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: July 19, 2002

SUBJECT: Waiver of Rules for Submittal of a Report concerning BZA Application 16907 requesting a Special Exception and variances for a mixed-use retail and residential development on property located at 1522-1526 14th Street, N.W. (Square 209 Lot 98)

The attached report concerning an application from US Property Development, Corp., requesting approval of variances from the lot occupancy under Section 772, and recreation space requirement under Section 773, and a Special Exception to reduce the first-floor retail requirement under Section 1901.1, pursuant to Sections 3103 and 3104.1 under Title 11 of the District of Columbia Municipal Regulations (DCMR), Zoning, respectively, is submitted less than 7 days prior to the Board of Zoning Adjustment's Public Hearing. The Office of Planning respectfully requests that the Board waive its rule and accept the report into the record.

BZA
Case No. 16907
Exhibit No. 24

Board of Zoning Adjustment
District of Columbia
CASE NO.16907
EXHIBIT NO.24

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

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Office of the Director

TO: Board of Zoning Adjustment

FROM: Andrew Altman
Director

DATE: July 12, 2002

SUBJECT: BZA Application 16907

APPLICATION
In this application, US Property Development Corporation requests approval of variances from the lot occupancy under Section 772, and recreation space requirement under Section 773, and a Special Exception to reduce the first-floor retail requirement under Section 1901.1, pursuant to Sections 3103 and 3104.1 under Title 11 of the District of Columbia Municipal Regulations (DCMR), Zoning. These requests are being made in order to allow development of a mixed-use residential and retail project on property located at 1522-1526 14th Street, N.W. (Square 209 Lot 98).

SUMMARY RECOMMENDATION
The Office of Planning continues to recommend approval of the following:

- A variance to increase the allowable lot occupancy from 75% to 97%;
- A variance to reduce the residential recreation space requirement from 15% to 1.3% (as shown on the submitted plans); and
- A Special Exception to reduce the requirement for retail and service floor area on the first floor from 50% to 44% of the first floor area.

SITE AND AREA DESCRIPTION
The subject 0.71-acre property (30,870 square feet) is a corner lot located immediately northwest of the Church Street intersection with 14th Street, N.W. (please refer to Exhibit 1). The property is developed with two masonry buildings along the 14th Street frontage, and a paved parking area for approximately 25 vehicles that is accessible from Church Street, N.W. The three-story building at 1522-1524 14th Street was constructed in Classical Revival style in 1920, followed by the four-story building at 1526 14th Street, N.W., constructed in the Egyptian Revival style in 1925. A three-story addition to the second building fronts Church Street, N.W. These buildings were originally used as automobile showrooms and vehicle service garages. The first floor in each building is currently occupied, in part, by restaurant uses.

Development to the east, south and west is predominantly 2-4 story masonry building occupied by a range of commercial and service uses. Immediately to the north is an alley ten feet wide that extends

west from 14th Street, N.W. Beyond the alley are three-story masonry row house dwellings that front Q Street, and a four-story masonry condominium conversion (formerly a school) at the 14th Street intersection. Properties to the south, west and along both sides of 14th Street, N.W., are zoned C-3-A and Uptown Arts-Mixed Use (Arts) Overlay District. Residential properties to the northwest are zoned R-5-B. These properties also fall within the Greater 14th Street Historic District.

APPLICANT'S PROPOSAL

The subject property is one of three lots included in condominium conversion project by US Property Development Corporation: 1522-26 (Parcel "A"), 1510-20 (Parcel "B"), and 1508 14th Street, N.W. (Parcel "C"). All three lots are developed with existing buildings. Redevelopment on Parcel "A" will consolidate the two buildings, add a fourth floor, and a five-story addition in the rear parking area. This would provide approximately 12,200 square feet for first floor retail space extending west from 14th Street and along Church Street, 86 apartments, and 79 parking spaces principally in a garage below the five-story addition.

