential zones.

(c) The extension shall have no adverse effect upon the present character and future development of the neighborhood; and

The extension should have no adverse effect upon the present character and future development of the neighborhood. The proposed setbacks on Connecticut Avenue and 18th Street are sufficient to limit their impact as seen from surrounding streets. The proposed addition's design relates in form and roofline to the underlying building.

(d) The Board may impose requirements pertaining to design, appearance, screening, location of structures, lighting, or any other requirements it deems necessary to protect adjacent or nearby property.

OP makes no recommendation pertaining to design, appearance, screening, location of structures or lighting.

§ 3104.1

The general standards by which the BZA should review special exceptions are set forth in Section 3104.1 and listed below:

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

The zoning regulations specifically provide a mechanism for property owners burdened by split zoning to request an adjustment to the applicable use regulations subject to certain conditions. The primary purpose of the SP District is “to act as a buffer between adjoining commercial and residential areas, and to ensure that new development is compatible in use, scale, and design with the transitional function of this zone district.”³ The proposed addition’s inn use and restrained one story addition would be compatible with the intent of this SP District. In addition, the proposed addition would be located in an area well served by public transit.

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

The special exception should not adversely affect the use of neighboring properties. The addition would be restrained in height and intensity and constructed within the existing building footprint. Given the extensive setback of the building, the requested relief should not have a detrimental impact to the light and air of neighboring properties.

VI. COMMUNITY COMMENTS

ANC 2B voted 8-0 to support the Applicant’s request for relief at its regularly scheduled meeting, held on June 10, 2015.

Three neighbors submitted letters to the record supporting the application.

³ § 500.2.