

**MEMORANDUM**

**TO:** District of Columbia Board of Zoning Adjustment  
**FROM:** Anne Fothergill, Case Manager  
*JL* Joel Lawson, Associate Director Development Review  
**DATE:** November 3, 2015  
**SUBJECT:** BZA Case 19079, 2000-2002 11<sup>th</sup> Street, N.W.

**I. OFFICE OF PLANNING RECOMMENDATION**

The Office of Planning (OP) recommends **approval** of the following variance relief for a proposed mixed use building:

- § 2101.1 – off-street parking (14 required, 0 proposed);
- § 636.3 – rear yard (21.5 feet required, 0 feet proposed);
- § 633 – public space at ground level (585 SF required, 0 proposed);

and approval of the following special exception relief:

- § § 639.1, 411.11, and 770.6 – roof structure setback (14.5 feet required, 7 feet proposed)

subject to the following conditions:

1. The applicant shall provide the additional TDM strategies as detailed in the DDOT report.
2. The applicant shall provide the building setback of 5’-0” from the north property line (other than the front 61’ of the proposed building on the cellar through 4<sup>th</sup> floors, and the front 22’ of the building on the fifth through tenth floors) as shown on the submitted building plans (Exhibit 46B).

**II. LOCATION AND SITE DESCRIPTION**

Address	2000-2002 11 <sup>th</sup> Street, N.W.
Legal Description	Square 304, Lots 27, 30, 31
Ward	1
Lot Characteristics	The subject property is 5,850 SF and improved with a two-story historic bank building at the corner of 11 <sup>th</sup> and U Streets and a two-story non-historic building fronting 11 <sup>th</sup> Street, which will be razed. There is an alley behind the property at the west side (rear) of the property.
Zoning	CR/Uptown Arts-Mixed Use Overlay (ARTS)

Existing Development	Two-story commercial building, permitted in this zone
Historic District	Greater U Street Historic District
Adjacent Properties	The property to the north of the site is the 4-story Lincoln Condominium building. Across the rear alley to the west is a two-story commercial building that fronts U Street. Across U Street to the south is a 2-story commercial building and across 11 <sup>th</sup> Street to the east is a 3-story commercial building.
Surrounding Neighborhood Character	The surrounding neighborhood has a variety of historic and non-historic building types for residential, commercial, office, and educational and commercial uses. The subject property is within the U Street Historic District, the Uptown Arts-Mixed Use overlay, and the Greater Shaw/U Street Development Framework.



**III. APPLICATION IN BRIEF**

The applicants propose to raze the two-story non-historic building that fronts 11<sup>th</sup> Street on Lot 27, which is on 3,423 SF of the 5,850 SF total site. They propose to construct a 10-story residential building with 33 residential units and ground floor retail. The new building would be an addition to the two-story historic structure to the south. The building would be 100 feet tall and would have 2,101 SF of retail space and 29,419 SF of residential space with no less than 2,354 SF devoted to Inclusionary Zoning units (at 80% AMI). The new building would not provide parking or have a rear yard.

**IV. ZONING REQUIREMENTS**

<b>CR Zone/ ARTS Overlay</b>	<b>Regulation</b>	<b>Existing</b>	<b>Proposed</b>	<b>Relief</b>
Height	100 feet max.	27 feet	100 feet	None required
Lot Width	N/A	61 feet	61 feet	None required
Lot Area	N/A	5,850 SF	5,850 SF	None required
Lot Occupancy	100% commercial 75% + 5% IZ bonus = 80% residential	80%	100% commercial 55% residential	None required
Rear Yard § 636.3	21.5 feet	25.1 feet	0	Relief required
Parking spaces § 2101.1	14 (3 commercial & 11 residential)	3	0	Relief required
Public space at ground level	585 SF	None	None	Relief required
Roof structures	1:1 setback = 14.5 feet	None	7 foot setback on south side only	Relief required for south side only

**V. OFFICE OF PLANNING ANALYSIS**

**Special Exception Relief**

Special Exception Relief pursuant to § § 639.1, 411.11, and 770.6

*Would operating difficulties, lot size, or other building or surrounding area conditions tend to make full compliance unduly restrictive, prohibitively costly or unreasonable?*

The applicant has demonstrated that full compliance would result in operating difficulties and unreasonable modifications to the building plans. The applicant’s architectural drawings

illustrate that providing relief from a 1:1 setback on the south side of the roof would allow for a usable amenity area, stair and elevator access, and sufficient space for the mechanical equipment. They propose that the roof structure would have a setback of 7 feet, or 7.5 feet less than the 14.5 foot requirement (a 1:0.5 setback). The reduced setback would be on the south side of the roof, which would be adjacent to and above the lower historic building to the south

*Would the light and air of adjacent buildings be adversely affected and would the special exception tend to adversely affect the use of neighboring property?*

The light and air of adjacent buildings would not be adversely affected and the proposed relief would not adversely affect the use of neighboring properties. The applicants have designed the new building specifically to mitigate adverse impacts to the building to the north and also with consideration of the historic structure to the south and its related development restrictions. The proposed setback relief for the roof structure would be on the south side of the building, which is adjacent to the two-story historic bank building and a reduced setback on the south side would not adversely impact the use of the bank building.

