BEFORE THE BOARD OF ZONING ADJUSTMENT
OF THE DISTRICT OF COLUMBIA

Re: Application of 1440 Church Street, LLC

BZA Application No. 16841
Public Hearing: March 19, 2002
ANC 2F

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D.C. OFFICE OF ZONING
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STATEMENT OF THE APPLICANT

I. Nature of Relief Sought

This is an application by [1440][1] Church Street, LLC ("Applicant") pursuant to 11 DCMR § 3103.2 for a variance from the residential recreation space requirements under section 773, for the construction of a residential condominium building in the Arts/C-3-A District at premises 1440 Church Street, N.W. (Square 209, Lot 102).

II. Jurisdiction

The Board has jurisdiction to grant the requested area variance relief pursuant Section 3103.2 of the Zoning Regulations. The Applicant's clear satisfaction of its burden of proof is set forth below.

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[1] The original Public Hearing Notice incorrectly noted the Applicant as "Church Street, LLC." By letter filed with the Board on February 7, 2002, the Applicant asked the Board to correct its records to list the Applicant as "1440 Church Street, LLC" as set forth in the original application.

BZA
Case No. 16841
Exhibit No. 23

Board of Zoning Adjustment
District of Columbia
CASE NO.16841
EXHIBIT NO.23

III. Background of the Application

The Applicant, 1440 Church Street, LLC, is currently constructing a seven-story residential condominium building with forty-six (46) units at 1440 Church Street, N.W. The subject property is zoned Arts/C-3-A and located within the Greater 14th Street Historic District. See Zoning Map attached as Exhibit A and Historic Preservation Map attached as Exhibit B. The subject property is 13,950 square feet: 155 feet wide and 90 feet deep. See Construction Plans submitted with Application. 1440 Church Street is an addition to an existing structure, the three-story turn-of-the-century "Church Street Garage," in an Historic District and as a result does not require any parking or loading to be provided. Design of the building and incorporation of the entire Church Street Garage were subject to review and approval by the Historic Preservation Review Board ("HPRB"). As developed through the HPRB conceptual design process, the building's design embraced many unique elements, including most notably, the setback of the building on Church Street. See HPRB Staff Report, Exhibit C. As originally planned and permitted, the building was developed as a matter-of-right, including provision of fifteen percent (15%) of the residential gross floor area of the building devoted to residential recreation space under 11 DCMR 773.3.

The area variance requested will allow the conversion of a portion of the required residential recreation space to much needed additional off-street parking in the building. Such additional off-street parking is strongly desired by the community. The residential recreation space provided on the roof decks, rear yard and courtyard will equal 3,116 square feet or more than five percent (5%) of the residential gross floor area. The open air courtyard is located on the ground floor within the "Church Street Garage" structure. A fountain is planned for the center of the courtyard with landscaping and seating along the outside walls. Access to the courtyard will be through doors at the end of the hallway from the main lobby. On the upper floors, balconies are provided which overlook the courtyard but not counted as residential recreation space. The specific uses for the rear yard and roof deck recreation spaces have not been determined, but the spaces are suitable for outdoor seating and exercise areas. In addition to the recreation space provided, the individual units provide a total of 6,050 square feet of outdoor space (e.g. private balconies and decks) for the residents. Thirty-six (36) of the forty-six (46) units (78%) have private outdoor/recreation space. Taken together, the recreation space and outdoor space equals approximately fifteen

percent (15%) of the residential gross floor area. This application will allow the creation of eighteen (18) additional off-street parking spaces for a total of forty-nine (49) spaces or more than one parking space for each unit.

IV. Community Support and Participation

The community, especially through Advisory Neighborhood Commission 2F, has actively participated in the planning of this building, including the HPRB process. On February 27, 2002, the Applicant appeared before the Community Development Committee of ANC 2F. After a presentation by the Applicant, the Committee voted unanimously to support this application. The Committee's recommendation will be taken up by the full Commission at its regularly scheduled monthly meeting on March 6, 2002.

V. The Applicant Meets the Test For The Requested Area Variance Relief

Under D.C. Code § 5-424(g)(3) and 11 DCMR 3103.2, the Board is authorized to grant an area variance where it finds that three conditions exist:

> (1) the property is unique because, *inter alia*, of its size, shape or topography; (2) the owner would encounter practical difficulties if the zoning regulations were strictly applied; (3) the variance

> would not cause substantial detriment to the public good and would not substantially impair the intent, purpose and integrity of the zoning plan.

