GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

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OFFICE OF PLANNING
DISTRICT OF COLUMBIA

BZA
Case No. 16596
Exhibit No. 29

Memorandum

TO: Board of Zoning Adjustments

FROM: Andrew Altman, Director
Office of Planning

DATE: September 15, 2000

SUBJECT: BZA Application #16596 (Avalon Bay at Gallery Place Apartments)
770 5th Street, NW.

APPLICATION

The application by AvalonBay Communities, Inc. requests, pursuant to 11DCMR 3103.2, variances from the provisions of Section 733 that require the provision of residential recreational space equal to 15 % of the gross floor area of the building Section 1705.3 that requires 0.5 FAR of preferred retail/arts space.

SITE AND AREA DESCRIPTION

The subject property is located at 770 5th Street, N.W. between G and H Streets, N.W. and is comprised of Lots 35, 818, 819, 821, 822, 823, and 827 and an east-west alley closed pursuant to D.C. Law 13-1896 in Square 486, which combine for a total or approximately 23,843 square feet of land area. The subject site is currently being used as a surface parking lot.

The area surrounding the subject property is as follows:

To the north is the 10-story Red Roof Inn hotel that is located at the corner of 5th and H Streets, N.W.

To the south is a 4-story landmark building at the corner of 5th and G Streets, N.W. occupied by a Burger King restaurant.

To the east, in Square 518, are the St. Mary's Catholic church complex and the General Accounting Office building.

To the west are a public alley, old, commercial and retail mid-rise buildings, and undeveloped lots of which several are used for parking.

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PROPOSAL

The application proposes a 12-story high-rise, apartment building with 209 units at a height of 110 feet, which is to be considered as an addition to the adjacent Red Roof Inn hotel. The proposed building will contain approximately 224,782 gross square feet of space at 9.6 FAR (8.5 FAR when combined with the hotel). In addition, the development will include an estimated 7,000 gross square feet of retail space, 6,000 square feet of recreational space, and other amenities such as a common area lounge, a business center, and a conference room.

The applicant requests variances from the requirement to provide 15% recreational space and 0.5 FAR of preferred retail/arts space due to hardships in providing the space required.

ZONING REQUIREMENTS

The subject site is zoned DD/C-2-C, a zoning district with an overlay intended to achieve a mix of residential and commercial development. The DD district is divided in subsections and the subject site is included in the Chinatown and Residential and Mixed Use Development - Housing Priority Area "B" subsections. The C-2-C base zoning permits a density of up to 6.0 FAR, building heights of up to 90 feet, and residential lot occupancy of 80%. As part of the DD overlay zone, the density of development is allowed to increase up to 8.0 FAR with an additional 0.5 FAR of bonus residential density and an increase in the height limit up to 110 feet. In addition, a minimum residential density of 4.5 FAR and 1.0 FAR of preferred retail/arts uses for buildings fronting on H, 6th, and 7th Streets N.W. and 0.5 FAR for all other Chinatown streets are required. (See summary in Table 1)

Table 1

	Base C-2-C Zone	With DD Overlay Zone	Preferred Use Requirements
Height	90 feet	110-feet fronting on 90-foot streets	N/A
FAR	6.0	Maximum 8.0 FAR or 8.5 FAR if additional 0.5 FAR is devoted to residential use	Minimum Residential FAR - 4.5 Ground floor preferred retail/arts use: 1.0 fronting on H, 6th & 7th Streets 0.5 FAR for other Chinatown streets
Residential Lot Coverage	80%	80%	N/A
Recreation Space	15%	15%	N/A

PLANNING CONTEXT

The concept for housing as part of a mixed-use objective of creating a "Living Downtown" was outlined in a the 1982 report, *Downtown D.C.: Recommendations for the Downtown Plan,* prepared by the Office of Planning and Development and the Mayor's Downtown Committee. Those recommendations were later incorporated and adopted as the Downtown Plan Element of the Comprehensive Plan in 1984. The concept for Downtown housing envisions a concentration of housing in the Pennsylvania Quarter area, with new housing threading north generally along the 7th Street corridor to connect with new housing in Gallery Place, Chinatown, and parts of Judiciary Square, then connecting with other major concentration of housing in the Mount Vernon Square Triangle. The proposed development of housing in Square 486 is especially important to this housing strategy, as it will play a critical role in establishing a link between the Pennsylvania Quarter and the Mount Vernon Square Triangle.

