Before The Board of Zoning Adjustment
for the District of Columbia

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Application – Additional Pages

4500 Wisconsin Avenue, N.W.
Lot 15, Square 1730

Introduction

The restoration and development of the former Sears Department Store at 4500 Wisconsin Avenue, N.W., presents a unique opportunity for the Tenleytown neighborhood and the District of Columbia as a whole. As planned with the active participation of the community, the site will be transformed into an exciting mixed-use development, combining excellent retail facilities in a restored historical building with a new residential addition, all conveniently located atop the Tenleytown Metro station. This is adaptive reuse at its best, and the addition of a residential component will compliment and enhance the property's traditional retail use. Equally important, the proposal significantly bolsters the D.C. Comprehensive Plan, which calls for residential as part of a higher-density, mixed-use development on this site. The mix of uses proposed will enable the development to restore the original historic retail storefronts, enliven the street, provide adequate parking and minimize the traffic impact on the neighborhood.

The proposal for this property has been refined and improved with input from the community and their designated committee, which includes members of the Tenleytown Historical Society and representatives of the IONA Center, Janney Elementary, and Eldbrooke church, and the process has been aided as well by discussions with staff at the Historic Preservation Review Board and Office of Planning. The project enjoys overwhelming support from the community, including the unanimous support of ANC commissioners in both ANC3E and ANC3F. The project also has the strong support of the two architectural historians who are most knowledgeable about the property, Professor Richard Longstreth of George Washington University, currently President of the American Society of Architectural Historians, who was instrumental in the designation of the building as a historic landmark, and Amy Ballard, who, as a student of Professor Longstreth, was the originator of the research on the building's historic designation.

These disparate stakeholders all share a common goal: ensuring that a revitalized 4500 Wisconsin Avenue rapidly becomes the heart of the community, transforming a now-dormant building into a thriving center for shopping and living. In order to realize this potential, however, it is necessary to obtain relief from the technical application of the Zoning Regulations of the District of Columbia, and this Application therefore respectfully requests such relief, as set forth in detail below.

Present Use of the Property

The property currently is not in use and is become a burden on the neighborhood. The most recent use of the property was as a Department Store, as set forth in the most recent

BZA
Case No. 16857
Exhibit No. 3
Board of Zoning Adjustment
District of Columbia
CASE NO.16857
EXHIBIT NO.3

Certificate of Occupancy (submitted with this Application). The property was originally constructed in 1940 to house one of the earliest Sears department stores in the country and served the community under that banner until 1992, and then housed a Hechinger's Store through 1999. As a department store, the basement was used for a combination of parking, retail sales and storage. The entire first floor and mezzanine were devoted to retail sales. The roof was used for parking, retail sales and storage.

Proposed Use of the Property

As noted, the property is proposed to support both retail and residential uses. The basement of the property will be used for a combination of parking, retail sales and storage. The first floor will be a combination of retail sales and the lobby for the residential portion of the building. The current roof will be used for parking and access to the residential portion. Finally, a four-story addition will be added above the existing roof, containing approximately one hundred eighty-five residential units.

Bases for the Action Sought

Pursuant to Sections 3103 and 3104 of the Zoning Regulations of the District of Columbia (the "Zoning Regulations"), this Application seeks four elements of relief: 1) a variance for height; 2) a variance for total residential recreation space and outdoor residential recreational space; 3) a variance for parking aisle width; and 4) a special exception for parking. The bases for action on each of these elements of relief are set forth below. Mixed-use projects of any nature present challenges, and one that combines an entirely new residential component atop a restored historical building presents particularly difficult challenges. Each of the elements of relief sought is thus necessary for the viability of the project and only requested after exhausting all practical alternatives.

1. Variance for Height

As a structure in a C-3-A zone, the maximum allowable height for the property pursuant to Section 770.1 of the Zoning Regulations is sixty-five feet. This Application seeks a variance of five feet, to allow a height for the property of seventy feet.

An additional five feet is necessary to avoid "peculiar and exceptional practical difficulties," Zoning Regulations § 3103.2, for several reasons. Fundamentally, because the ground floors are to be meticulously preserved and restored to their historical roots, the ability to add new uses is severely constrained. The project's commitment to preserving the building's historical legacy prevents fundamental alterations in the current structure, necessitating a number of creative approaches to otherwise easily resolved challenges.

