



MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Stephen Cochran, Case Manager
JL Joel Lawson, Associate Director Development Review

DATE: September 16, 2016

SUBJECT: BZA Case 19343 – 1355 - 1357 U Street, NW – Variances from Requirements for Rear Yard, Open Court, Parking and CR Open Space

I. RECOMMENDATION

This application was vested under the 1958 Zoning Regulations for the Arts/CR zone (now ARTS-4) because the design received concept approval by the Historic Preservation Review Board prior to September 6, 2016.

The Office of Planning (OP) recommends **approval** of the following requested variances, pursuant to 11 DCMR § 3103:

- (§ 633) CR ground-level open space (10% required at ground level; none provided)
- (§ 636) Rear Yard (15 ft. required; none provided)
- (§ 638) Open Court Width (5 ft. required; 4' provided)
- (§ 2101) Parking (15 required; 3 provided)

II. LOCATION AND SITE DESCRIPTION



Figure 1. Site Location



Figure 2. Site (outlined in Green) from U Street

Address	1355 – 1357 U Street, NW	Legal Description	Square 236, Lots 64-65
Applicant:	GS U St LLC		
Ward / ANC	Ward 1; ANC 1B		
Zone	Arts/CR		
Historic Resource	Contributing Structures to the U Street Historic District		
Lot Characteristics	Flat, rectangular 5583 SF lot, bounded by U Street, NW on the south, a 15 ft. wide alley on the west, a 30 foot wide public alley to the north, and a two-story retail structure to the east.		
Existing Development	The lot is improved with vacant 2-story commercial buildings deemed contributing structures to the historic district.		
Adjacent Properties	Two-story commercial buildings to the west, across 15 foot alley; two-story commercial structure to the east, sharing a party wall; 9 story apartment building with ground floor retail to the north, across 30 foot alley.		
Surrounding Neighborhood	The site is one block west of the U Street Metro in the Greater 14 th Street Historic District. With ARTS/CR (now ARTS-4), ARTS/C-2-A (now ARTS-1) and ARTS/C-3-A (now ARTS-3) zoning, both U Street and 14 th Street contain a mix of older two and three story commercial buildings focusing on retail and entertainment uses (some with residential above the first floor) and newer 8 to 10 story residential buildings with ground floor retail, dining and entertainment uses. The Reeves Building, an 8-story municipal office building at the corner of 14 th and U Streets, and a 5 story office building at 13 th and U Streets, are the primary exceptions to this use pattern. Small-scale rowhouses predominate on the R-5-B-(now RA-2) zoned secondary streets.		
Proposed Development	The applicant proposes to demolish the rear portions of the contributing historic structures, beginning 48.55 feet north of the property line and to construct an 85.3 foot 8-story addition behind this line. The cellar, first and second floors would contain retail space. There would be 23 residential units on floors three through eight. Two private and one car-share parking spaces would be provided within the ground level of the rear portion of the building and would be accessed from the rear alley. There would not be a penthouse.		

