

**BEFORE THE BOARD OF ZONING ADJUSTMENT
OF THE DISTRICT OF COLUMBIA**

Cambridge Apartments Limited Partnership
ANC 2F

BZA Application No.
Hearing Date:

STATEMENT OF THE APPLICANT

This is the statement of Cambridge Apartments Limited Partnership (“**Applicant**”) for special exception relief to allow a food market/café as the tenant in a space at the existing building at 1221 Massachusetts Avenue, NW (Square 0282, Lot 0044) (“**Property**”). The Property is located in the DD/R-5-E Zone District, at the cusp where the Logan Circle neighborhood and Central Business District meet. The interior space in question, approximately 3,105 square feet at the western end of the street level (1st or ground floor), until recently had an office tenant. The Applicant proposes to rent the space to food store with a small associated café (“**the Market-Cafe**”). In zoning terms, this is a substitution of one nonconforming use for a different nonconforming use and is governed by §2003 Changing Uses Within Structures. Section 2003 defines Special Exception conditions for such a change of nonconforming uses. The Applicant believes that the conditions are met and therefore is seeking relief to allow the space to be used by the Market-Cafe. No other portions of the building are subject to this application, and, for the space in question, the Applicant is seeking no other special exceptions and no variances.

I. NATURE OF RELIEF SOUGHT

The Applicant requests that the Board of Zoning Adjustment (the “**BZA**” or the “**Board**”) approve special exception relief pursuant to Section 2003.1 of Title 11 of the District of Columbia Municipal Regulations to change an existing nonconforming use to a use that is matter-of-right in the most restrictive district in which the existing nonconforming use is permitted matter-of-right, pursuant to §§3105 through 3108 and the conditions of §§2003.2 through 2003.7.

II. JURISDICTION OF THE BOARD

The Board has jurisdiction to grant the relief requested pursuant to Sections 3103.2 and 3104.1 of the Zoning Regulations (11 DCMR §§ 3103.2 and 3104.1).

III. STATEMENT OF EXISTING AND PROPOSED USE

The space in question, shown in plans included in Exhibit A, was until recently used as office space. The Applicant proposes to re-tenant the space to a Market-Cafe, which one might describe as a higher-end, higher-design 7-11. The lighting will be targeted and warm-toned, rather than the white wash of fluorescent one associates with 7-11. The food to be sold includes perishable vegetables and fruit (including organic options), bakery goods (fresh but baked off-site), and packaged food. The café offerings will be similar to a coffeehouse such as Starbucks.

In association with the use change, the Applicant proposes to add three elements in the Public Space: a new show window on the 13th Street side of the building; a covered colonnade at the Massachusetts Avenue side of the building; and an unenclosed sidewalk café in the “public parking”/“greenspace” at the corner. These elements do not affect the zoning situation except insofar as they would affect (improve) the character of the existing building and its surrounding area, which figures in the conditions for the special exception (see item V-b below).

Not associated with the use change, but occurring within the same time frame, the Applicant also proposes upgrades to the building’s existing porte-cochere and driveway in Public Space at the Massachusetts Avenue side of the building. The design upgrades coordinate with the proposed colonnade and sidewalk café, but there is no overlap of use: the porte-cochere serves only the apartment building.

IV. DESCRIPTION OF THE PROPERTY AND SURROUNDING AREA

The existing Cambridge Apartments building, constructed in 1963, is comprised of 231 apartment units on floors 2-10; lobby and commercial space at street level (floor 1); and one underground garage/service level which has 45 parking spaces. The building is located at the cusp of the Logan Circle neighborhood and the Central Business District, located to the north and south, respectively, of Massachusetts Avenue NW. Logan Circle is predominately residential, with rowhouses; apartment/condominium buildings of many sizes; and a scattering of commercial, institutional, and religious buildings. The Central Business District is predominately commercial and generally built out to 10-12 stories, although all the buildings immediately across Massachusetts Avenue NW are residential, and those west of 13th Street are

of lower heights (the 4.5 story Desoto Condominium and the 8 story Midtown Condominium). See the Vicinity Plan, part of Exhibit A, for more detail on the property and surrounding area.

