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: April 23, 2002

SUBJECT: BZA Application #16869 (Kings Creek, LLC)
2329 Champlain Street, N.W. (Square 2566, Lot 103)

BZA
Case No. 16869
Exhibit No. 23

APPLICATION

The application by Kings Creek, LLC (Applicant) requests, pursuant to 11 DCMR 3103.2, area variances from the provision of §402 to increase the allowable floor area ratio (FAR); §403, from the lot occupancy requirements; §2001.3 to expand a nonconforming structure and a special exception to exceed the height provision of §1402 of the Reed-Cooke Overlay in order to construct an addition to an existing building for a mixed-use development in the RC/R-5-B District.

SUMMARY RECOMMENDATION

The Office of Planning (OP) has concerns regarding the large increase in height over that permitted by the Reed-Cooke Overly and is in conversations with the applicant and will try to have this issue addressed. OP will submit a supplemental report to the Board with our recommendation prior to the public hearing.

SITE AND AREA DESCRIPTION

The subject property, 2329 Champlain Street, N.W. (Square 2563, Lot 103), is in the area generally bounded by Kalorama Road on the south, Ontario Road on the east, Euclid Street on the north, and 18th Street on the west. The site was developed in 1924 with a 2-story, granite building and has had uses such as office, garage, warehouse, and retail. The building currently houses retail use on the first floor, The Brass Knob, and the second floor is currently vacant but was formerly used as an office and storage.

The subject site is in the Reed-Cook neighborhood and is surrounded by a variety of uses but predominantly residential uses. Immediately north of the site is a small, 2-story building that has a plating, polishing, and repair store. Further north is a parking lot, row houses, and apartment

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buildings, some of which are between 5 and 7 stories. To the east of the site is a 15-foot wide alley. Beyond the alley are row houses some of which are residential and some have commercial uses. Immediately south of the site is a vacant one-story brick building, a parking lot, a grocery store, and two vehicular repair establishments. Directly east of the site is a mixed-use development that is under construction, The Lofts of Adams Morgan, that was approved for a 325-350 parking garage, 44-80 residential units, and 4,000 square feet of retail space (ZC Order 832). This development is close to being completed and will be accessed from both 18th and Champlain Streets.

PROPOSAL

The applicant proposes a mixed-use development on the site. The existing building will be retained and four additional levels of with 13 residential apartments added. The existing retail use on the first floor will be retained while the second floor will be renovated for parking and residential use. The Applicant has an agreement with ANC-1C that at least one unit will be an "affordable" unit.

ZONING REQUIREMENTS

The subject site has a base zoning of R-5-B and is within the Reed-Cooke Overlay District (RC). The R-5 Districts are designed to permit flexibility for all types of urban residential developments along with those institutional and semi-public buildings that are compatible with adjoining residential uses. The R-5-B District permits developments of a moderate height and density. Generally, the purpose of the RC District is designed to protect existing housing, provide for new development, and encourage small-scale business development that does not affect the residential uses. This districts limits the heights of buildings in the R-5-B District to 40 feet. The R-5-B requirements and how the proposal meets them are outlined below in Table 1.

Table 1

Item	Existing	Required/Allowed	Provided	Variance/SE
Lot Area	9,652 sf.	N/A	9,652 sf.	N/A
Lot Width	83.2 ft.	N/A	83.2 ft.	
Lot Occupancy	97.3%	60%	97.3%	37.3%
FAR	1.9	1.8	3.9	-2.1 FAR or **116%**
Parking Spaces	0	7	13	N/A
Height	31.5 ft.	50 ft. (40 ft. max in the RC District).	69.6 ft.	29.6 ft. or **74%.**

ANALYSIS

The Reed Cook Overlay District, adopted May 29, 1987 and amended April 26, 1991 (Zoning Commission Orders 523 and 523A), was to implement the objectives of the Reed-Cook Special Treatment Area of the Comprehensive Plan. At that time, the area was predominantly zoned R-5-B and C-M-2. There were many residential properties that were in the C-M-2 zones and many residences were being converted to commercial uses. Residents of the area felt threatened and feared that they were losing their community. The overlay was adopted to protect these residences and introduce additional residences with community serving retail uses.

Prior to the adoption of the Reed-Cooke Overlay District, the subject property was in the C-M-2 District and became a nonconforming structure as to lot occupancy and FAR when the zoning was changed to R-5-B.

The proposed development will retain the existing 18,401 square feet building. The improvement will add 19,539 square feet of space for a total of 37,940 square feet in the entire development. The applicant has recently signed a long-term lease that will retain the existing retail use on the ground floor. Due to the topography of the site, the parking lot is on the second floor as seen from the front but on the first floor on a portion of the rear of the building. The main entrance into the residential portion of the building will be from an entrance on Champlain Street that was formerly used as an access to the second floor. The residential addition will have 4 one-bedroom units and 9 two-bedroom units. On the second floor will be 13 parking spaces, one for each unit. Each unit will have a private open space area and there will also be common open space areas.

