GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

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D.C. OFFICE OF ZONING
2001 FEB 16 PM 4:14

MEMORANDUM

TO: D.C. Board of Zoning Adjustment

FROM: Andrew Altman, Director

DATE: February 16, 2001

SUBJECT: Waiver of Rules for Late Submission of Office of Planning Report
BZA Application 16669: 1412 Chapin Street

The attached Final Report on Application No. 16669, a request for variances by G.H.D. 1412 Chapin St., LLC is being submitted less than 7 days prior to the Board of Zoning Adjustment's consideration of the application at the continuation of a public hearing. The Office of Planning (OP) requests that the Board waive its rules to receive the report into the record.

Attachment

aa/sc

BZA
Case No. 16669
Exhibit No. 29

Board of Zoning Adjustment
District of Columbia
CASE NO.16669
EXHIBIT NO.29

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

D.C. OFFICE OF ZONING
RECEIVED
2001 FEB 16 PM 4:13

MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Andrew Altman, Director

DATE: February 16, 2001

SUBJECT: BZA Application #16669 (Application of G.H.D. 1412 Chapin St., LLC)
1412 Chapin St., NW
Square 2661, Lot 152

I. APPLICATION-IN-BRIEF

Applicant:	G.K.D. 1412 Chapin St., LLC of Alexandria, VA
Relief Sought:	Variances from Height, FAR, Lot Occupancy and Rear Yard
From Section:	11 DCMR §s 400.1, 403.1, 402.4, 404.1
Zoning:	R-5-B
Regulations Require:	9 feet less than proposed height (50' vs. 59') 2.87 less FAR than proposed (1.8 vs. 4.67) 40% less lot occupancy (60% vs. 100%) 18' 6' more rear yard (4' x 55.74' vs. 0')
Relief Sought Under:	§3103-2
Applicant Justification:	Owner purchased a building of approximately the bulk of proposed structure. While planning for its rehabilitation was underway, storm extensively damaged building and District required its demolition. Owner now wishes to construct new residential structure approximating size of demolished structure. Variances requested because site is alleged to be deep and narrow. Justified because of historical development of site and surroundings. Additionally, market in area perceived as of-risk requires amenities that only additional bulk can enable.

II. OFFICE OF PLANNING RECOMMENDATION-IN-BRIEF

The Office of Planning (OP) recommends the application be APPROVED.

III. SITE AND AREA DESCRIPTION *(See Attachments 1 and 2)*

Square 2661 in northwest Washington is bounded by:

- South: Belmont Street
- East: 14th Street
- North: Chapin Street
- West: 15th Street.

Two alleys divide the center of the block. The north/south alley is at the eastern end of the block, behind the row of buildings facing the 2400 block of 14th Street. The ease/west alley runs between 15th Street and the north/south alley, between the buildings on the south side of Chapin Street and those on the north side of Belmont Street.

The subject parcel is located in the eastern section of the block, just to the west of a commercial property facing 14th Street, and to the east of an adjacent 4 story apartment house on Chapin Street. 1412 Chapin is also bounded by the afore-mentioned north/south alley on the property's eastern edge, and by the east-west alley on the property's southern edge.

The site is currently vacant, with only rubble and a few remnants of the former apartment building's walls indicating the site had been previously occupied. There is a chain link fence around three sides of the property.

The site is part of a row of, primarily, 4 and 5 story apartment buildings constructed between 1890 and 1920. The north side of Chapin Street has similar characteristics. The block is adjacent to the mixed-use 14th Street corridor in the revitalizing Columbia Heights neighborhood, approximately 6 blocks from the Green Line Metro stop at 14th and Irving Streets. It is also convenient to the rapidly developing U Street area. Chapin Street is towards the top of the escarpment surrounding the historic part of Washington. Many of the south-facing dwellings on the block have commanding views of the city.

The socio-economic condition of the area is mixed. There is a solid core of lower middle and lower income residents, living in row houses, and mid-and high-rise structures. Most of these buildings pre-date World War II, although a few have been constructed since 14th Street was damaged during the 1968 Martin Luther King riots. There are new non-profit Nehemiah-sponsored middle and lower-middle income townhouses and apartments just to the east of the site, in the 2400 block of 14th Street. A relatively recent layer of middle and upper middle-income residents have purchased row houses on Clifton Street, to the north, and on Belmont Street, to the south. The neighborhood has a significant concentration of public and publicly-assisted housing, a community center, a youth recreation center, and several community-based residential facilities. Within the last six years, the Nehemiah group has also constructed the first new shopping center to be erected in the neighborhood since the devastation of the '68 riots. This is in the 2400 block of 14th Street, directly across the alley that borders 1412 Chapin Street on its eastern edge.

