GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Andrew Altman
Director

DATE: October 29, 2002

SUBJECT: BZA Application 16937 - Request filed by Arnold & Porter for a **variance** to increase the FAR for a mixed use building, proposed by Cadence D.C. LLC for 1836-38-40 Columbia Road, N.W.

APPLICATION
Application of Cadence D.C. LLC for:

> **Variance relief to §771.2 pursuant to §3103.2 of Title 11 DCMR** to permit an increase in the maximum permitted floor area ratio (FAR) for a mixed use building for property located on the east side of Columbia Road, N.W., between 18th Street and Belmont Road, 1836-38-40 Columbia Road, Square 2551, Lot 85. The property is zoned C-2-B, medium-high density community business center district.

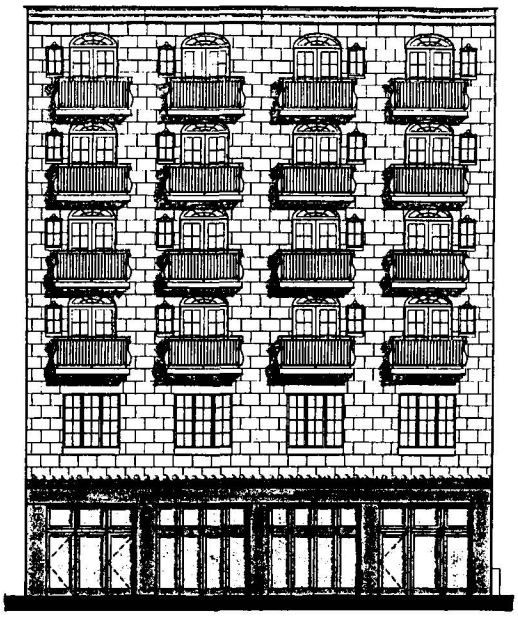
SUMMARY RECOMMENDATION
The Office of Planning recommends approval of the request for variance relief to increase the maximum permitted FAR, as provided under §771.2, from 3.5 to 4.39, as submitted by the applicant.

PROJECT DESCRIPTION
The existing improvements to the site are to be removed and replaced with a 65-foot high six story mixed-use building. The proposed building is to be set back 14.5 feet from the front property line, aligning the building with the existing adjacent buildings to the north and south. Two underground parking levels will be constructed to the front lot line.

BZA
Case No. 16937
Exhibit No. 28

Board of Zoning Adjustment
District of Columbia
CASE NO.16937
EXHIBIT NO.28

The first two floors are proposed to consist of 8,388 square feet of retail space and the upper four floors are to consist of 16,664 square feet, or 12 two-bedroom two-bath apartments. Fifteen parking spaces, including one van accessible parking space reserved for the physically handicapped, are to be located within two levels of an underground parking garage. A loading platform and a loading berth are proposed to be accessible from the alley.



Façade of proposed building

Residential recreation space, totaling 2,586 square feet or 15.5 percent, is proposed to be located on the roof, partially covered by a 540 square foot penthouse that will also enclose the stairs, elevators and lobby on the roof. A minimum 15 percent recreation space is required.

An additional 154 square feet of open space is proposed at the front of the building, within the 14.5-foot front building setback. This small open space will be bounded by the front wall of the proposed building to the east, an existing brick planter on the adjoining property to the south, the public sidewalk to the west and the proposed planting strip on the subject property to the north. This area does not qualify as residential recreation space, as it is described in the application, because it has not been shown to be *"safe, secure, and suitably equipped or landscaped for the active or passive recreation use of the residents."* (11 DCMR §773.1)

The total FAR is proposed to be 4.39, split between retail and residential. The retail FAR is proposed to be 1.35 and the residential FAR is proposed to be 3.04.

Separate entrances to the building will be provided for the retail and residential uses. The residential entrance will be at the south end of the building, where the subject property adjoins an existing condominium apartment building. The retail entrances will be on the north end of the building, where the subject property adjoins other commercial uses. Vehicular access to the building, including the parking garage and the loading platform, will be accessible from the public alley at the rear of the building.

Two stairwells and one elevator will be provided for the residential portion of the building. Two additional staircases are proposed, for a total of four, providing a stairway separate from the residential portion of the building for the retail use only, and to provide a remote stairwell for secondary access to the garage. With the exception of the retail only staircase, which is proposed to provide security and privacy to the residents of the building, the applicant has indicated that these are required by building and fire code.

SITE AND AREA DESCRIPTION

The property consists of Lot 85 of Square 2551, in the North West quadrant of the District. It is 5,710 square feet in area and 50 feet wide across the front. It is improved with a one-story commercial building constructed in 1920 consisting of two vacant retail spaces. The larger retail space on the north side of the property is improved with a building addition that extends most of the way back to the alley. The retail space on the south side is asphalt paved from the rear of the building to the alley.



