

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Stephen Cochran, Case Manager
 Joel Lawson, Associate Director Development Review
DATE: November 24, 2015

SUBJECT: BZA No. 19113 –Special Exception and Variance and relief for a new residential building at 1000 South Capitol Street, S.E.

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following special exception and variance relief for a proposed multi-family residential building:

Special Exceptions

- §§ 770.6 (b), 770.6 (d), 411.3 and 411.5 pursuant to § 411.11
 - (Single penthouse enclosure required with equal height vertical walls; two 18'6" penthouses and one 18' roof trellis structure proposed)
 - (Penthouses set back from exterior walls at 1:1 ratio required; no setback in three locations facing or adjacent to alley proposed).

Variances

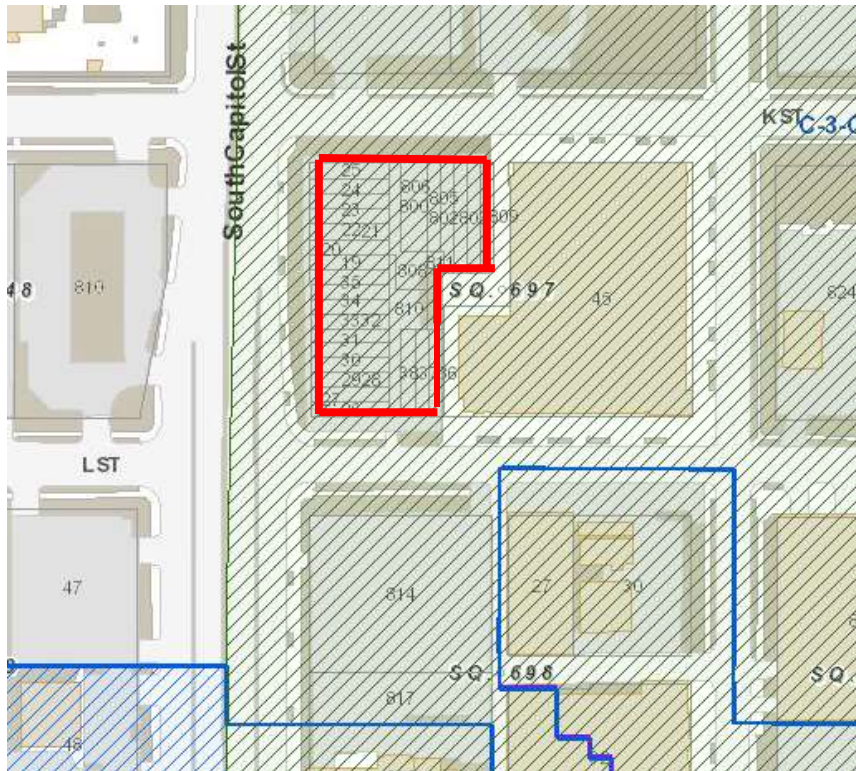
- §775.5: Side yard width (21.67' required; 15' proposed along S. Capitol Street);
- §2201.1: Loading [(1) 55-foot berth and (1) 20-foot service area required; (1) 30-foot berth and (1) 20-foot service area proposed].

II. LOCATION AND SITE DESCRIPTION:

Address:	1000 South Capitol Street S.E.
Legal Description:	Square 697, Lot 46 (includes a requested alley closing of 808 sf)
Ward, ANC:	6, 6D
Lot Characteristics:	The generally rectangular, 33,523 square foot lot is bounded by South Capitol Street to the west and K and L Streets SE to the north and south respectively. It has been used as surface parking for the baseball park. There is a north-south alley at the property's eastern boundary serving properties on both sides and linking K and L Streets. The alley is subject to dimensional changes under a pending alley closing application for 808 sf, and under an easement on the site proposed by the applicant.

Zoning:	C-3-C, in the Capitol South TDR Receiving Zone. The zone permits medium-high density commercial, hotel residential and mixed use development, compact in area. The TDR receiving area allows for more height and density as a matter-of-right than would otherwise be permitted in the C-3-C zone.
Historic District:	None
Adjacent and Nearby Properties	To the east, across an alley, is a 9-10-story, newly-constructed office building. To the north, across K Street, is a C-3-C by-right mixed use development currently under construction. The nearby area contains a mix of high-rise residential, hotel and office buildings with ground floor retail, in close proximity to the Ballpark area. The Navy Yard Metrorail station is within 2-3 blocks of the site. .

III. PROJECT DESCRIPTION IN BRIEF



The applicant proposes to construct a new 320,000 sf, 330-unit apartment building. It would be 130 feet high, with 13 above-ground stories and a three-level underground parking garage with a maximum of 225 parking spaces. There would be a rooftop pool and trellis.

The Applicant requests special exception relief to permit three roof structures rather than the permitted single one, as well as roof structure setback relief in three locations where an 18'-6" setback is required and no setback is proposed. The application also requires relief from loading requirements, and from side yard requirements.

Figure 1. Location Map

Variance relief from side yard and loading requirements is also requested.

