GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING



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Office of the Director

Memorandum

TO: Board of Zoning Adjustments

FROM: Andrew Altman, Director
Office of Planning

DATE: March 13, 2002

SUBJECT: Waiver of Rules for Late Submittal of the Office of Planning Report on BZA #16841

The attached report concerning BZA Application #16841 is being submitted less than 7 days prior to the Board of Zoning Adjustment consideration of the item scheduled for public hearing. The Office of Planning respectfully requests that the Board of Zoning Adjustment waive its rule and accept the report into the record.

Attachment

AA/mbr

BZA
Case No. 16841
Exhibit No. 24

Board of Zoning Adjustment
District of Columbia
CASE NO.16841
EXHIBIT NO.24

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

Memorandum

TO: Board of Zoning Adjustment

FROM: JLS for Andrew Altman, Director
Office of Planning

DATE: March 5, 2002

SUBJECT: BZA Application #16841 (Church Street, LLC)
1440 Church Street, N.W. (Square 209, Lot 102)

APPLICATION

The application by Church Street, LLC (Applicant) requests, pursuant to 11 DCMR 3103.2, an area variances from the provision of §773 to reduce the required 15% recreational space in a residential condominium building in the Arts/C-3-A District.

SUMMARY RECOMMENDATION

The Office of Planning does not support the 10% reduction in recreational space. The applicant has not demonstrated that they have an exceptional practical difficulty created since the approval on their Building Permit and development is substantially underway. OP is recommending that the applicant persue other methods of mitigating the community's request to reduce off-street parking and at the same time meet the needs of the residents who will occupy the building.

SITE AND AREA DESCRIPTION

The subject property, 1440 Church Street, N.W. (Square 209, Lot 102), is located in the Dupont Circle community. The property was formerly a 3-story garage and is being redeveloped for residential condominiums with an addition to make the new building 7-stories. The building is currently undergoing construction with the preservation of the existing façade of the building. The proposed development is in conjunction with a new residential development directly south of the subject property at 1425 P Street. Church Street is a narrow street, 50-feet, and is frontage to a number of old warehouses and service facilities. Generally, in this block, Church Street has buildings that are industrial in character while P Street is developed with many retail uses.

Currently, there are plans to reuse and make additions to some of the old buildings and construct new buildings that will ultimately rejuvenate the general P Street/Church Street area. The wider Dupont Circle area has a mixture of retail, office, and residential uses.

PROPOSAL

The proposal is to reduce the required 15% of gross floor area to be dedicated to residential recreational space to 5% and instead make the space available for parking spaces.

HISTORIC PRESERVATION

The subject property is within the Greater 14th Street Historic District and is the site of the three-story "Church Street Garage, which is a turn-of-the-century industrial building. The redevelopment of the site will include retaining the existing structure and making additions. The proposed conversion of the historic industrial building was reviewed by the Historic Preservation Review Board (HPRB) on May 25, 2000 and received concept approval with final approval designated to Historic Preservation Staff in the Office of Planning. The Historic Preservation staff signed-off on the building Permit on September 27, 2000.

ZONING REQUIREMENTS

The subject site has a base zoning of C-3-A and is within the Uptown Arts-Mixed Use Overlay District (ARTS). The C-3-A District permits medium density development within a general pattern of mixed-use development. The Arts Overlay District encourages "a scale of development, a mixture of building uses, and other attributes such as safe and efficient conditions for pedestrians and vehicular movement . . ."

ANALYSIS

The proposed construction to redevelop the subject property is currently underway in conjunction with a development to the south of the site at 1425 P Street. Both developments are being constructed as a matter-of-right, which includes the required 15% of the gross floor area to be dedicated to residential recreational space. The applicant has since proposed revising their plans and has requested to reduce the recreational space to allow for additional parking spaces as requested by the community.

Section 773.4 states that "residential recreational space may be located at ground level, on or above the residential plane, on rooftops, or within a building or other structure" and Section 773.8 state that "no less than fifty percent (50%) of the total residential recreation space shall be outdoors." The required 15% or 9,216 square feet of recreational space is being reduced to 5% or 3,121 square feet. The recreational space to be provided will be on the rooftop and in an enclosed courtyard on the first floor. A number of the units will also have balconies.

