STATEMENT OF REASONS IN SUPPORT OF APPLICATION FOR VARIANCES FROM THE LOT OCCUPANCY AND RESIDENTIAL RECREATION SPACE REQUIREMENTS AND A SPECIAL EXCEPTION FROM THE GROUND FLOOR RETAIL REQUIREMENTS OF THE ZONING REGULATIONS TO PERMIT THE DEVELOPMENT OF A MIXED-USE RESIDENTIAL AND RETAIL PROJECT AT 1522-1526 14th STREET, N.W.; SQUARE 209, LOT 98

This Statement of Reasons is submitted on behalf of the applicant, US Property Development Corporation ("US Property"), the owner of the subject property.

The Property. The subject property, 1522-1526 14th Street, N.W., Square 209, Lot 98 (the "Property"), is located at the northeast corner of 14th and Church Streets, N.W. in the Greater U Street Historic District. The site contains 30,870 square feet of land. The eastern property line runs parallel with 14th Street; the southern property line is along Church Street; the northern property line is adjacent to a ten foot (10') public alley right-of way; and the western property line is adjacent to an existing three-story brick building.

The Property is located one block away from Q Street, which is developed with historic rowhouses ranging in height between twenty to forty feet (20'-40').

Current Use. The Property is improved with two contributing buildings to the Greater U Street Historic District. The first building, which has a premises address of 1522-1524 14th Street, N.W., is a Classical Revival style masonry building built in 1920 as an automobile showroom and service garage. The second building, which has a premises address of 1526 14th Street, N.W., is a Egyptian Revival-style building completed in 1926 for use as an automobile showroom and service garage. There is a three-story service addition to this building that fronts Church Street. These buildings, which occupy sixty-five percent (65%) of the Property, are currently used for retail purposes.

The Property also includes a 90' x 90' vacant site located to the west of the Church Street Addition. This vacant site is currently used for parking and contains approximately twenty-five (25) parking spaces.

Proposed Use. Through this application, US Property seeks to develop a mixed-use residential and retail building on the Property. US Property proposes to construct a five-story addition on the presently vacant portion of the site, as well as a fourth floor addition to the existing buildings. The fourth floor addition will be set back from 14th Street by forty-two feet (42') on the building located at 1526 14th Street and by sixty-one feet (61') on the building at 1522-1524 14th Street.

The project will contain approximately 12,182 square feet of ground floor retail and 86 residential units. The retail space will be located in the existing buildings. The existing buildings will also contain 48 apartment units, with the remaining 38 units located in the additions.

BZA
Case No. 16907
Exhibit No. 9

Board of Zoning Adjustment
District of Columbia
CASE NO.16907
EXHIBIT NO.9

Because the existing buildings are contributing buildings and because the proposed construction is an addition to these buildings, there are no parking and loading requirements for the project. Regardless, US Property is providing a three (3) level, below grade parking garage on the presently vacant site, which will contain 79 spaces. A loading area of approximately 1000 square feet is also being provided at the rear of the Property.

Zoning. The Property is zoned Arts/C-3-A. The C-3 zone districts are designed to accommodate important sub-centers supplementary to the Central Business district and, as such, are intended to provide substantial amounts of employment, housing and mixed uses. 11 D.C.M.R. §§ 740.1 & 740.2. The C-3-A zone district permits medium density development, with a density incentive for residential development within a general pattern of mixed uses. 11 D.C.M.R. § 740.4. The C-3-A zone districts are to be located on arterial streets, in uptown centers and at rapid transit stops.

Matter of right uses in the C-3-A zone district include, *inter alia*, multiple dwelling and retail. 11 D.C.M.R. § 741.

The Arts Overlay District is intended to encourage retail and residential uses and to expand the housing supply in the overlay district. 11 D.C.M.R. § 1900.2. In addition to promoting the housing supply, the Arts Overlay District, as with the C-3-A zone district, is intended to expand business and job opportunities. 11 D.C.M.R. § 1900.2(e).

