GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

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OFFICE OF ZONING
DISTRICT OF COLUMBIA

TO: D.C. Board of Zoning Adjustment

FROM: Andrew Altman

DATE: July 11, 2000

SUBJECT: BZA Application No. 16583, East of the River Development Corporation Request for a Variance to Construct an Office Building

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APPLICATION

Application of the East of the River Development Corporation, pursuant to 11 DCMR 3103 for a variance to construct a 3-story office building partially on a R-5-A lot at premises 522 and 524 Raleigh Street, S.E., just west of the intersection of Martin Luther King, Jr. Avenue and Raleigh Street, S.E.

SUMMARY RECOMMENDATION

The Office of Planning is basically in accord with the purpose of this application, which would allow construction of a new three-story office building at this location. Such a development will assist in the improvement of the Congress Heights commercial corridor along Martin Luther King Jr. Avenue. The Office of Planning has some questions about the use of the variance approach in this case. However, the Office of Planning recommends approval

SITE AND AREA DESCRIPTION

The site of the proposed office building is on two lots in Square 5988: Lot 52 (524 Raleigh Street, S.E.) and Lot 53(522 Raleigh Street, S.E.). Square 5988 is a long, narrow block in shape, bordered by Martin Luther King, Jr. Avenue on the east, Parkland Place on the north, Waclark Place on the west and Raleigh Street on the south. The eastern edge of the square is curved, bordering Martin Luther King, Jr. Avenue where it curves to the southwest after crossing of Malcolm X Avenue. A north-south alley west of Lot 52 extends from Raleigh Street to Parkland Place, somewhat separating the eastern end of Square 5988 from the longer section to the west.

BZA
Case No. 16583
Exhibit No. 28

Board of Zoning Adjustment
District of Columbia
CASE NO.16583
EXHIBIT NO.28

A commercial corridor, zoned C-2-A, extends along the Martin Luther King, Jr. Avenue from the boundary of St. Elizabeth's Hospital on the north to about Fourth Street, S.E. on the south. In the eastern end of Square 5988, the zoning line extends north-south through the square, approximately halfway between the corner of Martin Luther King, Jr. Avenue and Parkland Place and the north-south alley previously noted. The eastern tip of Square 5988 is therefore zoned C-2-A. Most of the rest of the square is zoned R-5-A. Further west, the western portion of the Raleigh Street frontage is zoned R-2.

The northeast corner of Square 5988 is occupied by a gasoline service station, now undergoing renovation. South of the gasoline service station, and facing on Martin Luther King Jr. Avenue, is an older, one-story building housing several businesses.

Immediately west, facing on Raleigh Street, are lots 52 and 53, developed with two vacant apartment buildings (524 Raleigh Street and 522 Raleigh Street). These buildings appear as one building. The buildings are abandoned and boarded up. The applicant's application indicates that these buildings have been a nuisance for years. North of the apartment buildings, and west of the gasoline station, is a vacant lot that is being used for vehicle storage.

The commercial strip continues along the west side of Marin Luther King, Jr. Avenue. Across Raleigh Street, and facing on Martin Luther King, Jr. Avenue, is the relatively new, three-story Washington Gas office building.

APPLICANT'S PROPOSAL

The East of the River Community Development Corporation (ERCDC) is a 501(c)(3) non-profit corporation established to encourage economic and community development in Ward 8. ERCDC proposes to construct a three-story office building on Lots 52 and 53. The office building will be used as offices for ERCDC and other community businesses. The new office building is proposed to be named Plaza 8.

The new office building will contain approximately 9,400 square feet of office space. Access to parking and loading will be in the rear of the building, reached from the public alley that borders Lot 52 on the west. **Note:** these descriptions are based on ERCDC's application. The Office of Planning has not seen a proposed building or site plan.

ERCDC's application indicates that lot 53 is zoned C-2-A and lot 52 is zoned R-5-A. ERCDC has filed a Subdivision Application to combine the two lots. According to the applicant, the proposed site is partly in the C-2-A District and partly in the R-5-A District.

ERCDC is therefore seeking variances for lot 52, zoned R-5-A. Use of this lot for office use would require a use variance and a variance from the percentage of lot occupancy, the FAR and the building height. The Office of Planning understands that there have been

some issues with this case about what was advertised (special exception) and the nature of relief to be sought.

In addition, the Office of Planning has a question about the zoning of Lot 53, which the application indicates is zoned C-2-A. ERCDC is therefore seeking a variance in terms of only one lot, lot 52. However, review of the property records indicate that Lot 52 is also zoned R-5-A. The zoning map also appears to indicate that both lots are zoned R-5-A. This issue should be clarified. If both lots are zoned R-5-A, a variance would be required for both lots.

ANALYSIS

The District government and the community have a strong interest in the improvement of the Congress Heights commercial corridor. The Comprehensive Plan Land Use Map indicates this section of Martin Luther King, Jr. Avenue as a Development Opportunity Area. Section 1906.1(a) of the Ward 8 Plan Chapter of the Comprehensive Plan includes strong policies to "plan and execute the upgrading of the Martin Luther King, Jr. Avenue/Malcolm X Avenue S.E. commercial strip to provide an expanded range of commercial goods and services to nearby Congress Heights residents along with employees and visitors at Saint Elizabeth Hospital (SEH) and Bolling Air Force Base."

In addition, current work on the East of the River Redevelopment Initiative includes consideration of improvements in this area (that planning work is not yet complete). A new office building on this site will contribute to the improvement of the area.

The Office of Planning believes that the unique configuration of the larger site area, due to the southwest bend of Martin Luther King Avenue, limits possible impacts of a commercial office building on this site. In fact, the southern side of Raleigh Street is occupied by three-story Washington Gas office building that faces on Martin Luther King, Jr. Avenue.

The issue with this case is not what is being proposed, but the approach. The Office of Planning believes that a rezoning to C-2-A to the alley would be a clearer approach. Section 3103.2 provides the test for a variance in terms of "exceptional narrowness, shallowness or shape of a specific piece of property at the time of original adoption of the regulations, or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition of a specific piece of property, the strict application of any regulation ... would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of the property... A variance can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulation and Map.

The "exceptional situation" in this case is not so much the lots or the topography, but the orientation of the lots and the R-5-A zoning boundary in reference to the southwest

alignment of Martin Luther King, Jr. Avenue at this point and the location of Lot 52 next to the alley. The Office of Planning believes that a variance can be allowed without an adverse impact on the nearby residential property west of the alley, and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

ANC AND COMMUNITY GROUPS

The Office of Planning understands that ANC-8C supports this application. The file includes a letter from Councilmember Sandra C. "Sandy" Allen in support of the application.

OTHER AGENCY COMMENTS

The Office of Planning does not have comments from other agencies.

RECOMMENDATION

The Office of Planning recommends approval of variances to allow construction of the proposed office building on this site.

AA/jf