GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Andrew Altman, Director

DATE: August 23, 2001

SUBJECT: BZA Application #16761 (Application of Rolf Ramelmeier)
3421 14th St., NW
Square 2836, Lot 123

I. APPLICATION-IN-BRIEF

Applicant:	Rolf Ramelmeir of Sykesville, MD
Relief Sought:	Area Variance from Floor Area Ratio Limitations
From Section:	11 DCMR § 3103.2
Regulations Require:	No More Than 1.5 Commercial FAR of Possible 2.5 Total
Relief Sought Under:	§771
Applicant Justification:	Mr. Ramelmeir wishes to use entire C-2-A property for commercial purposes, based on alleged difficulty of renting residential space due to undesirable physical surroundings.

II. OFFICE OF PLANNING RECOMMENDATION-IN-BRIEF

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

III. SITE AND AREA DESCRIPTION *(See Attachment 1)*

BZA
Case No. 16761
Exhibit No. 24

Square 2836 in northwest Washington is bounded by:

- West: 14th Street
- East: 13th Street
- North: Newton Street
- South: Monroe Street.

A T-shaped alley runs north/south behind the buildings facing 14th Street, and between the lots facing Newton Street and those facing Monroe Street.

Board of Zoning Adjustment
District of Columbia
CASE NO.16761
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The parcel is located in the northern third of the 3400 block. It is improved with a four-story row house building, appended to which is a two-story rear addition. The building is currently vacant and under substantial renovation. It had last been occupied by two floors of retail. The top two floors had not been used as apartments for about twenty years.

The structure is part of a row of similar four story row houses, without additions. The upper floors of a few of the buildings are residentially rented. However, most of the buildings are used exclusively for commercial or non-profit purposes, with the upper stories sometimes being left vacant.

The northern end of the 3400 block has a storefront church on the first floor and appears to be used residentially on the upper floors. The building just north of the subject property is vacant and is being considered for purchase by this case's applicant. The Development Corporation of Columbia Heights occupies the building to the south.

The Columbia Heights fire station is directly across from the subject property. Its location is particularly important to the applicant's case.

To the north, in the 3500 block, there is a pattern of uses more typical of the C-2-A zone than the block containing the applicant's property. Retail and office uses occupy the lower and first floors of these row houses. Moderate and lower income households occupy many of the buildings' upper stories. A Giant Food store and its parking lot occupy the west side of the same block.

To the south, in the 3300 block, the west side is occupied by a large mixed-use structure, containing retail and services on the ground floor and publicly assisted housing on the upper four floors. The east side of the same block is vacant, but is slated for major development. The Redevelopment Land Agency's (RLA) parcel 27 will become a mix of retail and cultural uses inside the partially preserved Tivoli Theatre. Giant Foods will build relocate to a larger store behind the theatre building, and there will be up to 40 residential units fronting on Monroe Street. On the west side of that block, RLA Parcel 29 is being advertised with an emphasis on its 1.0 commercial potential.

14th Street is the principal commercial corridor for this neighborhood and one of the main commercial corridors for the City. It is almost occupied with office buildings, stores and commercial structures continuously between the Jefferson Memorial and Thomas Circle, becomes a mix of commercial and residential uses between Thomas Circle and Columbia Heights, and changes to primarily residential uses at about Otis Place, which is two blocks north of the 3400 block in which the applicant's property is located.

The 3400 block is in the revitalizing Columbia Heights neighborhood, approximately 4 blocks from the Green Line Metro stop at 14th and Irving Streets. It is also convenient to the cross-town bus routes on Irving/Harvard Streets, and the bus-routes on 14th Street.

The socio-economic condition of the area is mixed. There is a solid core of lower middle and lower income residents, living in townhouses and row house type buildings, garden apartments (e.g., Columbia Village) and mid-rise structures (both pre-1930 structures and post 1970 elevator apartments on 14th Street). There is also a relatively recent layer of middle and upper middle-income residents who have purchased row houses. The neighborhood has a significant concentration of public and publicly assisted housing, as well as several community-based residential facilities (both existing and planned).

IV. AREA ZONING AND HISTORIC DISTRICTS *(See Attachment 1)*

The site is zoned C-2-A, as is most of 14th Street above Monroe Street. This district permits a maximum FAR of 2.5, of which no more than 1.5 FAR may be used for commercial purposes. The areas behind either side of the 14th Street corridor are zoned R-4. The intensity of the 14th Street zoning increases to C-3-A at Monroe Street, which is at the southern end of the block in which the applicant's property is located.

Neither the site nor nearby blocks are within any historic districts.

V. PROJECT DESCRIPTION *(See Attachments 2 - 7)*

The applicant purchased a row house building approximately14 months ago. Although the structure had been originally designed as a single family home, and had retained most of its residential fixtures, it had most recently been used for retail on the lower floors and apartments on the upper floors. It was vacant at the time of purchase. There were no code-compliant parking spaces at that time.

The lot size is 1980 SF, and the building is 4427 square feet. The 2.5 FAR zoning permits up to 4950 square feet, of which 2970 square feet may be used commercially. It occupies approximately 76% of its site, in a zone where a new building may occupy 60% of its lot. The building's rear yard is grandfathered in at 10', as opposed to the currently required 15'.