French v. District of Columbia Board of Zoning Adjustment, 658 A.2d 1023, 1035 (D.C. 1995), *quoting Roumel v. District of Columbia Board of Zoning Adjustment*, 417 A.2d 405, 408 (D.C. 1980). *See, also, Capitol Hill Restoration Society, Inc. v. District of Columbia Board of Zoning Adjustment*, 534 A.2d 939 (D.C. 1987).

A. <u>Unique Property Conditions</u>

There are at least three unique features of this property which, individually and collectively, make it extremely difficult for the Applicant to meet the fifteen percent (15%) residential recreation space requirement. First, the building's location in an Historic District required an unique design, including substantial Church Street setbacks. Second, preservation and incorporation of the entire "Church Street Garage" into the project dramatically limited the site plan and provision of recreation space on the ground level and above the garage building. Third, the subject property's dimensions (90 x 155) are relatively small for a residential structure, especially with

the footprint of the "Church Street Garage" considered. Specifically, the core factor (e.g. hallways, elevators, stairwells, mechanical areas and other common elements) consumes a disproportionate amount (fifteen percent (15%) rather than a more typical ten percent (10%)) of the building envelope which cannot be used for meeting the residential recreation space requirement. Provision of more recreation space can only be achieved by reducing the size and number of units or losing additional parking. Also, the limited size of the building does not allow for the larger scale recreational facilities that are likely to be sought or used by residents. To be attractive and efficient, pools and fitness centers require much larger amounts of space than available in this building.

In addition, the zoning of the property, Arts/C-3-A, imposes a disproportionately high residential recreation space requirement relative to most other zoning districts. Although, the Arts overlay is specifically intended "to expand the area's housing supply in a variety of rent and price ranges" (§ 1900.2(d)), the C-3-A district imposes the burdensome recreation space requirement not present in the nearby R-5, Special Purpose and Downtown Development Overlay areas. See Zoning Map. No recreation space is required in a R-5 zone, only

ten percent (10%) in a Special Purpose zone (§ 533.4) and only five percent (5%) in the Downtown Development Overlay district (§ 1706.5).

B. Practical Difficulties

If strictly enforced, the recreation space requirement will force the Applicant to substantially reduce the parking provided to the minimum required which will likely be insufficient to meet the resident demand. On-street parking is already limited and further demand will have an adverse impact on the neighborhood and would like to be avoided by the Applicant. More limited off-street parking will also make marketing and sale of these condominium units more difficult.

C. Community Benefit and Integrity of Zoning Map and Regulations

As demonstrated by ANC 2F's support, the requested variance will have a substantial benefit, not a negative impact, on the well-being of the neighborhood by substantially increasing the level of available off-street parking. The residential building is entirely consistent with the underlying C-3-A zoning and directly achieves the housing goals of the Arts overlay. A

reduction in the residential recreation space is relatively minor compared to the broader zoning issues and benefits to be achieved.

VI. Exhibits Submitted in Support of the Application

Exhibit A: Zoning Map.

Exhibit B: Historic Preservation Map.

Exhibit C: HPRB Staff Report.

VII. Witnesses

The following witnesses will testify in support of this Application:

1. Ms. Ashley Gerstenfeld, 1440 Church Street, LLC
2. Eric Colbert, AIA, project Architect

VIII. Conclusion

As a result of the exceptional circumstances of the subject properties, strict application of the Zoning Regulations will impose a practical difficulty and hardship and granting the requested area variance will have a substantial benefit to the community and general public by substantially increasing the

amount of off-street parking available without undermining the integrity of the Zoning Regulations or Zoning Map.

Respectfully submitted,

GREENSTEIN DELORME & LUCHS, P.C.

By: _____
John Patrick Brown, Jr.

Counsel for Applicant

March 5, 2002

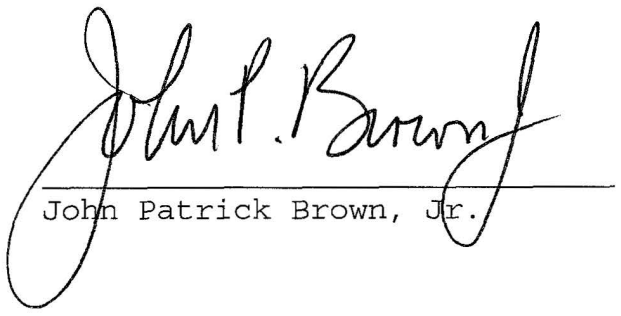
177711

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Statement of the Applicant was mailed, first-class, postage prepaid, this 5th day of March 2002, to:

