

1140 Florida Ave NE

Summary of Zoning Relief | 26 May 2015

Owner / Applicant 1106 Montello, LLC
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Summary of Relief

In order to accommodate the improvements, the Owner / Applicant seek an area variance as set forth in Section 3103.2. As per Section 3103.5, the Board of Zoning Adjustment is authorized to grant a variance related to the issues such as floor area ratio, lot occupancy, and minimum parking requirements.

The Owner is requesting a variance from the following sections of the zoning regulations:

- 771.2 Floor Area Ratio
- 772.1 Lot Occupancy
- 2101.1 Number of parking Spaces

Section 3405.1 allows for the Board of Zoning Adjustment to grant a reduction in the Green Area Ratio (GAR) requirements. Due to practical difficulties the Owner is also seeking a special exception for the reduction of the GAR requirement for the property.

Background

The property is located at 1140 Florida Ave NE, Lot 84 of Square 4070. It is currently zoned C-2-A, and is within ANC 5D. The lot is rectangular in shape, measuring 25.0' by 100.0', and is 2,500 square feet in area. It is bound by Florida Avenue to the south and Montello Avenue to the east. The property shares a property line to the west with 1138 Florida (Lot 85). The rear property line at the north of the property is shared with 1112 Montello Ave (Lot 83). There is no public alley access for the property ("landlocked").

Improvements

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The Owner is seeking to construct an addition and renovation to an existing two-story building to create a 7-unit apartment house over a ground floor, primarily dedicated to retail use. Accessory residential uses in the form of a lobby as well as a single, type-b accessible dwelling unit will be provided on the ground floor. Small additions on the ground and second floors will increase the usable area while retaining a minimum of 50% of the exterior walls of the existing structure. The project proposes to occupy the entire site at the ground floor to maximize retail space and to eliminate disruption of the streetscape along Montello Avenue.

The project will also add two stories above the existing two floors. Floors two through four will contain two dwelling units per floor and will be setback on the north (rear) to allow for light and air to the residential units. There will be a total of seven units in the building with the ground floor, type-b accessible unit.

Floor Area Ratio Relief

As per section 771.2 the maximum permitted Floor Area Ratio (FAR) for C-2-A is 2.5 for an apartment house (residential) and 1.5 for other uses. The maximum overall permitted FAR is 2.5. The existing structure has a non-conforming residential lot occupancy of 81% at the second floor. The existing footprint results in of 2,025 residential square feet per floor. This footprint allows for two, viable two-bedroom units on each residential floor. It also allows for structural efficiency if the existing and proposed floor plates are essentially the same.

As the property occupies a visible location at the corner of Montello and Florida Avenues, commercial retail at the ground floor is the appropriate use and in keeping with the Office of Planning Comprehensive Plan. In order to maintain retail use on the ground floor, the residential uses are displaced to the upper floors with the exception of a residential lobby and a single Type-B accessible unit on the ground floor which is required to meet fair housing requirements.

This results in a FAR of 0.62 for retail and other uses, a residential FAR of 2.79 and a total FAR of 3.41 for the overall project.

This displacement of the residential uses to the upper floors creates a hardship in achieving the maximum residential FAR of 2.5. The Owner is seeking relief of 0.62 Retail FAR from the total maximum allowed and relief of 0.29 Residential FAR due to maintaining and extending the existing non-conforming footprint at the second floor and above.

Lot Occupancy Relief

As per section 772.1 the maximum permitted Lot Occupancy for C-2-A is 60% for an apartment house. The existing structure on the property has a non-conforming lot occupancy of 81% on the second floor (residential use). The project is seeking fully occupy the ground floor for primarily retail use and retain the existing lot occupancy of 81% for the residential uses above the ground floor. In order to maintain a minimum of 50% of the existing exterior walls it is necessary to retain the rear walls of the building. As this is an undue hardship, the Owner is seeking relief from the 60% maximum lot occupancy requirement.

Number of Parking Spaces Relief

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Section 2101, Schedule of Requirements for Parking Spaces sets forth a requirement in C-2-A zoning districts of 1 parking space for each 2 dwelling units for apartment houses. For Retail or Service establishments in excess of 3,000 square feet, 1 for each additional 300 sf of gross floor area and cellar floor area. This would require 4 parking spaces for the apartment house use ($7 \text{ dwelling units} / 2 = 3.5$, rounded up to 4 parking spaces). The retail uses are less than 3,000 sf therefore there is no retail parking requirement.

As the property is landlocked and has no curb cut or alley access, it is a practical impossibility to bring vehicles onto the property. Therefore the Owner is seeking relief from zoning requirement of 4 parking spaces.

Green Area Ratio Relief

Section 3401, Applicability of Green Area Ratio Standards, requires a Green Area Ratio of 0.30 for Zone District C-2-A. The project does not have access to any open areas that could allow for soil depths greater than 24". This makes planting trees, ground covers, and other plants impossible. Also there are no possible areas to provide for permeable pavers. As such, the GAR must be entirely achieved through vegetated or "green" roofs. There are several other demands on the roof surface including, mechanical equipment and maintenance areas necessary for servicing the building, that puts constraints on the amount of green roof that can be provided. Due to this practical difficulty the Owner is seeking a special exception to reduce the required GAR from 0.3 to 0.2.