

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Stephen J. Mordfin, AICP, Case Manager
 Joel Lawson, Associate Director Development Review
DATE: June 2, 2015
SUBJECT: BZA Case 18987, 1124-1126 Florida Avenue, N.E.

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **denial** of the following area variances for a new building:

- § 770, Building Height (50 feet permitted, 53.5 feet proposed);
- § 771, Total Floor Area Ratio (3.00 permitted, 3.60 proposed); and
- § 771, Residential Floor Area Ratio (3.00 permitted; 3.47 proposed).

Should the BZA find that the applicant has successfully meet the test for the area variances listed above, OP then is not opposed to the following area variance:

- § 774.7(b), Rear Yard (15 feet required above the first twenty feet of building height , 9.5 feet proposed).

II. LOCATION AND SITE DESCRIPTION

Address	1124-1126 Florida Avenue, N.E.
Legal Description	Square 4070, Lot 808
Ward	5D
Lot Characteristics	Relatively level “L-shaped” lot with rear alley access
Zoning	C-2-A – low to moderate density commercial / mixed use/ residential
Existing Development	Vacant auto repair and fuel storage facility
Adjacent Properties	Row dwellings and flats. Properties to the west are zoned R-4; properties to the east are C-2-A with the properties nearest to the subject property developed as flats and row houses.
Surrounding Neighborhood Character	Moderate density residential with some neighborhood serving retail

III. APPLICATION IN BRIEF

The applicant proposes to construct a five-story, 44-unit apartment building with 27 off-street parking spaces. Nineteen of the parking spaces would be located within a one-level below-grade garage, with the remaining eight off-street parking spaces directly accessible from the public alley

at the rear of the building. The ground floor on the west side of the building would include 1,956 square feet of retail space, with a ceiling height of 10.5 feet.

IV. ZONING REQUIREMENTS and RELIEF REQUESTED

C-2-A Zone	Regulation	Existing	Proposed	Relief
Lot Width	None prescribed	89 feet	89 feet	None required
Lot Area	None prescribed	12,893 sq. ft.	12,893 sq. ft.	None required
Height § 770	50-foot max.	n/a	53.5 feet	Required
Floor Area Ratio § 771				
-Residential	3.00 max.	n/a	3.47	Required
-Nonresidential	1.50 max.	n/a	0.13	None required
-TOTAL	3.00 max.	n/a	3.60	Required
Rear Yard § 774.7				
-Up to 20 ft. of bldg. ht.	15 feet from alley centerline	n/a	>29 feet	None required
-Above 20 ft. of bldg. ht.	15 feet from rear lot line	n/a	9.5 feet	Required
Court § 776	15-foot min.	n/a	22.33-foot min.	None required

V. OFFICE OF PLANNING ANALYSIS

a. Variance Relief from § 770, Building Height and § 771, Floor Area Ratio

i. Exceptional Situation Resulting in a Practical Difficulty

The subject property was operated as a gasoline and oil service station, including bulk petroleum and fuel storage, beginning in the 1940s. In 1987 fifteen underground storage tanks were removed and five others were filled with sand and closed in place. A corrective action report submitted by an environmental protection specialist dated October 3, 2014 concludes that the site is impacted by subsurface contamination. Due to this contamination it is not advisable to locate residential units below or partially below grade. As such, the applicant is proposing to provide a below-grade level dedicated to off-street parking, bicycle parking and utility rooms, creating usable space out of the cellar level. As the cellar remains usable space there is no practical difficulty resulting in a need to increase either building height or FAR.

ii. No Substantial Detriment to the Public Good

C-2-A permits buildings up to fifty feet in height as a matter-of-right. The application to increase this height by 3.5 feet would allow the applicant to construct a new building with five above-grade levels, but with a floor-to-ceiling height of only 10.5 feet for the proposed retail space, less than the fourteen-foot height commonly provided for modern retail space.

The additional building height would result in a building taller than the height permitted or anticipated for those around it, and the additional bulk from the increase in FAR would result in a building that would be larger above-grade than otherwise permitted, especially to the west, where the maximum permitted building height is limited to forty feet.

iii. No Substantial Harm to the Zoning Regulations

The increase in both building height and FAR would result in a building mass larger than the maximum otherwise permitted in the C-2-A zone. The proposed building would first be permitted as a matter-of-right in the C-2-B, a moderate to medium density zone, whereas C-2-A is low to moderate density. Elimination of the fifth floor would reduce not only the height of the building to that permitted by the Zoning Regulations, but would also reduce the appearance of bulk, especially as this building directly abuts the R-4 district immediately to the west.

b. Variance Relief from § 774, Rear Yard

i. Exceptional Situation Resulting in a Practical Difficulty

The subject property is located between two buildings that are set back from the front property line abutting Florida Avenue. Although the proposed building could be constructed to the front lot line as a matter-of-right, it would then be forward of the row houses to either side and out of character with the surrounding development. In order to construct a building more consistent with existing development, the applicant opted to set the building back from the street line in an attempt to maintain street character. However, this front setback results in the need to reduce the rear yard by five feet as the building shifted from south to north.

ii. No Substantial Detriment to the Public Good

Shifting the building back from the street line at the front of the building would better align the proposed structure with existing development along Florida Avenue. Although this would result in a smaller than required rear yard, it would only be for that portion of the building above twenty feet in height as it faces the public alley. Across the public alley are row houses, but these houses are constructed upon unusually deep lots, minimizing the impact of the reduced rear yard above the first twenty feet in building height.

iii. No Substantial Harm to the Zoning Regulations

The reduced building height would not result the crowding of the rear alley due to the large rear yards provided on the north side of the alley, and would not result in allowing for a building larger than otherwise permitted within the C-2-A zone.

VI. COMMENTS OF OTHER DISTRICT AGENCIES

No comments were received from other District agencies.

VII. COMMUNITY COMMENTS

No comments were received from ANC 5D.

Two letters were filed in opposition the application.

Attachment: Location Map