The Cambridge is at the intersection of Massachusetts Avenue NW and 13th Street NW. Both are very wide streets (160' and 110', respectively) that carry considerable traffic, including a heavy load of emergency vehicle traffic. The space in question is on the first floor (street level) at the corner, stretching back to the building's rear yard and a ten-foot public alley. Services for the building are located on the alley, including a loading berth of approximately 12'x40' and trash pickup. The Cambridge also has approximately 27 surface parking spaces located directly off the alley, supplementing 45 parking spaces in its underground garage. The buildings across the alley (1208, 1212, 1224, 1228, & 1230 M Street NW; 1133 13th Street NW; 1150 12th Street NW; and the Church of the Ascension and Saint Agnes) similarly have parking, loading, and trash areas adjacent to the alley.

V. THE APPLICATION MEETS THE REQUIREMENTS FOR SPECIAL EXCEPTION RELIEF UNDER THE ZONING REGULATIONS, CHAPTER 31 IN GENERAL AND SECTION 3108.1 IN PARTICULAR.

The Applicant is seeking special exception relief pursuant to Sections 3108.1 from the requirements of Section 2000.6, that “*a nonconforming use. . .shall neither be extended. . .nor changed to any use except a use permitted in the district in which the property is located.*” The Applicant is proposing a tenant (the Market-Café) whose use (food store/café) is not permitted in the DD/R-5-E zone district. Because the previous use of the space (offices) is also not permitted in the DD/R-5-E zone district, in order to obtain the requested relief, the Applicant must demonstrate that the conditions and terms of §§2003.1 through 2003.7 are met. These conditions principally seek to ensure that the proposed use will not have significant negative impact on adjacent buildings and users.

A. How the Special Exception applies.

Per §2003.1, with B.Z.A. approval via special exception, “*a nonconforming use may be changed to a use that is matter-of-right in the most restrictive district in which the existing nonconforming use is permitted matter-of-right...*” In this case, the most recent use of the space in question was as office space. The most restrictive district in which office space is allowed

matter-of-right is C-1 (§701.6(c)). Accordingly, the use may be changed to a different use which is matter-of-right in the C-1 district. Per §701.4(l) and §704.1(q), respectively, “Food or grocery store” and “Restaurant, but not including a fast-food restaurant, drive-in restaurant, or food delivery service” are matter-of-right uses in the C-1 district. The proposed new tenant (known as “**the Market-Café**” in this application) is a food store with a small café (restaurant) component. Therefore, its uses comply with the requirements of §2003.1 for the application of the special exception conditions.

B. The Requested Relief Will Not Adversely Affect the Character of the Neighborhood.

As stated in §2003.2, “*The proposed use shall not adversely affect the present character or future development of the surrounding area...*”

The area around 1221 Massachusetts Avenue NW is largely built out already, with no vacant lots. Thus, there is minimal “future development” to affect.

In terms of the “present character,” the interior space in question is part of the 1st floor/street level of the Cambridge Apartments, which, since the building’s construction in 1963, has always been commercial. The façade design of the 1st floor/street level is clearly commercial in character, with large plate glass windows and exterior entrances. To the extent that the proposed Market-Café will alter the present character, it will *improve* it, by adding visual liveliness and a greater sense of place. Windows that, as office space, were almost always covered with shades, would become open, with views into the proposed store. The harsh fluorescent lights of the office space would become more pleasant retail lighting. The Market-Café would be open to the public, and its employees and customer foot traffic will provide more “eyes on the street,” promoting urban safety. The proposed sidewalk café, show window, and colonnade would further enliven the character of the surrounding area, in an entirely positive way.

C. The Requested Relief Will Not Create Undesirable External Effects.

As stated in §2003.2, “*The proposed use shall not create any deleterious external effects, including but not limited to noise, traffic, parking and loading considerations, illumination, vibration, odor, and design and siting effects.*”

Noise and vibrations. Aside from new mechanical condenser units, the proposed Market-Café will create minimal noise or vibrations. The potential for additional “noise” in the form of conversations of patrons coming in and out, or seated in the sidewalk café, can hardly be considered “deleterious.” The Market-Café proposed is not a beer garden, nor a 7-11, and in any case, the adjacent streets are so wide and heavily-trafficked that little sound would extend across.

The mechanical condensers will be located in the rear yard of the existing Cambridge Apartments building adjacent to the interior space (see Site Plan in Exhibit A). Mounting on neoprene pads will eliminate transfer of vibrations; fencing enclosures will contain most of the noise; and landscaping will minimize visual impact. Moreover, as new pieces of mechanical equipment, they will run much more efficiently and quietly than previous models. Also, almost every building on this alley has one or more condenser units already in their rear yard areas. All are unshielded, so any noise increase from the Market-Café’s units will be minimal. This is particularly the case since the portion of the Cambridge’s rear yard in question abuts 13th Street, a source of significant traffic, bus, and emergency vehicle noise.