Variances

Lot Occupancy

Section 403.2 of the Zoning Regulations allows a maximum lot occupancy of 60% for developments in the R-5-B District. The existing building has a lot occupancy of 97.2 % which is nearly the entire lot. The proposed addition will be entirely on top of the existing building and therefore the lot occupancy will not be increased.

The standard by which the BZA should approve a variance is set forth in Section 3103.2 of the Zoning Regulations. The following demonstrates how these standards are met:

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

The subject property is unique due to an exceptional situation as it was originally developed over 78-years ago as an industrial/commercial building under the yard requirements of those zones. Since then, the zoning of the property has changed to a residential zone and became a nonconforming structure that does not meet the lot occupancy and FAR requirements of this residential zone.

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.

If the building were required to meet the lot occupancy requirement, it would be a practical difficulty, as it would require demolishing the building and reconstructing a new building. The building structure is sound and the building has a history in the community and adds to the variety of architectural styles in the Reed-Cooke area. The addition does not extend the non-conformity of the structure with respect to lot occupancy.

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.

Retaining the existing lot occupancy of the building will not be detrimental to the public good as it has existed in this manner for over 50-years and has not been a problem. The lot occupancy requirement is aimed at providing light and air to all buildings. Many of the buildings in the area have lot occupancies of 100% and do not have a problem with light and air. Retaining the existing building with retail use and adding residential uses will be consistent with the goal of the Comprehensive Plan to encourage residential and retail developments in order to increase the number of residents and community retail uses within the Reed-Cooke area.

FAR and Expanding a Non-Conforming Structure

The existing building has a FAR of 1.9 and the maximum allowable FAR in the R-5-B District is 1.8. As with the lot occupancy requirement, the building became nonconforming as to FAR when the zoning on the property was changed by the Reed-Cooke Overlay. Because the proposal is to retain the existing building and add the residential portion the FAR naturally increases. Therefore, a variance from the maximum FAR in the R-5-B District and a variance for increasing a nonconforming structure are required as outlined in Section 2001.3 of the Zoning Regulations:

"(c) The addition or enlargement itself shall not increase or extend any existing, nonconforming aspect of the structure, and shall not create any new nonconformity of structure and addition combined."

The proposal meets the requirements for a variance as follows:

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

The subject property is unique as it was previously an industrial/commercial building built under those standards and became a nonconforming structure as a result of the Reed-Cooke Overlay.

Since the building already exceeds the maximum FAR permitted, any enlargement will only enlarge the nonconformity.

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.

The existing building is being retained and therefore in order to meet the FAR requirement the building would have to be demolished. Due to its historic characteristics and its contribution to the architectural value to the community, the building is been retained and the residential use added to the building. If the building were to be demolished, the building would be a great loss to the community.

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 request to increase the FAR of the building will not be a detriment to the public good as the addition will allow for the retention of a building that contributes to the architectural character of the community. Furthermore, it will allow for the existing retail use to be retained and the addition of residential uses as envisioned by the Reed-Cook Overlay. The proposed increase in FAR will allow for an addition that will minimize visual impacts along Champlain Street and the surrounding area, by setting back each additional level from the parapet line. This allows for additional light to the street, as well as to each unit and the intent, purpose and integrity of the Zoning Regulations to provide adequate light and air for quality of life for the residents of the development will be enhanced.

Special Exception

The Reed-Cooke Overlay District specifies that buildings should have a height limit of 40-feet or 4 stories except in specified places. This proposal would increase the height limit by approximately 40 feet for a total height of 39 feet and 7 inches. This request is of some concern since the proposal essentially doubles the height of the building and therefore is not conformance with the Overlay for low-density developments. At the time of the discussion of the Overlay, the community had knowledge about the proposal for the development of the site to the west of the site that is currently under construction at a height of 55 feet. This development was approved as a Planned Unit Development (PUD) and is making significant contribution to the community in order to have additional height, e.g. the parking lot. There are a number of undeveloped lots along Champlain Street and this could set precedent for their requesting significant increase over the required height limit.