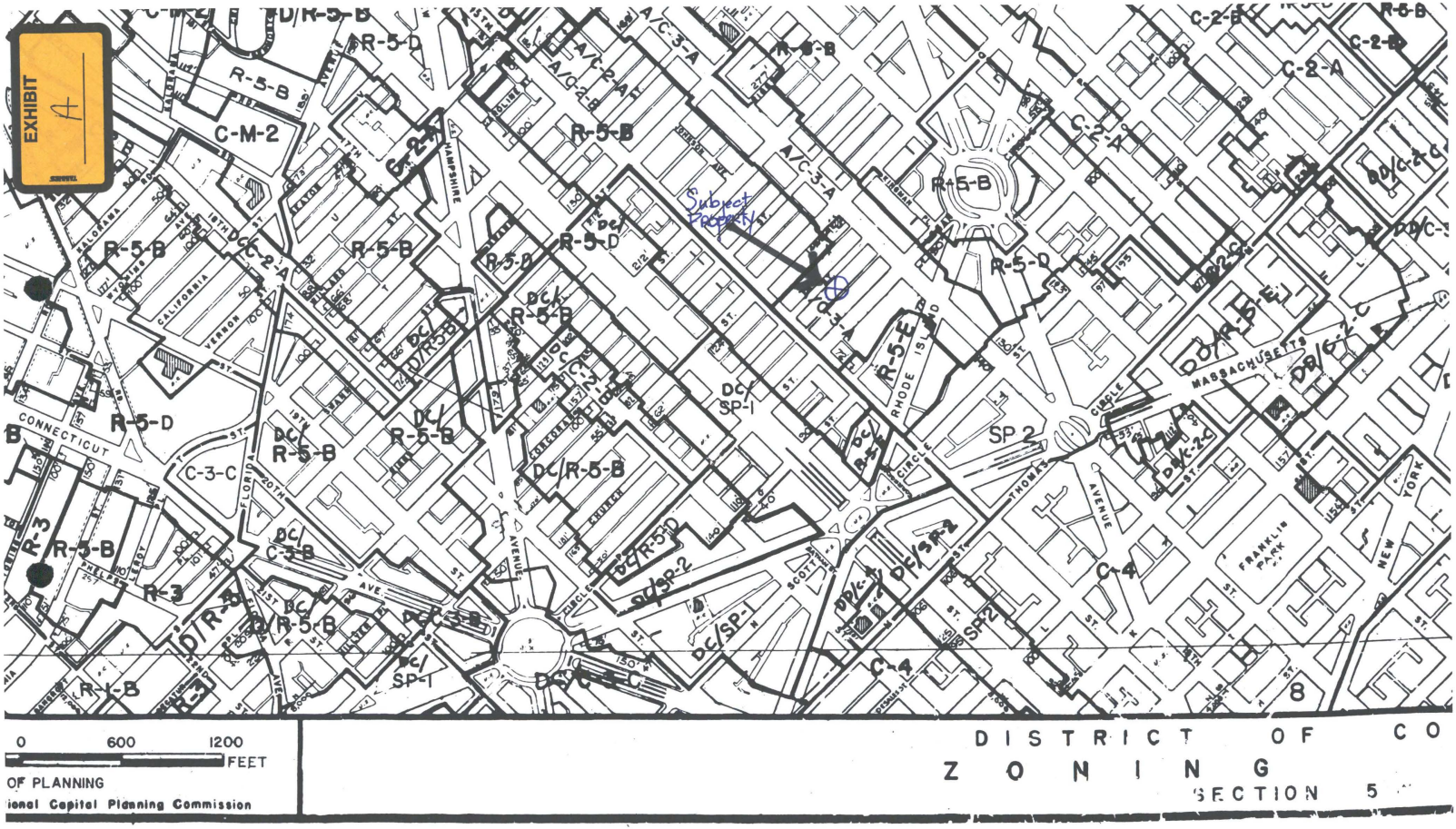
Advisory Neighborhood Commission 2F
Washington Plaza Hotel
P.O. Box 9348
Washington, D.C. 20005

Ms. Maxine Brown-Roberts
Office of Planning
801 North Capitol Street, N.E.
Fourth Floor
Washington, D.C. 20002



John Patrick Brown, Jr.