ANALYSIS

The proposed development will be built as an addition to the adjacent Red Roof Inn hotel (Lot 35, at 500 H Street). Because it is one lot of record, the project is able to use H Street's maximum allowable height of 110 feet. In addition, the unused FAR of the hotel under its current zoning (23,000 square feet) can be allocated to the proposed development as a FAR in excess of 8.5 is permitted for an all-residential project, provided that the allowable 8.5 FAR is not exceeded for the site as a whole.

Variance from Section 773 – Residential Recreational Space

Section 773 of the Zoning Ordinance requires that an equivalent of the 15% of the gross residential floor area be dedicated to residential recreational uses. Additional, provisions related to this requirement state that "residential recreational space may be located at ground level, on or above the residential plane, on rooftops, or within a building or other structure" (Section 773.4) and that "no less than fifty percent (50%) of the total residential recreation space shall be outdoors." (Section 773.8)

To fulfill the requirement for 15% recreational space, a total of 31,050 square feet of space would be needed. This is greater than the entire size of the lot. The opportunities for providing outdoor recreation space are limited to non-existent due to the long, narrow shape of the property, and requirements for loading facilities and access to the parking garage in the rear yard area. The applicant is providing 6,000 square feet of recreational space, 5,000 of which is on the rooftop and the remaining 1,000 square feet is a fitness center on the first floor of the building. No additional outdoor recreational space is provided. Staff agrees with the applicant that the provision of the required recreational space on the subject site would be burdensome. Additional recreational space on the rooftop is limited due to the need for essential mechanical equipment. In addition, if outdoor recreational space that is safe and secure was to be provided it would likely be placed along 5th Street due to the alley and adjacent buildings that surround the subject site. Staff is aware of the fact that the residential recreational requirement under the DD overlay zone may be restrictive and could discourage housing development., which would be contrary to the City's policy. In addition, we note that although the density permitted under the DD overlay zone for this site is 8.5 FAR, which is equivalent to the C-4, C-4 districts require only 5% recreational space outside.

Variance from Section 1705.3 – Preferred Retail/Arts Uses

The second variance request is from the requirement for the preferred retail/arts use. In calculating this requirement, the applicant used the 5th Street orientation. The applicant states that the proposed development is combined with the Red Roof Inn hotel for zoning purposes and has used this H Street orientation to obtain additional height and density. However, the applicant uses the 5th Street orientation to calculating the retail requirement under the DD overlay zone. In order to be consistent, it is Staff's view that the retail/arts requirement for the subject property is 1.0 FAR using the H Street orientation. However, since the main entrance to the proposed development is oriented along 5th Street and the entrance to the retail uses will be access from 5th Street, Staff agrees that the retail calculation should be 0.5 FAR

The location of the proposed project is on a side street of Chinatown and not along the major 7th or H Street commercial/retail corridor. Second, due to the limited overall ground floor space, the requirement for recreational facilities and other amenities on the first floor, the required FAR of retail space is not feasible. Therefore, Staff supports the requested reduction in the retail/arts uses requirement on the subject property

COMMUNITY COMMENTS

At the time of this report, ANC 6A01 had not discussed the project. Their Licensing & Zoning Committee is to discuss the project on September 13. The Office of Planning has requested the minutes from their meeting and will present them to the Board (if available) on September 19th.

The project is also subject to Chinatown Design Review pursuant to 10 DCMR 2400. The applicant met with the Design Review Subcommittee on July 7 and August 1, 2000 and subsequently revised the design of the building to reflect their recommendations and include additional Chinese design elements. The applicant presented the project to the Chinatown Steering Committee on September 11, 2000. The Committee approved the Chinese design features of the building and recommended that the Office of Planning approve the project for Chinatown design.

SUMMARY

Residential use in this area is required by the Zoning Regulations under the DD overlay zone and this project will be the catalyst to encourage other residential development in this portion of Housing Priority Area "B". Further, the Downtown Plan Element of the Comprehensive Plan and Downtown Action Plan encourage support for residential development. Therefore, it is the view of the Office of Planning that flexibility is appropriate in order to achieve this goal through the granting of the variances requested. Approval of there variances will not cause any "substantial detriment to the public good" and "will not substantially impair the intent, purpose, and integrity" of the Zoning Regulations or Map.

RECOMMENDATION

Based on the need to encourage and support the strategy for housing in the Chinatown area and the fact that the proposed reduction in residential recreational space and retail uses will not cause any harm to the public good, the Office of Planning recommends that the Board of Zoning Adjustment approve the variances requested.

AA/mbr