As the core of Columbia Heights development moves south, and U Street development moves north, a new wave of development is beginning to hit the area surrounding the site. The Clifton Terrace apartments are being rehabilitated for a combination of publicly-assisted housing and higher-end loft-type apartments. The developer of 1412 Chapin hopes to reach this higher-end market interested in lofts, views, and convenience to U Street and downtown.

IV. AREA ZONING AND HISTORIC DISTRICTS *(See Attachment 3)*

The site is zoned R-5-B. The R-5-B zone extends north/south through this part of Columbia Heights, beginning at U Street. It is bordered on the west by 15th Street and on the east by the C-2-A and C-2-B commercial and mixed-use strip along 14th Street. There is a similar strip of mixed-use community business zoning to the south, along U Street.

The site is not within an historic district, although the nearby apartment building at 1424 Chapin Street has been declared historic.

V. PROJECT DESCRIPTION *(See Attachment 4)*

The applicant wishes to construct a new 31-unit apartment building with 27 off street parking spaces. This would replace "The Berkshire" apartments -- a 40-unit, 100 year-old apartment building with no parking. The Berkshire had occupied the site until August 2000. At that time the applicant had completed the design and construction bid phase for renovating that vacant, fire-damaged building, but was forced by the District government to it down after extensive storm damage brought about its partial collapse. These circumstances forced the applicant to switch from its previous renovation/rehabilitation plans, to a plan consisting of entirely new construction.

The new apartments would be loft-like units. They would offer more than the usual amenities to attract occupants to a location that is perceived to be a somewhat dangerous area on the fringes of revitalization. Chapin Street was profiled in the Washington *Post* last year as a street where some new residents had experienced more than typical exposure to muggings. The 1300 and 1400 blocks of Chapin and Belmont Streets, and the nearby block of University Place, have periodic open-air drug trading.

Many amenities would be provided for the marketplace, to counteract possible negative perceptions of the neighborhood. These would include indoor parking for 27 of the 31 units, duplex layouts, and private decks or balconies for each unit. The views of the Washington skyline could also be considered a significant amenity for the upper story units. In conversations with the Office of Planning, the developer and the project-architect have expressed their belief that they can provide the amenities necessary to make the building "work" only by approximating the height and bulk of the structure the developer had originally purchased, and for which he had completed renovation plans prior to the storm damage and the tear-down order.

VI. RELATIONSHIP OF THE APPLICATION TO THE COMPREHENSIVE PLAN

(See Attachment 5)

The District of Columbia Generalized Land Use Map designates the block and the general area as suitable for medium density residential uses. This designation typically implies R-5-C zoning, which allows 75% lot occupancy, 3.0 FAR and 60 foot height. However, the site is zoned R-5-B. Were the site zoned consistent with the Comprehensive Plan, the applicant would still have needed to request variances (although lesser) for lot occupancy and FAR, but would have required no variance for height.

The Comprehensive Plan designation, as well as the historic development patterns in the area, is more consistent with older versions of the zoning regulations than the current regulations. Before 1992, a 60' height limit prevailed in R-5-B. Before 1959, the zoning that applied to the site allowed 75 – 90% lot occupancy. This is more typical of the apartment buildings along many of the streets in this part of Columbia Heights.

VII. REQUESTED ZONING RELIEF

Pursuant to Sections 3103.2, the applicant is requesting variances from:

Section 400.1 Height;	Section 402.1 F.A.R;
Section 403.2 Lot Occupancy;	Section 404.1 Rear Yard.

The following table compares the new proposal with what is permitted by matter of right (MOR), and with the predecessor "Berkshire" apartments.

	Matter of Right	**The Berkshire**	***Proposed 1412 Chapin***	**Difference, 1412 from Matter of Right**	**% Change, 1412 from MOR**	**Difference, 1412 from Berkshire**	**% Change, 1412 from Berkshire**
Site Size	9,000 SF	9,000 SF	9,000 SF	N/A	N/A	N/A	N/A
Zoning	R-5-B	Pre-1958	R-5-B	N/A	N/A	N/A	N/A
Height, Sec. 400.1	50'	59'	59'	+9'	+ 18%	0	0
Lot Occupancy, Section 403.2	60 % (i.e., 5400 SF)	93 % (i.e., 8300 SF)	100% (i.e., 9000 SF)	+40% (i.e., +3600 SF)	+66 %	+700 SF	+7.7%
FAR, Sec. 402.4	1.8	5.25	4.67	+2.87	+15%	-.52	-10%
Rear Yard, Sec. 404.1	4"/ft. of bldg ht. (i.e. 18'6")	None (had side courts)	None	-18'6"	N/A	N/A	N/A

Additionally, the Zoning Regulations require 1 parking space for each 2 dwelling units. Since 27 parking spaces would be provided for the 31-unit building, no parking relief is requested.

Because the previous, non-conforming structure no longer exists, the applicant has not filed under the provisions of Section 2001.