A conversation with the architect, and a site visit, indicate that the building is undergoing a first-rate renovation. A new brick facade has been constructed. Cornices and window treatment are appropriate to the historical context. New plumbing, electric, central air, etc. have been installed. Each of the upper two floors has a two-hour fire separation and has been roughed out for possible residential use. A 7 ½' x 13' portion of the covered front porch was also enclosed for additional office use.

The fifty year old, two-story rear addition has been renovated to the same quality as the older part of the building. The addition is essentially contiguous with the property line on the north side, and approximately 8 feet from the property line on the south. There is an approximately 10' by 20' space between the rear wall of the addition and the alley. Two "informal" (i.e., not code compliant) parking spaces may be able to be accommodated off of the alley

The applicant wishes to use the entire building for commercial uses, rather than limiting commercial space to 1.5 FAR, and using the remaining FAR (up to 2.5 maximum) for residential uses. Accordingly, he has applied for an FAR variance.

The applicant gives the following reasons for seeking a variance.

- The immediate physical surroundings deter residential usage:
  - Vagrants, syringes and litter are regularly found on the property, or the adjacent vacant parcel;
  - The fire station across the street generates so much noise that residential uses are not compatible with it.
- There is not enough space to accommodate off-street residential parking.
- The applicant's realtor has attempted, unsuccessfully, to rent the upper floors to residential users.

V. RELATIONSHIP OF THE APPLICATION TO THE COMPREHENSIVE PLAN

OP finds the requested variance to be inconsistent with the Comprehensive Plan.

The District of Columbia Comprehensive Plan's Generalized Land Use Map designates 14th Street above Monroe Street for a mix of low-density commercial and moderate density residential. Low Density commercial areas are "shopping and service areas that are generally low in scale, character and activity and that [predominantly] provide a limited range of retail goods and services". C-1 and C-2-A are the typical zoning districts for such areas. Moderate Density residential areas are areas where "row houses and garden apartments are the predominant uses; [but that] may also include low density housing". R-3 through R-5-B are the typical single use zoning districts for such areas.

The application for the FAR variance essentially requests permission to permit moderate density commercial use and no residential use. This is inconsistent with the Comprehensive Plan.

VI. REQUESTED ZONING RELIEF

Pursuant to Section 3103.2 of the zoning regulations, the applicant is requesting a variance from the FAR requirements of Section 2101.1 of the regulations to use the entire 2.5 FAR for commercial purposes.

VII. 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 or 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…;*

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".* (bullets added)

VIII. DOES THE APPLICATION MEET THE VARIANCE TESTS?

1. With respect to exceptional narrowness, shallowness or shape of the specific piece of property:

   It does not meet the test.

   In case file Exhibit No. 8, the applicant contends that the property is "unique" because:
   - *It is the only property on the block with such a large rear addition;*
   - *The addition causes many more square feet to be used for residential purposes than other structures on the block;*
   - *The addition does not allow for yard parking, thus making the structure unattractive to residential tenants.*

   The approximately 76% lot coverage of the applicant's property is unusual within the context of the Columbia Heights neighborhood, and many other District neighborhoods. It exceeds the zoning regulations, but is a non-conforming condition that is grandfathered in. The lot coverage impinges on the ability to provide parking. However, the existing parking circumstances are already grandfathered in. The usual residential parking requirement in a C-2-A zone is one parking space per two units.

   When the project was considered by ANC 1A, the architect told the ANC and OP it was likely that two informal parking spaces could be accommodated in the rear: one tight space in the 6 foot gap between the rear addition and the southern property line, and one other space in the 9.5' x 22.5' space parallel to the rear alley line. Daytime commercial tenants would use these spaces. The allocation of these informal spaces to the commercial tenants rather than to possible residential users is a choice being made by the applicant, not a condition unique to the property. Should the owner have wished to provide additional parking, a double garage could have been constructed within the existing rear addition, with an entrance from the alley.

2. With respect to the "practical difficulties" that would be "unnecessarily burdensome" to the Applicant should the application for FAR variance not be approved:

   It does not meet the test.

   The applicant contends there is a practical difficulty because:
   - *The location of the Columbia Heights Fire Station directly across the street from the subject property makes it "very unattractive for any residential occupancy".*

   The applicant states that he has tried unsuccessfully for several months to obtain residential tenants, but has been unable to sign them due to:
   - *The noise generated by the fire station, and also by*
   - *The presence of vagrants, physical detritus of drug use and other illegal activities, and by*
   - *The existence of a vacant structure immediately adjacent to the north.*

   OP feels that the applicant has not yet demonstrated a practical difficulty that could not be overcome through simple building and window modifications.

   - The location of the fire station may indeed be a practical difficulty. The Fire Department has told OP that approximately 30 trucks a day leave the station at all hours of the day and night, and that it is necessary for those trucks to start their sirens as soon as they "hit the sidewalk" – essentially directly across the street from the applicant's property. However, the fire station was a prominent, established neighborhood fixture at the time the applicant purchased the subject C-2-A property. The residential requirements of the C-2-A zone were also in place at the time of purchase. The notion of *caveat emptor* may be relevant.

   - However, in OP's opinion, the applicant has not yet demonstrated that the possible practical difficulty of the fire station is unnecessarily burdensome.