EXISTING ZONING AND RELIEF REQUESTED

The property is zoned C-3-A/Arts overlay. Mixed-use residential developments with retail uses are permitted in C-3-A as a matter-of-right. However, Section 1901.1 of the Zoning Regulations requires that at least 50% of the first floor area of buildings within the Arts Overlay district be reserved for retail and service use (refer to Exhibit 5).

The D.C. State Historic Preservation Office designated both subject buildings as contributing to the Greater 14th Street Historic District, and approved a waiver of additional parking and loading requirements on May 24, 2002 (refer to Exhibit 2). This proposal is subject to the following:

Standard	C-3-A Requirement	Existing	Proposed	Required Relief
Lot Area	---	30,870 s.f.	Same	N/A
Lot Width	---	90.0 feet	Same	N/A
Floor Area	---	60,416 s.f. [1]	98,875 (residential) [2] 16,898 (nonresidential)	N/A
Floor Area Ratio (max.)	4.0 (residential & total) 2.5 (other permitted use)	1.75	3.75 (3.20/0.55 residential/other)	N/A
Lot Occupancy (max.)	75%	67% [3]	96.6 % [3]	Variance (+17.6)
Front Yard	0 feet	0 feet	Same	N/A
Rear Yard	0 feet	0 feet	Same	N/A
Side Yard	0 feet	0 feet	Same	N/A

[1] According to D.C. Office of Tax and Revenue records

[2] Based on plans entitled "Project: Condominiums at 14th Street – Parcel A … BZA Set – May 16, 2002" provided by the applicant, total square footage after construction would equal 115,773 s.f. of residential and nonresidential square footage (the latter includes 12,200 s.f. retail, 2,400 s.f. parking and 2,300 s.f. square feet "other")

[3] Based on referenced plan

Standard	C-3-A Requirement	Existing	Proposed	Required Relief
Height/stories	65 feet/unlimited	47 feet	54 feet	N/A
Residential Recreation Space	15% or residential floor area	None	1.3 (residential lobby & 5th level terrace)	Variance (-13.4%)
Courts, open	3 inches/foot of height (12 feet min.)	N/A	N/A	N/A
Loading berths	N/A (contributing buildings)	None	1-1,000 s.f. service dock	N/A
Parking	N/A (contributing buildings)	25 parking spaces	79 parking spaces	N/A

The following requirement under Section 1901.1 also applies in the Arts Overlay district.

Retail & Service Floor Area	50% of first floor	Unknown	44.4 % (12,182 square feet)	Variance (-5.6%)

Based on this information, the proposed development would meet most requirements of the Zoning Regulations. However, zoning relief is required to increase the allowable lot occupancy, reduce the residential recreation space requirement, and reduce the required proportion of first floor retail and service floor area.

In the undated Statement of Reasons, the applicant provided the following justifications for the requested relief:

- The project involves historic buildings determined to be "contributing" and thereby subject to development restrictions.
- New development must also be compatible with the Greater 14th Street Historic District.
- The D.C. Historic Preservation Review Board required that the top-floor addition be limited to one story or 54 feet in height, although Zoning Regulations allow 65 feet and unlimited stories.
- The HPRB also required that the top story be set back a distance of 61 feet on 1522 and 42 feet on 1526 from the 14th Street frontage.

As for the specific relief requests:

- Lot Occupancy variance: The applicant proposes to maximize the housing and retail opportunities provided in the project, provide three levels of parking even though it is not required, and "ensure that the project is financially viable." Therefore, the current requirement is burdensome.
- Residential Recreation Space variance: The statement indicates that "Recent history has proven that the (current 15%) requirement is difficult (if not impossible) to comply with", and "is contrary to the underlying zoning to encourage the maximization of housing and increase

pedestrian activity." It noted that this project would provide "private roof top decks and private terraces on many of the units". Therefore, the current requirement is burdensome.

- Special Exception for Less Ground Floor Retail & Service: A slight reduction from the 50% requirement is needed "Due to the need to provide parking, maximize housing, and restrictions on the configuration of the building."

