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OFFICE OF PLANNING

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D.C. ZONING COMMISSION
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Office of the Director

TO: Board of Zoning Adjustment

FROM: Andrew Altman
Director

DATE: July 29, 2002

SUBJECT: BZA Application 16907 - Supplement

APPLICATION
In this application, US Property Development Corporation requested 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 recommends 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 dated May 16, 2002);
- A Special Exception to either:
  - reduce the requirement for retail and service floor area on the first floor from 50% to 47.7% of the first floor area (based on the referenced plans); and
  - further reduction to between 40%-47.7%, if the difference between the retail and service floor area percentage and 47.7% is designated for residential recreation space, and/or occupied by another allowable non-residential use under the Uptown Arts-Mixed Use (Arts) Overlay District.

ADDITIONAL INFORMATION
During the public hearing on July 16, 2002, the applicant presented modified building floor plans and changed their original Special Exception request. Specifically, they requested the flexibility to further reduce the amount of first floor area dedicated for retail, service or arts related uses from 50% to 40% of the first floor because of continuing concerns about leasing the space. No specifics were provided about the alternative use. The Board of Zoning Adjustment (BZA) directed the applicant to meet with the Office of Planning to discuss their proposal.

BZA
Case No. 16907
Exhibit No. 28

Board of Zoning Adjustment
District of Columbia
CASE NO.16907
EXHIBIT NO.28

During a meeting on Thursday, July 25, 2002, OP staff asked how the applicant planned to utilize the undesignated first floor area. The applicant touched on several options, finally settling on creating storage spaces for rental or sale to the residential building tenants. OP recommended either converting this area to residential recreation space to supplement the 1.3% of the total residential floor area provided under the current proposal, or occupying this space with another nonresidential use allowed in the Arts Overlay. The applicant did not agree with this proposal.

Note that staff made this recommendation without having an opportunity to review the revised building plans introduced by the applicant during the BZA Public Hearing. Staff requested a copy of these plans during Thursday's meeting, however no revised plans have been received to date.

Subsequent to this meeting, and upon further review, staff noted a miscalculation in the zoning relief table on page 3 in the OP Staff Report dated July 15, 2002. The last line in the table indicated that 12,182 square feet of retail and service square footage equals 44.4% of the total first floor area of 25,535 square feet, requiring a 5.6% variance from the Arts Overlay requirement of 50% of the total first floor area. This amount of floor area actually equals 47.7% of the first floor total, requiring a 2.3% variance from the Arts Overlay requirement. The OP recommendation has been revised accordingly.

ANALYSIS

The BZA can only grant special exceptions to ARTS District requirements pursuant to §1906 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;

The use of the building is primarily residential with ground level retail space. The project involves significant preservation efforts for the historic portions of the building and includes new residential construction. These are all stated purposes of the Arts overlay as stated in . §1900.2 (b), (d), (e), (f) and (g).

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. The applicant's new proposal to reduce the required retail and service floor area as much as 10% to 40% of the first floor total does not impact this standard.

(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 concurred with reducing the retail and service floor area consistent with BZA Plan Set dated May 16, 2002. Now the applicant requests additional "flexibility" to reduce the required retail, service or art floor area as much as 10% to 40% of the first floor total based on marketing concerns. Staff agrees with giving the applicant more flexibility, and supports allowing them to further reduce the requirement from 47.7% to 40.0**%, if the floor area difference is designated for residential recreation spaces** (increasing the 1.3% currently provided) **and/or utilized for another non-residential use allowed under the Arts Overlay**.

This would provide a mix of nonresidential uses that would support of the goals of the overlay, and possible supplement the minimum amount of on-site residential recreation space.

(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 report from the D.C. State Historic Preservation Office to the Historic Preservation Review Board (HPRB), this standard has been met. The new proposal does not impact this standard.

(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. The new proposal does not impact this standard.

(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, the revised amendment proposal meets the requirements of Section 1906.1

RECOMMENDATION
The Office of Planning recommends approval of the following:

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