GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

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Office of the Director

D.C. BOARD OF ZONING
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Memorandum

TO: Board of Zoning Adjustment

FROM: JLS for Andrew Altman, Director
Office of Planning

DATE: July 9, 2002

SUBJECT: BZA Application #16897 (JBG/JER 6th Street, LLC.)
717 6th Street, N.W. (Square 486, Lots 8, 801-803)

APPLICATION

The application by JBG/JER 6th Street, LLC requests, pursuant to 11DCMR 3103.2, the following variances;

1. Section 772.1, Lot occupancy
2. Section 774.1, Rear Yard
3. Section 773.7, Recreational space on roof
4. Section 773.8, Outdoor Recreation Area
5. Section 1706.4(f), Recreational Space required
6. Section 2117.5, Parking Drive Isle
7. Section 2201.1, Loading requirement

and a Special Exception for roof structure enclosure as outlined in Section 411.5

In the original application the applicant requested a variance from Section 1705.3, Chinatown Retail requirement. The applicant has since withdrawn that request and is providing the retail requirement off-site.

SUMMARY RECOMMENDATION

The applicant is working with Avalon Bay and DDOT to address the loading requirements and the impacts of this development on traffic movements in the alley. As a result of these discussions, the development proposal may be revised. Therefore, OP will withhold its recommendation until further information is received at which time a supplemental report will be submitted.

BZA Case No. 16897 Exhibit No. 29

Board of Zoning Adjustment
District of Columbia
CASE NO.16897
EXHIBIT NO.29

SITE AND AREA DESCRIPTION

The subject property is located at 717 6th Street, N.W. and is composed of Lots 8, 801, 802, and 803 in Square 486, and combine for a total or approximately 6,375 square feet of land area. The subject site is currently being used as a surface parking lot. The site is generally bounded by H Street to the north, 5th Street to the east, G Street to the south, and 6th Street to the west.

The area surrounding the subject property has a variety of uses and is undergoing rejuvenation. Immediately to the north of the site is a three-story building that houses "The Rock" sports bar. Further north is a variety of vacant buildings, restaurants, parking lots and the Red Roof Inn hotel. The Avalon Bay at Gallery Place, Phase II, a residential development is planned to be built on the site which currently houses a parking lot to the north of the site. To the west is the Avalon Bay at Gallery Place, Phase I that is currently under development, the General Accounting Office, and the St. Mary's Church. To south are 3- and 4-story buildings with a printing shop under renovations, food establishments, and the WMATA office building. To the west are parking garages, vacant buildings, retail uses, and the MCI Center. (Attachment 1)

PROPOSAL

The application proposes a 12-story, 120-foot high, condominium building with 55 units. The units will be a combination of 1-and 2-bedrooms and range in sizes between 745 square feet and 1,415 square feet. The proposed building will contain approximately 76,872 gross square feet of space at 12.0 FAR. The development will include below grade parking and an estimated 1,451 gross square feet of recreational space divided into a roof deck, a fitness center, and community space. The applicant is also providing the required retail space off-site on the adjacent property (Lot 9).

ZONING REQUIREMENTS

The subject site is zoned DD/C-2-C, a zoning district with an overlay intended to achieve a mix of residential and commercial development. The C-2-C base zoning permits a density of up to 6.0 FAR, building heights of up to 90 feet, and residential lot occupancy of 80%. The DD district is divided in subsections and the subject site is included in the Chinatown and Residential and Mixed Use Development - Housing Priority Area "B" subsections. The DD District allows unlimited FAR, 5% of recreational space, and 0.5 FAR of listed retail and service uses or listed arts and arts related uses.

As mentioned above, the property is within the Chinatown area of the DD district. This area is so designated to protect the ethnic and cultural nature of the Chinatown area. The purpose of the Chinatown element of the Zoning Regulations and the Comprehensive Plan is to "reinforce the area's economic viability by encouraging mixed use development, including substantial housing.