     - The applicant has not explored all reasonable methods of reducing the sound transmission from the fire station.
       - The applicant has double glazed the front windows and installed central air conditioning for each of the upper two floors. OP has researched soundproofing techniques in addition to double glazed windows (which are much more useful for thermal insulation than for sound insulation). It seems that the addition of "Soundproof Windows" could result in a 50% increase in the logarithmic values by which sound transmission reduction is measured. *(See Attachment 8)*. Because these values are logarithmic, the actual perceived reduction in sound transmission is likely to be significantly greater than 50%. The cost of a typical 3' x5'double-hung "Soundproof Window" is approximately $450 plus the cost

of installation by the contractor. The applicant's building has three approximately 3' x 5' windows on the front of the second floor, and two smaller windows on the front of the third floor. These are the windows that would need to be treated to reduce sound from the fire station for possible residential tenants.

- The applicant has not documented the efforts that were made to rent the upper floors for residential uses.

- The applicant did not try to rent the residential units at an appropriate time.
  - During the time the applicant was trying to rent the upper floors for residential uses, the structure's renovation was (and is still) incomplete. The front wall is not yet finished. There is a "Porta-Jon" in the front yard. Until recently, the property was separated from the street by a chain link construction fence. These are not usually favorable conditions associated with the timing for renting residential units in transitional neighborhoods. It may well be that prospective residential tenants would react more favorably when viewing a completed, first-rate renovation.

- The existence of a prospective commercial tenant for the upper two floors may have reduced the applicant's incentive to continue to try to rent this space for residential use.
  - At the ANC meeting, the applicant's architect stated that the owner is in lease negotiations with a construction firm for the upper two floors.

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 cannot.

   With respect to the FAR variance requested, the relief cannot be granted without impairing the intent, purpose and integrity of the zone plan. The C-2-A zone is clearly intended for a mix of residential and commercial uses. The fact that residential uses may occupy the full 2.5 FAR allowed in this zone, while commercial uses may occupy only 1.5 FAR indicates the importance attached to the residential component of the C-2-A district. Typically, these residential uses in the C-2-A zone tend to contribute to broadening the amount and geographic spread of more affordable housing.

   The C-2-A zone supports the goals of all of the plans that have been developed by or for the Columbia Heights neighborhood. The plans of the following agencies and groups all

locate the core of the commercial area for Columbia Heights between Harvard Street and Monroe Street:

- Redevelopment Land Agency
- Development Corporation of Columbia Heights (with additional commercial emphasis south of Euclid Street)
- Columbia Heights Community-Based Plan (which also emphasizes having residential uses above ground level commercial uses)
- The Generalized Land Use Map and Comprehensive Plan of the District of Columbia.

The east side of 14th Street, north of Monroe Street, tapers down the intensity of commercial use in all of these plans. The Generalized Land Use Map shows the subject block as suitable for a mix of low-density commercial and moderate density residential.

The C-2-A zone prevails throughout the District, where it is intended to inject lower intensity commercial uses into predominantly residential areas. It is the typical neighborhood commercial area zone. Should the requested FAR variance be granted -- to allow conversion of a building intended for mixed residential/commercial uses into exclusively commercial uses, without adequate demonstration of unique circumstances and practical difficulties clearly -- the intent of the zoning regulations would be undermined. In the aggregate, such actions would become a substantial detriment to the public good through a reduction in the amount of and diversity of potential housing within the city.

With respect to the immediate implication, approval of this requested variance could generate, the Board need only consider that at the ANC meeting, the applicant's representative stated that the applicant is also considering purchase of the vacant structure to the north of the subject property. Should the Board grant the requested variance in this case, the incentive will be greater for future property owners in this block to request similar FAR variances.

VII. COMMUNITY COMMENTS

ANC 1A has duly considered the application and has voted unanimously to support the requested variance. Members of the ANC stated that the quality of the renovation was excellent, that the structure had been vacant for some time, and they were tired of waiting for positive change to come to the block. They felt that the prospective commercial tenants the applicant's architect indicated would rent the upper floors would make a positive contribution to the neighborhood.

VIII. OTHER AGENCY COMMENTS

There were no other agency comments as of August 17, 2001.

IX. OP SUMMARY RECOMMENDATION

The Office of Planning recommends the BZA DENY THE APPLICATION. OP finds the application to be not timely. Although the applicant has brought quality design and materials to the renovation:

