GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

★ ★ ★

Office of the Director

Memorandum

TO: Board of Zoning Adjustment

FROM: Andrew Altman, Director
Office of Planning

DATE: May 14, 2002

SUBJECT: BZA Application #16815 (Adams Alley, LLC)
2412 17th Street, N.W. (Square 2566, Lot 95)

RECEIVED
D.C. OFFICE OF ZONING
2002 MAY 14 AM 4:57

BZA
Case No. 16815
Exhibit No. 37

APPLICATION

The application by Adams Alley, LLC (Applicant) requests, pursuant to 11 DCMR 3103.2, area variances from the provision of §402 to increase the allowable floor area ratio (FAR); §2001.3 to expand a nonconforming structure; and a use variance from the restrictions on residential use of an alley lot. Additionally, a special exception, §1403.1, to allow an increase over the height limit was also requested for the lot in the RC/R-5-B District.

Since the filing of application, revisions have been made to the proposal and the special exception is no longer required and a variance from §2101 to reduce the required number of parking spaces has been added.

SUMMARY RECOMMENDATION

The Office of Planning (OP) supports the development of residential and community service uses on the subject site and recommends that the requested variances be **APPROVED**. The proposed development is consistent with the aim of the Reed-Cooke Overlay District to develop a vibrant residential neighborhood. The granting of these variances will not be detrimental to the health and welfare of the residents of the area.

SITE AND AREA DESCRIPTION

The subject property, 2412 17th Street, N.W. (Square 2566, Lot 95), is an 11,650-square feet lot (Attachment 1). The lot is located to the rear of buildings that front on 17th Street to the east, Kalorama Road on the south, Ontario Road on the west, and Euclid Street on the north. Currently, the site is developed with a partially vacant, 2-story, warehouse type building and is known as the "Colortone Press" building. The site is surrounded by public alleys of varying widths on all four sides with the alley the north having a width of 10-feet; to the south, 12-feet; to the east, 17-feet; and to the west 15-feet.

Board of Zoning Adjustment
District of Columbia
CASE NO.16815
EXHIBIT NO.37

The alleys that provide access directly from 17th Street have widths of 15 and 20 feet. The subject property has a change in grade in a north-south direction.

The subject site is surrounded by a variety of uses but predominantly residential uses. To the north of the site along Euclid Street and Ontario Road are 2- and 3-story apartments and row houses. At the intersection of Euclid and 17th Street is the Euclid Market, a small neighborhood serving grocery store. To the east along 17th Street are the 2-story, Morgan Annex apartment building, and a 2-story apartment building. To the south is a mixture of residential and non-residential buildings. The residential buildings are predominantly 2 and 3-story buildings. Buildings housing the United Way and the DC Superior Court Northeast Field Office are located along Kalorama Avenue. East of the site are 3-story apartment buildings.

PROPOSAL

The applicant proposes a mixed-use development on the site. The existing building will be retained and will have a parking garage on the first floor, the Catherine M Sitar Arts Center (Sitar Center) and a community office on the second floor, and 12 residential condominium units on the two additional floors that will be added to the existing building.

ZONING REQUIREMENTS

The subject site has a base zoning of R-5-B and is within the Reed-Cooke Overlay District (RC). The R-5 Districts are designed to permit flexibility for all types of urban residential developments along with those institutional and semi-public buildings that are compatible with adjoining residential uses. The R-5-B District permits developments of a moderate height and density. Generally the purpose of the RC District is designed to protect existing housing, provide for new development, and encourage small-scale business development that does not affect the residential uses. This district limits the heights of buildings in the R-5-B District to 40 feet.

Table 1

Item	Existing	Required/Allowed	Provided	Variance
Lot Area	11,650 sf.	N/A	17,938 sf	N/A
Lot Width	65 ft.	N/A	65 ft.	N/A
Lot Occupancy	90%	60%.	90%	30%
FAR	1.54	1.8.	2.94	+1.14 FAR
Parking Spaces	0	28	24	-4
Height	14 feet	50 ft. (40 ft. max. in the RC District).	31.5 ft.	N/A

The Sitar Center, which is classified as a private club, is a permitted use in the R-5-B District. Section 2507 prohibits multi-family residential use on alley lots.