View of property from Columbia Road, N.W.

To the north of the subject property is a four-story row house building that is used as a restaurant. To the south is a 4-story condominium apartment building that also includes a senior center on the lower level. To the east, across the alley and fronting on 18th Street, are one and two-story buildings that include two restaurants, a theater and a retail storefront. To west, across Columbia Road and within the Kalorama Historic District, are one-story retail buildings that include a variety of commercial uses. All surrounding properties are located within the C-2-B district.

The alley to the rear of the subject property provides limited parking and contains one business. This rear alley intersects with Dance Alley at the southern end of the block, which runs parallel to Belmont Road.

The area has been identified on the Generalized Land Use Map as mixed use, which is described as *"[a] combination of land use categories are depicted in areas where a variety of uses are to be encouraged. Mixed use areas include existing commercial areas and areas proposed for significant land use changes."* The mixed use designation for this location consists of a combination of the moderate density residential land use category *("Row houses and garden apartments are the predominant uses; may also include low density housing"*) and the low density commercial land use category *("Shopping and service areas that are generally low in scale, character and activity and that provide a limited range of retail goods and services are the predominant uses"*).

EXISTING ZONING

The subject property is zoned C-2-B, medium high density community business center.

C-2-B Community Business Center District

"The C-2-B district is designated to serve commercial and residential functions similar to the C-2-A district, but with high density residential and mixed uses." (§720.6)

RELIEF REQUESTED:

Variance pursuant to §771.2– Floor Area Ratio (C)

Section 771.2 sets forth the maximum FAR permitted, Section 772.1 sets forth the maximum lot occupancy permitted, and Section 770.1 sets forth the maximum building height within the C-2-B district, as shown below.

DISTRICT	APARTMENT HOUSE OR OTHER RESIDENTIAL USE	OTHER PERMITTED USE	MAXIMUM PERMITTED	LOT OCCUPANCY (PERCENTAGE)	BUILDING HEIGHT (FEET)
Permitted	3.5	1.5	3.5	80	65
Proposed	3.04	1.35	4.39	79.2	65

This application is a variance request to increase the maximum FAR permitted by 0.89 to 4.39.

Section 3103- Variances, empowers the Board of Zoning Adjustment to grant variances subject to the following:

> *"[w]here, by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of the original adoption of the regulations, or by reason of exceptional topographical conditions 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 exceptional 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, that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone of the plan as embodied in the Zoning Regulations and Map."*(§3103.2)

The extraordinary or exceptional situation is the number of staircases and the necessary hallway separations of those stairwells that are required for this building due to the building and fire code requirements as they relate to the proposed mixture of uses on a relatively small lot. A total of four staircases are required and are proposed as follows.

1. From the garage through the retail levels and the residential floors to the roof. This staircase would be necessary regardless of the use or uses of the building.

2. From the residential lobby to the roof. This staircase is required to be located 26 feet from the other staircase serving the residential floors, resulting in the provision of a longer corridor than would otherwise be necessary.
3. From the garage to the residential lobby. This staircase is to provide a second staircase from the garage, remotely located from the first.
4. Between the two retail levels. This will allow for passage between the two retail levels only, without interfering with the privacy of the residential floors, due to the mixed-use of the building.

These additional staircases and resulting corridors comprise approximately an additional 2,400 square feet of floor area, or approximately one-half of the requested variance to the floor area requirement. The combination of these numerous staircases provided within this one building and the corridors required between the two stairwells within the residential portion of the building result in a negative effect on the available FAR as either living or retail space. A larger lot could allow for a larger floor area, while still requiring the same number of stairwells due to the combination of uses and building and fire code requirements. Adjoining properties are already developed with multi-level buildings and are therefore not available to be incorporated into this application. However, on this small lot of 5,710 square feet that is recommended for mixed use by the "Generalized Land Use Map", a greater percentage of FAR is devoted to stairwells than might otherwise be the case if the subject property were larger. The lot is also not being overbuilt, as the lot occupancy and building height proposed are in conformance with the Zoning Regulations.

It is the Office of Planning's conclusion that the applicant has satisfactorily met the criteria for variance relief of §771.2 and "that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map." (§3103.2) The property is zoned C-2-B and the mixture of uses are permitted as matter-of- right uses for the C-2-B district. The project will fully comply with all other zoning requirements, including parking, building height and lot occupancy.

COMPREHENSIVE PLAN

This proposal will contribute toward achieving the following Ward 1 objectives:

> *"Encouraging retention of the mixed-use older buildings along 18th Street and Columbia Road, and facilitating infill projects which will complement them in height, scale, and design;"* (1203.1(q)(7))
>
> *"To stimulate the production of new and rehabilitated housing to meet all levels of need and demand in Ward 1..."* (1205.1(a))
>
> *"Requiring adequate off-street loading facilities in each rehabilitated or new development."* (1215.1(b)(2))

COMMUNITY COMMENTS

The attorney for the applicant has informed the Office of Planning that **ANC 1C** voted 7 to 2 in support of the variance request at their meeting of September 17, 2002.