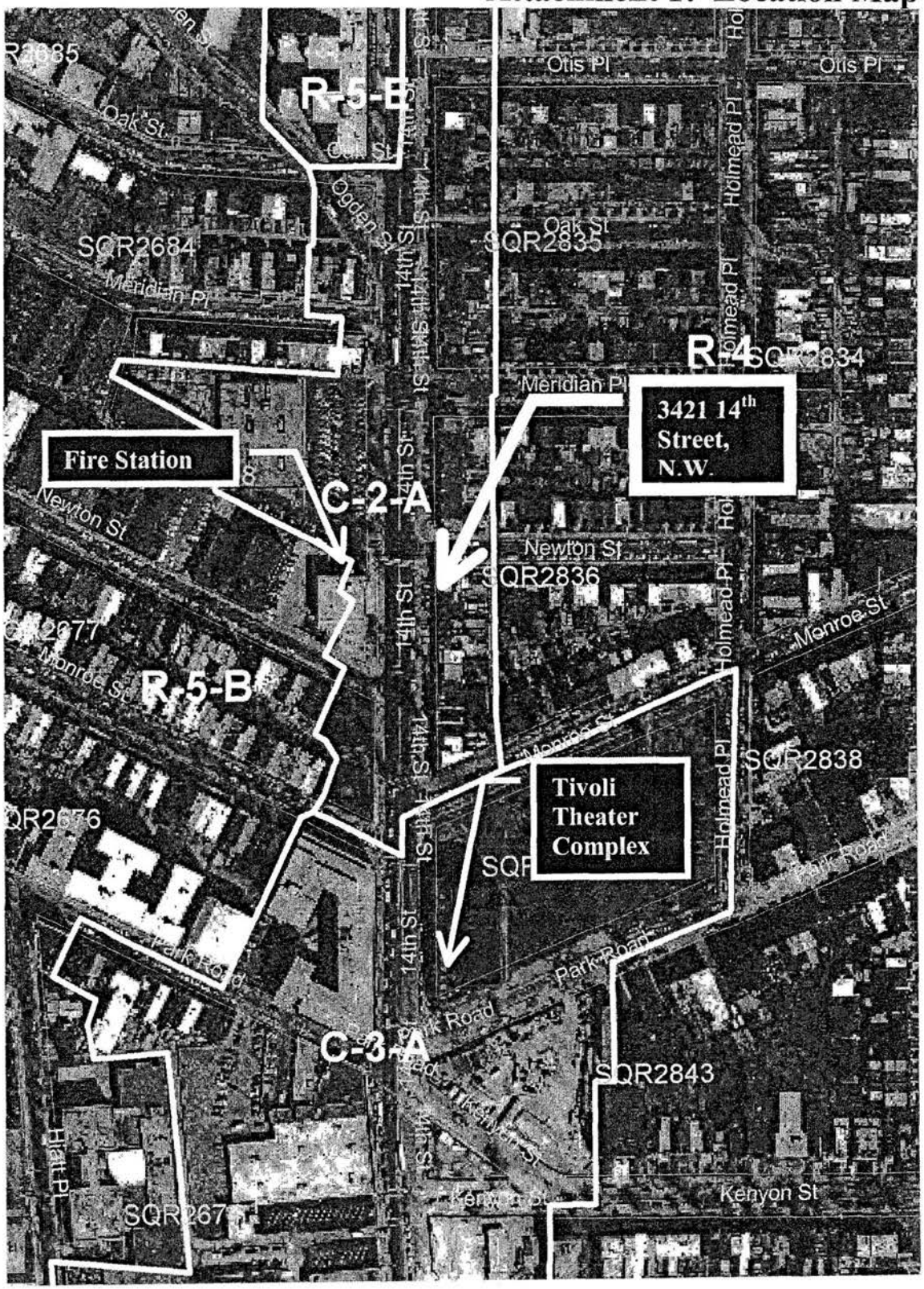
- The applicant bought the property less than a year and a half ago with presumed knowledge of the existence of the fire station and the physical limitations on parking;
- The applicant has not installed additional soundproofing to address the building's location across from the fire station;
- The applicant has not documented the unsuccessful attempts to rent the upper floors for residential purposes.
- The applicant has not waited for renovation and landscaping of the building to be complete before attempting to rent the upper floors for residential uses.

The present situation does not rise to the level of a practical difficulty that would be unnecessarily burdensome to the applicant. Since the absence of parking that meets code dimensions is already grandfather into the property, the parcel does not possess extraordinary or exceptional physical characteristics that are not possessed by other properties in the same block. of the subject parcel. Granting an FAR variance at this time for this property would undermine the integrity of the zoning regulations by vitiating the mixed-use intent of the C-2-A zone without demonstration of undue hardship. Granting the requested variance would chip away at the purpose and integrity of the District's zoning regulations and trivialize the burden of proof presumption that resides with the applicant.

