GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

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MEMORANDUM

DATE: April 24, 2002

TO: District of Columbia Board of Zoning Adjustment

THROUGH: Andrew Altman, Director OP
Ellen McCarthy, Deputy Director OP

FROM: David J. McGettigan, AICP

SUBJECT: Board of Zoning Adjustment Case No. 16832
Metropolis Development Corporation
Langston-Hughes Condominiums
2045 14th Street, NW
Square 236 Lot 17 (formerly 61, 812 and 54)

SUMMARY

The applicant, Metropolis Development Corporation, the contract owner of the subject property seeks approval of variances from the public space requirements of §633, the lot occupancy requirements of §634, the residential recreation space requirements of §635, and the loading space requirements of §2201.1 as permitted under §3103 in the ART/CR zone district. The applicant proposes construction of a new mixed-use development to provide housing and retail space.

Recommendation:

The Office of Planning recommends approval of the variances from §§634, 633, 635 and 2201.1 based on the following findings:

- The existing condition of the subject property creates an exceptional situation that requires zoning relief, due to the need to avoid compromising the structural integrity of the underground Metrorail tunnels, required airshafts for these tunnels, and the division of the lot at ground level by an access easement.
  Additionally, the site is located in the U Street Historic District and Arts Overlay District, which present design and use limitations that cannot be easily met given the site constraints without the requested variances.

BZA
Case No. 16832
Exhibit No. 30
Board of Zoning Adjustment
District of Columbia
CASE NO.16832
EXHIBIT NO.30

- This exceptional situation creates a practical difficulty in the strict application of the zoning regulations, because of the following:
  - Regarding public space requirements, the character of the area and the design requirements of the historic district make provision of this space impractical.
  - Regarding lot occupancy, the structural constraints of the Metrorail tunnels and the spatial constraints of the airshafts and access easement limit how much can be built and how the building can be configured.
  - Regarding residential recreation space, the structural and space constraints present practical difficulties in providing residential recreation space without adversely impacting the preferred residential and retail components, the building footprint, and the structural design of the building.
  - Regarding the loading space, the site constraints make accommodating a tractor trailer, which would be the only user of a 55' loading space impractical without adversely impacting the preferred residential and retail components, the building footprint and the structural design of the building.
- The proposed development will not be a substantial detriment to the public good or impair the intent, purpose and integrity of the zone plan, because the proposed development will meet the design and use goals of the neighborhood and the purposes of the requirements for which relief is sought are met in the surrounding neighborhood.

Background

The subject property is located at 14th and V Streets, NW (Square 236, Lot 17) and is currently vacant. To the east along V Street the property is adjacent to Harrison Park, which contains a playground, basketball courts and a baseball field. To the west across 14th Street is the Reeves Center Municipal Building. To the south along 14th Street is a row of small-scale commercial buildings. Across V Street to the north is a vacant lot and further up 14th Street, some residential rowhouses. The lot is located in the Greater U Street Historic District and was obtained and cleared by WMATA to allow construction of the green line. After construction was completed the property was sold to Metropolis Development Corporation for development.

The Greater U Street Historic District preserves a mixed-use turn of the century urban area. The following description of the District comes from the District of Columbia Inventory of Historic Sites:

The residential and commercial center of Washington's African-American community between 1900 and 1950, this "city within a city" shows how African-Americans responded to intense racial segregation and discrimination by creating their own neighborhood with hundreds of businesses, schools, churches, institutions, and entertainment facilities. The area served as the home to many prominent intellectuals, educators, and entertainers, as well as civic, civil rights, and religious leaders; it also contains a number of institutional buildings constructed by African-American architects and builders who have made significant contributions to the architectural heritage of the District of Columbia. The buildings in the district record the full development of a Victorian-era streetcar neighborhood from the opening of the first streetcar line in 1862, through its mature development during the last decades of the 19th century and into the early 20th

century. The district serves as an excellent illustration of the forces affecting the city's development in this period, including the introduction of building codes, mass production of building elements, and the rise of a local industry of builders and real estate developers. These entrepreneurs constructed groups of speculative row houses for a growing middle-class market, most typically in brick with projecting bays and picturesque rooflines. The resulting cohesive building stock reflects a rich variety of stylistic invention applied to the rowhouse form; interpretations of Italianate, Queen Anne, and Romanesque Revival styles prevail. Contains approximately 1580 primary contributing buildings ca. 1862-1948; DC designation 12/17/98 (effective 1/11/99)

The applicant is seeking conceptual approval from the Historic Preservation Review Board on April 25th; the staff report is included in this report as Attachment 2.