IV. ZONING REQUIREMENTS

Item	Reg.	Required / Permitted	Proposed	Relief
Lot Occ.	772.1	90%	90%	Conforming
FAR	771.2, 709	10.0	9.55	Conforming
Height	770.1	130 ft. Based on So. Capitol St. t	130 ft., with 1:1 setback above 110 ft.	Conforming
Roof Structure	411 770.6	<u>Number:</u> Single enclosure <u>Height:</u> uniform wall height ≤ 18'-6" <u>Setback:</u> 1:1 from exterior walls	<u>Number</u> Two penthouse enclosures and one roof trellis proposed <u>Height:</u> Penthouses are 18'6" above roof; Trellis is 18 ft. above level of roof <u>Setback:</u> No setback in three locations along wall adjacent to alley for both penthouses and for trellis	<i>Sp. Ex. requested for two penthouse enclosures plus one roof structure</i> <i>Special Exception requested for 6" height difference between penthouses and trellis</i> <i>Special exception requested for no setbacks</i>
Parking	2101.1	75-90 spaces (1 / 4 units for 300-360 units)	Up to 225	Conforming
Loading	2201.2	(1) 55-ft. berth (1) 20 ft. delivery space.	(1) 30-ft. berth (1) 20 ft. delivery space.	<i>Variance requested to provide (1) 30' berth in lieu of (1) 55' berth</i> Conforming
Rear Yard	774.1	32.5 ft. (2.5" / ft. of height measured from centerline of street at rear)	40 ft. (from centerline of K St., SE)	Conforming
Side Yard	775.5	21.67 ft. (2 in. .ft. of height)	15' (along So. Capitol St., based on L Street as front)	<i>Variance requested of 6.33 ft.</i>
Court Width	776	39.67 ft. (4 in per ft. of 119 ft. height)	91 ft.	Conforming

V. OP ANALYSIS OF REQUESTED RELIEF

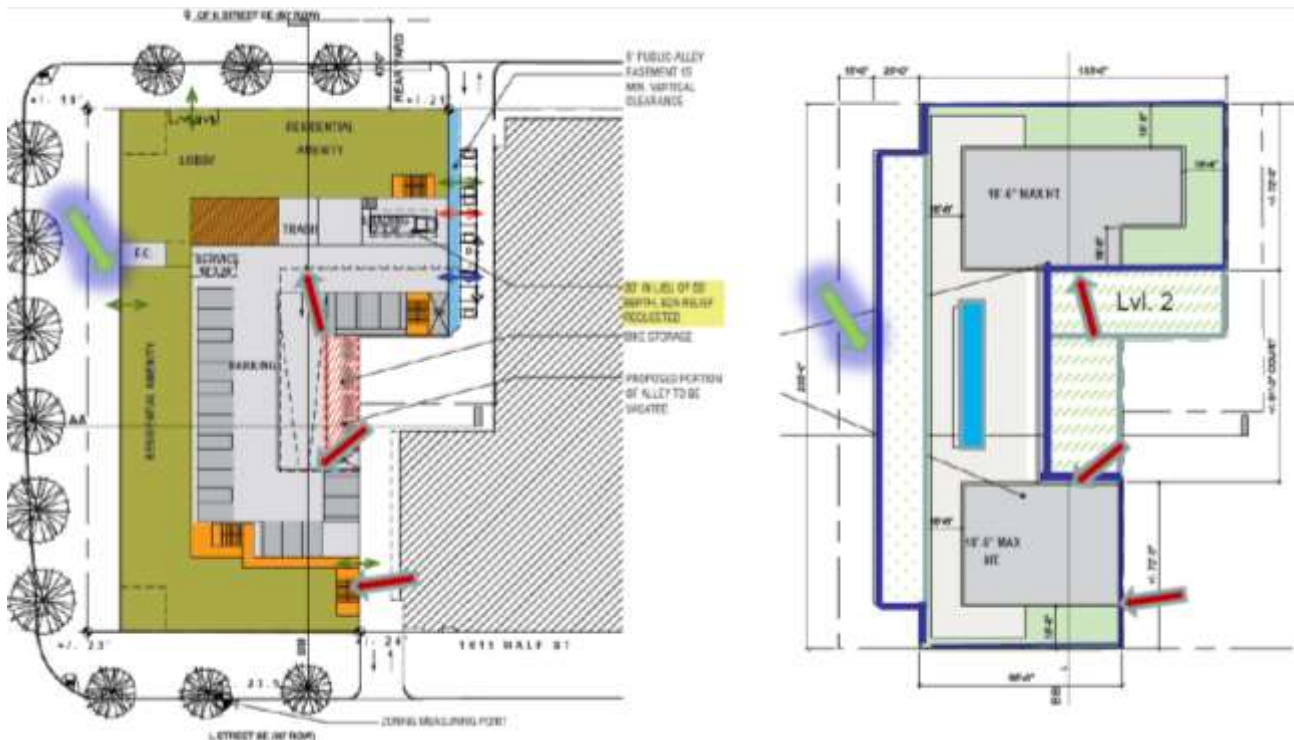


Figure 1. Ground Floor and Roof Level Plans, Showing Areas for Which Relief is Requested. Red arrows indicate roof structure setback requests. Green arrows indicate side yard requests.

