

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Stephen Gyor AICP, Case Manager
 JL Joel Lawson, Associate Director Development Review
DATE: November 10, 2015

SUBJECT: BZA Case 19099, variances to allow the construction of a new mixed-use building with 21 residential units and ground floor retail in the GA/C-3-A District at 3701 New Hampshire Avenue N.W.

I. OFFICE OF PLANNING RECOMMENDATION

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

- § 772.1 Lot Occupancy (80% permitted; 96% proposed); and
- § 2101.1 Parking (13 parking spaces required; 0 parking spaces proposed)

II. LOCATION AND SITE DESCRIPTION

Address	3701 New Hampshire Ave NW (the “Subject Property”)
Applicant	Rooney Properties, LLC (the “Applicant”)
Legal Description	Square 3030, Lot 805
Ward	4
Lot Characteristics	Triangular corner lot created by the intersection of Rock Creek Church Road, Georgia Avenue, and New Hampshire Avenue.
Zoning	Georgia Avenue Overlay/C-3-A
Existing Development	Two-story commercial structure
Historic District	NA
Adjacent Properties	Adjacent properties include low density commercial properties along Rock Creek Church Road NW and New Hampshire Avenue NW (three-story residential structures are located beyond these to the east in the R-4 zone). The Georgia Avenue Metro Station is located across New Hampshire Avenue to the north. Three-story row houses are located to the south across Rock Creek Church Road NW, as well as low-density commercial structures. Two six-story multifamily buildings are located across Georgia Avenue NW to the west.

Surrounding Neighborhood Character	Moderate density residential, including a mixture of small apartment buildings, row houses, public schools and neighborhood serving commercial uses along Georgia Avenue.
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III. APPLICATION IN BRIEF

The Applicant proposes to construct a five-story mixed-use residential building (the “Project”). The building would include approximately 18,276 of gross floor area (21 residential units) and 4,564 square feet of ground floor retail. The building would be 65 feet in height. A bicycle storage room would be located in the lower level of the building for a minimum of 16 bicycles. The Project would include 2,032 of affordable housing per the District’s Inclusionary Zoning (IZ) regulations. No loading areas are proposed or required.

IV. ZONING REQUIREMENTS and RELIEF REQUESTED

GA/C-3-A Zone	Regulation	Existing	Proposed	Relief
Height § 770	70 ft. max.	NA	65 ft.	None required
Lot Area	NA	4,772 sf.	4,772 sf.	None required
Floor Area Ratio § 771	None prescribed	NA	4.8	None required
Lot Occupancy § 772	Retail: 100% Residential: 80%	Retail: 100% Residential: 80%	96%	Relief required
Rear Yard § 774	NA	NA	40 ft.	None required
Side Yard § 775	NA	NA	NA	None required
Court § 776	NA	NA	NA	None required
Parking § 2201	Retail: 1 for every 300 sf. in excess of 3,000 sf. Residential: 1 for every 2 dwelling units	None	None	Relief required



V. OFFICE OF PLANNING ANALYSIS

a. Variance Relief from § 772.1 Lot Occupancy; § 2101 Parking

The Applicant notes that while the proposed ground floor would be in compliance with the Zoning Regulations as it would be operated for retail use, and therefore would have no lot occupancy maximum, the upper residential floors (floors 2-5) would have a lot occupancy of 96%. Therefore, the Applicant requests a variance from § 772.1 to permit the construction of a structure that exceeds 80% lot occupancy.

i. Exceptional Situation Resulting in a Practical Difficulty

The Subject Property is characterized by an exceptional situation in that it has an irregular shape, corner lot location, and relatively small area, all of which limit the Applicant's ability to provide the required on-site parking spaces and to adhere to lot occupancy requirements on floors 2-5. The lot is created by the intersection of three arterial roads: Rock Creek Church Road, Georgia Avenue, and New Hampshire Avenue, and is the triangular corner of Square 3030. Additionally, the lot's size, at just over 4,770 square feet, further limits potential development options on the site. Further, the lot does not include alley access.

§ 2101 Parking

The Subject Property's dimensions create a practical difficulty for the Applicant in that the lot is not large enough to accommodate the required 13 parking spaces. Given the dimensions of the lot, below-grade parking would be impractical; the lot's narrow width would not allow for excavation of the site to provide sufficient below-grade parking, ramps for two-way circulation, or a turning radius to efficiently access a parking garage (see Exhibits A2.9 and A3.0 of the Applicant's Prehearing Submission, dated November 3rd, 2015).

The creation of parking ramps would likely necessitate the removal of much of the Project's proposed retail on the first floor and the creation of inactive space for much of the street level, both of which would be counter to the intentions of the Georgia Avenue Overlay. The overlay requires ground floor retail, so parking opportunities at the ground floor would be limited.

§ 772.1 Lot Occupancy

The proposed footprint of the building conforms to the unique dimensions of the lot. As proposed, the building core would occupy a relatively large amount of each floorplate due to the relatively small size of the lot; compliance with the 80% lot occupancy requirement would likely result in an inefficient layout (see Exhibit A3.1).

The proposed location of the core would be along the building's eastern edge (the widest portion of the lot); moving the core to create more contiguous or usable space on each floor or to reduce the necessary amount of floor area would result in a smaller retail floorplate. Moving the core would have a negative impact on the creation of active street frontages along both Rock Creek Church Road and New Hampshire Avenue. It is likely that the core would need to be located against one or both of these facades, which would have a detrimental impact on the creation of a lively streetscape. As noted above, retail use on the ground floor is a requirement of the Georgia Avenue Overlay.

ii. No Substantial Detriment to the Public Good

The Project would not result in a substantial detriment to the public good. The proposal would help to revitalize this block of New Hampshire Avenue NW. The Applicant proposes a 21-unit development which would conform to floor area ratio (FAR) and height requirements.

The provision of a curb cut for a parking ramp would likely eliminate some street parking and would be potentially detrimental to the provision of retail space on the first floor.

The Project would have access to a variety of transportation options for its residents. The Subject Property is located within walking distance of a metro station and is on WMATA bus routes and close to Capital Bikeshare and care-share locations. Further, the Subject Property has a Walkscore of 93. Alternative means of transportation such as bike, bus and Metrorail should help to mitigate the proposed parking relief.

The Applicant proposes a Transportation Demand Management Plan (TDMP) that would provide information regarding non-auto transportation options and incentives to use those options.

The Applicant notes that there are two buildings in the area with excess parking available: The Swift (3828 Georgia Avenue) and Park Place at Petworth Metro (850 Quincy Street) currently have 131 unused parking spaces. The Applicant has agreed to provide off-street, off-site parking for the first three years the project is open for residents of the project who wish to own a car.

iii. No Substantial Harm to the Zoning Regulations

The Project furthers the goals and policies of the Zoning Regulations related to the improved use of space around the Georgia Avenue-Petworth Metrorail Station. Specifically, the GA Overlay's objectives "encourage additional residential uses" and "encourage vertically mixed uses (ground-floor commercial and residential above) within a quarter mile of the Georgia Avenue-Petworth Metrorail Station." 11 DCMR § 1327.3. Requiring ground floor or below grade parking would be contrary to the intent of the zoning, which requires retail and street activating uses.

VI. COMMUNITY COMMENTS

At its meeting on September 9, 2015, ANC 1A voted 8-3-1 (with conditions) to support the proposed relief.

As of this writing, no comments from the immediate neighbors have been submitted to the record.