Project Description

The applicant proposes to construct a five-story, mixed-use building with 7,200 square feet of retail, service, arts and arts related use. The building will have a 14-foot high and 20-foot wide private access easement running through it to allow connection from the square's internal alley system to V Street. This "alley" will also provide access to parking spaces for the retail space, loading spaces, and the underground parking for the residential units. The portion of the building to the east of the alley will provide ground floor residential units.

Comprehensive Plan

The subject site is designated Moderate Density Residential on the General Land Use Map and is located in the Uptown Arts Special Treatment Area and the U Street Development Opportunity Area. The Comprehensive Plan sets goals of providing housing and arts/retail space in the Uptown Arts Special Treatment Area.

This development is not inconsistent with these goals.

Zoning

The subject property is in the ARTS/CR zone. The purposes of the Uptown Arts-Mixed Use Overlay (ARTS) District are set forth in §1900.2 as follows:

The purposes of the Arts Overlay District shall be as follows:

a) To encourage a scale of development, a mixture of building uses, and other attributes such as safe and efficient conditions for pedestrian and vehicular movement, all of which will be as generally required by the Comprehensive Plan for the National Capital:
b) To require uses that encourage pedestrian activity, especially retail, entertainment, and residential uses;
c) To provide for an increased presence and integration of the arts and related cultural and arts-related support uses;
d) To expand the area's housing supply in a variety of rent and price ranges;
e) To expand business and job opportunities, and encourage development of residential and commercial buildings;
f) To strengthen the design character and identity of the area by means of physical design standards;
g) To encourage adaptive reuse of older buildings in the area and an attractive combination of new and old buildings: and

h) To foster eighteen (18) hour activity and increased public safety.

The purposes of the Mixed Use (CR) zone district are set forth in §600.3 as follows:
By the use of the public review and planning powers, the provisions of this chapter also shall be intended to do the following:

(a) Help create major new residential and mixed use areas in planned locations at appropriate densities, heights, and mixtures of uses;
(b) Encourage the preservation and rehabilitation of structures of historic or architectural merit in the District;
(c) Encourage areas devoted primarily to pedestrians by separating pedestrian and vehicular circulation patterns and by requiring off-street parking spaces in accordance with this objective and with the objectives of specific area plans;
(d) Encourage flexibility in architectural design and building bulk; Provided, that the designs and building bulk shall be compatible and harmonious with adjoining development over the CR district as a whole;
(e) Make recreation areas more accessible to the CR district's residents and visitors; and
(f) In a variety of ways, create environments conducive to a higher quality of life and environment for residents, businesses, employees, and institutions in the District of Columbia as specified in District plans and policies.

These purposes guide the use and programming of new and existing buildings in the area and combined with the Historic District establish a framework for development of the subject site. Other physical characteristics of the site provide additional inputs into the design, including the following:

a) An alley divides the property;
b) Existing Metrorail tunnels under the property restrict the structural load that may be built on the site;
c) Existing WMATA air shafts must be maintained on the site; and,
d) The tunnels also restrict the extent of underground construction on the site.

This framework creates significant challenges in the design of the building. The resultant design, in order to meet these challenges, requires zoning relief. In order to meet the larger purposes of the zoning district, a design that contributes to a robust, mixed-use environment cannot meet all the zoning requirements. A summary of the zoning relief requested is shown in the table below.

	Permitted/Required	Provided	Variance
Lot Occupancy	75%	87%	12%
Public Space	10%	0%	10%
Residential Recreation Space	15%	5%	10%
Loading Berth Service/Delivery Area	1@55' 1@30' 1@20'	0@55' 1@30' 1@20'	1@55'

The requirement for public space at ground level is unique to the CR zone
633 REQUIRED PUBLIC SPACE AT GROUND LEVEL (CR)

633.1 An area equivalent to ten percent (10%) of the total lot area shall be provided for all new development.
633.2 The area for new development shall be located immediately adjacent to the main entrance to the principal building or structure on the lot, and shall serve as a transitional space between the street or pedestrian right-of-way and the building or structure.
633.3 The area for new development shall be open to the sky or have a minimum vertical clearance of one (1) story or ten feet (10 ft.).
633.4 The area shall be suitably lighted and landscaped for public use, and may be utilized for temporary commercial displays.
633.5 The space shall be open and available to the general public on a continuous basis.
633.6 The area shall not be charged against the gross floor area of the building.