Special Exception Relief

Roof Structures

Per §§3104.11 and 411.11, the Applicant requests special exceptions to allow for roof structures that do not meet the single enclosure requirement of §411.3 and are not setback from all exterior walls a distance equal to their height above the roof upon which they are located. §411.11 allows for the BZA to grant a special exception from the location, design, number and other aspects of roof structures regulated under §§411.3 through 411.6, where operating difficulties, size of building lot or other conditions relating to the building or surrounding area would tend to make full compliance unduly restrictive, prohibitively costly or unreasonable.

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

Yes. The applicant has voluntarily complied with the South Capitol Street design regulations first established for the Capitol Gateway Overlay to the south of this site. At the time this report was written, the Zoning Commission, with a positive recommendation from the National Capitol Planning Commission, had given preliminary approval to extend these regulations to all of South Capitol Street between I-395/695 and the baseball park. If given final approval, they will required a 15-foot setback from the South Capitol Street property line on the applicant's site and will require the upper stories of the building to be setback at a 1:1 ratio above 110 feet. Under existing

regulations, the building is already subject to 1:1 roof structure setbacks from adjacent streets. The design's respect for the South Capitol Street guidelines tends to push service cores and rooftop amenities farther east, towards the alley, than would otherwise be the case. Together with the "C"-shape of the building's residential floors, which optimizes the light and air available to apartments, the roof area available for mechanical penthouses is limited. The building requires two mechanical cores. Combining them into a single structure would increase the mass and prominence of the roof structure and could result in a need from additional setback relief from the building's street facades.

The special exception would enable the applicant to meet the proposed building's mechanical and, circulation requirements, as well as the 1:1 setback regulations from the streets, including a setback of over 50 feet from the South Capitol Street property line, to minimize the visibility of the penthouses from public ways.

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?

No. Granting the requested relief would not impact the light and air of adjacent buildings, which are located across either public streets or public alleys from the building.

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

No. The primary intent of the regulation is to reduce roof structures' negative visual impacts. The relief would be consistent with overall intent of roof structure height and setback regulations.

Variance Relief

Side Yard and Loading Berths

The Applicant requests variance relief from required side yard width and loading requirements. Pursuant to DCMR 11§3103, variances from the zoning regulations can be authorized by the Board of Zoning Adjustment as long as the following tests are met and detriment to the public good or zoning regulations do not result. Area variances allow for relief of requirements that affect the size, location, and placement of buildings and other structures such as height, floor area ratio, lot occupancy, yard width and depth, loading and minimum court size.

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?

Yes. L Street is the official front of the building. The building could have been designed with no side yards and complied with existing zoning regulations. However, this would have resulted in no setback from South Capitol Street. As noted in the analysis of the special exception relief, the building is designed to respect the preliminarily-approved regulations that would require a 15-foot setback along South Capitol Street and an additional 1:1 setback for any portion of the building exceeding 110-feet in height. The Applicant states the narrow 15' alley access constrains large truck access to the property and the voluntary compliance with South Capitol Street guidelines create a

confluence of exceptional conditions that causes a practical difficulty in achieving the required side yard setback and 55-foot loading berth.

Can the relief be granted without substantial detriment to the public good?

Yes. The intent of the side yard regulations is to provide light and air to adjacent properties and since the South Capitol Street right-of-way abuts the property, impacts are minimal. Additionally, the side yard is not currently required for this particular property, and is provided only to continue the 15-foot setback from South Capitol Street already established within the CG overlay.

With regard to loading relief, the Applicant states that, as has proven to be the case with recent apartment buildings, future residents likely would not have need for 55-foot truck deliveries and that the proposed 30-foot berth would serve the needs of future residents. A smaller truck would also likely cause less impact to alley use by the adjacent office building.

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

Yes. As stated above, the purpose of side yard regulations is to lessen the impact of the bulk and mass of buildings on adjacent properties. Relief for the side yard along South Capitol Street would likely not cause substantial impairment to the intent or purpose of the zoning regulations or map due to the width of South Capitol Street and the wide horizontal separation from nearby properties. Additionally, the applicant is attempting to anticipate consistency with future zoning regulations that would expand the portion of South Capitol Street, along which 15-foot setbacks would be required.

The requested loading relief is increasingly common. Recent residential developments indicate that granting such relief is not likely to have a substantial impact on the integrity or intent of the zoning regulations.

VI. OTHER GOVERNMENT AGENCY COMMENTS

No other government agency reports had been filed at the time this OP report was completed.

VII. COMMUNITY COMMENTS

ANC 6D has submitted a letter of support to the record. It includes comments concerning future consultation about public space permits, construction hours, and a construction management plan.

The ANC filing further indicates the applicant has promised the ANC that two affordable housing units will be voluntarily provided in the project. The ANC asks the Board to condition the application's approval on the applicant's providing one dwelling unit affordable to a household earning 80%-120% of the area median income (AMI), and one dwelling unit affordable to a household earning 50%- 80% of the AMI on the property (which is not otherwise subject to the IZ regulations). No time frame for the duration of such a commitment was specified.

No other community comments had been filed at the time this OP report was completed.