ANALYSIS

Section 3103.2 of the Zoning Regulations grants the Board of Zoning Appeals (BZA) the power to grant variances from regulations set forth under the Zoning Act:

> "[w]here by reason of exceptional narrowness, shallowness or shape of a piece of property at the time of the original adoption of the regulations, or other extraordinary or exceptional situation or condition of a specific piece of property, the strict application of any regulation adopted under D.C. Code Ann. §§5-413 to 5-432 (1981) would result in peculiar and extraordinary practical difficulties to or exceptional and undue hardship upon the owner of the property, to authorize, upon an appeal relating to the property, a variance from the strict application so as to relieve the difficulties or hardship; Provided the relief can be granted without substantially impairing the intent, purpose and integrity of the zone map as embodied in the Zoning Regulations and Map."

The requested zoning relief constitutes "area" variances; one to exceed the lot occupancy limitation, and the another to reduce residential recreation space requirement. Extraordinary or exceptional situations or conditions must exist on the property where the usual application of the referenced zoning regulations would have to result in "peculiar and extraordinary practical difficulties."

Section 3104.1 also grants the BZA the authority "to grant special exceptions where in the judgment of the Board, those special exceptions will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps."

The requested Special Exception is also subject to the requirements under Section 1906.1.

Compliance with Section 3103.2

This proposal, to develop a mixed-use residential and retail project by expanding the existing building envelope while keeping the overall project consistent with the surrounding historic district, constitutes a unique set of circumstances.

The overall development envelope for this project has been constricted by limits placed on the height of the building, and the extent to which the additional floor is visible from the 14th Street, N.W. Since fifteen additional feet of height and an undetermined number of floors are unavailable, the only way to maximize of the floor area potential of this site is to spread out the building by enlarging the footprint (lot occupancy). Under these circumstances, OP staff agrees that the current lot occupancy presents a practical difficulty.

Staff does not agree with the applicant's claim that the reduced residential recreation space requirement "is difficult (if not impossible) to comply with". However, the referenced restrictions make it more difficult to preserve this space, both inside and outside the building. The public patio area provided could be larger except that the existing building renovation did not provide a second means of access. It appears that doing so could significantly disrupt the residential floor plans. Staff notes that providing the additional access would be less challenging if this project was entirely new construction.

On balance, private recreation spaces are provided to a number of dwelling units. The applicant stated that they are attempting to market a portion of the first floor retail space (the portion furthest away from 14th Street, N.W.) to a health club use that would provide an interior space that is equally accessible to building tenants. In addition, the potential recreation space will mostly occupied by residential dwellings, retail space, and interior parking space provided to support this mix of land uses, although not required under the regulations.

Note that the 79 spaces are nearly 80% more than the total parking required for the 38 dwellings in both additions (1 space/2 dwelling or 19 spaces) plus the existing 25 spaces. This provides a community benefit by reducing the pressure on limited parking resources along Church, Q and 14th Streets, N.W. Based on these considerations, staff concurs that the current residential recreation space requirement presents a practical difficulty in this case.

In light of these findings, variances to increase the lot occupancy and reduce the residential recreation space can be granted without impairing the intent, purpose and integrity of the zone map as embodied in the Zoning Regulations and Map.

Compliance with Section 1906.1:
The BZA can only grant exceptions to ARTS District requirements based on the following criteria:

(a) The use(s), building(s) or feature(s) at the size, intensity and location(s) proposed, will substantially advance the stated purposes of the ARTS Overlay District and will not adversely affect neighboring property or by detrimental to the health, safety, convenience, or general welfare of persons living, working, or visiting in the area; *It does not appear that this project and the proposed land uses would adversely impact the neighboring property due to concessions made by the applicant with regard to the building height and design.*

(b) Exceptional circumstances affecting the property make compliance with the requirements of this chapter difficult or impossible, or the development provides alternative public benefits, in lieu of the excepted uses or features, that are of comparable value to the public in achieving the purposes or this chapter and of the Comprehensive Plan; *The applicant indicated that extending retail and service frontage further west along Church Street, N.W., in order to occupy 50% of the first floor area, is impractical because; there are no plans to develop commercial frontage along the opposite side of the street; and the commercial business corridor is centered along 14th Street, N.W. OP staff concurs.*

(c) The architectural design concept of the project will enhance the urban design features of the immediate vicinity in which it is located; Provided, that if a historic district or historic landmark is involved, the Board shall refer the application to the State Historic Preservation Officer for

review and report; *In light of the attached report from the D.C. State Historic Preservation Office to the Historic Preservation Review Board (HPRB), this standard has been met* (refer to Exhibit 3).