177711


EXHIBIT 4
Subject Property
R-5-B
R-5-D
C-M-2
C-2-A
C-2-B
C-2-C
A/C-3-A
A/C-2-A
R-5-E
DC/R-5-B
DC/R-5-D
DC/SP-1
DC/SP-2
SP 2
C-4
C-3-C
C-3-B
R-3
R-1-B
DC/C-2-C
DC/C-3-C
CONNECTICUT
MASSACHUSETTS
RHODE ISLAND
CIRCLE
AVENUE
NEW YORK
FRANKLIN PARK
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OF PLANNING
ional Capital Planning Commission
DISTRICT OF CO
ZONING
SECTION 5

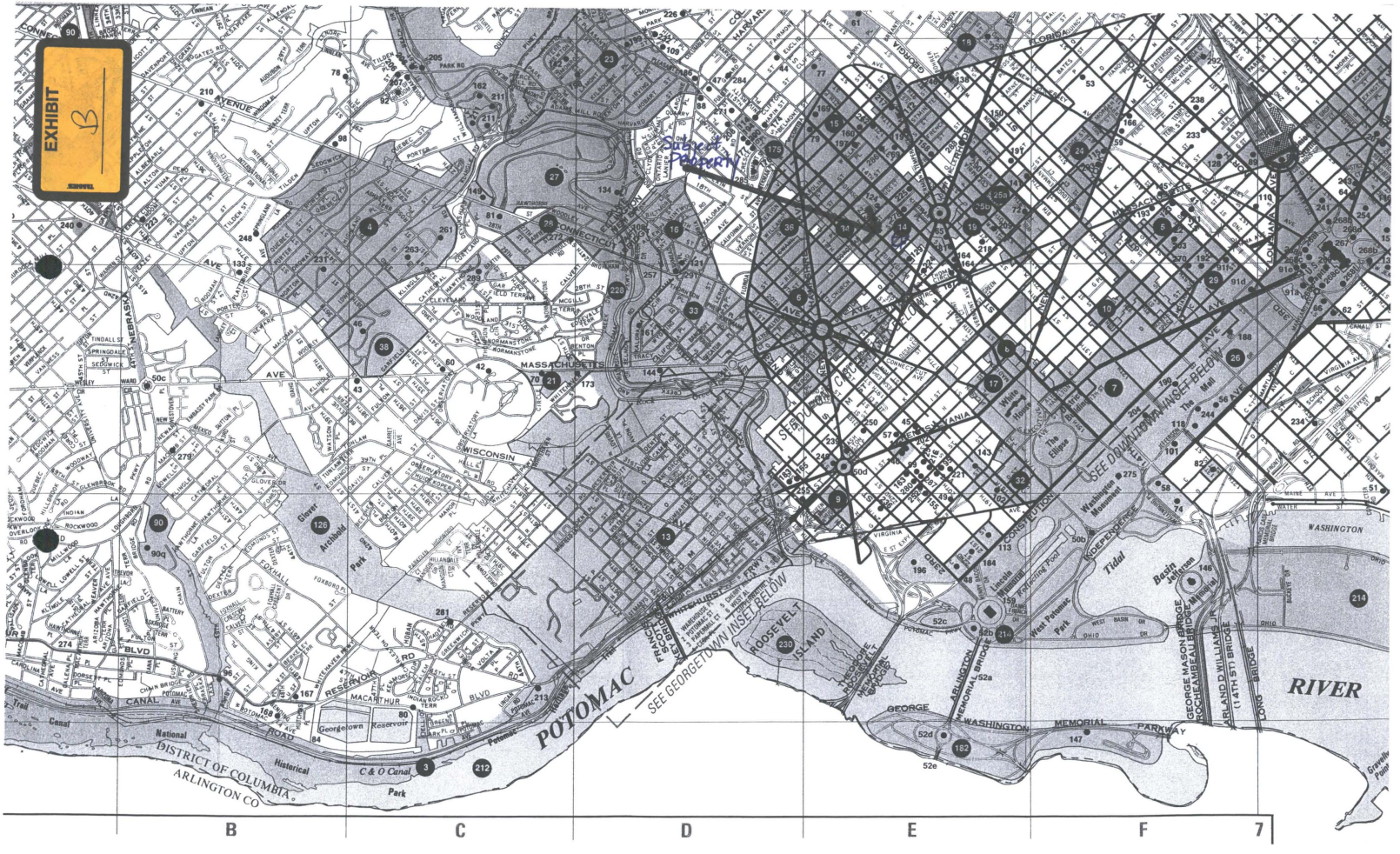

EXHIBIT
B
Subject Property
SEE DOWNTOWN INSET BELOW
SEE GEORGETOWN INSET BELOW
POTOMAC
RIVER
ROOSEVELT ISLAND
MEMORIAL BRIDGE
ARLINGTON MEMORIAL BRIDGE
GEORGE WASHINGTON MEMORIAL PARKWAY
ARLAND D WILLIAMS JR (14TH ST) BRIDGE
LONG BRIDGE
CHAIN BRIDGE
KEY BRIDGE
FRANCIS SCOTT KEY BRIDGE
CANAL ROAD
MACARTHUR BLVD
Georgetown Reservoir
C & O Canal National Historical Park
DISTRICT OF COLUMBIA
ARLINGTON CO
Glover Archbold Park
Tidal Basin
West Potomac Park
WASHINGTON
MASSACHUSETTS
WISCONSIN
PENNSYLVANIA
CONSTITUTION
INDEPENDENCE
B
C
D
E
F
7

EXHIBIT C

HISTORIC PRESERVATION REVIEW BOARD
STAFF REPORT AND RECOMMENDATION

Property Address:	1440 Church Street, NW	X	Agenda
Landmark/District:	Greater 14th Street Historic District		Consent Calendar
		X	Concept Review
Meeting Date:	May 25, 2000	X	Alteration
H.P.A. Number:	00-250	X	New Construction
Staff Reviewer:	Steve Callcott		Demolition
			Subdivision

The applicants, architect Eric Colbert for SJG Properties, seek conceptual design review for the construction of an apartment building in the Greater 14th Street Historic District. The site is located on the 1400 block of Church Street, a narrow street that has a distinctly industrial character. The block has a number of warehouses and service facilities, and historically served a supportive role to the large automotive showrooms which lined 14th Street. The applicants' proposal includes new construction on a vacant parcel, as well as alterations and an addition onto the three-story "Church Street Garage," a turn-of-the-century industrial building.

The applicants have worked closely with the staff and community organizations over the past several months, and the project has evolved through a number of design iterations. From a design standpoint, this process has been extremely worthwhile, as the latest concept is respectful to the historic garage building, compatible with the historic district, but not historically replicative in design.

The success of the design is that it breaks up the mass of the new construction into a series of smaller components that better relate to the size and scale of the buildings on this block than would a single, unarticulated mass. While the tallest part of the building rises to seven stories, this block of new construction is set back from the street, behind a lower, four-story block, and adjacent to a mid-sized, six-story block that abuts the existing three-story garage. The project's massing and variations in height relate well to the varied heights and architectural expressions on the street. While each of the components within the building are somewhat different, they are all variations of a common industrial vocabulary, which includes brick, industrial sash windows, exposed steel I-beams, and exposed concrete slabs.