The Overlay District allows exceptions to its requirements if the following criteria outlined in Section 1403 are met:

1403.1 (a) The use, building, or feature at the size, intensity, and location proposed will substantially advance the stated purposes of the Reed-Cooke Overlay District;

The purposes of the Overlay are outlined in Section 1400.2 of the Zoning Regulations:

(a) To implement the objectives of the Reed-Cooke Special Treatment Area (Section 1128 of the Comprehensive Plan as adopted), which are to do the following:
(1) Protect current housing in the area, and provide for the development of new housing;
(2) Maintain heights and densities at appropriate levels; and
(3) Encourage small-scale business development that will not adversely affect the residential community;
(b) To ensure that new non-residential uses serve the local community by providing retail goods, personal services, and other activities that contribute to the satisfaction of unmet social, service, and employment needs in the Reed-Cooke and Adams-Morgan community; and
(c) *To protect adjacent and nearby residences from damaging traffic, parking, environmental, social, and aesthetic impacts.*

The proposal satisfies the purpose of the Overlay District as the development will not displace any existing residences but in fact will be adding to the residential character envisioned for the Reed-Cooke area. The building will maintain the small retail business that has existed in this community for a number of years. The proposal will provide parking on site and therefore should not impact the chronic shortage of parking in the Reed-Cooke area. The public parking that will be available on the site west of the subject site will also be available to patrons of the retail shop. The terraces which are a part of the residential units will add eyes to the street and hopefully increase a sense of safety along this portion of Champlain Street that has undeveloped lots or retail uses that close in the evenings. The height proposed is not consistent with the requirements of the Overlay District.

(b) Vehicular access and egress shall be designed and located so as to minimize conflict with pedestrian ways, to function efficiently, and to create no dangerous or otherwise objectionable traffic condition;

The parking lot for the residents will be accessed at the rear of the building through the alley. The alley can be accessed from Ontario Road, Kalorama Road and further north on Champlain Street. Since there are only 13 parking spaces, this development will not introduce an excessive amount of traffic into the alley. However, combined with the other apartments, the vehicular repair shop, and other users of the alley, there is the potential that over time access into the building could force residents to park on the street.

(c) Adequate off-street parking shall be provided for employees, trucks, and other service vehicles;

Currently, employees and customers of The Brass Knob park on the street or use the commercial parking lots on Champlain Street. The Brass Knob is not a community convenience retail store that residents walk to and use on a daily basis. This is a business whose products do not fit easily into cars and therefore deliveries and pick-ups are by trucks or vans. Additionally, the building does not have a loading dock and so drop off and pick up has to be in front of the store. Most of the Brass Knob's business is conducted during the daytime when the residential traffic is less and therefore the impact on the residents should be minimal. The additional public parking available to customers should help improve the situation.

(d) If located within a C-2-B zone, the use shall not be within twenty-five feet (25 ft.) of a Residence District, unless separated therefore by a street or alley;

N/A

(e) Noise associated with the operation of a proposed use will not adversely affect adjacent or nearby residences;

The retail use is an existing use and does not generate any noise to disturb the neighborhood. The use will not be expanded and therefore its effect on the neighborhood will not change. The proposed 13 residential units will introduce additional activity but not noise into the neighborhood.

(f) No outdoor storage of materials, nor outdoor processing, fabricating, or repair shall be permitted; and

The building occupies approximately 100% of the lot and does not have space for storage. Therefore, there will be no outdoor storage of goods from the retail use. Garbage from the units will be delivered via chutes from each apartment to a storage area in the parking garage, where it is stored and later collected.

(g) The use, building, or feature at the size, intensity, and location proposed will not adversely affect adjacent and nearby property or be detrimental to the health, safety, convenience, or general welfare of persons living, working, or visiting in the area.

The retail use is a use that is currently serving and will continue to serve the community. The proposed residential use is in keeping with the objectives of the Reed-Cooke Overlay to provide for the development of new housing. The development is a reuse of an underutilized building and putting it back into productive use. The addition on the existing building will not negatively affect the surrounding community. Although the applicant has requested an increase in height over that permitted by the Overlay District the increase in height will allow the building to have a unique architecture that will allow the upper floors to be setback and allow light to the street. The building will provide parking for its residents and therefore will not make the parking situation worse in this area. The design of the building will also provide to its residents both private and common open space areas.

COMMUNITY COMMENTS

On April 16, 2001 ANC-1C vote to recommend approval of the proposed variances and special exception and has a Memorandum of Understanding with the Applicant. The Reed-Cooke Neighborhood Association is reviewing the application and is scheduled to vote on May 7, 20001. Their support is critical to this application as this was one of the main proponents of the Reed-Cooke Overlay.

SUMMARY AND RECOMMENDATION

The Reed-Cooke Neighborhood Association is scheduled to meet with the Applicant on April 23, 2002 to continue discussions on the application. The Office of Planning also has some concerns regarding the large increase in height over that permitted by the Overly. OP is still in conversations with the applicant and will try to have this issue clarified and will submit a supplemental report to the Board with our recommendation prior to the public hearing.

Attachment

1. Vicinity Map

AA/mbr



Feature Key

Zoning Boundaries

Square Index

Board of Zoning Adjustment
Application No. #16869

DC Office of Planning
April 22, 2002

Scale 1:1907

25 0 25 50 75 100 Feet

Attachment 1