Table 1

	Allowed/Required	Provided	Variance/Special Exception
Lot Occupancy	80%	100%	20%
FAR	Unlimited	12.0 FAR	N/A
Rear Yard	15 feet	0 feet	15 feet or 100%
Recreation Space	5%	1.9%	N/A
• Outdoor recreation space dimension	25 feet minimum for all sides	20 feet x 26 feet	5 feet
• Percentage of outdoor space	minimum 50%	30%	20%
Parking Drive Aisle	20 feet	For a length of 9 feet the aisle measures 15 feet-6 inches	4 feet-6 inches for a 9-feet section
Loading	1 loading berth – 55 feet 1 platform - 200 square feet deep 1 service/delivery space – 20 feet deep	1 platform - 200 square feet deep 1 service/delivery space – 20 feet deep	1 loading berth – 55 feet
Retail	0.5 FAR ground floor preferred retail/arts use	Provided off-site on Lot 9 in combined lot development.	N/A
Roof Structure	Enclosing wall should be of equal height	2 enclosures of unequal heights	2 enclosures of unequal heights (SE)

PLANNING CONTEXT

The concept for housing as part of a mixed-use objective for creating a "Living Downtown" was outlined in the 1982 report, *Downtown D.C.: Recommendations for the Downtown Plan,* prepared by the Office of Planning and Development and the Mayor's Downtown Committee. Those recommendations were later incorporated and adopted as the Downtown Plan Element of the Comprehensive Plan in 1984. The concept for downtown housing envisions a concentration of housing in the Pennsylvania Quarter area, with new housing threading north generally along the 7th Street corridor connecting to new housing in Gallery Place, Chinatown, and parts of Judiciary Square, then connecting with other major concentration of housing in the Mount Vernon Square Triangle. The proposed development of housing in Square 486 is especially important to this housing strategy, as it will play a critical role in establishing a link between the Pennsylvania Quarter and the Mount Vernon Square Triangle.

With regard to the Chinatown area, an objective of the Comprehensive Plan is to:

> *"Retain and enhance Chinatown as a thriving, mixed-use Downtown community including substantial housing with community and cultural facilities, street-level retail and related wholesale operations, supporting office and professional uses, and hotels."*

The Comprehensive Plan establishes policies to encourage the construction of major new residential developments and, as these policies relate to the proposed project, the encouragement of residential use as a component of mixed-use projects extending through the Chinatown area.

ANALYSIS

The applicant proposes to develop the subject property with a 12-story building that includes recreational facilities consisting of an approximately 390 square feet community center, 540 square feet fitness center, and a 520 square feet roof deck. Additionally, parking is provided below grade. The parking lot and the service/delivery area will be at the rear of the building with access from the approximately 18-feet alley. To accommodate this proposed development the applicant is requesting location of the required retail use on the adjacent property, a number of variances and a special exception relating to the roof structure enclosure.

The development is required to provide 0.5 FAR or 4,250 square feet of retail/arts space. Due to the limited overall ground floor space and the desire to provide other amenities for the residents on the ground floor the applicant is proposing to meet this requirement by providing it on the adjacent Lot 9 in a combined lot development arrangement. The applicant is also the owner of this adjacent property and intends to develop it wholly as a commercial establishment. The Chief of the Zoning Review Branch at DCRA in a letter dated June 13, 2002 confirmed that this location of the retail use on the adjacent lot meets the required retail use for the subject site.

VARIANCES

Lot Occupancy and Rear Yard

The application is seeking variances from the lot occupancy and rear yard requirements. Section 772.1 of the Zoning Regulations require a lot occupancy of 80% and the project proposed 100%; Section 774.1 requires a rear yard of 15-feet, the application proposes no rear yard setback. The lot area of the subject site is small (6,375 square feet) and the applicant has tried to purchase additional property in the block to increase the lot area but has been unsuccessful. Therefore, this small site area affects the ability to meet all the requirements of the DD/C-2-C District that are more suitable for projects on a larger land area. This lot area is much smaller than the two properties that will house the Gallery Place developments (Gallery Place I – 23,843 square feet and Gallery Place II - 12,750 square feet).

The following demonstrates how the requested variances meet the standards of Section 3103.3:

> **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 caused by its small size of the lot area.