Additional design requirements for ground level frontage are found in the ARTS Overlay:

1903 STREET FRONTAGE DESIGN REQUIREMENTS
1903.1 The design requirements of §1903.2, 1903.3, and 1903.4, shall apply to any lot that fronts on one or more of the following streets, hereafter referred to in this section as "pedestrian streets":
(a) Fourteenth Street;
(b) U Street:
(c) Seventh Street; and
(d) Florida Avenue between 7th and 9th Streets.
1903.2 Notwithstanding the provisions of §2117.8(c)(l) of this title, no driveway that provides access from a pedestrian street to required parking spaces or loading berths shall be permitted.
1903.3 Each new building on a lot that fronts on a pedestrian street shall be designed and built so that not less than seventy-five percent (75%) of the streetwall(s) to a height of not less than fifteen feet (15 ft.) shall be constructed to the property line between the subject lot and the abutting street right-of-way.
1903.4 Not less than fifty percent (50%) of the surface area of the streetwall(s) at the ground level of each building on a lot that fronts on a pedestrian street shall bedevoted to display windows and to entrances to commercial uses or to the building; Provided, that the following requirements are met:
(a) The windows shall use clear or low-emissivity glass, except for decorative or architectural accent; and
(b) Entrances to the building, including entrances to shops and to the main lobby, shall be separated by not more than forty feet (40 ft.) on average for the linear frontage of the building.

These two sets of regulations present design conflicts, which further increases the need for zoning relief. The ARTS Overlay also requires that 50% of the ground level area of the building be devoted to retail, service, arts and art related uses.

Analysis

Extraordinary or Exceptional Situation

There are several exceptional existing conditions of the subject property that require zoning relief. First, directly under the northeastern half of the site are existing Metrorail tunnels. Due to the need to avoid compromising the structural integrity of the underground Metrorail tunnels, the size and weight of the building that can be built over the tunnels is limited. Second, required airshafts for these tunnels must be kept accessible and provided with adequate air circulation. Third, the division of the lot at ground level by an access easement reduces the available space at ground level and forces the first floor of the building to be physically separated. Additionally, the site is located in the U Street Historic District and Arts Overlay District, which present design and use

limitations that cannot be easily met, given the site constraints, without the requested variances.

Practical Difficulty

Public Space Requirements – As noted above the CR zone (§633) requires that 10% of the ground level area be devoted to public space and requires this public space to be located near the main entrance to the building. This design requirement conflicts with the requirement of §1903.3, which states:

1903.3 Each new building on a lot that fronts on a pedestrian street shall be designed and built so that not less than seventy-five percent (75%) of the streetwall(s) to a height of not less than fifteen feet (15 ft.) shall be constructed to the property line between the subject lot and the abutting street right-of-way.

Additionally, the design is subject to the review of the Historic Preservation Review Board, which looks at consistency of the design with the character of the area. This includes the streetwall, which in this case is a preferred design feature over the public space design requirement. As discussed above, ground level area on this lot is significantly diminished by easements. To provide the 10% public space requirement would necessarily take away from the preferred arts/retail uses, which are encouraged by the ARTS Overlay.

Lot Occupancy – The structural constraints of the Metrorail tunnels and the spatial constraints of the airshafts and access easement limit how much can be built and the configuration of the building. To accommodate retail use on the portion of the site east of the alley would provide several practical difficulties that include:

- The separation of this part of the building from the retail presence on the 14th Street commercial corridor;
- The space is not contiguous, being broken up by the airshaft vents; and,
- The residential character of this end of the site will cause conflict with retail operations.

On the other hand, residential use of this portion of the ground level space has several benefits:

- The units can overlook the adjacent park;
- The units will be compatible with the residential character of V Street; and,
- The units can be worked around the airshaft vents.

However, this reasonable solution runs afoul of the zoning lot occupancy requirements.

634 PERCENTAGE OF LOT OCCUPANCY (CR)

634.1 No structure, including accessory buildings, devoted to residential use shall occupy more than seventy-five percent (75%) of the lot upon which it is located.

634.2 For the purposes of this section, the percentage of lot occupancy may be calculated on a horizontal plane located at the lowest level where residential uses begin.

634.3 For the purposes of this section, "residential uses" shall include dwellings, flats, multiple dwellings, rooming and boarding houses, hospitals, and community-based residential facilities.

If residential were not provided on the ground floor the development would meet the lot occupancy requirements. The intent of the regulation is to ensure adequate light and air

to residential structures. In the case of the top four floors, these requirements are met. The ground floor units are provided with adequate light and air due to the yard provided and the adjoining park.