VIII. AUTHORITY TO GRANT VARIANCES

11 DCMR, Sec. 3103.2 cites the D.C. code provision that authorizes the BZA to grant the requested variances *"where, by reason of*

- *exceptional narrowness, shallowness or shape of a specific piece of property at the time of the 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*
- *or exceptional and undue hardship upon the owner of the property...;*

Provided, that the relief 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 regulations and Map".* (Emphasis added)

IX. DOES THE APPLICATION MEET THE VARIANCE TESTS?

1. **UNIQUENESS:** ***With respect to exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional situations or conditions of the specific piece of property:***

   It does meet this test.

   OP does not agree with the applicant's contention that the property is exceptionally narrow and deep. At 60' by 150' the site is tight for new apartment development, but not necessarily exceptionally so. However, it has been subject to rather extraordinary or exceptional situations or conditions.

   The owners purchased a 5.25 FAR apartment building, thinking the planned renovation of the building would be grandfathered-in at an FAR almost two times what the zoning allows for a new building; at a lot coverage approximately 30% greater that what the zoning allows for a new building; and with a height approximately 18% greater than what the zoning allows for a new building. All of their calculations and designs were based on those then-correct assumptions.

The property is unique with respect to its extraordinary recent history and its exception drop in value due to objective physical circumstances. There is no other reasonably close multi-family property, of which the Office of Planning is aware, that has suffered such catastrophic damage due to an Act of God, and that was required to be demolished.

2. ***With respect to the* "Practical Difficulties"** ***that would be "unnecessarily burdensome" and impose* Undue Hardship** ***to the Applicant should the application for FAR, lot coverage, height and rear yard variances not be approved:***

It does meet the test.

It was only because of an extraordinary "Act of God" that the applicant is now requesting permission to build a *new* structure that approximates the size of what they had intended to renovate. Actually, it is 11% smaller if one gauges size by FAR, and its height is exactly the same. It is only in lot coverage and the directly correlated rear-yard requirement that it seeks to be any larger than the previous building; and this increase is requested to take parking-loads off the streets and to provide recreation space for the building's occupants.

The owners bought a building for rehabilitation that had a grandfathered 5.25 FAR. After a lightning storm and the District-mandated demolition of the apartment building on the property, the property's value reverted to its current matter of right 1.8 FAR. A rehab-able property with a 5.25 FAR suddenly became a vacant piece of land with a 1.8 FAR. There was no corresponding drop in the purchase price the new owner had recently paid the former owner. The new owner thus had sunk-costs of purchase and renovation plans on 5.25 FAR property that was now entitled to only a 1.8 FAR. This disjunction makes the securing of construction financing very difficult. There has also been no compensation from insurance to help close the gap between the property's value prior to and after the building's collapse.

Both *Palmer vs. the D.C. Board of Zoning Adjustment* and *A.L.W., Inc. v. the D.C. Board of Zoning Adjustment* make it clear that, in area variance cases, the Board may consider more factors in determining undue hardship than it typically considers in use variance cases.

In the opinion of the Office of Planning, this now-unique property will be subject to practical difficulties and undue hardship unless zoning relief is granted. Such economic hardship considerations, while inappropriate as part of a use variance case, may be considered by the Board in physical variance applications.

AREA

3. ***Can The Relief 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 Regulations and Map?***

It can.

The proposed project will bring new residents into a block and neighborhood in need of stabilization. The exceptional double-height loft design, parking, and outdoor space is likely to attract new residents despite the somewhat challenging environment on this block of Chapin Street. The design features are also likely to maintain their appeal to the building's residents for many years.

The request for zoning relief has the strong support of an ANC that is particularly sensitive to issues of height, bulk, parking, and gentrification.

The proposed building essentially mimics the height, lot coverage and bulk of the structure that was formerly on this site for 100 years. Because the variance requests are predicated on the unusual circumstances of the storm-induced collapse of a building that had been purchased for renovation and proceeded to the point of receiving construction bids for the renovation, the granting of the requested relief does not set a precedent for similar requests for relief from the zoning regulations. Such occurrences are very rare in this city.

With respect to the impact of granting such a variance on the integrity of the zoning regulations, were this application seeking a use-variances rather than physical-variances, OP could not as readily recommend the consideration of such economic hardship considerations. However, the Board can find ample precedents in its own decisions, and in court decisions, for allowing special, situational hardship considerations to enter into physical variance cases, especially when these hardships were encountered through no fault or prior knowledge of the applicant.

X. COMMUNITY COMMENTS *(See Attachment 6)*

As noted above, ANC 1B has reviewed the application and voted its enthusiastic support for the project. The full ANC's letter is attached.

XII. OTHER AGENCY COMMENTS

No agencies had submitted comments as of February 9, 2001.