(d) Vehicular access and egress are located and designed so as to minimize conflict with principal pedestrian ways, to function efficiently, and to create no dangerous or otherwise and objectionable traffic conditions; *Access to parking and loading facilities will be off the existing alley and Church Street, and not 14th Street, N.W. As a result, this standard has been met.*

(e) The Board may impose requirements pertaining to design appearance, signs, size, landscaping, and other such requirements as it shall deem necessary to protect neighboring property and to achieve the purposes of the Arts Overlay District. *During the HPRB meeting on June 27, 2002, the Board approved the general concept for this project, although additional reviews will occur as design development continues. OP staff believes that these continuing reviews will adequately address project design issues.*

Based on these findings, it was determined that this proposal meets the requirements of Section 1908.1

Compliance with Section 3104.1:
Based on the results under Section 1906.1, this proposal will be in harmony with the general purpose and intent of the Zoning Regulations, and Zoning Map, and will not tend to affect adversely the use of the neighboring properties.

COMPREHENSIVE PLAN
The Generalized Land Use Map generally designates the subject property and surrounding area as Medium Density residential, characterized as "Row houses and garden apartments" as a predominant use. However, both sides of 14th Street, N.W., are designated a Mixed Use with the addition of Low Density commercial, characterized by "Shopping and service areas that are generally low in scale, character and activity and that provide a limited range of retail goods and services" as predominant uses.

COMMUNITY COMMENTS
The Community Development Committee of Advisory Neighborhood Commission (ANC) 2F recommended approval by the full Commission on June 26, 2002. Accordingly, the Commission approved this request at its regular meeting on July 10, 2002.

AGENCY COMMENTS
This proposal was forwarded to the District of Columbia Metropolitan Police Department, Fire Department, the State Historic Preservation Office, and the Department of Public Works for comment.

The Fire Department stated that fire sprinkles should be installed in the entire building, including the individual dwellings (refer to Exhibit 4). The applicant also discussed this proposal with D.C. Historic Preservation Office and HPRB on several occasions.

To date, no other agency comments have been received.

