GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

MEMORADUM

TO: Board of Zoning Adjustments

FROM: Andrew Altman, Director
Office of Planning

DATE: November 12, 2002

SUBJECT: Waiver of Rules for Late Submittal of Final Report on Case No. 16949 - Monterey Cooperative

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The attached Final Report concerning the application for variance relief to enlarge an existing roof structure of the building at 2902 Porter Street, N.W., is being submitted less than 7 days prior to the Board of Zoning Adjustment's consideration of the item and scheduled public hearing. The Office of Planning respectfully requests that the Board waive its rule and accept the report into the record.

Attachments

RECEIVED
D.C. OFFICE OF ZONING
2002 NOV 14 AM 10 51

BZA
Case No. 16949
Exhibit No. 27

Board of Zoning Adjustment
District of Columbia
CASE NO.16949
EXHIBIT NO.27

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Andrew Altman
Director

DATE November 13, 2002

SUBJECT: BZA Application #16949 - 2902 Porter Street, NW – Monterey Cooperative

APPLICATION

Pursuant to 11 DCMR §2001.3(b)(2) and (3), the applicant is requesting:

- Variance relief to permit modifications to the roof structure.

The modification includes one enclosure for the upgraded mechanical and elevator systems, its related equipment, as well as access to the roof.

SUMMARY RECOMMENDATION

The Office of Planning **recommends approval** of the variance from the requirements of §2001.3(b)(2) and (3). The applicant had also requested special exception relief since the proposed roof structure was believed to be of unequal height (Section 411.5). However, subsequent to the application, the Zoning Administrator has determined that the trellis at the center of the penthouse, which extends to a height greater than the penthouse walls, is considered an architectural embellishment and was not subject to the requirements of 11 DCMR Section 411.5. The applicant has submitted written confirmation of the Zoning Administrator's determination (attached).

AREA DESCRIPTION

The subject property is located at 2902 Porter Street, N.W, in **Square 2068**. The property is zoned C-2-A and is improved as a residential apartment building, with neighborhood serving retail on the ground level. The area surrounding the property to the south, along Porter Street, is zoned R-2 representing a mix of single-family detached and semi detached residences. The northeast corner of Connecticut Avenue and Porter Street is zoned R-5-D, with a mix of high-density residential uses along Connecticut Avenue, including apartment buildings.

PROJECT DESCRIPTION

The owner of the existing property proposes to renovate the 29-unit apartment building, which was originally constructed in 1922. The existing building is non-conforming as to height, FAR, lot occupancy, rear yard, side yard and location of its roof structure. The renovation of the building will include the establishment of a roof top recreation area, which will be accessed via elevator and stairway. The existing elevator and stairway shafts will be enclosed by a unifying

structure of even height, creating a more appealing entry to the roof and the proposed recreation area. The existing structures covering these shafts will be demolished. However, the stairway and elevator shaft area will not be relocated. Therefore, the non-conformity with respect to the 1:1 setback requirements from the rear of the roof will remain. The existing structures meet the 1:1 setback requirement to the front of the building along Connecticut Avenues and Porter Street. The building has ground level commercial space, which will be retained in the upgrade.