The Reed Cook Overlay District, adopted May 29, 1987 and amended April 26, 1991 (Zoning Commission Orders 523 and 523A), was to implement the objectives of the Reed-Cook Special Treatment Area of the Comprehensive Plan. At that time, the area was predominantly zoned R-5-B and C-M-2. There were many residential properties that were in the C-M-2 zones and many residences were being converted to commercial uses. Residents of the area felt threatened and feared that they were losing their

community. The overlay was adopted to protect these residences and introduce additional residences with community serving retail uses.

Prior to the adoption of the Reed-Cooke Overlay District, the subject property was in the C-M-2 District and became a nonconforming structure as to lot occupancy when the zoning was changed to R-5-B.

ANALYSIS

General Information

The property is currently developed with a 14-foot high, 17,938 square feet, 2-story building that has had a variety of uses such as storage, office and warehouse. The building occupies 90% of the lot and is currently used partially as a warehouse for the Brass Knob. The building has entrances on the northern and southern ends only. The alleys surrounding the lot are in various states of disrepair.

Since the submission of the application, there have been a number of changes to the proposal as a result of concerns expressed by the community. The major changes are shown on Table 2:

TABLE 2

	Original Submission	**Revised Submission**
FAR	3.12	2.94
Height	46 feet	31.5 feet
Number of Units	14	12
# Of parking spaces	36	24
Total residential square footage	18,000 sq, ft.	16,000 sq. ft.

The proposed development has two main components, the Sitar Center and the residences. The proposed development will increase the area of the building to 34,291 square feet and will consist of a parking garage on the lower floor, 12,000 square feet for the Sitar Center, 16,000 square feet for the residences, and 3,500 square feet of office space. The addition to the existing building will bring the height of the building to 31.5 feet. The property will continue to utilize two points of access through alleys off of 17th Street. The main access will be from the southern alley that will lead to the parking garage, the lobby for the residences, and the student entrance for the Sitar Center. The northern entrance will access only the Sitar Center.

Sitar Center

The Sitar Center is a non-profit organization that provides music and arts education and is currently operating at 2525 Ontario Road. The organization has outgrown the space at the current location and is looking to relocate in-order to serve a larger segment of the community. The Sitar Center currently serves 101 students (83 children and 18 adult) and it is projecting that, by relocating to the subject property I will be able to serve up to 225 children and 75 adult students. However, it is projected that the number of students at the site at any one time will be between 50 and 60. The hours of operation will be 10:00 am - 12 noon and 3:30 - 5:30 pm on Mondays; 3:30 – 7:00 pm Tuesdays through Friday; and 12 noon – 3:00 pm on Saturdays.

Two points of access into the Sitar Center are provided. The formal entrance will be at the northeast corner of the building and will be for guests, staff, and volunteers only. A separate access is provided on the southeast corner of the building for student access, with a foyer area where the students are checked in. In order to provide protection for children walking to and from the Center, they will only be allowed to access the building at the southern entrance on the parking level and an internal walkway/ramp will take them to the second floor.

Residences

The residential portion of the development will consist of 12 condominium units in the two-story addition to the existing building. The residences will be 2-bedroom units with an average area of 1,200 square feet. Each unit will be 2-storyies with a private roof terrace.