One of the project's challenges has been the reuse of the three-story garage building for residential use; its deep 90 foot footprint and unfenestrated party walls don't easily lend themselves to residential conversion. By agreeing to abandon an earlier scheme that called for demolition of the back half of the building, the architect has solved the problem by creating a large atrium garden in the center of the building, thus preserving the garage's entire footprint and all of its exterior walls. On the rear portion of the building, behind the atrium, the proposal calls for two additional floors to be added. However, as

this will be set back 60 feet from the street (a street that is relatively narrow to begin with) it will not be visible.

As the project progresses, the staff would encourage further development in the following areas:

1. Much effort has been spent in breaking down this building into smaller massed elements, each with a slightly different character. This differentiation should be carried through to the treatment of the windows. The industrial-styled windows that are proposed are quite large in scale and a little relentless in their repetition. Providing some variety in the fenestration would help in breaking down the scale of the overall project.
2. The bases of the different masses warrant additional attention. While these are not classical buildings, typically the base of any building is demarcated with stronger proportions. At the very least, the buildings could have a 12" stone plinth (brick and concrete sitting directly on a sidewalk get dirty very quickly). As well, the first floor of the six story element might benefit from being slightly differentiated from the upper floors. Raising the masonry bases of the buildings would also help address the problem of first floor residential windows fronting directly on the street.
3. The "donut" courtyard within the existing historic building should be created in such a way that retains some floor structure on each of its four sides. As currently shown, the courtyard would have the party wall essentially free-standing, with no structure on the inside. This creates a situation that may jeopardize the structural integrity of this wall over time.
4. The treatment of the garage door openings on the historic building should be restudied, in an effort to better evoke their original character.

The staff commends the design team for their willingness to work with the community and staff to arrive at the current scheme, and recommends that the Review Board approve the project and delegate final approval to staff.