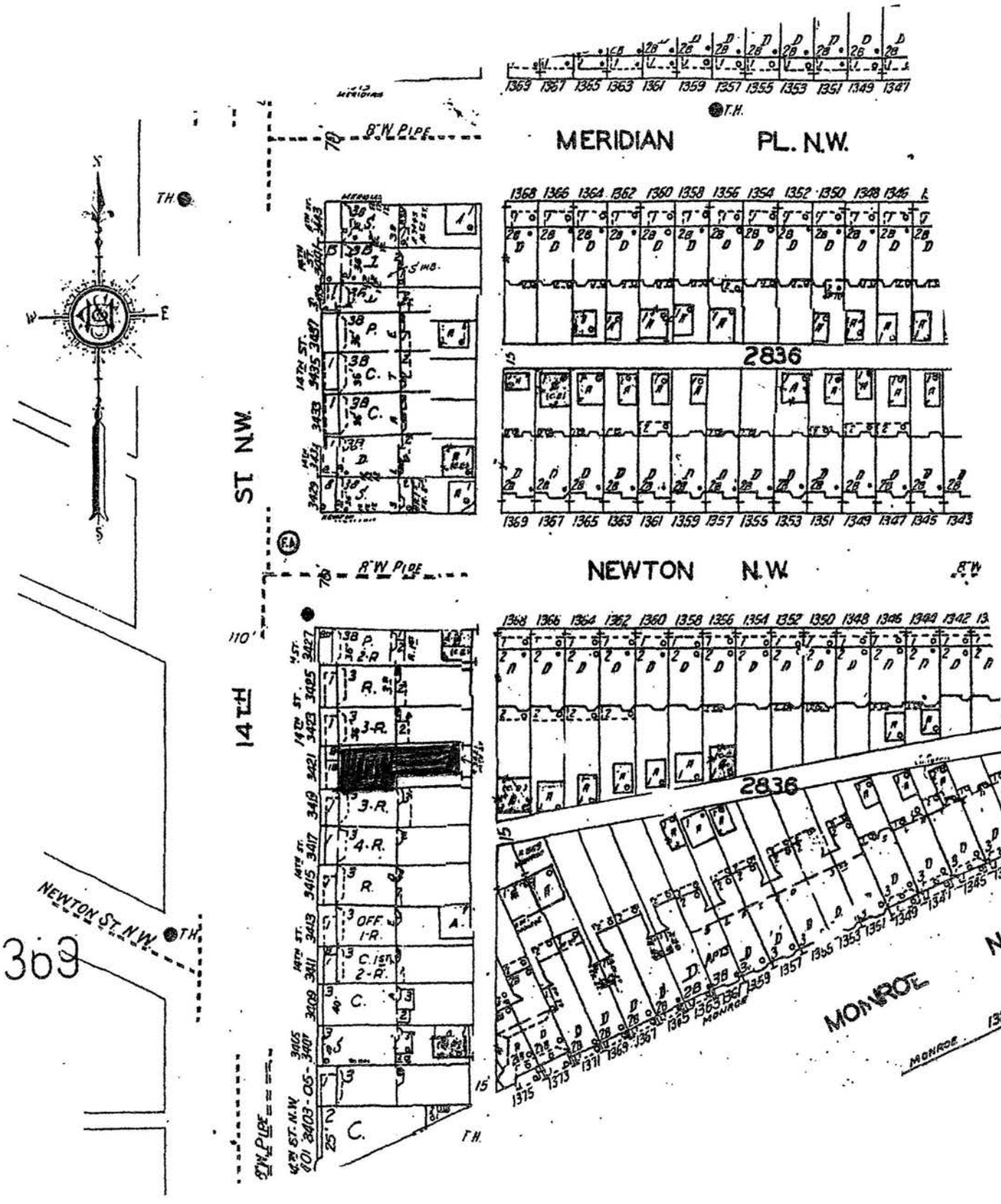
Attachments (8)