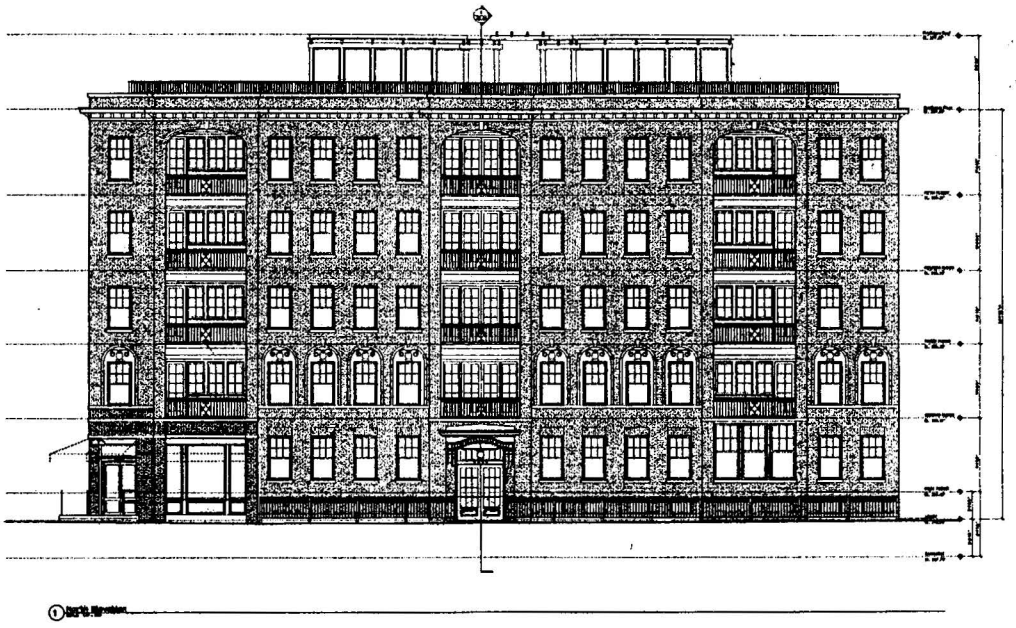


Figure 1

EXISTING ZONING
The property is located within the C-2-A district, the Cleveland Park Neighborhood Commercial Overlay and the Cleveland Park Historic District.

C-2-A Community Business District
The C-2-A district is "designed to provide facilities for shopping and business needs, housing and mixed uses for large segments of the city outside the central core."

1306 CLEVELAND PARK NEIGHBORHOOD COMMERCIAL OVERLAY DISTRICT

1306.1 The Cleveland Park Neighborhood Commercial (CP) Overlay District is applied to a compact geographic area surrounding the Cleveland Park Metrorail Station and within the Cleveland Park Historic District, comprising those lots zoned C-2-A in Squares 2218, 2219, 2222, **2068**, 2069, and 2082.

1306.2 In addition to the purposes in §1300, the purposes of the CP Overlay District are to… (c) Provide for retention of existing housing within the CP Overlay District so as to help meet the need for affordable housing and to enhance pedestrian activity, safety, and consumer support for businesses in the commercial area.

RELIEF REQUESTED:
The application requests variance relief from §2001: NON CONFORMING STRUCTURES DEVOTED TO CONFORMING USES.

§2001.3(b)(2) and (3) requires that:

2001.3 Enlargements or additions may be made to the structure provided:

(b) The addition or enlargement itself shall:

(1) Conform to use and structure requirements; and

(2) Neither increase or extend any existing, nonconforming aspect of the structure; nor

(3) Nor create any new nonconformity of structure and addition combined.

The existing non-conformity of the building is in part due to height, and location of its existing roof structures, resulting in the applicant's request for variance relief from §2001.3 in order to modify the structures. The proposed renovation, which plans to accommodate rooftop recreation space, includes an enclosed penthouse creating the need for variance relief from the 1:1 setback requirement.

DOES THE APPLICATION MEET THE VARIANCE TEST?

Is the property unique by reason of its exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional situation or condition?

The property is a non-conforming apartment building constructed in 1922, prior to the 1958 Zoning Regulations. It is also a contributing structure in the Cleveland Park Historic District. The following table outlines the various aspects of the building's non-conformity.

Item	Existing Condition	Allowed	Deviation
Lot Occupancy	66%	60%	+6% (existing non conformity)
Rear Yard	0	15 feet	-15 feet (existing non-conformity)
Side Yard	5 feet	9.15 feet	-3.85 feet (existing non-conformity)
Height	55 feet	40 feet	+15 feet (existing non-conformity)
Roof Structure	No 1:1 setback	1:1 setback	Existing Non-conformity
Recreation Space	0	20% GFA devoted to residential use	2,400 square feet (proposed rooftop) 3,400 square feet (proposed courtyard area) Total = 5,800 square feet (proposed)