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 small size of the lot has created exceptional difficulties for the development of this property. Although the property appears square, level, and developable, the property is small for modern construction and applicable zoning standards. The relatively small size and square shape do not allow for the distribution of the various zoning requirements, such as loading and recreation space; and the rear yard setback which would truncate the buildable area to an exceptional narrow space. Some of these requirements are needed regardless of the size of 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.

Granting the variance could impair the intent of the Zoning Regulations. The applicant is also requesting a variance from the loading requirements. If these variances are granted, trucks using the service/delivery area may extend into the alley. The applicant is continuing to work with its neighbors and DDOT to remedy this impact.

Residential Recreational Space

Section 1706.4(f) of the Zoning Regulations requires that an equivalent of 5% of the gross residential floor area, 3,844 square feet, be dedicated to residential recreational uses. The applicant proposes to provide 1,451 square feet (1.9%) of recreational space. Due to the small size of the property, the required recreational and retail space combined would limit the number of residential units and other amenities for the residents. With the need to provide the loading area, and the parking garage combined with building and mechanical components the opportunities for providing outdoor recreation space are limited to non-existent. Further, recreational facilities on the roof are limited as it is occupied by other roof structures.

Additional, provisions related to the recreational space requirement states "residential recreational space may be located at ground level, on or above the residential plane, on rooftops, or within a building or other structure" (Section 773.4). For rooftop structures, "the roof area to be used for recreational space shall have no dimension less the 25-feet,"(Section 773.7), and "no less than fifty percent (50%) of the total residential recreation space shall be outdoors" (Section 773.8).

The applicant is requesting a 20% reduction in the outdoor recreational space to 30% and a reduction in one dimension of the roof deck from 25-feet to 20-feet. These reductions are direct results of the small size of the lot and the requirement to provide mechanical equipment and enclosures, stairwell enclosure, and to meet the Building Code requirements on the roof.

Parking Drive Aisle

Section 2117.5 of the Zoning Regulations requires that parking aisles have a clear width of 20-feet. The applicant is requesting a variance to reduce the drive isle width to approximately 15-1/2 feet for a length of approximately 9-feet and serves only three parking spaces. This reduction in aisle width is required to provide space for a required emergency stairway from the basement. This reduction is a result of the lot size and the requirement to provide infrastructure that are required regardless of the size of the lot and building.

The following demonstrates how the requested variances meet these standards of Section 3103.3:

> **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 caused by its small size of the lot area for the type of development envisioned for the area by the Comprehensive Plan and Zoning Regulations and is impacted by the provision all the required facilities as well as providing space for the infrastructure of the building.

> **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.**

Providing all the requirements of the DD/C-2-C District in addition to the infrastructure requirements of the Building Code on such a small lot has created some conflicts. If the applicant were required to meet all of these requirements than the number of residential units would be very minimal and would not be cost effective. Further, the development would not be of a scale such as those approved for the Avalon Bay at Gallery Place projects that is envisioned for this area.

> **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.**

Granting the variances from the recreational requirements and the parking drive aisle would not impair the intent, purpose, and integrity of the Zoning Regulations. The reduction is necessary due to the lack of ground space and if the full percentage were provided it would mean less residential units. The applicant is providing some space that will serve the residents and so will comport with the intent of the Zoning Regulations. Further, there are a number of recreational facilities such as the MCI Center and the Mall in close proximity to the site.

Regarding the reduction in the drive isle width, the variance will not impair the intent of the Zoning Regulations. This reduction will only affect three parking spaces. It is not envisioned that all three will be exiting at the same time. If all the cars are exiting at the same time the wait will not be long. Therefore there will not be a detriment to the public good.

Loading Berth

Section 2201.1 of the zoning regulations requires that an apartment house with more than 50 units provide a 55-foot loading berth, a 200-square feet loading platform, and a 20-foot deep service/delivery space. The proposal provides the service/delivery space and the platform and is seeking a variance from the loading berth requirement. Again, due to the small size of the lot and the need to provide three loading facilities, entrance to the parking lot, and emergency exit from the building the width of the building cannot accommodate all these facilities. The applicant has stated that the service/delivery space and the platform will accommodate all loading activities necessary for a condominium building which will be owner occupied and therefore the turnover in the units will be less frequent than a rental apartment building.