Parking

Section 2102.2 of the Zoning Regulations requires 6 spaces for the residential use, 20 spaces for the Sitar Center, and 2 spaces for the office uses for a total of 28 spaces. The applicant has proposed 24 parking spaces on the ground floor of the building to be accessed from the southern portion of the property. In the original application, the applicant proposed 36 spaces on two levels. However, due to concerns expressed by the community regarding increased traffic and congestion in the alley, the number of spaces was reduced. Each resident will be offered a parking space and the remainder will be dedicated to the Sitar Center and the office use. Therefore, the reduction will primarily affect the required parking spaces for the Sitar Center. The reduction will not be detrimental as a majority of the users, staff, and volunteers who use the facility live in the community and most will walk. The hours of operation of the facility will be limited to an average of 4-hours per day except Mondays when they operate for 6 hours. The reduction in the number of parking spaces has allowed the height of the building to be reduced by one level.

Circulation

As stated before, the site can be access from 17th Street via to alleys. The southern end of the building will be main entrance into the building and has access to all floors. The northern end of the building has an entrance into the Sitar Center only. The proposed uses will introduce additional vehicles into the alley system. A referral to the DC Fire and Emergency Medical Services Department has stated that service and emergency vehicle access will continue as presently provided for in the alley system. Due to the number of children who will be walking to the building, they will only be allowed through the southern alley entrance that will have signs indicating to motorists the presence of children in the area. In addition, a crossing guard will be provided. Pavement markings to indicate a pedestrian walkway will help to guide movements between the building and 17th Street.

The DC Department of Transportation (DDOT) has indicated that they have some concerns regarding the movement of pedestrians in the alley and has recommended that the applicant repair and repave the adjacent alleys and that the circulation be one-way in through the southern 20-feet alley and exit through the northern 15-feet alley.

Variances

In order to bring the proposed project to fruition as proposed the applicant is requesting a number of variances.

Use of an Alley Lot

Section 2507.1 of the Zoning Regulations prohibits residential uses on an alley except for one-family dwelling and "a structure shall not be altered, remodeled, restored, or repaired for human habitation on an alley lot." Further, Section 2507.2 forbids dwellings on alley lots that abut an alley with a width of less than 30-feet.

The standard by which the BZA should approve a variance is set forth in Section 3103.2 of the Zoning Regulations. The following demonstrates how these standards are met:

> **The property is unique by reason of its exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional situation or condition;**

The property is unique due to an exceptional situation in that it is a lot that has alleys on all four sides. The lot is developed with a very large building that is surrounded by predominantly residential use. Both alleys off 17th Street have always been less then 30-feet.

> **By reason of the aforementioned unique or exceptional condition of the property, the strict application of the Zoning Regulations will result in peculiar and exceptional practical difficulties or to exceptional and undue hardship upon the owner of the property.**

Over the years, securing warehouse uses for such a large building has proved elusive and the property has only been partially occupied. Some of the other matter-of-right uses do not seem appropriate or compatible to the surrounding residences. The existing building is structurally sound and if the applicant were required to demolish it for single-family dwellings it could introduce more traffic that would be detrimental to the surrounding residents. The alleys are unable to be expanded, as there is no additional space for the alley to be expanded. The adjacent property lines make expansion of the alleys impossible.

> **The variance will not cause substantial detriment to the public good and will not impair the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map.**

The use of the subject property for residences and a private club will not be detrimental to the surrounding residents and community. The redevelopment of the property will bring additional security to the area as currently this area is dark and has become a place for illegal activities and illegal parking along the alleys. The applicant is also providing a home to a highly regarded community program. The Sitar Center will be able to accommodate more students and provide activities after school.

The proposal for residential use is consistent with the goal of the Comprehensive Plan to encourage residential developments in order to increase the number of residents within the District. The proposed

residences are consistent with the objectives of the Reed-Cooke Overly District by providing new housing and non-residential uses that serve the local community.

