BEFORE THE BOARD OF ZONING ADJUSTMENT
FOR THE DISTRICT OF COLUMBIA

Application for a Variance from Permitted FAR
To Allow Construction of a Mixed Residential-Commercial Building at
1836-38-40 Columbia Road, N.W.

Cadence Management LLC, Applicant

August 2, 2002

D.C. OFFICE OF ZONING
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I. Nature of Relief Sought

This is an application by Cadence Properties, LLC for variance relief pursuant to Section 3103 of the Zoning Regulations to allow construction of a mixed-use building at 1836-38-40 Columbia Road, N.W. (Lot 85, Square 2551) (the "Property"). The specific request is for a variance from the floor area ratio ("FAR") limit set forth in the Zoning Regulations at 11 DCMR § 770.1. The Property is zoned C-2-B and is located within the commercial precinct of the Adams-Morgan neighborhood. Lot 85 in Square 2551 has 5,710 square feet of land area.

II. Jurisdiction of the Board of Zoning Adjustment

The Board of Zoning Adjustment has jurisdiction to grant the relief requested pursuant to Section 3103 of the Zoning Regulations.

III. The Project[1]

The Property is currently improved with a one-story commercial structure that is severely deteriorated and basically unusable in its present condition. Years of water

[1] See the two attachments to this Statement. The first, entitled, "Variance Application; Financial Analysis & Feasibility Study," includes an elevation of the building, project computation chart, financial pro forma,

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Board of Zoning Adjustment
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damage have made the ceiling and floors unstable. The existing building is well below the established scale of nearby buildings and well below the height and bulk (65 feet and 3.5 FAR) allowed by the existing C-2-B zoning.

The Applicant proposes to demolish this structure and build a new, six-story, mixed-use building that would be more in keeping with the character of the immediate vicinity and with the mixed-use purposes of the C-2-B zone district. The proposed building would have two levels of parking below grade (totaling 14 spaces); two levels of retail use, being the ground and second floors of the building; four floors of apartments (totaling 12 units); and recreational use for residents on the roof.

The height of the building is 65 feet, as allowed in the C-2-B District. The proposed building also complies with the following zoning requirements:

- Parking – 10 spaces required, 14 provided;
- Loading – 1 Berth and 1 Platform required and provided;
- Residential Recreation Space – 2,500 square feet required, 2,654 square feet provided;
- Rear Yard – 15 feet required and provided;
- Lot Occupancy – 80% allowed, 79.2% provided; and
- Commercial Gross Floor Area – 8,565 square feet (1.5 FAR) allowed, 8,388 square feet (1.47 FAR) provided.

The one area of zoning relief needed is in total FAR, in that the building is designed to have a total gross floor area of 25,052 square feet, or 4.39 FAR, whereas the maximum allowed FAR in C-2-B is 3.5 FAR, or 19,985 g.f.a. The Applicant therefore

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various photographs of buildings near the Site and neighborhood and demographic information. The second attachment is the set of plans, elevations and sections by Balodemas Architects, Washington, D.C.

requests an FAR variance for the excess of 5,067 square feet of gross floor area, which is within the residential component of the building.

IV. The Surrounding Area

The Site at 1836-38-40 Columbia Road, N.W. is located in the 18th Street and Columbia Road retail-entertainment district. This commercial area extends for several blocks along both frontages of these two streets. It is zoned C-2-B with the exception of a small area zoned C-2-A. The C-2-B District is a mixed-use zone that allows a maximum building height of 65 feet and a maximum floor area ratio for residential or mixed uses of 3.5. Commercial use and development is limited to 1.5 FAR, whether freestanding or within a mixed-use building. A wide range of retail, service and entertainment uses are allowed in the commercial component of the zone. Residential uses are allowed, including multi-family dwellings such as apartment buildings and rooming houses.

The development pattern is mixed, including blocks and groups of buildings that consist of typical one-to-three-story strip commercial buildings occupied by retail and service establishments, including numerous restaurants and bars. A substantial number of large, high-rise apartment buildings are also present, especially along Columbia Road, as well as townhouses. The significant number of residential buildings, many of substantial scale and many with ground floor retail uses, is unique in the city. The 18th Street-Columbia Road commercial district exhibits a high level of pedestrian activity and business vitality in significant part because of the presence of a high density of population in the commercial district and in the surrounding blocks.

The residential blocks behind the commercial frontages along 18th Street and Columbia Road contain a mixture of apartment buildings and townhouses, some of the

latter being single-family dwellings and others having been converted to apartments. The zoning is predominantly R-5-B. In the Reed-Cooke area located to the east of 18th Street, the zoning is a combination of R-5-B and C-2-B together with the Reed-Cooke overlay district.

The immediate context for the proposed infill building in this application is the 1800 block of Columbia Road. On the west frontage the Property itself is improved with one-story buildings in poor condition. The remaining buildings are predominantly four stories in height, with a six-story apartment house at the end of the group of buildings (where Mintwood Place, N.W. intersects Columbia Road). Diagonally across Columbia Road from the site is a very large, eight-story apartment house with ground floor retail uses. Other facing buildings are primarily low-rise strip commercial buildings with active retail and service uses.