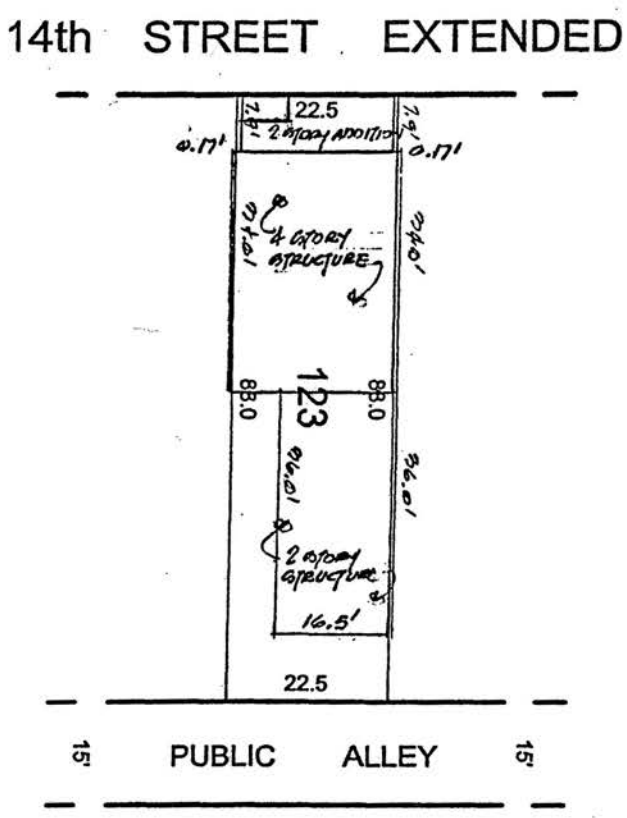
Aa/slc

Attachment 1: Location Map

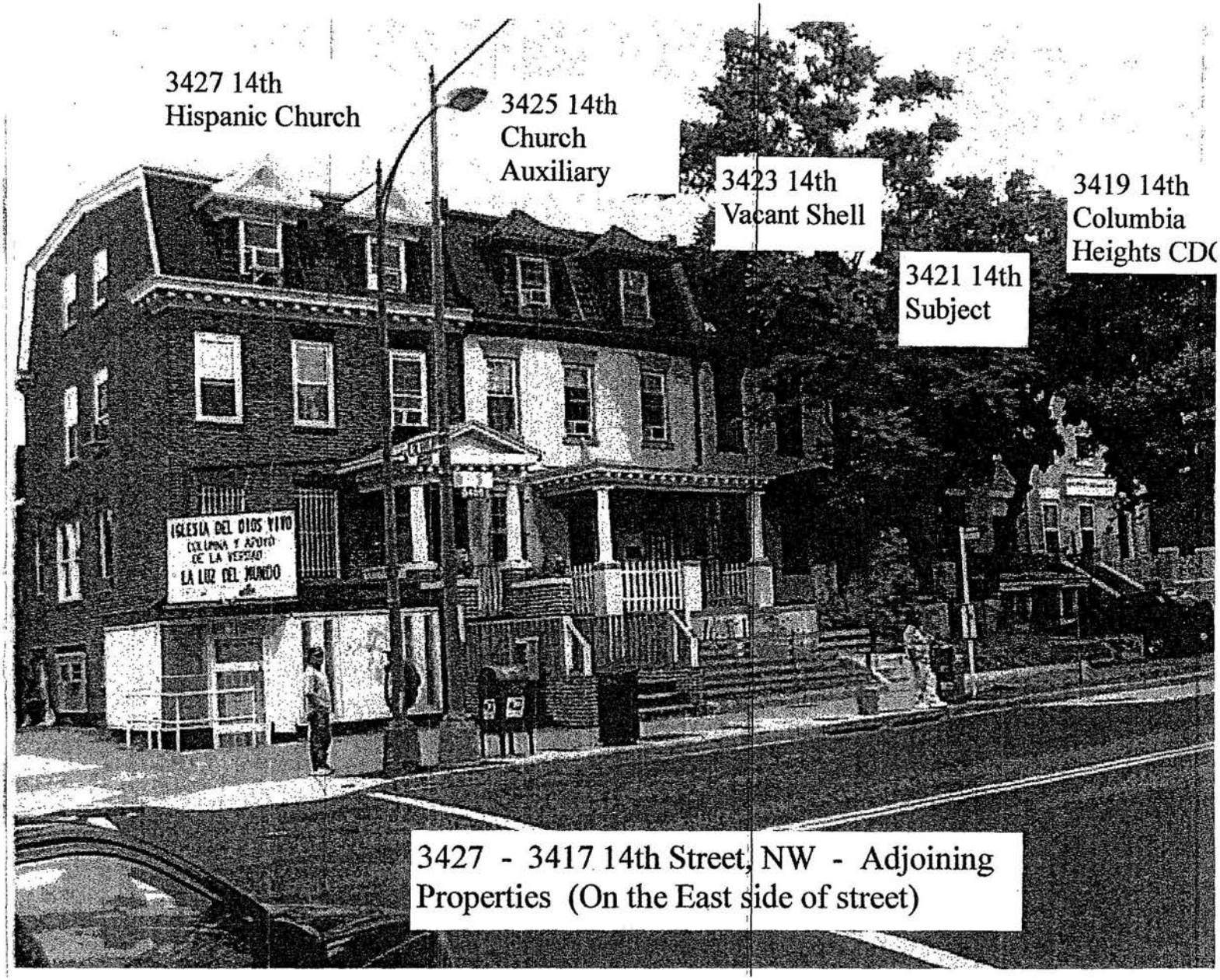


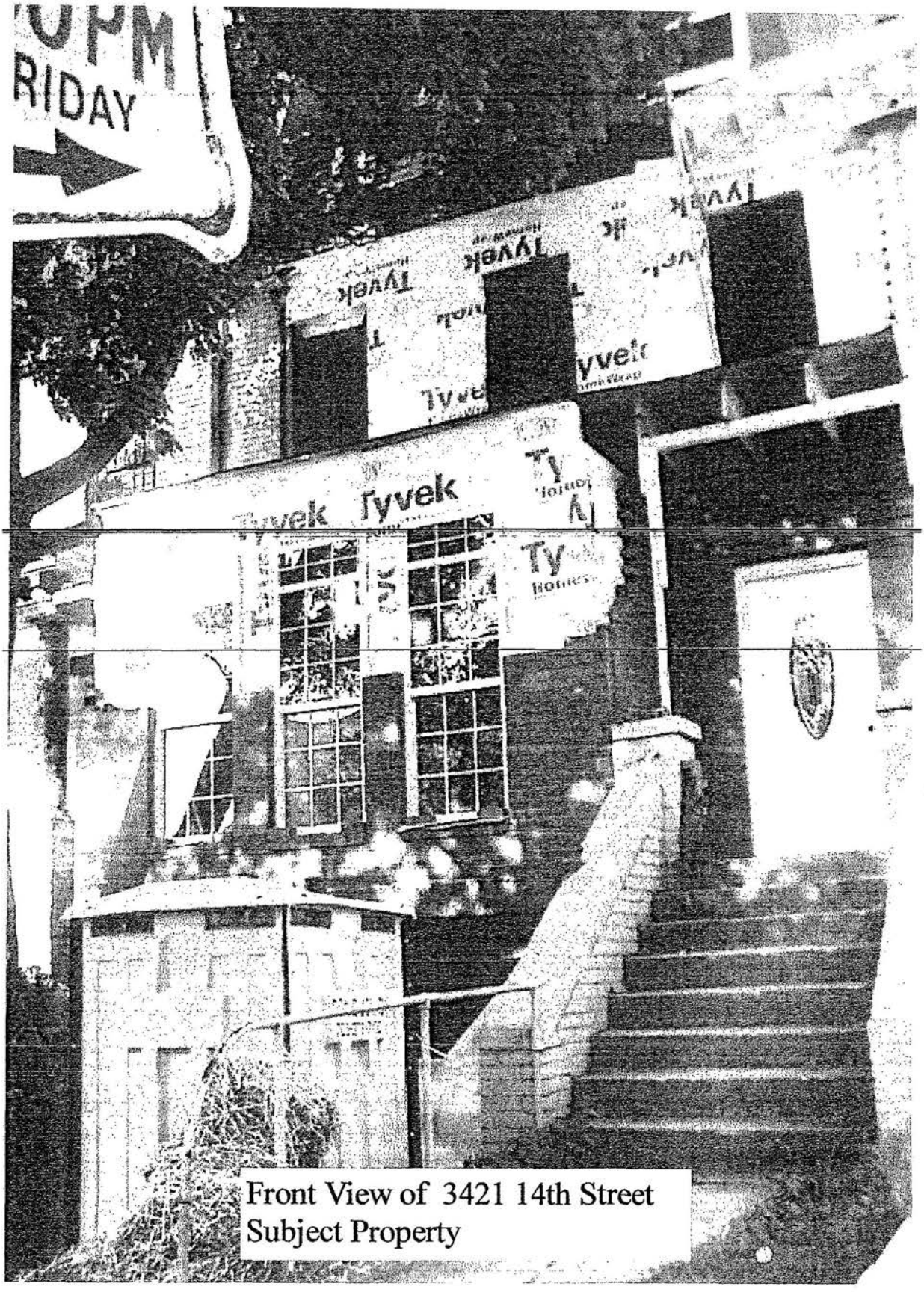
Attachment 2
(Subject Property Shaded)