A the time of the review of the proposed Reed-Cook Overlay before the Zoning Commission, the Office of Planning recommended that the Colortone Press building remain industrially zoned. However, the Reed-Cooke Neighborhood Corporation (RAM), a sponsor of the Overlay District, recommended in their testimony that:

> *"(2) COLORTONE PRESS—The Colortone Press sits in the C-M-2 finger that goes up an alley between two residentially zoned lots. The trucks are a problem on the narrow streets. It creates a deserted alley where a number of murders have occurred in the past year. No buffering is even theoretically possible.*
>
> *A project has long been under discussion, but it has been big for single businesses or owners. In this case, the land should be rezoned residential. If the project actually comes to fruition, it would require variances from the BZA in any case for what is contemplated on 17th Street. Therefore, the entire project should be submitted to the BZA as a unit. Rezoning the C-M-2 parcel to R-5-B would solve the current problem without preventing a viable project, should one ever be presented."*

The Commission adopted the recommendation of RAM and rezoned the property to R-5-B. From the review of the testimony from RAM, it would seem that they did not take into consideration the requirements of Section 2507 that prohibit residential use on alley lots.

The alleys that provide access to the site off of 17th Street have widths that are less than 30-feet, 20- and 15-feet, and will continue to provide access to all vehicles and especially to emergency vehicles. Therefore, granting this variance will not be a detriment to the residents.

Lot Occupancy and Expanding a Non-Conforming Structure

Section 403.2 of the Zoning Regulations allows a maximum lot occupancy of 60% for developments in the R-5-B District. The existing building has a lot occupancy of 90 %, that is, nearly the entire lot. The proposed addition will be entirely on top of the existing building and therefore the lot occupancy will not be increased. Additionally, a variance for increasing a nonconforming structure is required as outlined in Section 2001.3 of the Zoning Regulations:

> *"(c) The addition or enlargement itself shall not increase or extend any existing, nonconforming aspect of the structure, and shall not create any new nonconformity of structure and addition combined."*

The following demonstrates how these variance requirements are met:

> **The property is unique by reason of its exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional situation or condition;**

The subject property is unique due to an exceptional situation as it was originally developed as an industrial/commercial building under the yard requirements of those zones. Since then, the zoning of

the property has changed to a residential zone and it became a nonconforming structure that does not meet the lot occupancy requirements of this residential zone.

By reason of the aforementioned unique or exceptional condition of the property, the strict application of the Zoning Regulations will result in peculiar and exceptional practical difficulties or to exceptional and undue hardship upon the owner of the property.

If the building were required to meet the lot occupancy requirement, it would be a practical difficulty, as it would require demolishing the building and reconstructing a new building. The building structure is sound and the building has a history in the community. The addition does not extend the non-conformity of the structure with respect to lot occupancy.

The variance will not cause substantial detriment to the public good and will not impair the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map.

Retaining the existing lot occupancy of the building will not be detrimental to the public good, as it has existed in this manner for a long time. The lot occupancy requirement is aimed at providing light and air to all buildings. Because the existing building is lower than the surrounding buildings the proposed residences have been setback to ensure maximum light into the residential portion of the development. The proposed uses will introduce more activity into the alley and help to prevent dumping and other illegal activities in the alley. Both the residential and the private club uses will be consistent with the goal of the Comprehensive Plan to encourage residential and community serving uses in order to increase the number of residents and community services in the Reed-Cooke area.

FAR

The existing building has a FAR of 1.54 and the maximum allowable FAR in the R-5-B District is 1.8, which only leaves a FAR of 0.26 for any addition. An FAR of 0.26 is insufficient to make any addition worthwhile. The existing building is not suitable for residential uses as it is lower than many of the surrounding buildings and, because it was a warehouse, there are not many windows to provide sufficient light and air for residential use. Providing the residential uses on an upper floor provides more natural light and air to the residences. Because the proposal is to retain the existing building and add the residential portion, the FAR naturally increases. The proposal meets the requirements for a variance as follows:

The property is unique by reason of its exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional situation or condition;

The subject property is unique as it was previously an industrial/commercial building built under those standards and became a nonconforming structure as a result of the Reed-Cooke Overlay. Since the FAR of the existing building is close the maximum FAR permitted, any reasonable enlargement will have to exceed the maximum FAR permitted.