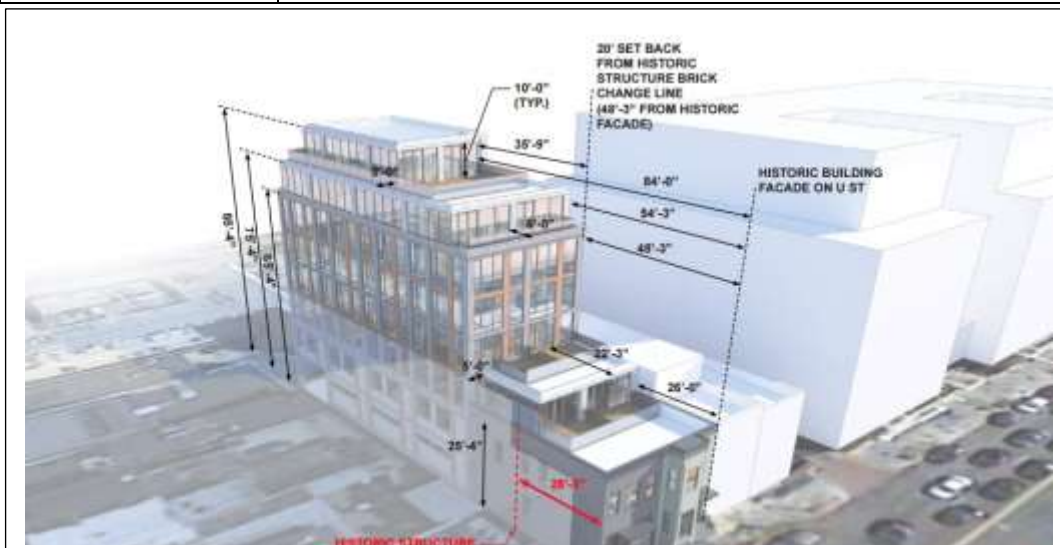


Figure 2. Perspective of Proposed Building from SW. Foreground buildings west of alley are 2 - 3 stories

III. ZONING REQUIREMENTS AND REQUESTED RELIEF

Item	Reg.	Existing	Required/Permitted	Proposed	Relief
Lot Area	none	5583	n/a	Same	Not required
Lot Dimensions	None	38.5 ft. x 145 ft.	n/a	same	Not required
Lot Occ.	§ 634	100%	80% residential 100% non-residential	80% residential 100% non-res.	Not required
Public Space	§ 630	none	10% of total lot	none	100% relief
FAR	§ 631	1.71	7.2 max. [residential (IZ) & total] 3.6 max. non-residential	3.7 residential <u>1.9 retail</u> 5.6 total	Not required
Height	§ 630	25.3 ft.	100 ft. (IZ)	85.3 ft.	Not required
Penthouse	<u>Height:</u> F-303.2	n/a	Max. 20 ft.	No penthouse	Not required
	<u>Height Variation:</u> C1500.9(b)	n/a	single height for mechanical spaces	No penthouse	Not required
	<u>Stairway Enclosure:</u> C-1500.6	n/a	may be separate enclosure	No penthouse	Not required
	<u>Setbacks:</u> C-1502.1	n/a	generally 1:1 front and alley; 0.5: 1 on side	No penthouse	Not required
Auto Parking	§ 2101	None	Residential: 1/3 du = 8 Retail: 1/750sf > 3000 = 7	3 total	Variance from 12 spaces
Bicycle Parking		None	<u>Short-term:</u> 1/10,000 sf <u>Long-term:</u> 1/40,000 sf	Short Term: will supply Long-Term: 150	Not required
Loading	§ 2201	None	Residential: none required Retail: historic bldg. waiver	0	Not required
Rear Yard	§ 636.6	None	If provided, 3 in. /ft. of height beginning at the first residential floor, but not less than 12 ft. i.e., 15 ft.	0	Variance from 15 ft.
Side Yard	§ 637	None	If provided, 3 in/ft. of height; not less than 8 ft.	None	Not required
Open Court Width	§ 638	None	If provided, 3 in/ft. of court height; not less than 10 ft. i.e., 10 feet	4 feet	Variance from 1 foot

IV. OFFICE OF PLANNING ANALYSIS

Variance Relief

i. Demonstration of an Exceptional Situation Resulting in a Practical Difficulty?

The applicant has demonstrated that conditions affecting the property combine to form an exceptional situation that would result in practical difficulty if the requested relief were not granted.

As shown in Appendix A of Case Exhibit 30E, the relatively narrow site width creates a practical difficulty for providing an underground garage that could accommodate the required 15 parking spaces.

The site's narrowness was cited by the Historic Preservation Review Board's (HPRB) [Case Exhibit 30B] as part of its rationale for requiring a deeper setback than is usual within the U Street historic district in order to protect the small-scale appearance of the existing structures. The addition is set back 48.5 feet back from U Street beginning at the third floor, with additional setbacks at the fourth and eighth floors¹. As illustrated on Sheet B3 of Case Exhibit 30E, the applicant has demonstrated that without the requested relief from the rear yard requirement and the open court width requirement², the combination of front setbacks and the required rear yard would result in a practical difficulty for upper level floor plans and vertical circulation for the overall building.