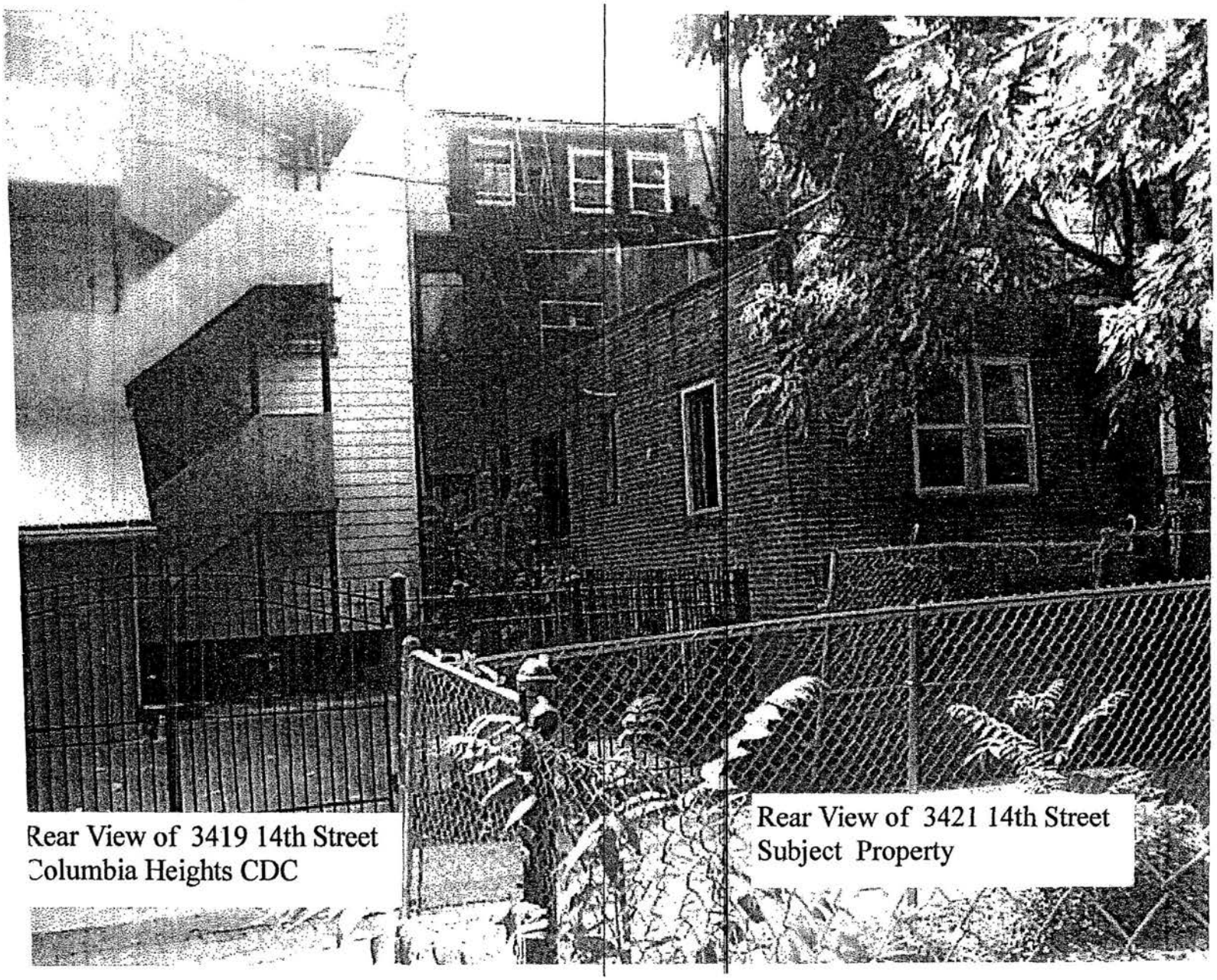
Attachment 3


3427 14th
Hispanic Church
3425 14th
Church
Auxiliary
3423 14th
Vacant Shell
3421 14th
Subject
3419 14th
Columbia
Heights CDC
IGLESIA DEL DIOS VIVO
COLUMNA Y APOYO
DE LA VERDAD
LA LUZ DEL MUNDO
3427 - 3417 14th Street, NW - Adjoining
Properties (On the East side of street)