By reason of the aforementioned unique or exceptional condition of the property, the strict application of the Zoning Regulations will result in peculiar and exceptional practical difficulties or to exceptional and undue hardship upon the owner of the property.

The existing building is being retained and in order to provide residences that will have sufficient light and air the building height would have to be increased and, in effect, the FAR is increased. Due to its significance of the building to the community, the building is been retained and the residential use added to the building. If the building were to be demolished, the building would be a great loss to the community.

The variance will not cause substantial detriment to the public good and will not impair the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map.

The request to increase the FAR of the building will not be a detriment to the public good as the addition will allow for the retention of a building that contributes to character of the community and the addition of residential use as envisioned by the Reed-Cook Overlay. The proposed increase in FAR will allow for the residential portion of the project to be on the upper floors and be provided with adequate light and air and will meet the intent, purpose, and integrity of the Zoning Regulations. Furthermore, it will allow for a community serving organization to find needed facilities

Off Street Parking

Section 2102.2 of the Zoning Regulations requires 6 spaces for the residential use, 20 spaces for the Sitar Center, and 2 spaces for the office uses, for a total of 28 spaces. The applicant has proposed 24 parking spaces. The original application proposed 36 spaces on two levels but was reduced due to concerns expressed by the community regarding increased traffic and congestion in the alleys.

The following demonstrates how the application meets the standards for approval of the variance:

The property is unique by reason of its exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional situation or condition;

The subject property is unique in that parking was provided for the exiting warehouse/ commercial building under its former commercial zoning. Since the property was rezoned to a residential district and the applicant is introducing the Sitar Center and the residential units parking requirements now apply. In addition, as described above, the building already occupies 90% of the lot, which cannot be expanded.

By reason of the aforementioned unique or exceptional condition of the property, the strict application of the Zoning Regulations will result in peculiar and exceptional practical difficulties or to exceptional and undue hardship upon the owner of the property.

The requirement to provide parking in the building for the proposed uses and not increase the FAR and height of the building is difficult. In its original submission, the applicant satisfied the parking requirement in a 2-story garage in the existing building. Because this resulted in a great increase in the height of the building the community was opposed and suggested that the height of the building be lowered by deleting one level of parking. The applicant therefore tried to strike a balance between providing parking and reducing the height of the building, since, because of the lot occupancy, there is no room for expansion or surface parking.

The variance will not cause substantial detriment to the public good and will not impair the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map.

Although the number of required parking spaced has been reduced, it will not be a detriment to the residents and the community. To the contrary, the neighbors think that providing all the required spaces will contribute to parking in the alley. The proposed 24 spaces to be provided will allow each unit to have one space and the remainder will be used by the Sitar Center and the office use. Therefore, the reduction will primarily affect the required parking spaces for the Sitar Center. The reduction will not be detrimental as a majority of the users, staff, and volunteers who use the facility live in the community and most will walk. The integrity of the Zoning Regulations and map will therefore be retained.

COMMUNITY COMMENTS

ANC-1C voted on May 1, 2002 to support the application. The applicant had met with the Reed-Cooke Neighborhood Association on a number of occasions and they are scheduled to make a recommendation at the May 14, 2002 meeting.

SUMMARY AND RECOMMENDATION

The proposed variances to have residences on an alley lot, increase the FAR, reduce the parking requirement, and add to a building which exceeds the lot occupancy of the property meets the provisions of Section 3103.2 of the Zoning Ordinance for granting variances. The proposed development to provide residential units and a community service use meets the intent of the Reed-Cooke Overlay and is a goal of the City. The Office of Planning therefore recommends that the Board of Zoning Adjustment **APPROVE** the variance requested with the following conditions:

1. If the Sitar Center vacates the second floor, any replacement use shall be reviewed by the ANC, relevant neighborhood organization, and residents of the surrounding buildings.