X.II OP SUMMARY RECOMMENDATION

Given the unusual historical circumstances surrounding this property (its purchase for rehabilitation at the previous density and height and its required demolition due to an "Act of God" after the design and construction-bid phase for the renovation) the owner has clearly experienced practical difficulties that have been unnecessarily burdensome. The circumstances

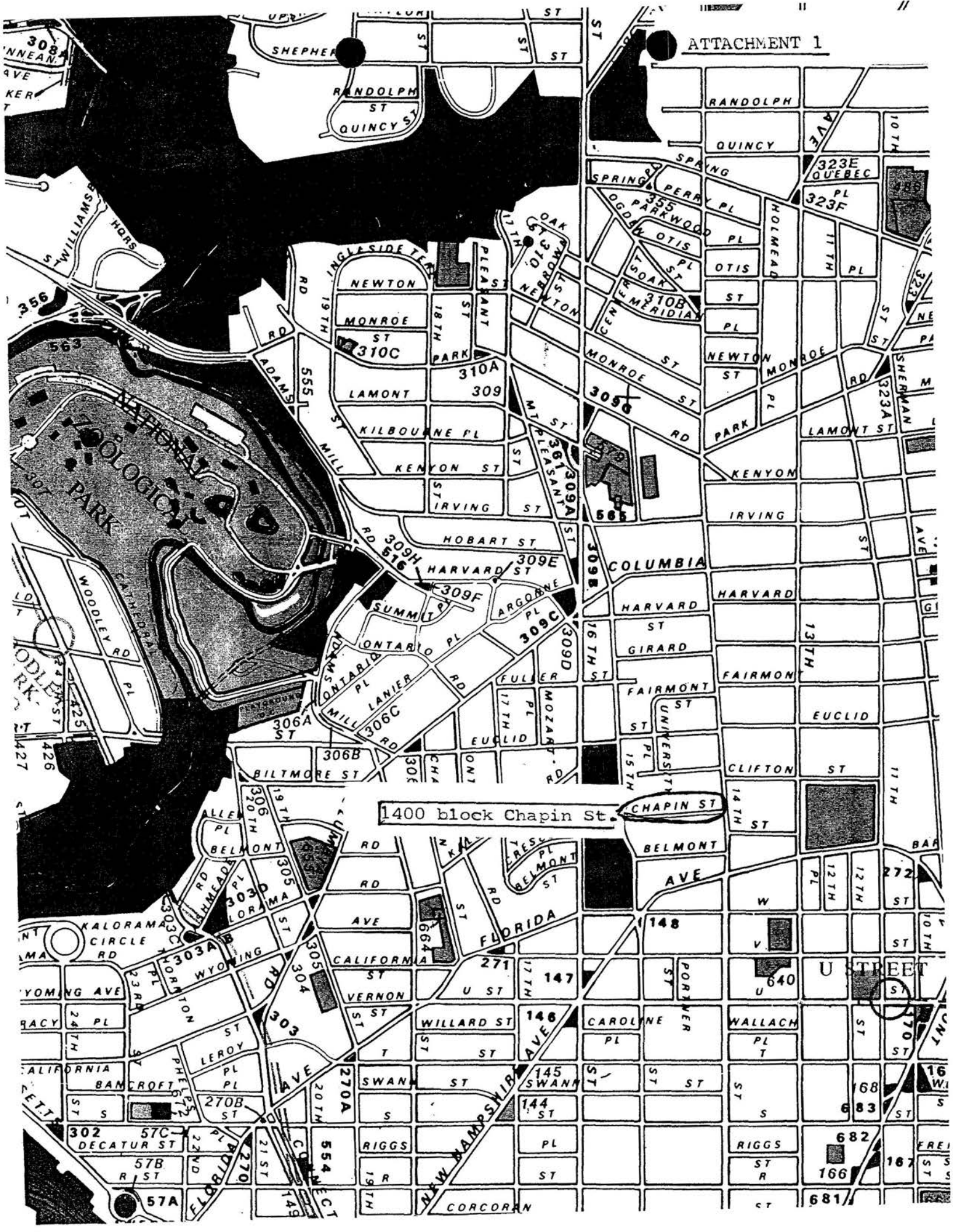
are so unusual that the granting of a variance would not set a precedent that would harm the intent of the zoning regulations. As to the impact on the neighborhood, OP concurs with the ANC's opinion that the impact of the project will be very positive.

THE OFFICE OF PLANNING RECOMMENDS THE BZA APPROVE THIS APPLICATION.