Front View of 3421 14th Street
Subject Property

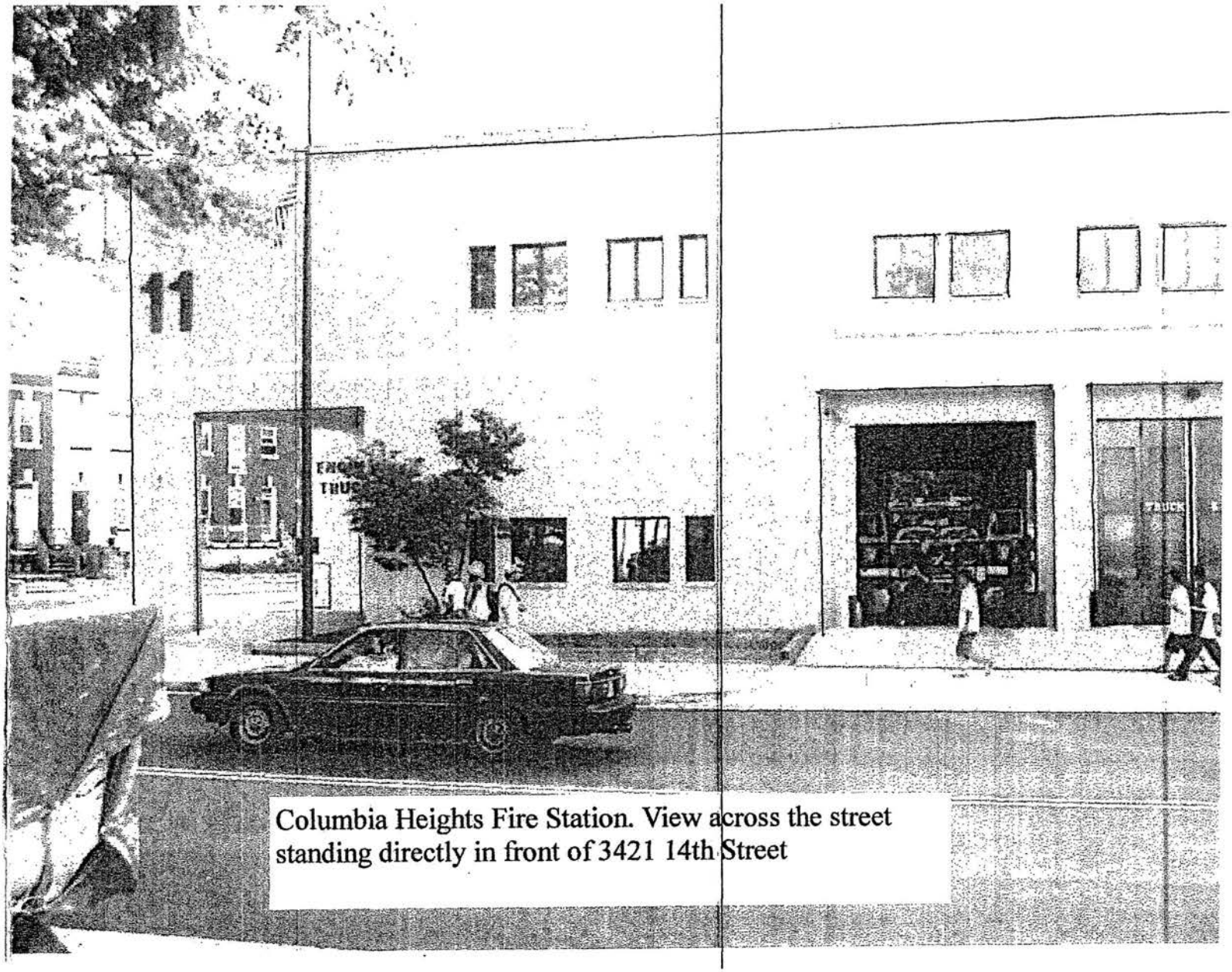
Attachment 6



Rear View of 3419 14th Street
Columbia Heights CDC

Rear View of 3421 14th Street
Subject Property

Attachment 7



Columbia Heights Fire Station. View across the street standing directly in front of 3421 14th Street

STC stands for Sound Transmission Class. Basically, it is an established way to average how much sound is stopped by something. It is used for windows, doors, walls, and most building materials. For windows, it ranges from 18 to 50.
The STC ratings are the ONLY way to accurately compare various noise reduction products. It is an instrument measurement of how much noise is stopped. The STC ratings allow accurate 'apple to apple' comparisons. STC is the average amount of noise stopped at 13 different frequencies - measured in decibels. It is a logarithmic scale similar to the earthquake Richter Scale - which means each number is significantly higher than the one before.

What STC rating do my windows have?

If you have single-paned windows, it is most likely between 20 and 27. The difference is the glass thickness and how air tight your window is. Louvered windows can be less than 18 in many cases.

Typical Window STC Values

Window glass	Normal STC Range	Typical Value
Single pane glass	25-28	27
Dual pane glass	28-35	30
Soundproof Window over a single pane window	41-46	42
Soundproof Window over a dual pane window	41-53	46

Double-paned windows usually vary from 28 to 35. Most have good air seals, but the variation is due to the glass thickness and the amount of air space between the glass. The bigger air space and thicker glass is preferred.

Soundproof Windows range from 41 to 51 (with more possible). It varies depending on your existing window and the air space. Over a single-paned window in a standard wall, we have a 41 rating. Over double-paned windows we get a 45 or more. With increases of air spaces, we can achieve over 50 easily.