Residential Recreation Space – The structural and space constraints present practical difficulties in providing residential recreation space without adversely impacting the preferred residential and retail components, the building footprint, and the structural design of the building. Provision of additional recreation space would impact the economic feasibility of the project, be counter to the goals of providing retail/arts use, housing, and parking and would not provide additional benefit to the residents. The adjacent park and other recreational opportunities in the neighborhood would mitigate the loss of this recreation space.

Loading Space – The site constraints make accommodating a tractor trailer, which would be the only user of a 55' loading space, impractical without adversely impacting the preferred residential and retail components, the building footprint and the structural design of the building. As noted above in the zoning section, a loading berth would not be permitted on 14th Street.

1903.2 Notwithstanding the provisions of §2117.8(c)(l) of this title, no driveway that provides access from a pedestrian street to required parking spaces or loading berths shall be permitted.

In addition, as detailed in the transportation analysis by Wells and Associates, the many physical constraints of the site create practical difficulties for accommodating a large truck.

Substantial Detriment

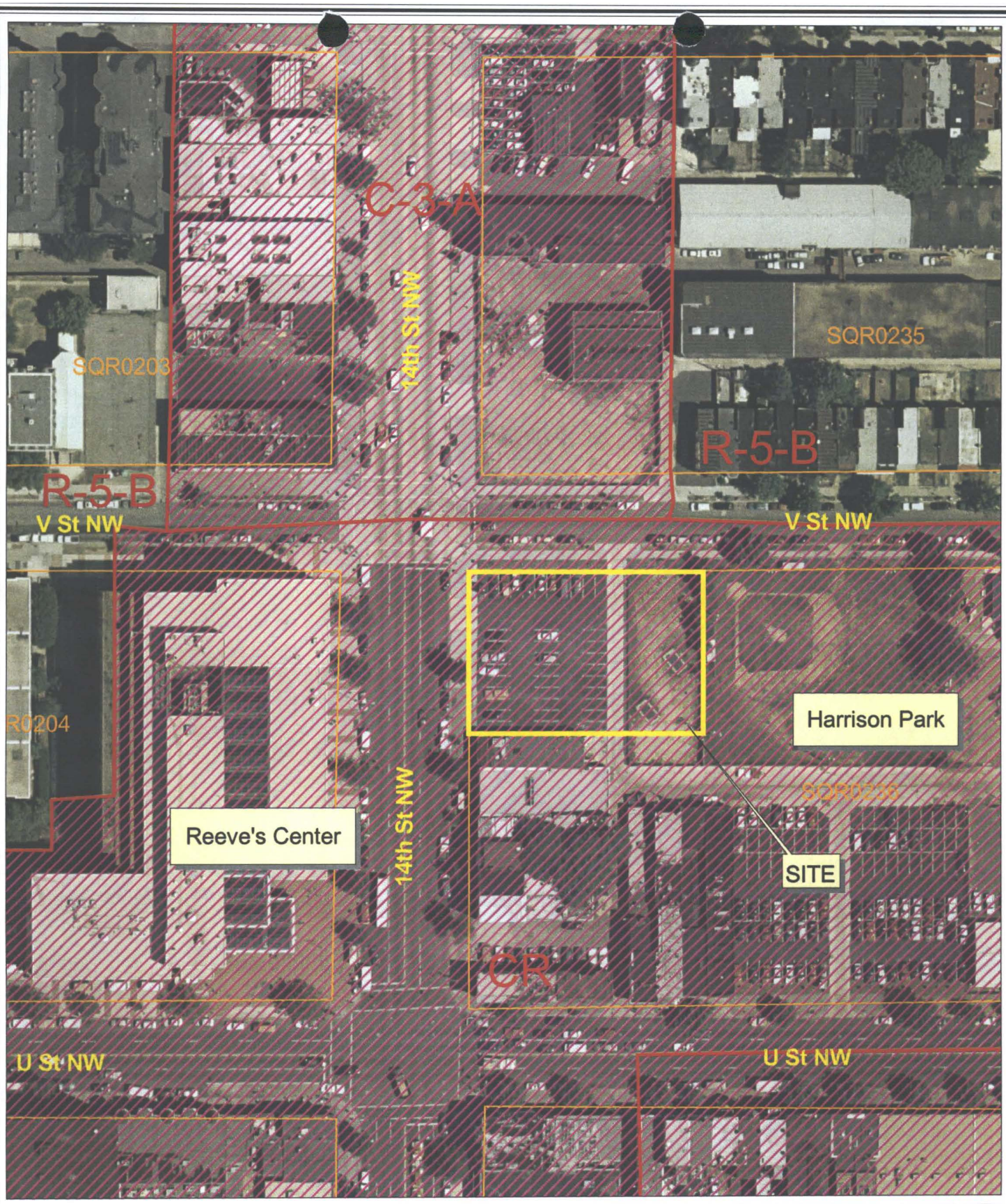
The proposed development will not be a substantial detriment to the public good or impair the intent, purpose and integrity of the zone plan, because the proposed development will meet the design and use goals of the neighborhood, embodied in the Comprehensive Plan, ARTS Overlay and Historic District, and the purposes of the requirements for which relief is sought are met by other mitigating factors.

