GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

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Office of the Director

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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 #16848

The attached report concerning BZA Application #16848 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. 16848
Exhibit No. 24

Board of Zoning Adjustment
District of Columbia
CASE NO.16848
EXHIBIT NO.24

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: March 12, 2002

SUBJECT: BZA Application #16848 (P Street, LLC)
1425 P Street, N.W. (Square 209, Lot 94)

APPLICATION

The application by 1425 P 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 apartment 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, 1425 P Street, N.W. (Square 209, Lot 94), is located in the Dupont Circle community (Attachment 1). The property is being redeveloped with a new 7-story residential condominium building. The proposed development is being developed in conjunction with a residential development directly north of the subject property at 1440 Church Street. This portion of P Street is developed with various retail uses such as paint stores and a Fresh Fields

supermarket. To the north, along Church Street, are a number of old, vacant, industrial buildings. 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 and instead make the space available for parking spaces.

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 1440 Church 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.

The required 15% or 10,967 square feet recreational space is proposed to be reduced to 5% or 3,622 square feet. The recreational space to be provided will all be on the rooftop and the specific uses of the space is not yet identified. A number of the units provide balconies or large terraces.

The applicant has stated that the request is to accommodate the request by the surrounding community for additional parking to be provided on-site. The required number of parking spaces for the residential and retail uses is 67 spaces and 95 spaces are being provided. 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 us wary of reductions in open space. The applicant has identified a number of private fitness centers in the area and some open space areas such as Dupont Circle. The other circles identified are not currently places that residents of the area use as they are either not secure of are not easy to access.

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. First, the lot size is small and the provisions of hallways, elevators, stairwells etc. consume a large portion of the building; second, they are providing retail space; third, provision of space on the ground floor for underground parking; and forth, that A/C3-A District imposes a disproportionately high residential recreation space requirement relative to other zoning districts.

OP does not agree that these are unique features of the site. The applicant has demonstrated that they are able to meet the zoning and building code requirement and overcome these "obstacles" by obtaining a Building Permit and the building is under construction based on these requirements. The applicant has not demonstrated the occurrence of any new 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. The ability to provide recreational space on the ground floor of the building is limited as the space is utilized by the retail space, ramp to the parking garage, and other amenities. 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 rear area is adjacent to an alley and may not be secure. However, the applicant has not demonstrated any practical difficulty in providing the recreational space on the first level below ground or elsewhere in the building.

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 detriment to the public good. However, it is not consistent with the City's overall transportation goal to minimize the use of cars near Metro Stations and where other forms of public transportation are 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 and no exceptional practical difficulty has been shown.

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 to meet 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 why this is an exceptional practical difficulty. 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.

The applicant may consider:

1. Investigating other methods of encouraging residents to use alternate means of transportation.

2. Locating recreation space elsewhere in the building.

3. Combining some of the private terraces to create public space for all residents.

Attachment:

1. Site Location



Feature Key

Zoning Boundaries
Square Index

Board of Zoning Adjustment
Application No. 16848

DC Office of Planning
March 5, 2002

Scale 1:1218

25 0 25 50 75 100

Attachment 1