The applicant has stated that the request is to accommodate the request by the surrounding community for additional parking to be provided on-site. Because the site is within a historic district, the parking requirement is waived. However, in the approved Building Permit the applicant has provided parking to serve the residents. The parking requirement for the development would be 23 spaces and the applicant is proposing to significantly increase the amount provided to 49 spaces. Off-site parking within this area is in demand and the City has been trying to minimize the need for vehicles by encouraging the use of Metro and other forms of public transportation, Dupont Circle Station is 5 blocks away. This increase in the number of parking spaces although excessive, will meet neighbors request for additional off-street spaces.

OP supports the applicant in the provision of residential units at a time when the District is trying to maximize residences within the city as well as the accompanying retail space that will serve the residents as well as the community. However, the provision of recreational space is an important part of the equation in providing amenities to residents where they live. This neighborhood has extremely limited open space, making OP wary of reductions in open space.

As stated before, the property is within a historic district and has approval from the HPRB. During that process, the proposed development was subject to extensive public review and at that time there were no discussions on the increase in the number of parking spaces. This area is one that has had parking problems for a long time and therefore is not a new issue in the community. A second round of public review took place when the applicant requested the closing of the alley between the two properties. Again, there were no public or neighborhood demands to reduce the recreational space and convert it to parking spaces.

Standards for Approval

The standard by which the BZA should approve variances is set forth in Section 3103.2 of the Zoning Regulations. The following demonstrates how the requested variances meet these standards:

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

The applicant has submitted a number of reasons why the property should be considered unique; the lot size is small and the provisions of hallways, elevators, stairwells etc. consume a large portion of the building; conversion of an historic industrial building to a residential use; provision of space on the ground floor for underground parking; and, the A/C3-A District imposes a disproportionately high residential recreation space requirement relative to other zoning districts.

OP does not agree with the assertions of uniqueness. The site is rectangular and not small relative to other lots within the neighborhood (see attached aerial map). The applicant has demonstrated that they are able to meet the requirements of the historic district, zoning and building code requirement without "obstacles" by obtaining a Building Permit as a matter-of-right and the building is under construction based on these requirements. The applicant has not demonstrated the occurrence of an exceptional situation since the beginning of construction to justify a 10% decrease in the recreation requirement.

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.

Recreational space is usually provided on the ground floor of a building, on the rooftop of the building or outside of the building. Originally, recreational space was proposed to be located on the rooftop, in an enclosed court on the first floor, and to the rear of the building. Following a request by OP for additional information on the landscaping and security of this open space area to the rear of the building, the applicant converted the space to private terraces and dedicated additional space on the rooftop for recreational use. No details on what types of facilities would be located on the rooftop were provided. The enclosed court on the ground floor has two apartments that have direct access to this public open spaces including a bedroom. There is some concern that the space may have the atmosphere of a private space and other residents may be reluctant to go there.

This is a mid-block development and the space on the outside of the buildings is limited as the building is located along the property line. The applicant has not demonstrated any practical difficulty in providing the required recreational space, and to the contrary, the building is under construction with the requirement of recreation space.

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 provision of additional off-street parking in this community will not be detrimental to the public good. However, substantially increasing the parking spaces over that required is not in keeping with the City's overall transportation goal to minimize the use of cars near Metro Stations and where other forms of public transportation is provided. The reduction in the required recreational space will impair the intent and integrity of the Zoning Regulations as the applicant has demonstrated that the property can be developed under the required zoning regulations.

COMMUNITY COMMENTS

The application was reviewed by ANC-2F on March 6, 2002 and recommended approval of the variance.

SUMMARY & RECOMMENDATION

The proposal to substantially reduce the required recreational space on the subject property has not met the test for the approval of the variance, as the applicant has not made a convincing argument for the 10% reduction in recreational space. The applicant has said that the main reason for the reduction is the request by the community to reduce off-site parking. The applicant has demonstrated that the property can be developed in compliance with the zoning regulations and has not demonstrated what is creating an exceptional practical difficulty since the approval of the Building Permit. Therefore, granting the requested variance may be detrimental to the intent and integrity of the Zoning Regulations. The Office of Planning therefore does not support the 10% reduction is recreational space requested.

The Office of Planning recognizes the parking problems of the area but believes that taking away the equally important requirement of providing recreational space for residents of the development is not a way to solve the problem and that there may be other ways of mitigating this problem and therefore not cause such a significant reduction in the recreational space.

Attachment:

1. Site Location

AA/mbr



Feature Key

Zoning Boundaries
Square Index

Board of Zoning Adjustment
Application No. 16841

DC Office of Planning
March 5, 2002

Scale 1:1218

25 0 25 50 75 100

Attachment 1