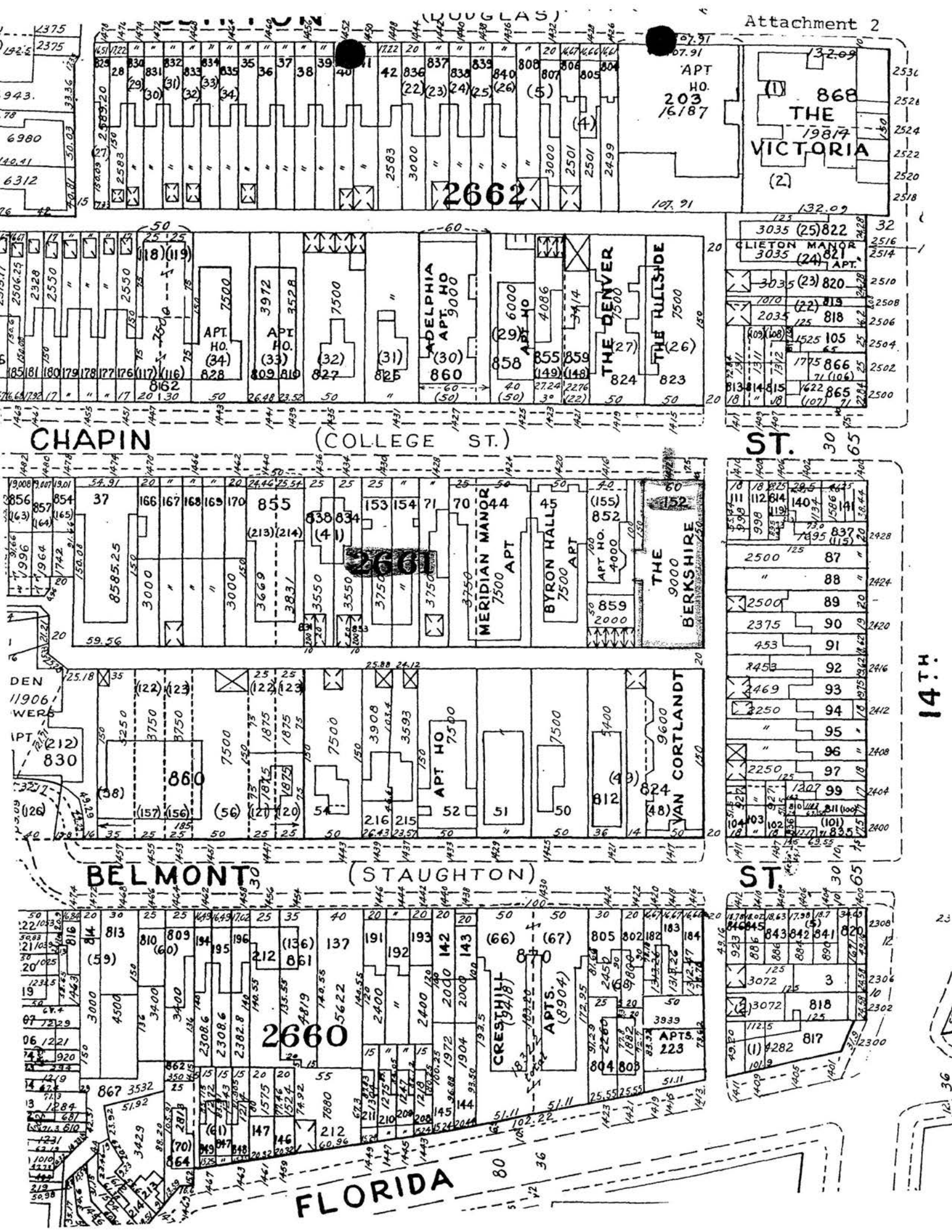
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