2. The Sitar Center will provide an alley crossing guard at the southern entrance at peak times of use.

3. Students of the Sitar Center shall only access the center via the southern alley entrance.

4. The applicant shall submit into the record a construction management plan and staging plan.

5. The applicant will dedicate space in the building for community use.

6. The applicant will provide a distinct 4-foot walkway for pedestrian use along the 20-foot alley off 17th Street.

7. The applicant will be responsible for the repair and repaving of the surrounding alleys in coordination with DDOT. The improvements should discourage speeding and illegal parking in the alley.

8. Circulation through the alley system should be one-way in through the southern 20-feet alley and exit through the northern 15-feet alley.

Attachment

1. Aerial of Site and Surrounding Area

2. Memorandum from DDOT

AA/mbr



Feature Key

Zoning Boundaries
Square Index

Board of Zoning Adjustment
Application No. #16815

DC Office of Planning
May 1, 2002

Scale 1:1907

25 0 25 50 75 100 Feet

Attachment 1

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF PUBLIC WORKS

OFFICE OF TRANSPORTATION PLANNING

Memorandum

TO: Ellen McCarthy, Deputy Director
Office of Planning

FROM: Kenneth Laden, Associate Director
Office of Transportation Planning

DATE: MAY 13 2002

SUBJECT: BZA Application No.16815 – Colortone Mixed use Development (Adams Alley)

The District Division Of Transportation (DDOT) has reviewed the application and other material submitted by the applicant. This memorandum addresses the transportation elements of the proposal.

The applicant proposes to reuse an existing commercial/warehouse building for mixed-use residential and commercial space consisting of 14 residential units on two floors and 15,000 square feet of non-residential space. The applicant will house within the commercial space, the Patricia M. Sitar Center for the Arts.

According to the applicant, the Center is a community arts facility, which is primarily focused on programs and activities for neighborhood children and families. The applicant estimates that approximately 40 persons will be on site at any one time. The peak activity period for the Center will be generally 4:30 to 5:30 P.M. on weekdays. The project will provide 24 parking spaces to accommodate the parking needs of the development.

The subject property is located in the Adams Morgan neighborhood within an alley lot. The project is served via two public alleys off 17th Street, measuring respectively 20 and 15 feet wide. DDOT has concerns regarding the safety of the future occupants. Presently, approximately 50 cars use the system of alley around the property to access to their parking. With the addition of this project, there will be too many conflicting demands on

a very limited space (pedestrian vehicular movements which include truck deliveries within a 20 foot wide public alley). The applicant has proposed some solutions including a four-foot walkway (striping or contrasting pavement) for a pedestrian sidewalk.

DDOT recognizes that pedestrians will use the public alley occasionally, but, as a matter of policy, we will not encourage the formal use of a narrow public alley by students for access to and from the community center. To make this project acceptable from a traffic access and circulation standpoint, the applicant has to repair and pave the adjacent alleys to the north and west in order provide alternative circulation around the project. This circulation would call for one-way circulation with an entrance to the project from the southern 20-feet alley and exit through the northern 15-feet alley.

In conclusion, DDOT has reservations about the proposed mixed-use development from a safety standpoint. However, if the applicant agrees to make DDOT recommended improvements and implements the proposed circulation, we may support the proposal.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
District Division of Transportation
2000 14th Street, N. W., 7th Floor
Washington, D. C. 20009

Fax # 202-671-0617 Phone # 202-671-2730/40

TRANSPORTATION POLICY & PLANNING ADMINISTRATION

FAX SHEET

Send To: Company name	OFFICE OF Plan.	**From:**	Abdoulaye Bah
Attention	Maxine Brown-Robert	**Date**	5/13/02
Office location		**Office location**	
Fax number	442-7637	**Phone number**	

If you did not receive all pages, please call 202_____

☐ **Urgent** ☐ **Reply ASAP** ☐ **Please comment** ☐ **Please review** ☐ **For your information**

Total pages, including this cover page 3

COMMENTS

d.