Recommendation

The Office of Planning recommends approval of BZA application 16832 requesting variances from the requirements of §§633, 634, 635 and 2201.1.

ATTACHMENTS:

1. Location Map
2. Agency Report – MPD
3. Agency Report - HPO



Feature Key

Zoning Boundaries
ARTS Overlay

Board of Zoning Adjustment
Application No. #16832

DC Office of Planning
April 26, 2002

Scale 1:1200

25 0 25 50 75 100 Feet

Attachment 1

METROPOLITAN POLICE DEPARTMENT
Central Regional Operations Command
Third District

APR 0 8 2002

MEMORANDUM

TO: Director
Office of Organizational Development

THRU: Assistant Chief 4/9/02
Central Regional Operations Command

SUBJECT: BZA Application No. 16832

I have reviewed the aforementioned application and zoning permits and find no reason to contest the property located at 2045 14th Street, Northwest, from being developed as a new condominium building. The proposed Langston Hughes Condominiums will provide much needed housing for middle-income families in the District.

Parking in the area will always be a concern, however, the Langston Hughes Condominiums development plans consist of below grade parking which should ease any major concerns. The project also calls for 7,711 square feet of retail space. I recommend that the building management contract a competent security force consisting of Special Police Officers to assist with safety and security concerns. Last year alone there were over 800 calls for police service in this immediate area and it is pertinent for this new project to ensure a security team is in place to handle any problems that will be unique to this property. This will in turn allow our police to give the citizens in not only this area but in the entire Third District the police service it deserves.

ADC
Capt WB Mumma
Cheryl Peacock
Commander

Attachment

HISTORIC PRESERVATION REVIEW BOARD
STAFF REPORT AND RECOMMENDATION

Property Address:	**2045 14th Street, NW**		Agenda
Landmark/District:	**U Street Historic District**	X	Consent Calendar
		X	Concept Review
Meeting Date:	**April 25, 2002**		Alteration
H.P.A. Number:	**02-043**	X	New Construction
Staff Reviewer:	**Steve Callcott**		Demolition
			Subdivision

The applicant, architect Shalom Baranes representing Scott Pannick of Metropolis Development, seeks conceptual design review for a mixed-use apartment building and commercial building on vacant land at the corner of 14th and V Streets. The site is across 14th Street from the Reeves Center, and adjacent to a large public playground to the east. The Board reviewed a different proposal by the same development team last year; the project has since been substantially redesigned.

The Board last reviewed this proposal for a five-story apartment building with ground level retail in November 2001; the applicants have since been working to refine the design in response to the Board's concerns. While the overall mass and size of the building was approved, concerns were expressed about the design's compatibility with the historic district, the sharp division in the design made between the first floor retail and upper floor apartments which made the building appear to float on a glass base, the lack of an articulated roof line, and the inconsistency in the extent to which the bays projected.

As suggested by the Board, the applicants have looked more closely at the proportions and characteristics of the commercial, industrial and multi-family residential buildings along 14th Street for inspiration. The revised proposal unifies the base and upper floors of the building, with the elimination of the strong horizontal datum line separating the floors, and a stronger, more solid masonry base of banded brick. The bays project a consistent four feet; the corner tower projects on V Street, but is set flush with the face of the building on 14th Street and offset by an adjacent column of brick to demarcate the change in material from the building's masonry skin. Mullions have been introduced in the glass skin on the bays to help break down their scale and to give a more residential character. Railings and a pergola structure on the corner tower give a slightly more animated roofline. The strong horizontals on the V Street, rear elevation and south (side) elevation have eliminated, and a tighter, more vertical grid of fenestration has been established. While work remains to be done, the revised design is much improved and represents significant progress in responding to the Board's concerns and in achieving compatibility with the historic district.

The staff recommends that the Review Board approve the revised concept, direct the applicant to continue working with staff on final detailing and materials selection, and delegate final approval to staff.