Finally, the applicant has demonstrated that, because the historic buildings extend the full width of the lots, the required retention of their first 48.5 feet of depth precludes meeting the CR zone's public open space requirement.

ii. Can the Relief be Granted without Substantial Detriment to the Public Good?

It can.

The public open space relief would promote the retail and active street front objectives of the ARTS Overlay.

The rear yard and open court width relief would not have a significant impact on the light, air or privacy available to proximate buildings. There are no active windows on the first floor of the buildings to the west, across the 15 foot public alley. On their second floors there are two active windows in one eating and drinking establishment and a rear deck for another such establishment. As illustrated on Sheet 22 of Case Exhibit 30E, rear yard relief would increase shadowing on these commercial structures in the morning hours. However, this would not pose a substantial detriment because the use of such eating and drinking establishments becomes active only after noon, when the proposed building would no longer cast shadows to the west. Sheet 22 also illustrates that during mid-afternoons in the winter there would be increased shadowing on the five-story apartment building to the north, across a 30-foot alley. The impact would not, however, be undue, as the potentially affected windows are secondary windows for a room in one tier of apartments on floors 2 – 5 that have their primary windows for that room on the east side of the building, overlooking a large, open recreation field. The applicant has also stated that the rear yard and open court relief would help enable the preservation of substantial portions of the two historic structures, which contribute to the fabric of the neighborhood.

The requested parking relief would not result in a substantial detriment to the public due to a combination of: positive transportation factors such as extensive bus lines on U and 14th Streets, a Metro station less than a block away, and a high neighborhood walk-score; and, mitigating Transportation Demand Management (TDM)

¹ The 8th floor has been erroneously labelled a penthouse on Sheet B3 of Case Exhibit 30E, but is correctly labelled elsewhere.

² The zoning administrator has ruled that, regardless of orientation, the narrower dimension constitutes the width of an open court.

measures that the applicant has agreed to implement. TDM measures include dedication of one car-share space, the regular distribution of transit information, provision of a room for storage of 150 bicycles and repair facilities, bike-share memberships for the initial owners of the proposed condominium units, designation of a TDM coordinator, and provision of shopping carts for residents.

iii. Can the Relief be Granted without Substantially Impairing the Intent, Purpose and Integrity of the Zoning Regulations and Map?

It can. The relief would make feasible a project that is consistent with the medium density commercial/medium density designation of the Comprehensive Plan's Future Land Use Map, with the mixed residential/commercial objectives and the height and general bulk of the CR zone, and with the residential, pedestrian, historic preservation and design objectives of the ARTS Overlay. It would not likely have a substantially negative impact on the zoning regulations or the zoning map.

V. HISTORIC PRESERVATION

The site is located in the U Street Historic District and the existing buildings are contributing structures. As shown under Tab B of Case Exhibit 30B, the design has been revised several times to become more compatible with the historic district. The design submitted as part of the present application has been given concept approval by the Historic Preservation Review Board.

VI. COMMENTS OF OTHER DISTRICT AGENCIES

The District Department of Transportation (DDOT) has reviewed the application. DDOT staff has informed OP that DDOT's discussions with the applicant are reflected in the Comprehensive Transportation Study under Tab C of Case Exhibit 30C.

VII. COMMUNITY COMMENTS

ANC 2F voted on September 1, 2016 to support the application [Case Exhibit 32]. At the ANC's request, the Applicant has agreed to provide the following:

- 1 car-share space;
- A large storage bicycle room, which the applicant has committed to providing for up to 150 bicycles and repair facilities;
- A two-bedroom unit for one of the required Inclusionary Zoning units, which the applicant has committed to providing;
- A \$20,000 contribution to the Housing Production Trust Fund, which the applicant has committed to contributing.

The owner of adjacent properties 1359 U Street and 1336 U Street has filed a letter in support of the application [Case Exhibit 31].

There were no other comments on file as of September 16, 2016.