On a practical level, the mix of uses – residential and retail – requires additional height for the transition of building systems, which, while an issue inherent in many mixed-use projects, is made more complicated by the historic preservation goals of this development. Also, the additional height will avoid the loss of parking under the residential addition (on the current roof), as certain clearances are needed, in general and also to comply, as we are committed to do,

with the Americans With Disabilities Act. Further, the additional height will also allow for flexibility in the construction method for the addition, which will greatly enhance the viability of the project.

Moreover, both the staff of the Historic Preservation Review Board and the community strongly support a significant set-back for the residential structure to be added to the property, a design feature that helps mitigate the addition to the building and preserve the original facade. Indeed, in meetings last fall, HPRB staff specifically recommended the additional height both to support the set back but also to enhance the quality of the resulting design. In order to support set backs of up to 100 feet, however, and retain an economically viable residential development, it is necessary to seek a slight addition in the building's total height. Such significant set-backs, rendering a total of 30% of the site off limits for building, are far beyond District standards for historic preservation.

Finally, the relief can be granted "without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan," *id.*, given that the floor area ratio for the residential portion of the property is 2.80 in a zone that allows for 4.0, and the total FAR is 3.71, still significantly below as-of-right use.

2. Variance for Recreational Space

Pursuant to Sections 773.3 and 773.8 of the Zoning Regulations, fifteen percent of the gross floor area of the property devoted to residential use must be provided as recreational space, no less than fifty percent of which shall be outdoors. For this property, that translates to 29,400 square feet of recreational space, with no less than 14,700 square feet outdoors. This Application seeks a variance to allow a total residential recreational space of 9,300 square feet, with 8,000 square feet outdoors.

The reduction in recreational space is made necessary, as with the height variance, by the historical nature of the base building and the project's commitment to preserving that legacy in the context of new residential building. The necessary set backs, the preservation of the existing structure, and the project's commitment to quality design combine to significantly constrain the available space. In short, there is simply no way to make the project viable with nearly 30,000 square feet of recreational space.

Moreover, the provided 9,300 square feet is in line with the 5% requirement currently sought by zoning in other Districts. And, given the project's creative mix of uses, at least some of the need for open and communal space served by the recreation-space mandate will be fulfilled by the seamless integration of shopping, living and commuting provided by the other uses in the building and by the accessibility to the Metro underneath the building.

3. Variance for Parking Aisle Width

Pursuant to Section 2117.5 of the Zoning Regulations, parking spaces arranged to require an aisle for accessibility or maneuvering space require not less than seventeen feet for angle

parking which is sixty degrees or less. This Application seeks a variance to allow for a parking aisle with sixty-degree angle space of fourteen feet, six inches.

Fourteen feet, six inches is industry standard for this type of development and while this variance is de minimus, it is important nonetheless in allowing the design of the addition to preserve the current roof-top parking in a configuration true to the original design of the old Sears Department Store. Also, all of the project's two-way aisles match zoning, with only the one-way aisles requiring a variance.

4. Special Exception for Retail Parking

Pursuant to Section 2101.1 of the Zoning Regulations, 211 parking spaces are required for the retail component of the building. While depending upon how the project is configured, a special exception for retail uses would not be required (and under all configurations the design is well above the required number of residential parking spaces), upon the recommendation of the designated District of Columbia zoning staff official, this Applications seeks the special exception with respect to the retail component of the project allowed by Section 2107.1 of the Zoning Regulations.

There are several strong grounds for granting a special exception for the retail parking requirements applicable to the project. First, as noted, the building is directly connected to the Tenleytown Metro station and the project is designed to be integrated into and take full advantage of the benefits of such close Metrorail access. Moreover, all access to the parking will be controlled, mitigating any risk that the facility will serve as a de facto parking facility for the Metro, increasing traffic.

Every element of the building's design and the type of retail uses the building will attract – targeted towards Metro riders and pedestrians – focus on encouraging local community access and not on the kind of suburban traffic patterns that national-chain hardware-style retail development, which has been proposed for the site in the past, would have mandated. The current parking configuration, moreover, will provide nearly twice as many residential parking spaces as required, and it is the impact of the residential addition on the parking needs of the community that the community has expressed as their primary concern.[1]

Finally, the impact on parking of the revival of retail uses in the building will be mitigated by the confluence of parking directly across the street in a shopping center that will complement the retail uses proposed for this project. Shoppers parking across the street will naturally cross over to this property and likely treat both developments as a single destination.

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[1] Additionally, in order to implement the mix of retail and residential uses in accordance with the District of Columbia's Comprehensive Plan, it is important to retain flexibility in the arrangement and management of parking as between the two elements the project combines.