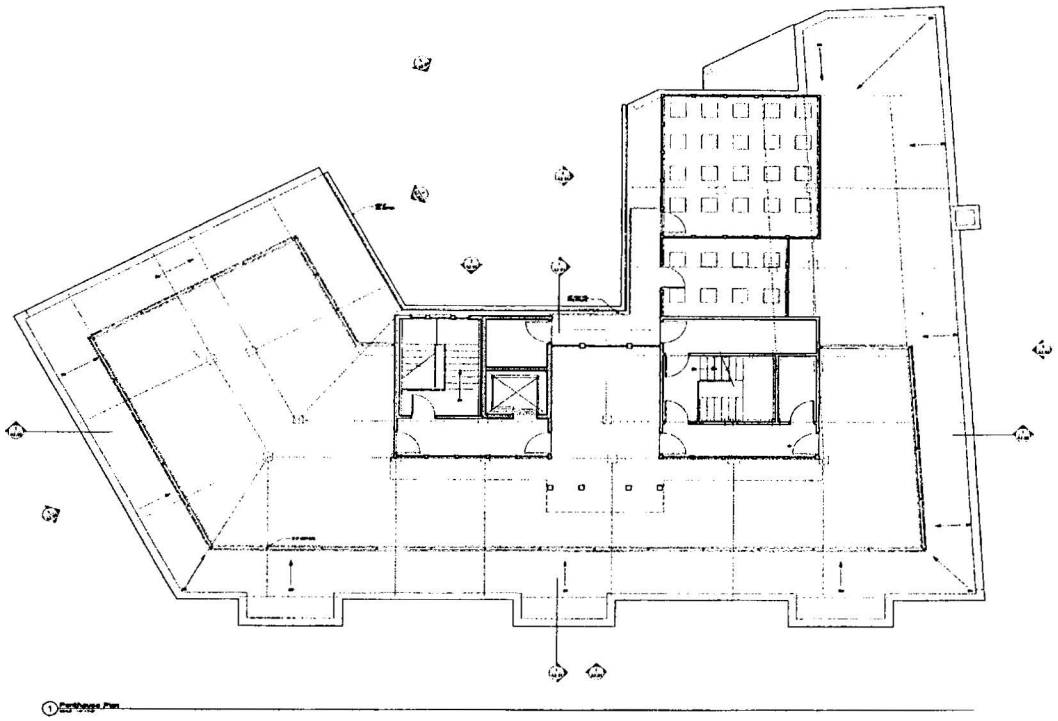
Existing roof structures separately enclose the stairwell and elevator shafts. The upgrade proposes to enlarge the area enclosed by the existing 10-foot tall roof structures, including a unifying trellised area, which would unite the stairwell and elevator to create an entry to the rooftop recreation area.

The exceptional condition of the property is the existing location of the stairway and elevator shaft at the rear of the building, which is not setback an equal distance to their height from the

edges of the building. The improved roof structures will also be located near the edge of the roof along the courtyard in the rear of the building, since the elevator and stairs will remain in its existing location in the building. In addition, the odd shape of the lot, as well as the property's inclusion in the Cleveland Park Historic District, subjects the property to an exceptional condition.

By reason of the aforementioned unique or exceptional condition of the property, will the strict application of the Zoning Regulations result in peculiar and exceptional practical difficulties or to exceptional and undue hardship upon the owner of the property?

Strict application of the Zoning Regulations will result in a practical difficulty for the applicant. Upgrade of the apartment building involves the addition of roof top recreation space, which does not currently exist. A practical difficulty exists, since it is not possible to meet the 1:1 setback of the roof structures. The elevator core of the building will remain fixed, dictating where the related equipment must be located. Therefore, the requirement of a 1:1 setback from all edges of the roof, including the rear towards the courtyard, cannot be met. However, the roof structure is adequately setback from the other edges of the building. Lack of variance relief from this requirement would inadvertently deny roof top recreation space for residents.



Will the variance cause substantial detriment to the public good and if granted, will it impair the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map?

OP does not believe that the variance would cause substantial detriment to the public good, nor will it impair the intent of the Zoning Regulations, as it pertains to §2001.3 and relevant goals of the Comprehensive Plan.

As a structure built in 1922, the building is a contributing structure to Cleveland Park's Historic District and does not conform to the bulk requirements for structures in this zone District, since it predates the 1958 Zoning Regulations. However, modernizations to such structures are contemplated in the Regulations (§2001.2). Renovations, however must maintain the architectural and historic integrity of the structure, following preservation guidelines dictated by review boards, including the Cleveland Park Historical Society and the Historic Preservation Review Board. The Comprehensive Plan addresses the enhancement and protection of historic properties, noting that:

- Every effort should be made to provide for the continued, appropriate use of all historic properties. (Section 805.1)

Continued use of this property as residences, reinforces this, as well as the goal of Section 300.2:

- A central theme of the Housing element... is that the District must stimulate a wider range of housing choices and strategies through the preservation of older housing stock and the production of new units....

The requested variance relief allows the proposal to comply with the stated goals of the Comprehensive Plan.

The applicant is addressing a residential recreation space requirement for buildings in the C-2-A-zone District, as required by §773. OP believes that the inclusion of recreation space on the rooftop and accessibility to such space is a desirable upgrade of this older residential building. This is beneficial to the public good and grant of the relief, which allows the applicant to design a desirable entryway to such space, would not impair the intent and purpose of the Regulations.

COMMUNITY COMMENTS

ANC 3C reviewed the proposal on September 23, 2002 and was supportive of the historic preservation aspects of the project.