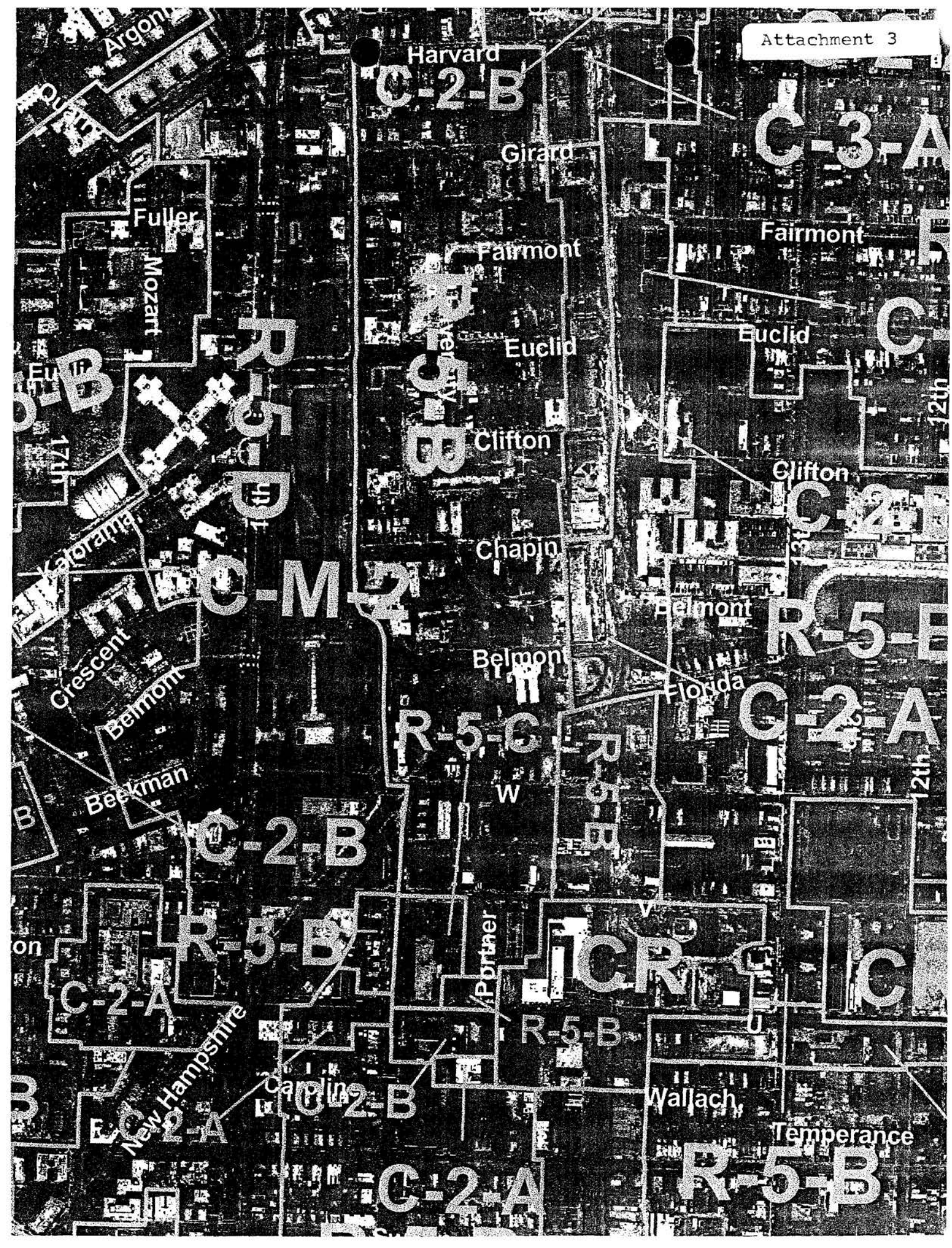
Attachments (6)