There is a strong emphasis on pedestrian activity in the Arts Overlay and, as such, the Overlay requires uses that encourage pedestrian activity such as retail, entertainment and residential uses. 11 D.C.M.R. § 1900.2(b). An example of this emphasis is the requirement that retail and services and arts and related uses, as set forth in Sections 1907 and 1908, respectively, occupy no less than fifty percent (50%) of the ground level of a building that fronts 14th Street. 11 D.C.M.R. §1901.1.

Required Zoning Relief. The project is faced with a number of challenges. Most notably is the existing historic buildings, which occupy 65% of the Property. Because these buildings are contributing buildings, the development of the Property is restricted and must incorporate the existing buildings. Development of the Property is further restricted by its location in the Greater U Street Historic District and accompanying requirement that any construction be compatible with the Historic District. For example, in order to prevent the historic rowhouses in the 1400 block of Q Street from becoming overwhelmed or overshadowed by the proposed additions at the Property, the Historic Preservation Division (the "HPD") of the Office of Planning has recommended that the additions be restricted to one (1) story or fifty-four feet (54') in height. The HPD has also required the setbacks of the additions by forty-two (42) and sixty-one (61) feet along 14th Street, N.W.

Because of these challenges and restrictions, the following variances are required:

1. Variance from Lot Occupancy. A maximum lot occupancy of seventy-five percent (75%) is permitted for buildings devoted to residential use in the C-3-A zone district. 11 D.C.M.R. § 772.1. As stated above, the existing improvements to the site occupy 65% of the

Property. Given this factor, along with the goals of the project, compliance with the lot occupancy requirement is unduly burdensome.

Although not required, the applicant is providing three levels of parking on the currently vacant portion of the Property. Additionally, the applicant proposes to maximize the housing and retail available at the project so as to comply with the Zoning Regulations, as well as to ensure that the project is financially viable. As a result, the applicant is proposing ninety percent (90%) lot occupancy.

2. Variance from Residential Recreational Space. The C-3-A zone district requires private recreation space for fifteen percent (15%) of the gross floor area devoted to residential purposes, of which fifty percent (50%) must be located outside of the building. 11 D.C.M.R. §§ 773.3 and 773.8. Recent history has proven that this requirement is difficult (if not impossible) to comply with. More importantly, this requirement is contrary to the goals of the underlying zoning to encourage the maximization of housing and to increase pedestrian activity. In fact, the Board has recently recognized that this requirement is inappropriate for an urban neighborhood.

Given the existing conditions of the improvements, compliance with this requirement is especially burdensome at the subject Property. The residential recreation space provided at the Property is 1.3% of the total residential area, of which 0.3% is provided on a roof-top deck and the remaining 1% is located in the residential lobby. As a mitigating factor, private residential space is provided by way of private roof top decks and private terraces on many of the units.

3. Special Exception from Ground Floor Arts and Retail. As stated above, retail, service and arts space must occupy no less than fifty percent (50%) of the ground level of a building that fronts 14th Street. 11 D.C.M.R. §1901.1. Due to the need to provide parking and efforts to maximize housing, along with the restrictions imposed by the configuration of the existing buildings, the project provides 47% of the ground floor space for these uses. Although this is only a slight deviation from the required 50%, a special exception is required.

CONCLUSION

The requested zoning relief is required so as to maximize the amount of retail and, more importantly, residential units provided on the site, goals of the underlying zone districts. The requested relief is necessitated in large part due to historic buildings that occupy 65% of the Property and the configuration of the buildings on the site.

The proposed design of the project is the product of extensive study of the Property and development requirements. The proposed project has been designed so as to respond to and respect the surrounding historic district. The proposed project resolves the inherent conflicts, challenges and opportunities associated with the Property without substantially impairing the intent, purpose and integrity of the zone plan, as embodied in the Zoning Regulations and Map.

For the foregoing reasons, it is respectfully submitted that, upon receipt of all of the applicant's proof and all other support of record for the variances requested, such relief be granted.

Respectfully submitted,
ROBINS, KAPLAN, MILLER & CIRESI, LLP

By: _____
Richard B. Nettler

By: _____
Jeannine Rustad Zigner