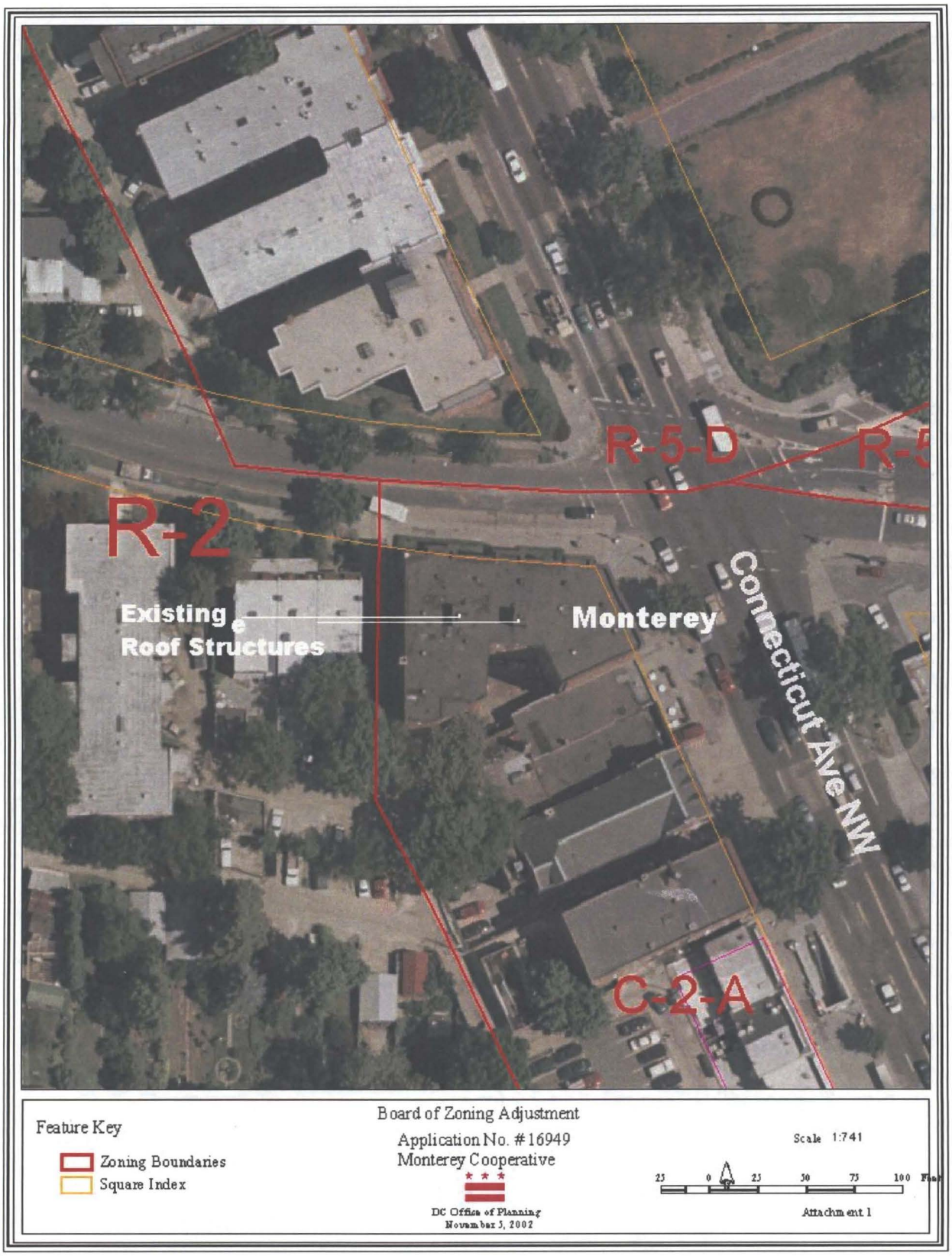
HISTORIC PRESERVATION

The Cleveland Park Historical Society, in a memo to the Historic Preservation Office, dated August 28, 2002, indicated that they were supportive of the preliminary design scheme..." On September 26, 2002, the Historic Preservation Review Board recommended approval of the project in concept, as being consistent with the purposes of the preservation act.

RECOMMENDATION

OP concludes that the requested 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 variance relief from §2001.3(b) (2) and (3) to allow the applicant to enlarge the roof structure on the non-conforming building located at 2902 Porter Street, N.W.


R-5-D
R-2
Existing
Roof Structures
Monterey
Connecticut Ave NW
C-2-A
Feature Key
Zoning Boundaries
Square Index
Board of Zoning Adjustment
Application No. #16949
Monterey Cooperative
DC Office of Planning
November 5, 2002
Scale 1:741
25 0 25 50 75 100
Attachment 1