Traffic and Parking. The proposed Market-Café will create minimal vehicular traffic. Virtually all of the customers are projected to be pedestrians from the surrounding 2-3 blocks. (Drivers can easily go to the P Street Whole Foods or the O Street Market Giant, both of which have substantial parking and are less than 5 minutes drive.) The applicant will work with the DC Department of Transportation on bike parking; probably several hoops will be added in the Public Space.

Under §2101.1, in the C-1 zone, the parking requirement for retail spaces is 1 space per 300 square feet in excess of 3,000 square feet. The space slated for the Market-Café is approximately 3,105 square feet (including the proposed show window), which translates to a requirement of 1 parking space. Office space in C-1 requires 1 space per 600 square feet in excess of 2,000 square feet, which, in this case, translates to 2 parking spaces required. The proposed Market-Café use requires one fewer parking space than the previous office use. Nevertheless, the Landlord proposes to provide three parking spaces with the lease, surface spaces located off the alley (indicated on the Site Plan in Exhibit A). These will not be for customers, but they will minimize the parking impact from employees.

Loading. The Cambridge has a loading berth off the alley which will be used for loading for the Market-Café. Doors will be added for direct access into the space (see the Site Plan in Exhibit A). Trash will be kept inside the store until pickup, so the proposed use will not have a deleterious effect on sanitation in the alley, nor will the proposed use increase the food resources of rats and other vermin that may live in the alley.

Illumination. The illumination will be either unchanged (alley and 13th Street sides of the building) or a designed upgrade (Massachusetts Avenue frontage). Interior lighting, some of which will spill out, will be mostly track lights in amber tones, in keeping with the corporate standards of the Market-Café tenant. (As noted in Item III above, this will not be a suburban convenience store, with its glaring wash of fluorescent lighting.) At the alley and 13th Street sides of the buildings, the existing combination of streetlights, utility lights mounted to the Cambridge at the 2nd floor level, and lights of the other buildings on the alley is sufficient and will remain. At the Massachusetts Avenue side, the proposed new colonnade and sidewalk café would include new lighting. The proposed lighting includes internally glowing columns, step lights, and sconces. Most or all will be LEDs in the lower color-temperatures (2700-3000K, which translates to “warm” lighting in the amber-light yellow range), and all will be targeted fixtures, not “general illumination.”

Odors. As previously noted, trash will be kept indoors until pickup, so, aside from the short-lived odors associated with trash pickup, it will not create odors affecting the surrounding area. In terms of potential cooking odors, the Cambridge building does not have a grease flue, which is necessary per the Building Code for almost all types of cooking. The café portion of the Market-Café will probably include coffee brewed on-site and sandwich preparation, but otherwise the food items to be sold will be prepared elsewhere. Given the width of both Massachusetts Avenue and 13th Street, it seems unlikely that food or beverage odors from the sidewalk café would reach anyone aside from passers-by on the immediate sidewalks, and most any such odors (coffee primarily) would be pleasant.

Design and siting effects. The location of the space ensures that whatever negatives that might be associated with the Market-Café use will be easily absorbed by the urban setting. The two streets are wide and heavily-trafficked, and the alley already provides for the service needs

of approximately 10 other buildings, including multiple trash and recycling pickups (both private and DPW) each week. The potential deleterious effects of new mechanical units will be dealt with via sound-absorbing enclosure fencing and landscaping. New lighting in the colonnade, new interiors, and sidewalk café will be sensitively designed to be an improvement in the urban landscape.

VII. EXHIBITS

1. EXHIBIT A Architectural Plans including Surveyor's Plat of Property and Photographs of Property
2. EXHIBIT B Application Form, Self-Certification and Agent Authorization
3. EXHIBIT C List of Property Owners within 200 feet radius

VIII. CONCLUSION

For all of the above reasons, the Applicant is entitled to the requested special exception in this case.

Respectfully submitted,



G. Thomas Borger

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Partnership

Certificate of Service

I hereby certify that I will send a copy of the foregoing document to the following addresses by September 26, 2015 by first class mail and hand delivery:

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