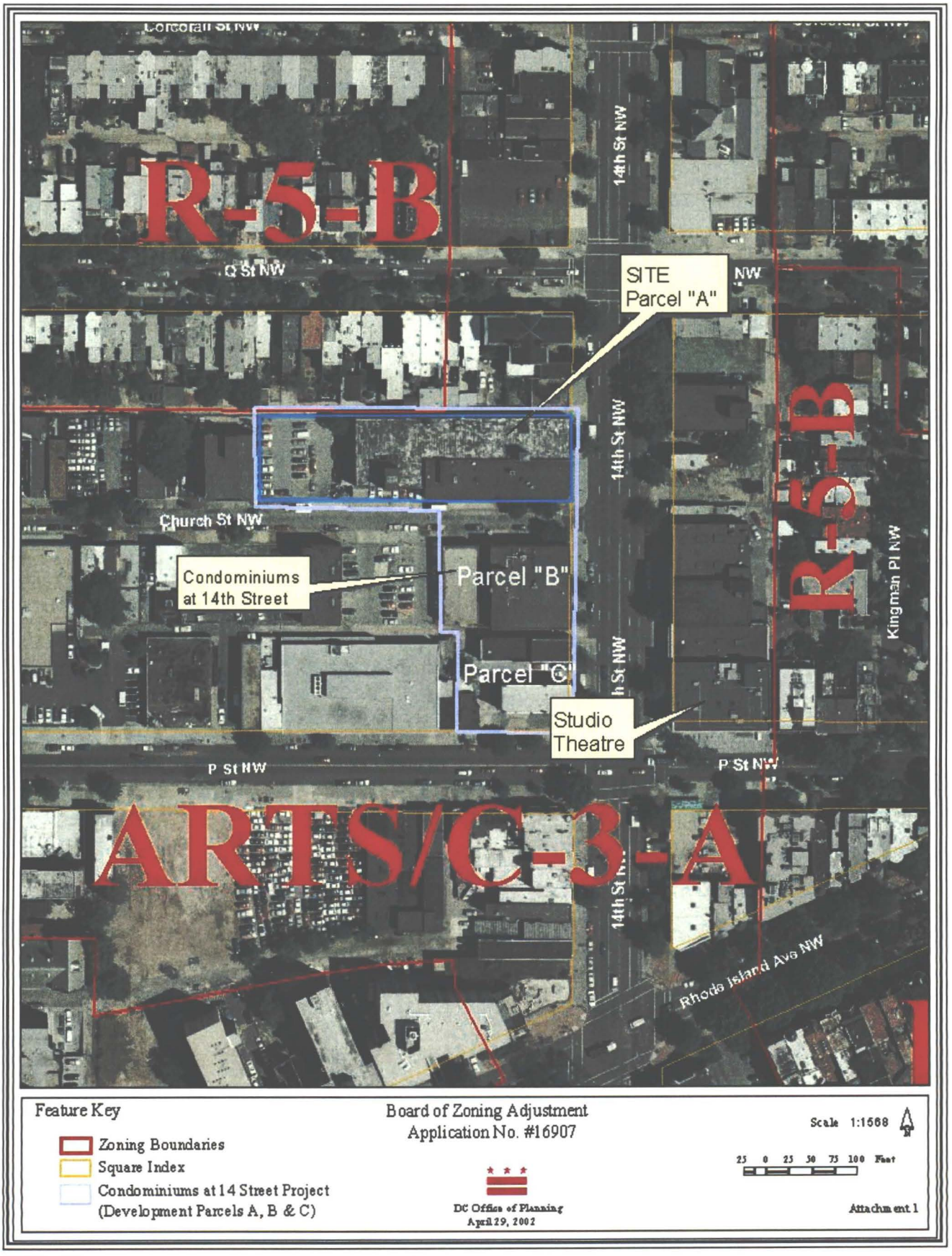
RECOMMENDATION
The Office of Planning recommends approval of:

- A variance to increase the allowable lot occupancy from 75% to 97%;
- A variance to reduce the residential recreation space requirement from 15% to 1.3% (as shown on the submitted plans); and
- A Special Exception to reduce the requirement for retail and service floor area on the first floor from 50% to 44% of the floor area.

Attachments:

Exhibit 1 Property Aerial Showing Zoning
Exhibit 2 Application to Certify a Historic Building for D.C. Zoning Regulations or Construction Codes dated May 23, 2002
Exhibit 3 Historic Preservation Review Board Staff Report and Recommendation, Meeting Date: June 27, 2002
Exhibit 4 Memorandum to Andrew Altman, Director, Office of Planning, from Bruce Cowan, Fire Marshall, dated June 25, 2002
Exhibit 5 Pertinent Provisions of the Zoning Regulations

Exhibit 1


R-5-B
Q St NW
14th St NW
SITE
Parcel "A"
NW
R-5-B
Church St NW
Condominiums
at 14th Street
Parcel "B"
Parcel "C"
Kingman Pl NW
Studio
Theatre
P St NW
P St NW
ARTS/C-3-A
Rhode Island Ave NW
Feature Key
Zoning Boundaries
Square Index
Condominiums at 14 Street Project
(Development Parcels A, B & C)
Board of Zoning Adjustment
Application No. #16907
DC Office of Planning
April 29, 2002
Scale 1:1668
25 0 25 50 75 100 Feet
Attachment 1