In summary, the immediate vicinity exhibits an eclectic mixture of building heights and bulk, as well as a mixture of architectural styles. Architectural styles are predominantly traditional and of a high quality of design. The general image is that of a historic district, although this Site and area are not designated historic. The pattern in this commercial area of multi-level apartments above ground floor retail is one of the few places in the city where the intended development pattern of the C-2-B zone exists. The proposed building will reinforce this pattern and will be in scale with the surrounding design context. (See the photographs of the Site and nearby buildings in the *Financial Analysis and Feasibility Study* attached as *Exhibit A*).

V. Project Description

The set of plans in *Exhibit B* includes building elevations, section, floor plans, site plan, subdivision plat and Surveyor's plat. The two levels of underground parking

are accessed from the 15-foot-wide alley at the rear of the Property. The first floor provides 4,222 g.f.a. for retail uses, and the second story provides 4,166 g.f.a. for retail uses. The third through sixth floors will each have 4,166 g.f.a. devoted to residential space, with three apartments per floor, including one two-bedroom unit and two two-bedroom plus den units. The front units will have balconies overlooking Columbia Road. The rooftop is designed in part to accommodate 2,500 square feet of residential recreation space as an amenity for the residents and in compliance with the zoning regulations.

VI. The Requested Variance

The requested variance from the maximum FAR limitations of 3.5 FAR is an area variance, the granting of which requires a demonstration to the Board of Zoning Adjustment (the "Board" or "BZA") that some exceptional condition of the property creates a practical difficulty for the owner in using or developing it as regulated by zoning. The Board must also find that the requested variance can be granted without substantial detriment to the public good and without substantially impairing the purpose and integrity of the zone plan.

A. Exceptional Condition/Practical Difficulty. In this case the practical difficulty stems from the fact that the Site is constrained by being a small, infill lot with party walls on each side lot line while being zoned for midrise, mixed-use development. It is not practical or desirable for the applicant to acquire the substantial, attractive and valuable buildings on either side of the Site. A midrise building on a small site such as this (5,710 square feet) loses a substantial percentage of its floor space due to the elevator core. In addition, this building must provide two exit stairways connected by a hallway, together with other setback and entrance costs associated with mixed-use development. Finally, the applicant is providing two levels of underground parking on this small site in

a neighborhood that has a very serious deficit of on-street and off-street parking. The structured parking, like the elevator core in a small building, is a relatively expensive building feature. Essentially, the applicant requests an FAR variance of 0.89 FAR in order to be able to provide the residential units and overcome the extra costs of mixed-use development and providing structured parking on a small site.

B. <u>The requested relief can be granted without substantial detriment to the public good and without substantial impairment of the zone plan</u>. The proposed variance can be granted without any identified detriment to the public good. Indeed, the proposed mid-rise, mixed-use building is directly in furtherance of the purpose of the C-2-B zone to achieve a vertical mixture of lower level neighborhood commercial uses with apartments on the floors above. Most new development under C-2-B standards has utilized either the 1.5 FAR allowed commercial density in a low-rise building or the 3.5 FAR residential FAR without providing the desired retail continuity at the ground floor level along a commercial street. This building will be completely consistent with the first purpose of the C-2-B District, as follows:

> *720.6 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.*

The proposed 65-foot building, which is also the matter-of-right height in the C-2-B zone, will be fully compatible with the surrounding built environment, as well as with the purposes of the C-2-B zone itself to achieve mixed residential-commercial buildings with retail on the lowest one or two floors. It should be noted that the nearby four-to-eight-story buildings and are in the 45- to 90-foot height range.

The provision of ground floor (and second floor) retail uses will maintain the continuity of retail and services uses along the street frontage. The retail spaces will

increase the critical mass of retail uses in the area and provide attractive visual and business continuity along the ground floor.

The handsome design of the building, with traditional but varied fenestration for the two retail floors and balconies with ornamented railings and French doors, will enhance the neighborhood. The attractive new building will replace the unattractive, dilapidated, small buildings on the Site – the only one-story buildings on the west frontage of the block.

The project provides more than the required number of parking spaces in an area where parking is at a premium. The applicant believes that the effects of the proposed building on the public good will be entirely favorable, with no perceived adverse effects. The proposed building is fully consistent with the physical standards and uses allowed in the existing C-2-B zone district, with the exception of permitted FAR. There will be, in applicant's opinion, little visual difference between a 65-foot matter-of-right building and the proposed 65-foot building with somewhat more floor area based on the requested variance.

VII. Community Comment

The applicant has presented the plans and discussed the project with Advisory Neighborhood Commission ("ANC") 1C and other community interests, including the business and professional association. The ANC has not yet taken an official position on the application.

VIII. Conclusion

Based on the analysis and rationale presented in this statement and other evidence submitted to the record of this case, the Applicant believes that the requested variances

and the special exception are justified. The Applicant respectfully requests approval by the Board.

Sincerely,
ARNOLD & PORTER

Cynthia A. Giordano

Nathan W. Gross, AICP

Attachments