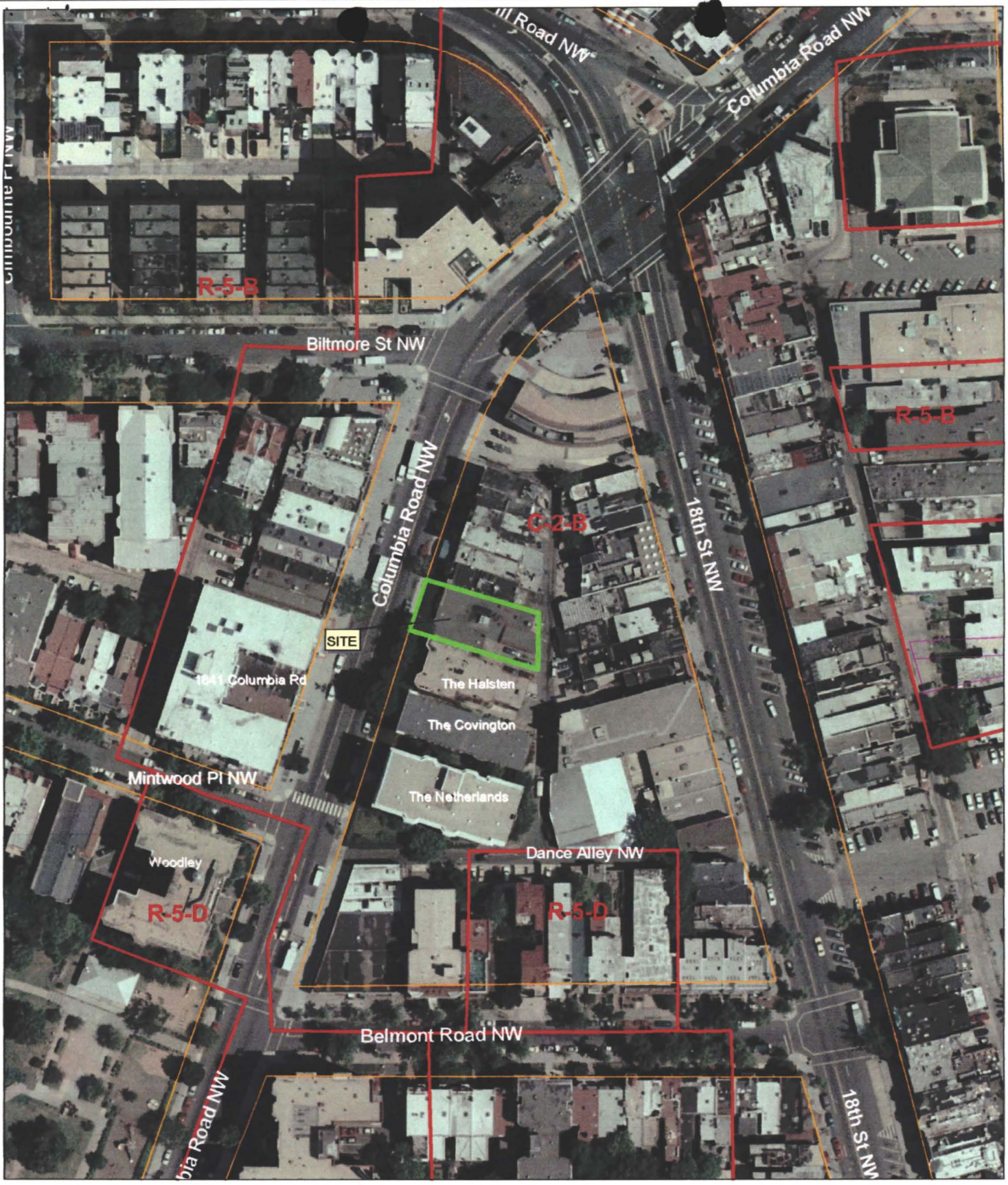
RECOMMENDATIONS

The Office of Planning has reviewed the application in terms of the property's zoning, the intensity of use, the character of the neighborhood and the standards for variance relief. The Office of Planning concludes that the variance meets the required tests and can be granted "without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map."

The Office of Planning recommends approval of the following:

> **Variance relief pursuant to §771.2 of Title 11 DCMR** to permit an increase in the maximum permitted FAR from 3.5 to 4.39, as submitted by the applicant.

AA/sjm$_{AICP}$



Feature Key

- Zoning Boundaries
- Square Index

Board of Zoning Adjustment
Application No. 16937

DC Office of Planning
October 18, 2002

Scale 1:1458

25 0 25 50 75 100 Feet

Attachment 1