*Would the intent and purpose of the zoning regulations be materially impaired?*

The proposal for relief from the roof structure setback requirement is consistent and compatible with the CR zone and ARTS Overlay and would not impair the intent, purpose and integrity of the Zoning Regulations and Maps. The CR Zone and the Uptown Arts-Mixed Use Overlay District “encourage flexibility in architectural design and building bulk; provided, that the designs and building bulk shall be compatible and harmonious with adjoining development over the CR District as a whole” and aim to “expand the area's housing supply in a variety of rent and price ranges.”

### **Area Variance Relief**

- § 2101.1 – off-street parking (14 required, 0 proposed)
- § 636.3 – rear yard (21.5 feet required, 0 feet proposed)
- § 633 – public space at ground level (585 SF required, 0 proposed)

1. ***Does the property exhibit specific uniqueness with respect to exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional situations or conditions, and does the extraordinary or exceptional situation impose a practical difficulty, which is unnecessarily burdensome to the applicant?***
  - a. Off-street parking: There is a practical difficulty for the applicants to provide the required parking caused by the exceptional conditions of the site. There are a number of site factors that hinder providing parking including the narrowness and shape of the building site, structural and other complications with construction underneath the historic structure, and unique access considerations specific to this site because of the narrow, non-compliant alley. There is not sufficient width behind the building to provide 14 surface parking spaces. The alley has an 8 foot wide entrance and does not allow a sufficient turning radius. With the

numerous site constraints, the applicant could not provide 14 spaces in underground parking, even if it was possible to go under the historic bank building.

- b. Rear yard: The zoning regulations require a rear yard of 21.5 feet, which would be a practical difficulty for the applicant to meet due to exceptional conditions related to the size and shape of the site. The proposed new building would be an addition to a historic structure which cannot be altered or have an addition constructed above. There is a building immediately to the north and an alley behind, which means the area for new construction is 36 feet wide and 95 foot deep. With a 21.5 rear yard setback, that the depth would be reduced to 73 feet.

The applicants have told the condominium association from the adjacent building at the north side, which has at-risk windows on the south elevation, that they would voluntarily pull back the new building five feet off the property line to provide light and air to the south side of the building. Because of the narrow lot, the historic structure, and the constraints to expanding on the north and south sides, the applicants are proposing to extend to the rear into the required rear yard space, adjacent to a narrow, unused alley.

- c. Public space at ground level: The location of this property within the 11<sup>th</sup> Street streetscape has created an exceptional situation that would result in a practical difficulty for the applicants to provide public space at the ground level. There is an existing pattern of buildings along 11<sup>th</sup> Street and the front façade of the proposed building is designed to be in line with the front facades of the other buildings on the rest of the block, including the two flanking buildings. If the ground floor retail space was required to be set back 16 feet from the other facades, that would interfere with the rhythm and pattern of the block. There is an exceptionally wide sidewalk along 11<sup>th</sup> Street in front of this building that negates the need for a designated public space area.

## ***2. Can the relief be granted without substantial detriment to the public good?***

The area variance relief requested would not be detrimental to the public good.

- a. Off-street parking: The site has access to many modes of transportations including a convenient Metrorail stop as well as many bus routes and bike lanes. There are a number of parking garages in the vicinity.

In Exhibit 48G, the applicants propose a number of Transportation Demand Management strategies including:

- A transportation management coordinator and marketing program
- Transportation incentives – the applicants would offer the first occupant of each residential unit and each retail employee a one-time annual car-share membership or a \$100 SmarTrip card or a one-time annual bike-share membership
- Bicycle amenities – the building would have long-term and short-term bicycle parking and a bicycle maintenance facility

DDOT has requested that the applicant provide additional TDM strategies OP concurs with that recommendation.

- b. Rear yard: The existing rear alley will provide some light and air to surrounding properties. The applicants have agreed to pull the building back on the north side and create a court to provide light and air to existing “at risk windows” on that side of the building. The new building would extend almost as far back to the rear as the building to the south, which would be consistent and compatible with that historic building.
- c. Public space at ground level: The wide sidewalk and proposed retail lobby would provide public space and additional space to meet this goal is not needed for this particular site.

**3. *Can the relief be granted without substantially impairing the intent, purpose and integrity of the Zoning Regulations and Map?***

The requested relief would not harm the zoning regulations. The Mixed Use Commercial Residential (CR) District encourages a diversity of compatible land uses including residential and retail like the proposed building. The Uptown Arts-Mixed Use Overlay District is designed to expand the area's housing supply, encourage both development of residential and commercial buildings and an attractive combination of new and old buildings.

**VI. COMMENTS OF OTHER DISTRICT AGENCIES**

The District Department of Transportation has consulted with the applicants and will be submitting a detailed report.

The Historic Preservation Review Board reviewed and approved this proposal.

**VII. COMMUNITY COMMENTS**

ANC 1B voted to support the application (Exhibit 37). The adjacent building's condominium association, Lincoln Condominium Unit Owners Associations, wrote a letter in support (Exhibit 47).