OP, in consultation with DDOT, is of the opinion that the service/delivery area could accommodate loading activities if it were increased to 30-feet. If a 20-foot service/delivery were provided trucks would extend out into the alley. Most moving trucks used today are over 20-feet long and therefore cannot be accommodated in the proposed service/delivery area and would extend out into the alley. Such an action would block the alley and would impair access to other users of the alley. Therefore, in order to mitigate this impact, we recommend that the applicant continue to work with DDOT to provide a 30-foot long service/delivery area or the rear yard setback.

The following demonstrates how the requested variance meets the standards of Section 3103.3:

> **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 caused by its small size of the lot area for the type of development envisioned for the area and is further impacted by the provision of all the required facilities and infrastructure necessary for the building.

> **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.**

Providing all the requirements of the DD/C-2-C District in addition to the infrastructure requirements of the Building Code on such a small lot has created some conflicts. If the applicant were required to meet all of the requirements than the number of residential units would be very minimal and would not be cost effective. Further, the development would not be of a residential scale such as those approved for the Avalon Bay at Gallery Place projects that is envisioned for this area by the Comprehensive Plan and the zoning district.

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 proposal not to provide a loading berth could be detrimental to the public good, as the use of the service/delivery area will not accommodate many moving trucks. OP and DDOT have therefore recommended that the service/delivery area be increased to 30-feet deep to accommodate the size of the most commonly used moving trucks. Provision of the additional depth of the service/ delivery area will allow trucks not to block the alley and impact the adjacent property.

Roof Top Structure

The applicant has requested to have 2 sets of enclosing wall for roof structures. One enclosure will be 6-feet high and will screen mechanical equipment that is outside of the penthouse. These walls meet the setback requirements. The second set of wall encloses the penthouse and is approximately 17-1/2 feet. The setback for these walls are greater that 17-feet and therefore meet the setback requirements. The separation of the enclosures is unavoidable as the penthouse is in the middle of the building and if adjusted the setback requirements would not be met. Due to the limitation of having a small lot, and having to locate mechanical equipment and the elevator penthouse the required setback requirements cannot be met.

Section 411.11 of the Zoning Regulations allows for deviations from the requirements of Section 411.5. Granting the special exception to allow 2 enclosures will not impair the intent of the roof structure requirements. The enclosures will not affect the light and air of adjacent buildings as the height of the building and the fact that the enclosures will only be seen from other highpoints. Additionally, the highest enclosure is located in the center of the building and therefore will not block the light and air of adjacent buildings and streets.

COMMUNITY COMMENTS

The Zoning and Licensing Subcommittee of ANC-6A reviewed the proposed development and requested variances at its May 16, 2002 meeting and recommended approval with conditions. The Subcommittee is requesting the following:

1. Formally withdraw the variance from the retail/arts requirement,
2. Provide a letter from the Chief of the Zoning Review Branch stating that providing the retail requirement on another lot is appropriate;
3. Provide a copy of Zoning Order 943 (Revised) text amendment to the Downtown Development Overlay District
4. Provide a bike rack.

The full ANC will review the application on at their July 11, 2002 public meeting.

The project is also subject to Chinatown Design Review pursuant to 10 DCMR 2400. To date, the applicant has not met with the Design Review Subcommittee to discuss incorporating Chinese design elements in their building. OP will coordinate this review.

SUMMARY AND RECOMMENDATION

The applicant has requested a number of variances to allow this proposed development to be approved. The small lot area has caused some constraints to a viable development under the DD/C-2-C District requirements. The main area of concern to OP is the requested variance for the loading berth. The applicant has not demonstrated how large moving trucks will be accommodated into the service/delivery space without affecting the use of adjacent properties. The applicant is working with Avalon Bay, which shares the rear alley, and DDOT. As a result of these discussions, there is a high probability the proposal will be revised. Therefore, OP will withhold its recommendation until further information is received at which time a supplemental report will be submitted.

Attachment: Aerial Photograph

AA/mbr



Feature Key

Zoning Boundaries

Square Index

Board of Zoning Adjustment
Application No. # 16897

DC Office of Planning
June 25, 2002

Scale 1:1483

25 0 25 50 75 100 Feet

Attachment 1