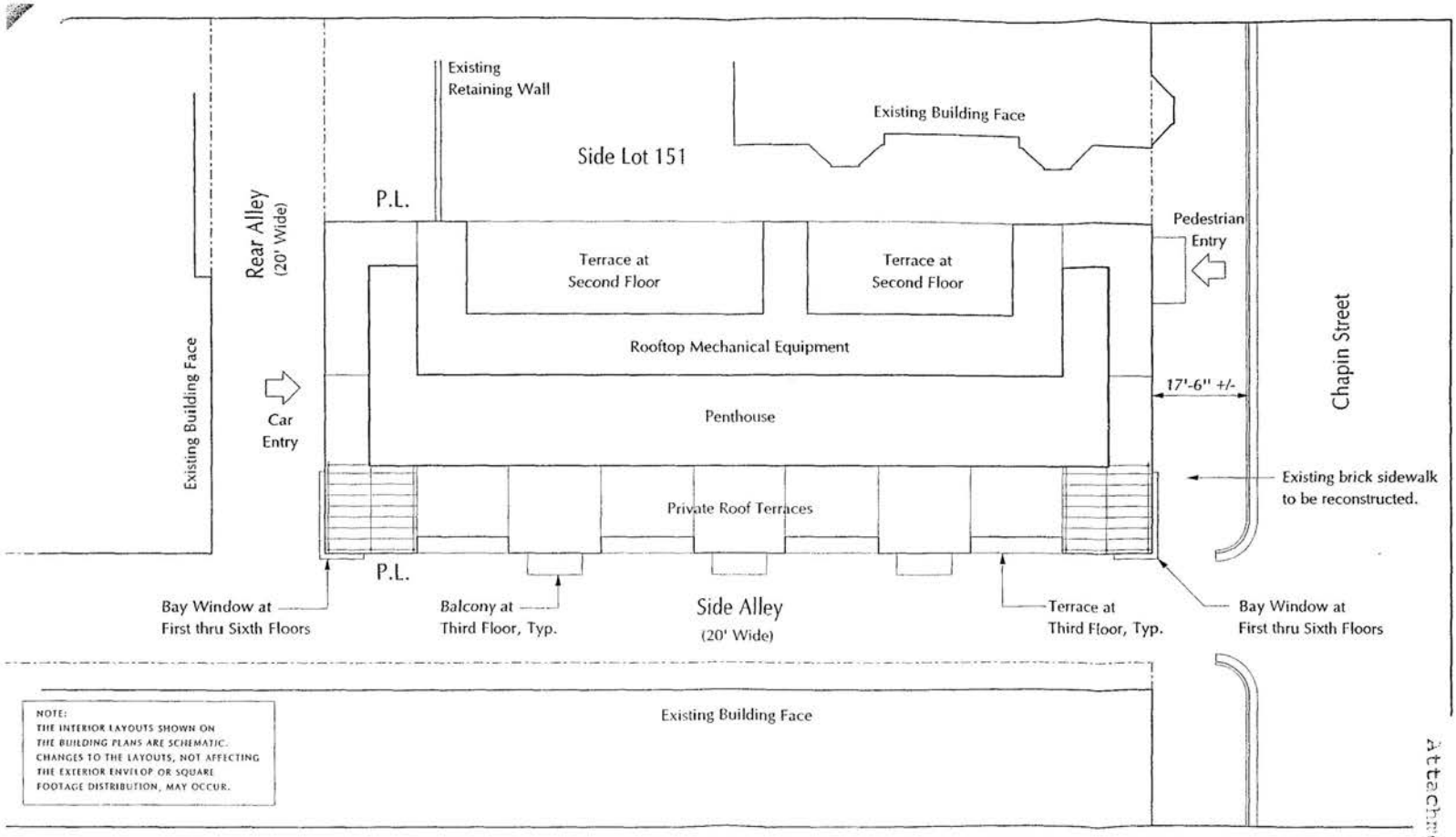
ATTACHMENT 1



Attachment 2




Attachment 3
Harvard
Girard
Fairmont
Fuller
Mozart
Euclid
Clifton
Chapin
Belmont
Florida
Crescent
Beekman
Portner
Wallach
Temperance
New Hampshire
Carolina
C-2-B
C-3-A
C-M-2
R-5-B
R-5-C
R-5-E
C-2-A
C-R-C
12th
17th
W



NOTE:
THE INTERIOR LAYOUTS SHOWN ON THE BUILDING PLANS ARE SCHEMATIC. CHANGES TO THE LAYOUTS, NOT AFFECTING THE EXTERIOR ENVELOP OR SQUARE FOOTAGE DISTRIBUTION, MAY OCCUR.

Chapin Street Lofts
1412 Chapin Street, NW
Washington, DC

Architectrual Site Plan

0 4 8 16

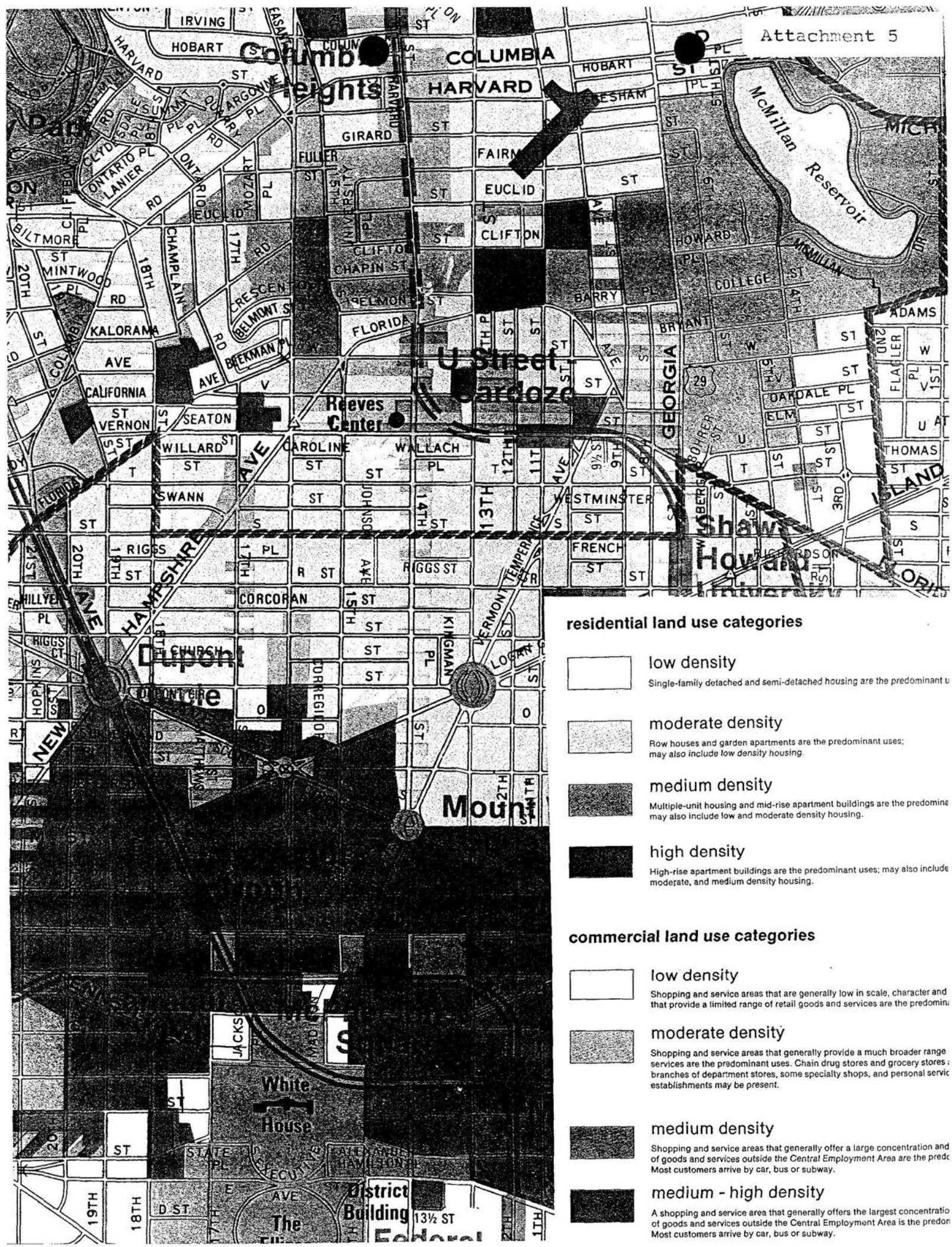
November 6, 2009

Cunningham + Quill Architects,
Copyright

Exhibit D

Attachment 4

Attachment 5



residential land use categories

low density

Single-family detached and semi-detached housing are the predominant u

moderate density

Row houses and garden apartments are the predominant uses; may also include low density housing.

medium density

Multiple-unit housing and mid-rise apartment buildings are the predomina may also include low and moderate density housing.

high density

High-rise apartment buildings are the predominant uses; may also include moderate, and medium density housing.

commercial land use categories

low density

Shopping and service areas that are generally low in scale, character and that provide a limited range of retail goods and services are the predomina

moderate density

Shopping and service areas that generally provide a much broader range services are the predominant uses. Chain drug stores and grocery stores branches of department stores, some specialty shops, and personal servic establishments may be present.

medium density

Shopping and service areas that generally offer a large concentration and of goods and services outside the Central Employment Area are the predc Most customers arrive by car, bus or subway.

medium - high density

A shopping and service area that generally offers the largest concentratio of goods and services outside the Central Employment Area is the predon Most customers arrive by car, bus or subway.

Attachment 6

ADVISORY NEIGHBORHOOD COMMISSION 1B

GOVERNMENT OF THE DISTRICT OF COLUMBIA
COLUMBIA HEIGHTS / LEDROIT PARK / SHAW / UNIVERSITY HEIGHTS

COMMISSIONERS

[illegible]

RECEIVED
D.C. OFFICE OF ZONING
2000 DEC 29 AM 11:57

December 28, 2000

Board of Zoning Adjustment
441 4th Street, N.W.
Suite 210
Washington, D.C. 20001

Re: **BZA Application No. 16669,**
1412 Chapin Street, N.W.

Dear Members of the Board:

Please be advised that ANC 1B, at a scheduled public meeting on December 27th, at which a quorum was present, voted unanimously in favor to support BZA Application No. 16669.

In considering this application, the ANC heard a presentation by the applicant concerning the existing building, the nature and cause of the destruction of the building due to being struck by lightning and causing a partial building collapse. The ANC finds the loss of this building at point when plans had been drawn and bids received and it being ready to be rehabilitated a severely unfortunate event to the community.

The ANC is mindful that the building was purchased with the expectation and understanding that it would be able to be rehabilitated and put back into useful service at the previously existing height and density prior to the storm-related destruction of the building.

The ANC believes that the circumstances surrounding the loss of this building is certainly an exceptional situation or condition similar to the destruction which occurred to the Whitelaw building at 13th and U Streets, N.W., for which variance relief was granted for its rehabilitation and reconstruction. The ANC has determined that situations such as this which occur only once a decade, if that, are exceptional situations or conditions and unique to a specific piece of property such that variance relief should be granted. In addition, there is clearly a practical difficulty concerning this property as it was acquired and proposed to be redeveloped at a significantly greater height and density than is now permitted except by virtue of BZA approval through absolutely no fault of the applicant.

Lastly, given the context of the building, its proposed redevelopment and the desire of the community that this property be redeveloped at the earliest practicable date, there will be no adverse impact to the community and, in fact, the proposed development is a significant benefit to the community and, therefore, the ANC urges the Board of Zoning Adjustment to grant the requested variances as expeditiously as possible.

Very truly yours,
ANC 1B

By: [signature]

2171/10